

THE SCHOOL BOARD OF
ESCAMBIA COUNTY, FLORIDA

MINUTES, APRIL 11, 2014

The School Board of Escambia County, Florida, convened in Regular Workshop immediately following the adjournment of the April 10, 2014 Special Workshop that was reconvened at 9:00 a.m. and adjourned at 10:36 a.m. on April 11, 2014, 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 April 1, 2014 - [Legal No. 1621440](#)

I. CALL TO ORDER

Mrs. Moultrie called the Regular Workshop to order at 10:49 a.m. The Superintendent reviewed the changes that had been made to the April 15, 2014 Regular Meeting agenda since initial publication.

II. COMMENTS FROM THE SUPERINTENDENT

-None

III. MINUTES

- a. 02-13-14 Special Workshop
- b. 02-14-14 Regular Workshop
- c. 03-25-14 Regular Meeting

At the request of Mr. Bergosh, Mrs. Hightower outlined the change that she had requested Mrs. Holley DeWees, Administrative Recording Secretary make to minutes from the February 14, 2014 Regular Workshop. (NOTE: *The change pertained to adding some "missing" dialogue under the discussion of Chapter 1*).

At this time, the following items were addressed:

Item V.b.2.A.3., Certificates of Participation – 2014 Amendment to 1992 Lease Documents

Item V.b.2.A.4., Refunding of Certificates of Participation, Series 2014

Mr. Terry St. Cyr, Assistant Superintendent for Finance & Business Services, introduced the School District's financial advisors, Mr. Jerry Ford and Mr. Will Reed from Ford & Associates, Inc.

Item V.b.2.A.4 – *Action Required: Approval of a Resolution approving an additional Lease Schedule to the Master Lease-Purchase Agreement between the School Board of Escambia County, Florida, and the Florida School Boards Association authorizing the refinancing of certain capital projects.*

Mr. Ford said that as the School District's financial advising firm, Ford & Associates was constantly monitoring the School District's outstanding debt to determine whether or not there were opportunities to lower the cost of borrowing. Mr. Ford and Mr. Reed advised that under current market conditions, the 2004 Certificates could be refinanced with a net present value savings in excess of 3% after payment of all costs of issuing the Certificates. Mr. Ford described in detail the process by which this refinance would occur if approved by the School Board. (The details were also outlined in the "executive summary" sheet included in the backup documentation for this item.)

Item V.b.2.A.3 – *Action Required: Approval of Resolution to release, terminate and discharge Edgewater Elementary as part of the 1992 Certificates of Participation Project.*

Mr. Ford noted that the backup documentation provided for this item included all the documents necessary to remove Edgewater Elementary from the 1992 Master Lease-Purchase Agreement with the Florida School Boards Association, Inc. (FSBA). [Edgewater Elementary was no longer used by the District as an elementary school; it was currently leased to S.L. Jones, a private, non-for-profit organization.]

Upon inquiry by Mrs. Moultrie, the Superintendent confirmed that removing Edgewater from the 1992 Master Lease would not affect the lease agreement between the School District (lessor) and S.L. Jones (lessee). He noted that for a number of years, S.L. Jones had been trying to purchase the building; this action would eliminate the debt on the building so that the title would be clear and the building could now be sold.

Upon inquiry by Mr. Bergosh, Mr. St. Cyr advised that the School District's long-term debt was currently around \$38 million. Mr. Ford noted that Escambia's outstanding debt was quite small compared with other school districts in the state of Florida. He noted that because of proceeds from the local one-half cent sales tax, Escambia was far less leveraged than most school districts in the state of Florida. He noted that one of the Escambia's key credit strengths was that it had very little debt outstanding.

IV. COMMITTEE/DEPARTMENTAL REPORTS

-No items discussed

V. UNFINISHED BUSINESS

-None

VI. NEW BUSINESS

a. PROPOSED ADDITIONS OR REVISIONS TO SCHOOL DISTRICT RULES

1. Rule(s) Adoption

-None

2. Permission to Advertise

a. Approval to Advertise Notice of Intent to Adopt Amendments to Rules and Procedures of the District School Board: Chapter 3, School Operating Procedures

