

THE SCHOOL BOARD OF  
ESCAMBIA COUNTY, FLORIDA

MINUTES, APRIL 17, 2009

The School Board of Escambia County, Florida, convened in Workshop Meeting 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. Patricia Hightower (*not present*)  
Vice Chair: Mr. Gerald Boone  
Board Members: Mr. Jeff Bergosh  
Mrs. Linda Moultrie  
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 March 23, 2009 - Legal No. 1391653 IT*

I. CALL TO ORDER

Mr. Boone called the Regular Workshop to order at 9:05 a.m.

II. COMMENTS FROM SUPERINTENDENT

The Superintendent listed the additions, deletions, amendments and/or corrections to the April 21, 2009 Regular Meeting agenda.

III. PROPOSED ADDITIONS OR REVISIONS TO SCHOOL DISTRICT RULES

A. Rule(s) Adoption

1. Adoption by Resolution naming Pensacola High School's gymnasium the "James W. Haynes Athletic Complex" as approved by the Pensacola High School Advisory Council at its January 2009 meeting, and advertisement approved by the School Board at its regularly scheduled meeting on February 17, 2009.

Mrs. Moultrie noted various formatting and punctuation errors throughout the backup documentation that would need to be corrected.

IV. CONSENT AGENDA

A. Curriculum and Instruction

No discussion was held.

B. Finance

4. Legal Services:

General Fund

f) Rumberger, Kirk & Caldwell \$ 6,154.25

Upon inquiry by Mr. Bergosh, Mrs. Waters confirmed that Rumberger, Kirk & Caldwell was the law firm that had handled the "6 of 7" appeal on behalf of the School District.

C. Human Resource Services

1. Instructional/Professional

g. Special Requests

1. Approval for Pam Saxton, teacher to be the instructor for the Spring Reading Endorsement Program: Competency Six, Demonstration of Accomplishments beginning January 13, 2009 through February 21, 2009. Ms. Saxton will be instructing instructional employees for a total of eighty hours and will be paid at her regular hourly rate of pay from Title Two funds.

Mr. Boone took issue with the Board often being asked to approve a request after an incident had already occurred; in this particular case, the Board was being asked in April to approve a request for something that had already occurred in January and February. The Superintendent apologized and assured Mr. Boone that staff would try to do better in submitting these types of requests to the Board in a timelier manner.

17. Approve adoption of the 2009-2010 Department Personnel Planning Document.

The Superintendent addressed the various changes that had been made to the Personnel Planning Document for 2009-2010. He stated that he had tried to minimize job loss as much as possible while still achieving the objective of cutting 8.9% of the current budget from position changes and general fund savings.

Mr. Bergosh pointed out that several of the positions that Superintendent Thomas had deleted were the same positions that he had asked Superintendent Paul to eliminate last year during the budget process.

18. Ratification of the 2009-2012 Master Contract between the School District of Escambia County and the Escambia Education Association.

*Article X, Personnel Files – Section X.1, Personnel Files*

- A. *The file of each teacher shall be open to inspection only by the School Board, the Superintendent, the principal, the individual himself and such other persons as the teacher or the Superintendent may authorize in writing. If anyone other than the teacher or someone with written authorization by the teacher requests to review a teacher's file, the teacher shall be notified in writing, as soon as possible prior to the review. Said notice shall specify who wishes to review the file, when the appointment will occur and that the teacher has a right to be present or be represented by the Association. (Chapter 119.07 of the Public Records Act shall be controlling.)*

Much discussion took place regarding this particular section of the Master Contract, specifically with regard to Mr. Bergosh's belief that as a Board Member, he should have access to the annual evaluations contained within a teachers' personnel file. He noted that the language in the Master Contract stated that the School Board did have the right to review the personnel file of each teacher; yet, several weeks ago he had asked the Human Resource Services department for the evaluations of teachers at specific school sites, yet he had received some "push back" on that request. He noted that he had requested the evaluations of teachers at schools associated with the west-side closure issue as he wanted to review that information prior to making his decision to accept the Superintendent's recommendation for the closure of Edgewater Elementary at the March 30, 2009 Special Meeting. Dr. Alan Scott, Assistant Superintendent for Human Resource Services, suggested that a School Board Member's request to review a personnel file would be governed by public records law. Mrs. Waters disagreed, noting that a Board Member was part of the governance of the School District and therefore, would not have to "jump through public records hoops" in order to access personnel files. Her opinion was "that

the School Board stands equal to the Superintendent in the governance of the School District and can access an employee's record if they need to, to make policy level decisions for the School District." She noted however, that she would need an opportunity to further research the issue.

