

THE SCHOOL BOARD OF
ESCAMBIA COUNTY, FLORIDA

MINUTES, OCTOBER 17, 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 October 1, 2014 - Legal No. 1630649

NOTE: The minutes from this session have been prepared according to *Roberts Rules of Order, Newly Revised*.
The video from this session is available at <http://escambiacountysdfl.swagit.com/play/10172014-528>

[*General discussion among School Board Members, the Superintendent, and staff occurred throughout this session.*]

I. CALL TO ORDER

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

II. COMMENTS FROM THE SUPERINTENDENT

The Superintendent noted that Mary Leslie, Vice President, External Affairs & Community Relations, Greater Pensacola Chamber, had asked that a copy of the Chamber's annual report be distributed to all School Board Members. The Superintendent said the Chamber had formed an education committee that was working to bring the business community into closer alignment with some of the initiatives going on in the School District.

At this time, discussion on the following topic was continued from the October 16, 2014 Special Workshop:

- Strategic Plan Update – Superintendent

[*A handout was provided to School Board Members during the October 16, 2014 Special Workshop.*]
Mr. Brian Alaback, Director of Professional Learning, reviewed each of the goals and objectives associated with the "service" pillar of, Ms. Vicki Gibowski, Director of Middle School Education, reviewed those associated with the "quality" pillar, and Dr. Alan Scott, Assistant Superintendent for Human Resource Services, reviewed those associated with the "people" pillar.

While there was much discussion regarding the information provided under each of those pillars, no changes were requested.

The Regular Workshop recessed at 10:32 a.m. and reconvened at 10:40 a.m., with all School Board Members, the Superintendent, and Mrs. Waters present.

III. MINUTES

- a. 08-14-14 Special Workshop
- b. 08-15-14 Regular Workshop
- c. 09-10-14 Special Meeting
- d. 09-16-14 Special Meeting
- e. 09-16-14 Regular Meeting
- f. 10-09-14 Special Meeting

There were no questions or comments regarding any of the minutes as listed (Items a through f).

IV. COMMITTEE/DEPARTMENTAL REPORTS

- a. PTA Presentation
- b. Stellar Employee of the Month
- c. Recognition of Five Star Schools for 2013-2014
- d. Recognition of Walgreen's Donations
- e. Recognition of State-Level ESOL Teachers
- f. Energy Management Sustainability Award
- g. Resolution – Red Ribbon Campaign Week
- h. Florida Healthy School District Silver Award Presentation

There were no questions or comments regarding any of the items as listed (Items a through h).

V. UNFINISHED BUSINESS

-None

VI. NEW BUSINESS

a. PROPOSED ADDITIONS OR REVISIONS TO SCHOOL DISTRICT RULES

1. Rule(s) Adoption

- A. Notice of Intent to Adopt Amendments to the School District of Escambia County, Florida Student Progression Plan

There were no questions or comments regarding this item.

2. Permission to Advertise

- A. Approval to Advertise Notice of Intent to Adopt Amendments to Rules and Procedures of the District School Board: Chapter 4 – Instruction

4.03 ~~TEXTBOOKS AND SUPPLEMENTARY INSTRUCTIONAL MATERIALS~~

(5) *Each school year, no later than March 15th, a district subject area textbook selection*

committees shall be established for recommending instructional materials from the state adopted list or materials from appropriate publishers to be included on the District adopted textbook list for purchase by district schools. The committees shall be composed of persons actively engaged in teaching or in the supervision of teaching in the public elementary, middle, or high schools and shall represent the major fields and levels in which instructional materials are used in the public schools. ~~and in~~ In addition, lay citizens not professionally connected with education will be included in the committees. The committees shall meet as often as necessary to carry out ~~its~~ their duties and responsibilities and make ~~its~~ recommendations to the Superintendent. The committees may recommend a primary program and an alternate. Adoption of textbooks from such recommendations shall be considered in regular meetings of the Board. Emergency action in regular Board meetings and action in special meetings of the Board are expressly prohibited by this rule.

Mr. Bergosh wanted to know the reason why the following verbiage had been added to this section, "The committee may recommend a primary program and an alternate. Adoption of textbooks from such recommendations shall be considered in regular meetings of the Board. Emergency action in regular Board meetings and action in special meetings of the Board are expressly prohibited by this rule." Mrs. Waters advised that all changes made under Section 4.03 – *Instructional Materials*, were a result of recently passed legislation; in particular, she believed that the additional verbiage Mr. Bergosh referred to was from Section 1006.28, F.S., yet she was unable to find the verbiage reflected in that particular statute. Mr. Bergosh said he would not support the addition of that particular verbiage unless it was explicitly required by statute; he commented that the School Board should never put something in its policy which intentionally limits its authority unless statutorily required to do so. Mrs. Waters indicated that she would look through her office files and check with Dr. Sheila Brandt, Coordinator of Media Services, to determine if the added verbiage had originated from another statute or a technical assistance paper from the Department of Education. Once the source was determined, she was to communicate that information to Mr. Bergosh.

