

THE SCHOOL BOARD OF
ESCAMBIA COUNTY, FLORIDA

MINUTES, FEBRUARY 14, 2014

The School Board of Escambia County, Florida, convened in Regular Workshop at 9:00 a.m., in Room 160, at the J.E. Hall Educational Services Center, 30 East Texar Drive, Pensacola, Florida, with the following present:

Chair: Mrs. Linda Moultrie Vice Chair: Mrs. Patricia Hightower

Board Members: Mr. Jeff Bergosh
Mr. Gerald W. Boone
Mr. Bill Slayton

School Board General Counsel: Mrs. Donna Sessions Waters

Superintendent of Schools: Mr. Malcolm Thomas

Meeting was advertised in the *Pensacola News Journal* on January 28, 2014 - Legal No. 1618135

I. CALL TO ORDER

Mrs. Moultrie called the Regular Workshop to order at 9:00 a.m.

II. COMMENTS FROM THE SUPERINTENDENT

Update on Governor's Budget

[Handout provided to School Board Members]

At the request of the Superintendent, Mr. Terry St. Cyr, Assistant Superintendent for Finance & Business Services, gave a brief update on the Governor's proposal for the 2014-15 budget by reviewing information outlined in a handout he had provided to School Board Members entitled *Escambia County School District FEFP Calculations FYE 6/30/15*.

III. MINUTES

- a. 01-16-14 SPECIAL WORKSHOP
- b. 01-21-14 REGULAR MEETING
- c. 01-17-14 SPECIAL MEETING (RECONVENED ON 01-21-14)

Mr. Bergosh remarked that the minutes from the January 17, 2014 Special Meeting (Item III.c.) were quite abbreviated. He also noted that the minutes referenced a transcript that could be obtained from the court reporter who attended that session; however, his recollection was that at the end of that session, the court reporter was told that the preparation of a transcript was not necessary. Mrs. Waters advised that the

court reporter would have to be paid in order to generate a transcript of the meeting. She pointed out that at the beginning of the meeting, Mrs. Holley DeWees, Administrative Recording Secretary was instructed to prepare an “action only” form of meeting minutes as a verbatim transcript of the meeting would be available upon request from the court reporter. Upon inquiry by Mr. Bergosh, Mrs. Waters confirmed that if a member of the public wanted a copy of the transcript, they would bear the cost of transcribing or if the School Board wanted to, they could do so. Mrs. Waters said she would be happy to ask for a quote on transcribing from the court reporter who attended that session. The Superintendent pointed out that a video of that session was accessible via the School District’s website so if a member of the public wanted to see and hear exactly what occurred during that session, they could do so. Mrs. Waters clarified that an “action only” form of minutes was appropriate under Robert’s Rules of Order. She noted however, that over time, the School Board’s minutes had evolved into much more than what was required because certain School Board Members wanted the public to be able to read exactly what had occurred during a particular session. She said in general, official minutes need only contain Board “actions” including motions, seconds, perhaps a general statement indicating that discussion ensued, and the results of the vote; discussion points were not required. Mrs. Hightower pointed out that the minutes from that session included the following notation: *[EDITOR’S NOTE: As suggested by Mrs. Waters, the minutes of this meeting have been prepared in “action only” form as a verbatim transcript of the meeting would be available upon request from Ms. Elaine Richberg, Court Reporter.]* Mr. Bergosh suggested that the minutes should also include a reference to the link where the video from that session could be accessed by the public. Mrs. Waters advised that in the past, links had not been included in the minutes as they were considered the official record of the School Board and it was possible that a link referenced in the minutes could possibly change in the future. Mr. Bergosh suggested that the minutes include a reference that the video of that session was accessible via the School District’s website. Mrs. Hightower pointed out that video from all of the School Board’s sessions (where video was available) were accessible via the website so she was unsure as to why the minutes for this particular session would need such a reference when the minutes from other sessions did not. Mrs. Waters noted that the School District’s website included a page that listed the date and time of each session, a link to the agenda for that session, a link to the minutes from that session, and a link to the video from that session (if available). The Superintendent pointed out that this session was similar to any other session in that if someone wanted a transcript of a session, they would have to pay someone to provide that transcript as the School District did not make transcripts for any meeting.

At this time, the Superintendent listed the changes that had been made to the February 18, 2014 Regular Meeting agenda since it was initially published.