3.22 – Tobacco-Free School Policy

At the request of Mr. Bergosh, Mr. Kevin Windham, Director of Risk Management, addressed various aspects of the proposed addition of Section 3.22, Tobacco-Free School Policy. Mr. Bergosh commented that the tobacco-free school policy was a positive addition. It was noted that the committee began with verbiage from a model policy that was developed by the Florida Health Department and *then* tailored that verbiage specifically for Escambia County School District. Mr. Windham said the committee consisted of approximately 12 to 15 individuals, including the School Board's General Counsel, Mr. Shawn Dennis, Assistant Superintendent for Operations, representatives from the Escambia County Health Department, a representative from Marathon Health, and a representative from each grade level (elementary, middle, and high). Upon inquiry by Mrs. Hightower, Mr. Dennis advised that he would be working with the

representatives from the schools to assess campuses in order to identify the most effective locations for signage. It was noted that the appropriate signage would need to be in place prior to the implementation date of this policy. Mr. Windham advised that the Escambia County Health Department had offered to assist with the cost of signage.

3.22 – Tobacco-Free School Policy

(2) Tobacco Products

For the purposes of this policy, “tobacco” is defined to include products that include tobacco/nicotine and are intended or expected for human use or consumption, including but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi cigarette, clove cigarette, and any other smoking product, and spit tobacco, also known as smokeless, dip, chew and snuff, in any form (i.e., lozenges, strips, pouches, etc.).

Mrs. Hightower was concerned that electronic cigarettes did not appear to be addressed in the tobacco-free school policy. Mrs. Waters advised that Statute allowed local school boards to restrict the use of products that include tobacco/nicotine and are intended or expected for human use or consumption; therefore, an electronic cigarette containing tobacco/nicotine which was clearly intended for human use and consumption would be prohibited. She noted however, that there were some individuals possessing electronic cigarettes that used a substance other than tobacco/nicotine and the Statute did not currently allow school boards to restrict that usage.

Mr. Bill Vincent, representing the Escambia Education Association (EEA), requested to address the School Board regarding the definition of tobacco products as outlined in Section (2). Mr. Vincent wanted to know if it was the School Board’s intent to prohibit smoking cessation products such as gum or patches as those products also contained tobacco/nicotine. Mr. Windham noted that although not specified in the policy, the intent was that such cessation products would not be prohibited by this rule. When asked, Mrs. Waters said it might be appropriate to insert exclusion for cessation products; however, it was probably not necessary as the minutes from this workshop would prove the intent of the legislative intent of this policy. Mrs. Waters and Mr. Windham were to discuss this matter further prior to Chapter 3 being submitted to the School Board for adoption on the May Regular Meeting agenda.

3.07 - Safety Regulations ~~and Procedures~~

SAFETY, SECURITY EMERGENCY MANAGEMENT, HEALTH AND ENVIRONMENTAL REGULATIONS AND PROCEDURES

(3) Emergency Management Program

A. *There is hereby established in the District an Emergency Management Program to provide the necessary procedures, training, enforcement and resources to prepare for, mitigate, respond to and recover from emergency incidents that may affect the operations of the District. Pursuant to Section 1006.07(4)(a), F.S., the School District relies upon the following agencies for notice of each type of emergency and ~~t~~The emergency management program shall, at minimum, address the following incidents:*

7. Hostage situations

Local: Occupational Safety and Health Agency

State: Florida Department of Law Enforcement, Department of Highway Safety Motor Vehicles (State Troopers)

Federal: Federal Bureau of Investigation, Department of Homeland Security

Mr. Steve Marcanio, Assistant Superintendent for Curriculum and Instruction, said that a correction to this item was forthcoming that would indicate that local law enforcement were the agencies that the School District relies upon for notice of hostage situations.

3.07- Safety Regulations ~~and Procedures~~

SAFETY, SECURITY EMERGENCY MANAGEMENT, HEALTH AND ENVIRONMENTAL REGULATIONS ~~AND PROCEDURES~~

(16) Administration of Medication to Students

Upon inquiry by Mrs. Hightower, Ms. Martha Hanna, Coordinator of Health Services, explained that the purpose of the revisions under this particular section were to clarify that prior to administration of prescription and/or non-prescription medications, the appropriate School District authorization form must be completed and signed by the parent/guardian. Mrs. Hightower asked that references to prescription and non-prescription medication be in bold type so that it would stand out to parents who were reading this section of policy.

3.09- School Store

School stores may be established for the sale of such supplies as may be needed by the student's in their classroom and other activities.

(2) Competitive Food and Beverage Sales

No competitive food or beverage sales are permitted at any time in elementary schools or are permitted until one (1) hour following the last lunch period in secondary schools (see associated Rule 6Gx17-3.13(7).)