4.07 TESTING

(2) State Mandated Assessments

The District will acquire or develop state mandated assessments which may include:

- A. state assessments
- B. other standardized assessments, including nationally recognized standardized assessments
- C. industry certification assessments
- D. district-developed or district-selected End of Course (EOC) assessments
- E. teacher-selected or principal-selected assessments

Mr. Bergosh wanted to know if his fellow School Board Members would be interested in adding verbiage under Section 4.07 - *Testing*, to indicate that the School District would annually publish and disseminate to the public, a list of all standardized testing administered district-wide and indicating those tests which mandated by either federal or state law and those which were locally mandated. The Superintendent said

that information was already available as part of the testing calendar that was accessible via the Evaluation Services website. The Superintendent noted that the verbiage under Section 4.07(2), *State Mandated Assessments*, was quite specific in stating that the District would only acquire or develop state mandated assessments; in other words, there was no test being administered to students that was not required by the state. The Superintendent said he could provide Mr. Bergosh with a copy of a two-page document that listed every test administered in the District and the associated statutory reference indicating that it was required by state law. Mr. Bergosh said he would certainly like to see that document, but more importantly, he wanted those statutory references added to the District's testing calendar so that it would be clear to the public that all of the tests were mandated by either federal or state law.

b. CONSENT AGENDA

The Superintendent listed the changes that had been made to the agenda after publication and prior to this workshop. He advised that several more changes were forthcoming.

1. Curriculum

B. Continuous Improvement

2. 2014-2015 School Improvement Plans

Mr. Bergosh noted that only a one-page "executive summary" had been provided; he wanted to know why the actual plans had not been included as backup for this item. Mr. Steve Marcano, Assistant Superintendent for Curriculum & Instruction, advised that his office had sent School Board Members, via email, the login and password information that they would need in order to access and review the plans via the Florida Department of Education's School Improvement Plan website. Upon inquiry by Mr. Bergosh, the Superintendent clarified that as part of this item, the School Board was being asked to confirm the School District's compliance with Florida Statutes and Florida School Board Rules in that all schools/centers had submitted a school improvement plan for 2014-2015.

3. 2014-2015 School Advisory Council (SAC) Memberships

Mr. Bergosh noted that only a one-page "executive summary" had been provided; he wanted to know why the complete list of SAC memberships had not been included as backup for this item. Mr. Steve Marcano, Assistant Superintendent for Curriculum & Instruction, advised that SAC membership information was on file in the Office of Continuous Improvement and School Choice; and the director in that office would provide copies to School Board Members if requested to do so. Mrs. Hightower recalled that the School Board had previously requested that such information be made available as part of the agenda backup. The Superintendent advised that staff would post the information to the School Board's Secure Documents folder as it contained the names, addresses of the SAC members.

4. 2014-2015 Title III Supplementary Instructional Support for English Language Learners

Mr. Bergosh wanted to know if teachers would be pulled out-of-class for the training associated with this grant. Mr. Steve Marcano, Assistant Superintendent for Curriculum &

Instruction, was unsure as to when this specific training would be offered; he said it was like any other training in that it may not be a full-day training, but rather an after-school training instead. Mr. Marcanio reiterated the School District's commitment to reduce the amount of time that teachers were pulled out-of-class for training. Mr. Slayton referred to the budget description form included in the backup for this item; that budget included "extra pay" for permanent teachers and as such, Mr. Slayton concluded that this would be an after-school training because teachers could not be double-paid for attending a training workshop while they were also being paid as a teacher.

Mrs. Hightower referred to the budget description form included in the backup for this item; that budget included a supplement on the salary schedule for a Bilingual Guidance Counselor but she was unaware of such a position in the District. Dr. Laura Colo, Assistant Director of Title I, said the Bilingual Guidance Counselor position had been in place for quite some time; and the individual currently in that position was serving the Vietnamese student population at Pensacola High School but was also available to other schools if needed. Dr. Colo said the Bilingual Guidance Counselor did not have a separate job description; rather that position was staffed using the Guidance Counselor job description with a "bilingual" designation.