IV. COMMITTEE/DEPARTMENTAL REPORTS

-No item submitted

V. UNFINISHED BUSINESS

-No items submitted

VI. NEW BUSINESS

a. PROPOSED ADDITIONS OR REVISIONS TO SCHOOL DISTRICT RULES

1. Rule(s) Adoption

-No items submitted

2. Permission to Advertise

- a. Approval to Advertise Notice of Intent to Adopt Amendment to Rules and Procedures of the District School Board: Chapter 1, Administration (6Gx17-1.05, 1.06, 1.12, 1.17)

Notice of Intent

Mrs. Hightower noted that the time of the March 25, 2014 Regular Meeting was incorrectly listed as 5:30 p.m. (instead of 4:30 p.m.) in the backup documentation (Notice of Intent, second page) for this item.

1.05 ADMINISTRATIVE ORGANIZATION OF THE DISTRICT

Mr. Bergosh was concerned that the organizational chart listed under Section 1.05, *Administrative Organization of the District*, was incomplete as it did not include the School Board's General Counsel, the Internal Auditing Department, or the Auditing Committee. After discussion however, it was determined that the structural organizational chart for the School Board was under Section 1.04 *Officers of the School Board*. (NOTE: *There were no amendments being recommended to Section 1.04 at that time; therefore, that particular section had not been included in the backup documentation for this item.*)

1.06 SCHOOL BOARD MEETINGS

- (5) *Regular meeting agendas and backup materials shall be posted on the School District website at least seven (7) days prior to the regular workshop. Exceptions shall be communicated to the School Board by the Superintendent or designee. Agendas shall be prepared in time to ensure that a copy of it may be received at least seven days prior to the meeting by any person who requests a copy and pays the reasonable cost of the copy and shall contain the items to be considered in the order of presentation.*

The proposed changes to Section 1.06(5) were discussed at length. No changes were suggested. Mr. Bergosh said he appreciated that the verbiage would now clarify that the regular meeting agendas and backup materials were to be posted on the School District website seven (7) days prior to the regular workshop; he noted that in the past, the verbiage in both statute and in policy had been ambiguous as to whether backup materials were required seven (7) days prior to the regular meeting or the regular workshop (where the real "work session" of the School Board occurred).

- (F) *Agendas and backup materials for special meetings shall be prepared upon the calling of the meeting and not less than forty-eight (48) hours prior to such meeting. Exceptions shall be communicated to the School Board by the Superintendent or designee.*

The proposed changes to Section 1.06(5)(F) were discussed at length. School Board Members were concerned that the proposed verbiage implied that "exceptions" were permissible for both agendas and backup materials for special meetings; however, there could be no "exceptions" regarding the preparation of a special meeting agenda as Florida Statute required that it be prepared upon the calling of the meeting and not less than forty-eight (48) hours prior to the meeting. It was suggested that the phrase "and backup materials" should be removed from Section

1.06(5)(F). It was then determined that if the phrase “and backup materials” was removed, the last sentence in that section could be removed as well.

1.12 PRESENTATIONS BY MEMBERS OF THE PUBLIC

- ~~(1) Board meetings are to transact the business of the public school system. By precedent, the Board includes a Public Forum on the agenda at its regularly scheduled and/or special board meetings for the benefit of persons who wish to present their concerns about education and the public school system. Persons may also address the Board regarding an agenda item at its regularly scheduled Board workshop.~~
- (1) Board meetings are to transact the business of the public school system. Members of the public who wish to present comments about education and the public school system are encouraged to participate in Board meetings and workshops. By law and precedent, the Board provides three (3) opportunities for the public to address the Board at its regularly scheduled and/or special board meetings; Public Hearing, Agenda Items, and Public Forum. Members of the public may also address the Board in a Public Forum at the conclusion of its regularly scheduled Board workshops. The general rules set forth in this policy for public comment shall apply to Public Hearing, Agenda Items, and Public Forum.

Mrs. Hightower questioned the use of three (3) opportunities noting that the law required that the School Board provide an opportunity for the public to address them at any open session of the School Board; she was concerned that by specifying three (3) opportunities. Mrs. Waters clarified that the verbiage was meant to simply outline the three (3) different types of public input: at regularly scheduled and/or special board meetings; public hearing on agenda items; and public forum. The Superintendent said he would remove the specific number from the verbiage so that it would not be misleading to the public.