Upon inquiry by Mr. Boone, Mr. Steve Marcanio, Assistant Superintendent for Curriculum and Instruction, confirmed that school principals were well aware of the restriction outlined in this section of policy. Ms. Jaleena Davis, Director of School Food Services, advised that schools would be in compliance with this policy because (1) beverage machines were on a timer; and (2) all proceeds from the sale of items in the snack machines would be deposited into the Food Service Fund. There were no changes suggested or requested to this section of policy.

In an effort to improve the School Board's rule-making process, Mrs. Waters suggested that in the future, recommended revisions to School Board policy could be submitted for advertising purposes in one month and presented for adoption purposes two months later; this would allow for the required 28-day advertising period (after approval for advertisement) and an additional month whereby the School Board could further review and discuss the advertised revisions. There was discussion about having a similar process for other items such as the Student Rights and Responsibilities Handbook (R&R Handbook). The Superintendent noted that his recommendation for changes to the current R&R Handbook would be submitted to the School Board on the May Regular Meeting agenda. Several School Board Members expressed a desire to receive a copy of the recommended changes well in advance of the item being presented on the May agenda; the Superintendent said he would provide a copy of draft version as soon as it was available. There was some discussion about scheduling a special session for the sole purpose of discussing the R&R Handbook; however, it was ultimately decided that a special session was unnecessary as the item could be discussed during the May Regular Workshop.

3. Discussion of Chapter 2

Mr. Bergosh recalled that he and other School Board Members had previously expressed a desire that applicants for certain administrative-level positions that would be responsible for large School District budgets undergo a significant background screening including a credit check. Dr. Alan Scott, Assistant Superintendent for Human Resource Services referred to the following requirement that staff had added to Section 2.04:

2.04 – Recruitment and Selection of Personnel

(13) Additional Requirements

E. Individuals submitted to the Superintendent for employment consideration in the following positions: Deputy Superintendent, Assistant Superintendent, Director I – Title I & Related Activities, Director I – Special Education, Director I – Workforce Education, Director I – Information Technology, Director II – School Food Services, Director II – Maintenance, Director II – Facilities Planning, Director II – Transportation, Director III – Purchasing and Business Services, Senior Purchasing Agent and Director II – Risk Management will undergo an additional background screening including but not limited to a financial inquiry prior to being offered employment.

Upon inquiry by Bergosh, Mrs. Waters advised that it was her opinion, that requiring perspective employees to undergo a credit check was legal. Dr. Scott said that he had worked with Mrs. Waters on the language outlined in this addition; they determined that “financial inquiry” was a much more broader option than simply a credit check. Mr. Bergosh said he was satisfied with the added verbiage and had no other issues with Chapter 2 at that time.

b. CONSENT AGENDA

1. Curriculum

A. Alternative Education

1. Amendment to the Charter Contract Between the School Board of Escambia County, Florida and Beulah Academy of Science, Inc.
2. Amendment to the Charter Contract Between the School Board of Escambia County, Florida and Escambia Charter School, Inc.
3. Amendment to the Charter Contract Between the School Board of Escambia County, Florida and 21st Century Academy of Pensacola, Inc. DBA Newpoint Academy
4. Amendment to the Charter Contract Between the School Board of Escambia County, Florida and Byrneville Elementary School, Inc.
5. Amendment to the Charter Contract Between the School Board of Escambia County, Florida and New Road to Learning, Inc. DBA Jacqueline Harris Preparatory Academy
6. Amendment to the Charter Contract Between the School Board of Escambia County, Florida and 21st Century Academy of Pensacola DBA Newpoint Pensacola
7. Amendment to the Charter Contract Between the School Board of Escambia County, Florida and Pensacola Beach Elementary School, Inc.
10. Amendment to the Charter Contract Between the School Board of Escambia County, Florida and United Cerebral Palsy of Northwest Florida, Inc. DBA Capstone Academy
12. Start-Up Charter School Contract Between the School Board of Escambia County, Florida and 21st Century Academy of Pensacola, Inc. DBA Five Flags Academy at Newpoint

Mr. Bergosh noticed that there were several charter school contracts where the FEFP funding was at 95% and then a few at 98%.(i.e., Pensacola Beach Elementary, Beulah Academy of Science, Byrneville Elementary). He wanted to know why there was a disparity in the rate of funding. Ms. Vicki Mathis, Director of Alternative Education, said the higher percentage for some of the charter schools was because those charters had been designated by the State as “high performing” schools. Ms. Mathis said the amount of FEFP funding that a charter school received was determined by the number of students enrolled at the charter school.