2. Finance and Business Affairs

A. Finance

ADD

4. 2014-2015 Base Instructional Salary Schedule, 2014-2015 Performance Instructional Salary Schedule, and 2014-2015 Instructional Supplements Schedule

ADD

5. 2014-2015 Educational Support Personnel Salary Schedule and Classification Guide

ADD

6. 2014-2015 Professional Salary Schedule and Classification Guide

ADD

7. 2014-2015 Administrative Salary Schedule – District Level, 2014-2015 Administrative Salary Schedule – School Level Base, 2014-2015 Administrative Salary Schedule – School Level Performance, and Classification Guide

Mrs. Hightower expressed her appreciation to the bargaining team for their work in negotiating the salary schedules for 2014-2015.

D. Payroll and Benefits Accounting

1. Financial Status Reports: Employee Benefit Trust Fund

Mr. Bergosh commended the Superintendent's staff, particularly Mr. Terry St. Cyr, Assistant Superintendent for Finance & Business Services, and Mr. Kevin Windham, Director of Risk Management, as it appeared that they "hit the mark" in terms of the projected budget and actual year-end figures for the employee benefit trust fund.

E. Purchasing

1. Bid Award: Band Uniforms – Pine Forest High School, RFP #150305

Upon inquiry by Mr. Boone, Mr. Slayton, speaking as a former high school band director, confirmed that the order of band uniforms for Pine Forest High School appeared to be of a typical quantity for a small band.

10. Video Surveillance Security System for Beulah Elementary School

At the request of Mr. Bergosh, Mr. John Dombroskie, Director of Purchasing, was to provide an itemized listing of the purchases (totaling \$72,910.26) associated with the video surveillance security system for Beulah Elementary School.

12. Change Order #001 to Annual Agreement: Schoolnet Software
13. Change Order #002 to Annual Agreement: Schoolnet Software
14. Change Order #003 to Annual Agreement: Schoolnet Software

Upon inquiry by Mr. Bergosh, Mr. Steve Marcanio, Assistant Superintendent for Curriculum & Instruction, advised that of the three change orders associated with the Schoolnet Software annual agreement, one of those change orders resulted in a refund (\$104,043.78) to the District and the other two change orders were a result of additional purchases (\$7,000.00 and \$10,000.00).

3. Human Resource Services

There were no questions or comments on any items listed under this section.

4. Operations

F. Information Technology

1. Responsible Use Guidelines for Technology – Student

Mrs. Hightower commented that the student version of the District's Responsible Use Guidelines for Technology was not very "student-friendly" in terms of the wording. Mr. Tom Ingram, Director of Information Technology (IT), confirmed that the document was intended for most students to be able to read and comprehend; with the exception of course, being elementary-age students. He noted however, that the first place students would search for information about the use of technology would be the Student Rights & Responsibilities Handbook.

The Regular Workshop was recessed at 12:15 p.m. and reconvened at 12:26 p.m., with all School Board Members, the Superintendent, and General Counsel present.

c. ITEMS FROM THE BOARD

1. Physical Security at School Board Properties – Jeff Bergosh

- a. Board Discussion on Physical Security at School Board Properties and at School Board Meetings
- b. Board Resolution on Physical Security at School Board Properties and at School Board Meetings

The resolution as submitted by Mr. Bergosh read as follows:

WHEREAS, the School Board of Escambia County wishes to maintain consistent and safe facilities, premises, public meetings, and school board events; and

WHEREAS, the regular monthly meeting of the School Board of Escambia County held on September 16, 2014, resulted in a chaotic, potentially dangerous atmosphere that required multiple Sheriff's deputies' deliberate action to restore order; and

WHEREAS, the attendees, faculty, staff, and Board were concerned for the safety of all in attendance due to this unfortunate condition and due especially to the fact that the presence of guns, knives, brass-knuckles and/or any other weapons could not be ascertained due to the absence of any pre-event screening;

NOW, THEREFORE, BE IT RESOLVED, that the School Board hereby requests that the Superintendent develop a plan to pre-screen all attendees, similar to the way in which attendees of the meetings of the Escambia County Board of County Commissioners are screened, applicable to and including all future meetings of the School Board of Escambia County. Such a plan shall include screening protocols that require attendees to be screened with metal detectors. Additionally this plan shall address points of ingress and egress for the public that must be utilized so as not to thwart or frustrate the screening protocol. The purpose of this direction is to assure all future such meetings are as safe, from a physical security standpoint, as is practicable given the nature of open and public meetings. Furthermore, such a plan of action or policy shall be completed and brought to the Board for discussion and adoption in a timely fashion but in no case later than the December 2014 regular meeting of the School of Escambia County.