B. Agenda Items: Public comment shall be allowed with regard to agenda items on any regular or special Board meeting or workshop agenda. If an item is on the Consent Agenda, speakers must advise the Board of their intent to address the item prior to the vote being taken on the Consent Agenda. The Board shall then pull each such item for handling on the open agenda to allow public comment.

Per Mrs. Hightower’s suggestion, it was agreed that Board would be changed to Chair, as it was typically the Chair of the School Board who received notice [via a *Registration to Address the Board* form (“Speaker Form”)] from the individual who wished to address an agenda item on the Consent Agenda.

- (2) *Any presentation to the Board shall confirm to the following standards:*

B. All questions should be directed to the Chair. The Superintendent, or his designated staff members, may answer questions during the meeting or they may request appointments for answer at a later time; Board Members will not engage in dialogue with speakers;

Mr. Bergosh opposed the addition of the following phrase under Section 1.12(2)(B): *Board Members will not engage in dialogue with speakers*. He noted that School Board Members did not typically engage in dialogue with speakers, however, he did not wish to prohibit a School Board Member from doing so if he/she felt it necessary to do so. Mrs. Hightower agreed that such a statement should not be included in the School Board's policy. She too believed that a School Board Member should not be prohibited from responding to a speaker if he/she felt it necessary to do so. The Superintendent agreed as well and said he would remove that particular statement.

E. Time allocated for speakers addressing the Board will be two (2) minutes. The Chair shall have the discretion to extend the presentation time provided a majority of the Board Members consent to the extension.

After hearing from Mrs. Waters that most school districts allocate three (3) minutes for speakers addressing the Board, Mrs. Moultrie suggested that the School Board change its allocation to three (3) minutes as well. There were no objections from any School Board Members to that suggested change. The Superintendent said he too supported the suggested change and would make the appropriate revision to this section.

b. CONSENT AGENDA

1. Curriculum

L. Other

1. Escambia District Schools 2014-2015 Staffing Allocation Table

*Middle School Education –
Non/Other Teaching Units*

Mrs. Hightower said she was concerned about the loss of one of the dean positions at the larger middle schools (1250+ UFTE). Mr. Boone said he too was concerned about the loss of one of the dean positions at the larger middle schools as such a large number of students (1250+ UFTE) would be too much of a responsibility for only one dean. The Superintendent said he realized that the allocation table appeared to show a loss of a dean position; however, in actuality the recommendation was not a loss of a dean position but rather a dean position that would be made into assistant principal (AP) position; that AP would still have dean responsibilities with regard to the management of student discipline but as an AP, they would also be capable of assisting the principal with teacher evaluations (the Superintendent said that assistance with teacher evaluations was the only reason for the recommendation). He clarified that per the bargaining agreement, a dean was not permitted to assist with teacher evaluations. Mr. Slayton said he too had concerns about that particular recommendation and would need to pray about it before casting his vote. Mrs. Hightower said that prior to the February 18, 2014 Regular Meeting, she wanted the Superintendent and/or his staff to provide her with the cost of keeping the assistant principal position and adding a dean position at the larger middle schools (1250+ UFTE). The Superintendent said he and his staff would examine the matter in terms of the cost associated with adding an additional unit at the larger middle schools (1250+ UFTE). Upon inquiry by Mr. Slayton, Ms. Vicki Gibowski, Director of Middle School Education, confirmed that currently, both Ransom and Bailey middle schools were right under 1500 UFTE.

*Middle School Education –
Other Teaching Units – Support*

Mrs. Hightower requested that the Superintendent and his staff needed to consider the possibility of putting an additional Technology Coordinator (or Technician IV, School Board IT) at those middle and high schools with more than 1,000 UFTE.

2. Finance and Business Services

A. Finance

1. Legal Services – General Fund
2. Legal Services – Risk Management Fund

Mr. Bergosh said he wanted to note for the record once again, that it was his belief that it was time for the School Board to consider adding another in-house attorney rather than continuing to incur approximately \$25,000 in legal fees each month from the various legal matters that are outsourced. Mrs. Waters said Mr. Bergosh had discussed the matter with her on several occasions. She noted that many school districts have an in-house attorney for both the School Board and an in-house attorney for the Superintendent. Mr. Slayton said he would question the cost effectiveness of adding an additional in-house attorney; he also questioned whether the School Board and Superintendent would still have to outsource certain legal matters that involved specialized areas of practice. Mrs. Hightower suggested that the School Board set up a separate time to discuss this matter at length. She also mentioned that she had suggested in the past (shortly after Mrs. Ellen Odom, previous School Board Attorney resigned) about whether the School Board should have considered contracting with an outside law firm that could provide an attorney for each of the specialized areas of practice (labor and personnel, real estate/property, risk management); at that time, however, it was the School Board's belief that there was great need for an in-house attorney. Mrs. Moultrie said she would be interested in seeing a cost analysis for the addition of another in-house attorney. The Superintendent noted that it was not only the cost that would need to be considered, but also his level of comfort with the in-house attorney that would be hired to represent his office.