ADD

- F. High School Education
 - 2. Escambia County 2014 Text Book Adoption

Mrs. Hightower wanted to know who had served on the textbook selection committee this past year; she did not recall the School Board receiving a list of the committee members or any notices regarding the dates/times of the committee meetings. The Superintendent said that staff would provide the School Board Members with a list of the committee members. Mrs. Hightower commented on the need for the School District to do a better job of noticing the public about the selection process and the schedule of committee meetings; specifically, she believed that such information needed to be posted on the homepage of the School District's website. Mr. Bergosh and the Superintendent said they agreed.

- J. Title I
 - 1. Cooperative Agreement Between the Community Action Program Committee, Inc. and the School Board of Escambia County, Florida

Mrs. Moultrie recalled that the School Board had approved an agreement with the Community Action Program Committee, Inc. the prior month; because, Mrs. Moultrie served as the Chair of the CAPC, it was determined at that time that Mrs. Hightower would sign that agreement on behalf of the School Board. Mrs. Waters advised that there was no problem with a School Board Chair who had recused themselves from voting on a contract to actually sign the contract; she noted that signing the contract was merely a ministerial duty where the School Board had essentially directed the School Board Chair to sign and the Chair really had no ability to refuse. She noted however, that when the School Board Chair was also the Chair of the vendor, it appears to be an ethical problem and in order avoid that appearance, Mrs. Hightower, as School Board Vice Chair had been asked to sign the last agreement. Since that time, Mrs. Waters said she had considered the matter and had determined that if the CAPC's Executive Director would sign on the CAPC's behalf, then Mrs. Moultrie could sign on behalf of the School Board. She noted that it was more appropriate for Mrs. Moultrie to sign an agreement on behalf of the School Board because she was an elected public official and the CAPC would designate the Executive Director or its Vice Chair rather than her signing as Chair of that organization. Mrs. Waters noted that this agreement had not been changed to reflect that situation as that understanding had been reached after this agreement was already submitted on the School Board's agenda.

Mr. Bergosh said he needed to leave the workshop as he had another appointment. Before leaving at 12:06 p.m., he took a moment to thank the Superintendent's staff for reaching out to him over the past couple of weeks to discuss the items on this month's agenda; because of their efforts, he had no other issues to discuss.

- 2. Finance and Business Affairs
 - A. Finance
 - 3. Certificates of Participation – 2014 Amendment to 1992 Lease Documents

This item was addressed earlier in the meeting.

- 4. Refunding of Certificates of Participation, Series 2014

This item was addressed earlier in the meeting.

- C. Budgeting
 - 4. Auction Lists I, II, and III for April 2014

At the request of the Superintendent, Mr. John Dombroskie, Director of Purchasing, advised the School Board of a new online auctioning service that the School District would

be piloting over the next few months. Mr. Dombroskie would “test-drive” the online auction platform before entering into a three-year agreement with Global Auction Services (Tallahassee, Florida). He noted that during the “test-drive” period, Global Auction Services would help the School District market a number of surplus items the former Sid Nelson Center and the former Brown Barge facility.

3. Human Resource Services

Mrs. Hightower said she realized that the Superintendent was charged with the day-to-day operation of the School District and as such, he knew more than her what he needed in order to do the job that needed to be done. But looking at all of the requests on this month’s agenda (Items V.b.3.A.7.i. through Item V.b.3.A.7.q.) for additional positions, she wondered why it seemed there was enough money for those requests yet she had been told several months ago when the staffing allocation was presented that there was not enough money to fund an additional dean at the two largest middle schools (Ransom and Bailey) nor was there enough money for additional school-based technology people at secondary schools with significant technology needs. The Superintendent responded by noting that when the staffing allocation was submitted for the School Board’s consideration, he knew at that time, he would also be bringing the requests that were outlined on this month’s agenda; and just as these requests were being submitted for the School Board’s consideration now, there were other requests that would be submitted in the near future. He noted that he was always looking at the bigger picture in terms of requests that would impact the budget. He clarified that the School District could afford each of the requests outlined on this month’s agenda; however, there was always going to be “things that we would love to add” but could not afford.