Mr. Bergosh noted that this resolution was meant as a “starting point” for a discussion among the School Board on the subject of physical security at School Board properties. Mr. Bergosh felt the School Board needed to consider the possibility of tightening the physical security at its future meetings. He suggested that the School Board should request that the Superintendent and his staff develop a plan to pre-screen all School Board meeting attendees, similar to the way in which attendees of the meetings of the Escambia County Board of County Commissioners are screened using a “walk through” metal detector. Mr. Boone agreed with Mr. Bergosh, commenting that it was “better to be safe than sorry” in terms of tightening the physical security at School Board meetings. Mrs. Hightower and Mr. Slayton each questioned the timing of such a discussion, noting that they did not wish to send a message to the community that as a result of September 16th Regular Meeting, the School Board was now in fear for safety and wanting to put up obstacles to public access at School Board meetings. They did however, feel it would be appropriate for the School Board to recognize, by formal resolution, those law enforcement officers who were present during the September 16th Regular Meeting for their efforts in maintaining order. Mrs. Moultrie did not agree with the term “chaotic” that Mr. Bergosh had used in the resolution; she acknowledged that the meeting had been “very emotional” but she was not ready to insist on pre-screening all School Board meeting attendees. The Superintendent said he had no problem asking the School District’s Protection Services department and the local law enforcement agencies to evaluate and make suggestions on appropriate security protocols for School Board meetings. In response to a suggestion by Mrs. Hightower and Mr. Slayton to formally recognize the law enforcement officers who were present at the September 16th Regular Meeting, the Superintendent said he would be happy to prepare a resolution for the November 2014 Regular Meeting, recognizing their efforts at maintaining order during all School Board sessions and other school-related events. Mr. Bergosh thanked his fellow School Board Members for expressing their opinions. Seeing that he did not have enough support for the resolution he had presented, Mr. Bergosh said he would delete Item 1 (in its entirety) from the October 21, 2014 Regular Meeting agenda.

2. Eligibility Concerns Re: Student Athletes (Investigation) – Jeff Bergosh
 - a. Board Discussion on Eligibility Concerns Regarding Student Athletes, Athletic Eligibility Standard Operating Procedure (SOP) and Investigating Violations
 - b. Board Resolution on Eligibility Concerns Regarding Student Athletes (Investigation)

The resolution as submitted by Mr. Bergosh read as follows:

WHEREAS, the School Board of Escambia County wishes to maintain an environment that encourages and fosters robust, competitive, and open athletic participation by all students in our district; and

WHEREAS, it is the desire of this Board to see to it that all laws, rules, and policies, state and local, relating to athletic eligibility, transfers, student contact, recruiting, and all other such categories are followed, to the letter, by all persons involved in athletic programs in this district; and

WHEREAS, events leading up to and after the regular monthly meeting of the School Board of Escambia County held on September 16, 2014, resulted in multiple allegations being made publicly, and privately regarding athletic eligibility concerns, program irregularities, and other potential Florida High School Athletic Association (FHSAA) rules violations regarding multiple schools and in multiple programs districtwide;

NOW, THEREFORE, BE IT RESOLVED, that the School Board hereby directs the Board's General Counsel to collect such allegations and work together with the Board's Internal Auditing department, the FHSAA compliance division, district staff, and any other investigators within the district or independently hired, as she deems necessary, to determine if and to what extent rules violations as have been alleged have occurred. Furthermore, such investigation shall be completed and disseminated to individual members of the Board and the Superintendent of Schools as requested, in a timely fashion, as soon as possible, but in no case later than the March 2015 regular meeting of the School Board of Escambia County. If this investigation will take a longer period to administer, then a status update shall be given to the Board and Superintendent no later than at the March 2015 Regular Board meeting.

Mr. Bergosh noted that this resolution was meant as a “starting point” for a discussion among the School Board on the subject of eligibility concerns regarding student athletes, athletic eligibility standard operating procedure (SOP) and investigating violations. Mr. Bergosh felt that in light of multiple allegations that had been made regarding athletic eligibility concerns, program irregularities, and other potential Florida High School Athletic Association (FHSAA) rules violations regarding multiple schools and in multiple programs districtwide, the School Board should direct its General Counsel to determine if and to what extent rules violations as had been alleged had actually occurred. The Superintendent thought it helpful to explain to the School Board what he and his staff were already doing as a result of the over seventy (70) allegations that had been submitted to either the School District or directly to the FHSAA. He noted that each allegation was being logged and an investigation into the allegation had been or was in the process of being conducted. Once all investigations had been completed, the Superintendent said the School District would issue a report to the School Board and to the FHSAA indicating the student's name, the allegation(s), and the result of each investigation in terms of whether or not a rules violation had actually occurred. Mr. Bergosh thanked the Superintendent for explaining what he and his staff were already doing to address the multiple allegations. He said he would delete Item 2 (in its entirety) from the October 21, 2014 Regular Meeting agenda.