D. Purchasing

ITEMS PREPARED BY PURCHASING:

4. Bid Renewal: As Needed Real Estate Services, RFP #062701

Upon inquiry by Mrs. Moultrie, Mr. John Dombroskie, Director of Purchasing, confirmed that the District did intend to renew the contract with Scoggins III, Inc. In answer to Mr. Boone's question as to how much the District had been paying for these real estate services, Mr. Shawn Dennis, Assistant Superintendent for Operations, explained that the costs associated for these services had been based solely on the commission rate related to each sale and each purchase.

9. DimensionM Gaming Software

Mrs. Moultrie asked that the effective dates for this software subscription be added to the backup documentation.

10. Security Access Control Upgrade at Various Schools
20. Bid Award: Security Access Control at Various Schools

At the request of Mr. Boone, Mr. Steve Sharp, Division Chief, clarified the relationship between Item 10 and Item 20 by explaining that Item 10 was for the purchase of access control panels (locking systems); and Item 20 was for the installation of those access control panels. He noted that both purchases would be funded by the K-12 Access Control Grant.

19. Bid Award: New Gymnasium at Warrington Middle School

Mr. Bergosh questioned whether it would be prudent to "put this tremendous expenditure of money off" for a couple of years given the uncertain future of Warrington Middle School with regard to the state's Differentiated Accountability Plan. The Superintendent stated that he did not know of any reason why this purchase should be delayed.

E. Operations

1. Facilities Planning
- B. Miscellaneous
2. Pre-Qualification of Contractors

*Recommend the Board not approve the contractors referenced below due to multiple cases of pending litigation that may impact their ability to perform on school district projects.*

*Elkins Constructors, Inc.*

*Joe Raley Builders, Inc.*

Mr. George Hawthorne, Chairman and CEO of Joe Raley Builders, Inc., addressed the Board regarding the District's recommendation that Joe Raley Builders, Inc. not be approved as a pre-qualified contractor due to multiple cases of pending litigation over the past five (5) years. He noted that much of the litigation was related to condominium development, not construction. He also noted that many of those cases had been resolved since his application was submitted. He asked that the District reconsider the pre-qualification application submitted by Joe Raley Builders, Inc. Mr. Shawn Dennis, Assistant Superintendent for Operations, addressed various aspects of the pre-qualification process including: the criteria that a contractor must meet in order to

become pre-qualified; and the appeal process for a contractor whose application has been rejected. Mrs. Waters asked Mr. Hawthorne to have his attorney provide an updated list of all pending litigation and she would discuss the matter further with Mr. Dennis and/or the Superintendent. It was noted that if this issue could be resolved prior to the April 21, 2009 Regular Meeting, then the item would be amended; if not, then the item would be deleted. The Superintendent added that staff would also need to reconsider the application submitted by Elkins Constructors, Inc.

F. Student Transfers

No discussion was held.

G. Internal Auditing

No discussion was held.

V. UNFINISHED BUSINESS

-No items submitted

VI. NEW BUSINESS

A. Items from the Board

-No items submitted

B. Items from the Superintendent

No discussion was held.

C. Items from the General Counsel

-No items submitted

VII. COMMITTEE/DEPARTMENTAL REPORTS

-No items submitted

VIII. PUBLIC FORUM

Mr. Boone called for public forum; however, there were no speakers.

IX. ADJOURNMENT

There being no further business, the Regular Workshop adjourned at 10:30 a.m.

Attest:

Approved:

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Superintendent

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Chair