A. Instructional/Professional

7. Special Requests

- i. Amend the 2013-2014 Department Personnel Planning Document (Cost Center 4306)
- j. Establish the following job descriptions on the Administrative Salary Schedule:
 - Coordinator for Personnel Services
 - Coordinator – Student Data Systems
- k. Establish the following job descriptions on the Professional Salary Schedule:
 - Administrative Specialist
 - Coordinator II – Public Relations
 - Safety Officer II
 - Specialist I – Data Reporting
 - Technician I – School Food Services
 - Technician IV – School Based IT
 - Workforce Finance Specialist

Mrs. Hightower did not believe that the recommended position of Administrative Specialist should begin at Paygrade 17; since the position only required a high school diploma, she suggested that the Paygrade be lowered to 18.

- l. Establish the following job descriptions on the Educational Support Salary Schedule:
 - Employee Management Specialist
 - Lead Electronics Technician
 - Lead Employee Management Specialist
- m. Establish the following job descriptions on the Instructional Salary Schedule:
 - Teacher on Special Assignment – Physical Education, Health, Wellness, Driver Education
- n. Amend the following job description on the Administrative Salary Schedule:
 - Coordinator III – School Choice & Escambia Virtual School (was on the Professional Salary Schedule)

Mrs. Hightower suggested that the Superintendent should consider changing the title on this job description as this would be the only Coordinator III on the administrative salary schedule at a Paygrade 4; all other Coordinator III positions were at the lower Paygrade 11. (It was later determined that this job description was in fact changing from a Paygrade 4 to a Paygrade 11; it was difficult to see on the backup documentation that the 4 (on Paygrade 4) had been stricken through and 11 had been underlined.)

- o. Amend the following job descriptions on the Professional Salary Schedule:
 - Certified Behavior Analyst
 - Manager IV – Protection Services
 - Safety Officer I
 - p. Delete the following job description on the Professional Salary Schedule:
 - Manager III – Educational Support Personnel
 - q. Approve the 2014-2015 Department Personnel Planning Document
4. Operations
-No items discussed
- c. ITEMS FROM THE BOARD
-No items submitted
- d. ITEMS FROM THE SUPERINTENDENT
-No items discussed
- e. INTERNAL AUDITING
- 1. Inventory Adjustment Reports for fourteen (14) cost centers
 - 2. District Financial Information Concerns – *Follow-up of Audit Committee Recommendations*

Mrs. Hightower thanked Mr. David Bryant, Director of Internal Auditing, and his staff, for their report on the follow-up of the Audit Committee recommendations. (NOTE: *During a July 2013 School Board workshop, the Superintendent and School Board agreed by consensus to certain actions, which would help ensure the timeliness and reliability of financial information. The School Board asked that Internal Auditing follow-up on those actions and provide a follow-up report.*)

Page 4 – Follow-Up of District Financial Information Concerns

Departmental Review

It appears a review of the Finance function's operation was done. Although an oversight committee was not utilized as intended, the Florida Association of District School Superintendents (FADSS) conducted a review of the Finance and Human Resources operations and provided recommendations for reorganization and operational efficiencies, which appears to have been the intent of the Audit Committee's recommendation.

Although a copy of the report has been provided to the individual Board Members, the FADSS report dated November 2013 has not been presented at a Board Workshop, so that the Board Members could openly discuss the report and its recommendations.

We recommend the Board meet to discuss the result of our follow-up actions and to determine the necessity of any further actions.

Upon inquiry by Mrs. Hightower, Mr. Bryant explained that when the District decides to go in a different direction than that which is recommended by the Office of Internal Auditing in an audit report, he would assess that direction to determine whether or not it met the "spirit" of the audit

recommendation. In this particular instance, the School Board and the Superintendent agreed that an oversight committee would be utilized; however, during the follow-up it was discovered that an oversight committee had not been utilized as intended, the Florida Association of District School Superintendents (FADSS) conducted a review of the Finance and Human Resources operations and provided recommendations for reorganization and operational efficiencies, which Mr. Bryant said appeared to have been the intent of the Audit Committee’s recommendation. However, Mr. Bryant noted that it was for the School Board to determine whether or not that met the “spirit” of the audit recommendation.

- f. ITEMS FROM GENERAL COUNSEL
-No items submitted

VII. PUBLIC FORUM

Mrs. Moultrie called for public forum; however, there was no one who wished to address the School Board at that time.

VIII. ADJOURNMENT

There being no further business, the Regular Workshop adjourned at 12:42 p.m.

Attest:

Approved:

Superintendent

Chair

PENDING BOARD APPROVAL