C. Budgeting

6. Disposal and demolition of portable #130 C400013000 at Brownsville Middle School

E. Purchasing

12. Bid Award: Demolition of Various Schools – Sid Nelson Center, Brownsville Middle School and Pickens Book Depository
16. Environmental Services for Asbestos Removal/Disposal – Sid Nelson Center, Brownsville Middle School and Pickens Book Depository

At the request of Mrs. Hightower, Mr. Shawn Dennis, Assistant Superintendent for Operations, clarified the different items appearing on this month's agenda that dealt with Brownsville Middle School (BMS):

- Item V.b.2.C.6 – Disposal and demotion of portable at BMS
- Item V.b.2.E.12 – Demolition of BMS
- Item V.b.2.E.16 – Asbestos Removal/Disposal that would precede the demolition of BMS
- Item V.b.4.A.2.a – Notification to DOE of the change in classroom space at BMS

3. Human Resource Services

-No items discussed

4. Operations

A. Facilities Planning

2. Miscellaneous

b. Declaration of Restrictive Covenant

At the request of Mr. Bergosh, Mr. Shawn Dennis, Assistant Superintendent for Operations, provided a brief explanation regarding Item V.b.4.A.2.b., *Declaration of Restrictive Covenant*.

c. ITEMS FROM THE BOARD

-No items submitted

d. ITEMS FROM THE SUPERINTENDENT

2. Student Discipline

At the request of Mr. Bergosh, the Superintendent agreed that all future change of placement reports provided to the School Board would include the student's race and the location recommended by the School District for the student's change of placement. (NOTE: Currently, the report only provided the student's name and the change of placement timeframe.)

e. INTERNAL AUDITING

2. School Internal Accounts Audits

A. 2012-2013 Internal Accounts Audits without findings

B. 2012-2013 Internal Accounts Audits with findings

Mr. Bergosh asked Mr. David Bryant, Director of Internal Auditing, if he had anything that he wanted to point out from the school internal account audits. Mr. Bryant said he was pleased to report that overall, the number of district-wide findings reduced which he noted would suggest that school secretaries and bookkeepers had received the necessary training to help their schools achieve compliance (with the Internal Funds Policies and Procedures). Mr. Bryant noted that his office did not render an opinion on one school in particular, Bellview Elementary. [From the audit: *While we are confident the school failed to comply with various governing provisions of State Board of Education rules and policies and procedures of the School Board, given the deficiencies noted above, we are unable to quantify the effect on the individual accounts at the school and the school's financial position as a whole. Therefore, we do not render an opinion on the school's overall compliance with established policies and procedures nor the accuracy of the school's individual accounts or the school's financial position as a whole. In addition, we determined the schools' financial records reconcile with bank statements and independent bank confirmations.*]

f. ITEMS FROM THE GENERAL COUNSEL

-No items discussed

VII. PUBLIC FORUM

Mrs. Moultrie called for public forum; however, there were no speakers.

VIII. ADJOURNMENT

Prior to adjournment, Mrs. Moultrie asked if there were any other matters that School Board Members wished to discuss. The following items were addressed:

Concerns re: Fingerprint Process

Mrs. Hightower said she was still hearing concerns regarding the fingerprinting process; especially from individuals who wished to volunteer with the School District. Dr. Alan Scott, Assistant Superintendent for Human Resource Services, said that staff was in the process of streamlining the process so that badges for both employees and volunteers would be delivered directly to the Community Involvement Office (located at the J.E. Hall Educational Services Center) and the employee or volunteer could then pick-up their badge at that central location.

Recognition of Jerry Caine

The Superintendent and the School Board took a moment to thank Mr. Jerry Caine, Manager-Educational Support Personnel, for his many years of service to the School District and to offer well wishes as he moved into retirement.

There being no further business, the Regular Workshop adjourned at 12:25 p.m.

Attest:

Approved:

Superintendent

Chair