3. Proposed Policy for Transfer of Student Athletes – Jeff Bergosh
 - a. Board Discussion on a Proposed Policy for Transfer of Student Athletes
 - b. Board Resolution on a Proposed Policy for Transfer of Student Athletes

The resolution as submitted by Mr. Bergosh read as follows:

WHEREAS, the School Board of Escambia County wishes to maintain an environment that encourages and fosters robust, competitive, and open athletic participation by all students in our district; and

WHEREAS, it is the desire of this Board to see to it that all policies, state and local, relating to athletic eligibility, transfers, student contact, recruiting, and any and all other such categories are followed, to the letter, by all persons involved in athletic programs in this district in order that the public will have confidence in the fidelity and consistency of the application of these rules; and

WHEREAS, events leading up to and after the regular monthly meeting of the School Board of Escambia County held on September 16, 2014, resulted in multiple allegations being made publically, privately, and on social media relating to athletic eligibility concerns, program irregularities, and other potential Florida High School Athletic Association (FHSAA) rules violations regarding multiple schools and in multiple programs districtwide;

NOW, THEREFORE, BE IT RESOLVED, that the Board hereby requests that the Superintendent develop a policy locally to address the issue of high school student transfer for purposes that have the appearance of being initiated for athletic and not academic reasons, and that such a policy incorporate and implement a one (1) year prohibition on athletic participation by students who transfer from one Escambia County, Florida District High school to another school after 30 days from the beginning of the 9th grade year, or from any school (parochial and private schools included) within a 50 mile radius of the receiving Escambia County, Florida District School, with exceptions (such as a complete, bona fide family move) as proscribed in FHSAA by-laws that speak to such circumstances. In addition to the one (1) year sanction on athletic participation, such a policy shall also have an appeals process that allows for eligibility decisions to be appealed first to the Superintendent, his committee, or his designee, and next – if requested – to the School Board of Escambia County. Furthermore, such a recommended policy shall be drafted, disseminated to the Board and the public, and added to an upcoming agenda for advertising and adoption by the Board, in timely fashion, but in no case later than the December 2014 regular meeting of the School Board of Escambia County.

Mr. Bergosh noted that this resolution was meant as a “starting point” for a discussion among the School Board on the need for a better policy regarding the transfer of student athletes. He referred to the policy from Hillsborough County as an example of a sound policy regarding the transfer of student athletes. Mr. Bergosh noted that the Superintendent had provided School Board Members with a copy of a standard operating procedure (SOP) that he and his staff had developed; but Mr. Bergosh noted that according to a recent memo issued by Mrs. Waters the Superintendent’s SOP concerning reinstatement of student athletic eligibility was actually considered a policy according to the APA and therefore, would be subject to the rule-making process. [According to the APA, a rule is defined as an agency statement of general applicability, that implements, interprets, or prescribes law or policy, or describes the procedure of an agency.] The Superintendent took a moment to briefly review the SOP that he and his staff had developed which outlined the process for the eligibility review of any student athlete who had a physical transfer of attendance in any high school within the Escambia County School District. Simply put, the SOP indicated that at the time of the student athlete transfer from one school to another, the student athlete would not participate in any athletic program until the student and his/her parents/guardians had applied for reinstatement of student athlete eligibility and the eligibility review process was complete. The Superintendent said he did not have a problem with adding portions of the SOP to the School Board’s policy; in fact, he and his staff would work with Mrs. Waters to bring forth a policy recommendation in the near future. Mr. Bergosh appreciated the Superintendent’s explanation. He was glad to hear that a policy recommendation would be presented to the School Board in the near future; as such he said he would delete Item 3 (in its entirety) from the October 21, 2014 Regular Meeting agenda.

d. ITEMS FROM THE SUPERINTENDENT

-No items discussed

e. INTERNAL AUDITING

-No items discussed

f. ITEMS FROM GENERAL COUNSEL

-No items submitted

VII. PUBLIC FORUM

The following individual registered to address the School Board during Public Forum:

- James C. Nims, Jr., speaking as an individual. Responding to Mr. Bergosh’s suggestion that all School Board meeting attendees should be pre-screened using a “walk through” metal detector, Mr. Nims commented that the same pre-screening should apply to School Board Members, the Superintendent, and District staff.

VIII. ADJOURNMENT

There being no further business, the Regular Workshop adjourned at 1:32 p.m.

Attest:

Approved:

Superintendent

Chair

PENDING BOARD APPROVAL