

THE SCHOOL BOARD OF  
ESCAMBIA COUNTY, FLORIDA

MINUTES, AUGUST 15, 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:

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

(NOTE: Chair Linda Moultrie was not present for this session.)

Meeting was advertised in the *Pensacola News Journal* on July 29, 2014 - Legal No. 1627288

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/08152014-511>

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

I. CALL TO ORDER

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

II. COMMENTS FROM THE SUPERINTENDENT

The Superintendent:

- Listed the changes that had been made to the August 19, 2014 Regular Meeting agenda since initial publication.
- Introduced Ms. Kim Stefansson, who had recently assumed the position of Public Relations Coordinator.
- Reminded everyone that the first day of the 2014-2015 school year was Monday, August 18, 2014.
- Asked for everyone's patience during the first couple of days of school as the Transportation Department would be working through issues with school bus transportation schedules. (Mrs. Hightower suggested that Ms. Kim Stefansson, Public Relations Coordinator, issue a news release regarding school bus safety and the need for drivers to be mindful of school buses and school zones.)

III. MINUTES

- a. 06-19-14 Regular Workshop
- b. 06-24-14 Special Workshop
- c. 07-15-14 Special Meeting
- d. 07-22-14 Special Meeting
- e. 07-22-14 Regular Meeting

There were no questions or comments from School Board Members on any of the minutes as presented (Items a through e.)

IV. COMMITTEE/DEPARTMENTAL REPORTS

f. Recognition of 2012-2013 Energy Incentive Schools

Upon inquiry by Mrs. Hightower, the Superintendent explained that the “top 5” energy incentive schools from the 2012-2013 school year would be recognized at the August 19, 2014 Regular Meeting. He noted that the delay in recognizing those schools was due to Energy Star’s delay in receiving the 2012-2013 data. The Superintendent noted that the “top 5” energy incentive schools from the 2013-2014 school year would be recognized at a School Board meeting in the near future and School Board Members would receive a complete list of all energy incentive schools from 2012-2013 and 2013-2014 soon.

V. UNFINISHED BUSINESS

-No items submitted

VI. NEW BUSINESS

a. PROPOSED ADDITIONS OR REVISIONS TO SCHOOL DISTRICT RULES

1. Rule(s) Adoption

-None

2. Permission to Advertise

-None

b. CONSENT AGENDA

1. Curriculum

B. Continuous Improvement

2. Learning for Life

Upon inquiry by Mr. Bergosh, Mr. Denny Wilson, Director of Continuous Improvement, said the coordinator of the Learning for Life (LFL) program was someone from the local Boy Scout Council; that same individual had been coordinating the LFL program for the past several years. The Superintendent clarified that the School District was essentially just the fiscal agent for this grant from the Florida Department of Education.

F. High School Education

1. Dual Enrollment Inter-Institutional Articulation Agreement Between the District Board of Trustees of Pensacola State College, FL and the School Board of Escambia County, FL

Upon inquiry by Mr. Slayton, Ms. Lesa Morgan, Director of High School Education, confirmed that the dual enrollment agreement did address the matter of eligibility after course withdrawal and that information was also reflected in the Student Progression Plan that was distributed annually to all students. At the request of Mr. Bergosh, the Superintendent reviewed the “highlights” of the changes that had been made to this year’s contract versus that from last year.

2. Finance and Business Affairs

A. Finance

1. Legal Services – General Fund

a. The Hammons Law Firm	\$ 914.50
b. The Hammons Law Firm	\$ 5,793.85
c. The Hammons Law Firm	\$ 1,054.00
d. The Hammons Law Firm	\$ 186.00

e.	The Hammons Law Firm	\$ 186.00
f.	The Hammons Law Firm	\$ 62.00
g.	The Hammons Law Firm	\$ 5,219.52
h.	The Hammons Law Firm	\$ 697.50
i.	Rumberger, Kirk & Caldwell	\$ 560.00
j.	Rumberger, Kirk & Caldwell	\$ 580.00
k.	Shell, Fleming, Davis & Menge, P.A.	\$ 3,162.00
2.	Legal Services - Risk Management Fund	
a.	The Hammons Law Firm	\$10,478.40
b.	Steven J. Baker, P.A.	\$35,766.67

(NOTE: *Mr. Bergosh's concerns were addressed at previous School Board sessions.*)  
Mr. Bergosh said he wanted to note for the record once again, that it was his belief that the School Board should consider adding another in-house attorney rather than continuing to incur large amounts of legal fees each month from the various legal matters that are outsourced. Upon inquiry by Mr. Bergosh, Mrs. Waters said she could not advise the School Board as to whether or not they needed to hire an additional in-house attorney; however, 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 said she was willing to discuss the possibility of hiring an additional in-house attorney and suggested that the School Board set up a separate time to discuss this matter at length once they were able to obtain relevant data to review. She also noted that she had suggested in the past (shortly after Mrs. Ellen Odom, previous School Board Attorney resigned) that the School Board consider the possibility of contracting with an outside law firm that could provide an attorney for each of the specialized areas of practice (labor/personnel, real estate/property, risk management). Upon inquiry by Mr. Bergosh, Mr. David Bryant, Director of Internal Auditing, said that if at least three (3) of the five (5) School Board Members requested that they do so, his office would review the historical amounts spent on legal services and compare that to the estimated cost of establishing another in-house attorney position.

#### C. Budgeting

##### 4. Auction List I for August 2014

Upon inquiry by Mrs. Hightower, Mr. Terry St. Cyr, Assistant Superintendent for Finance and Business Services, said the online auction was going well. He indicated that he would provide a detailed update in the near future.

##### 5. Financial Statements by Fund – no item submitted

At the request of the Superintendent, Mr. Terry St. Cyr, Assistant Superintendent for Finance and Business Services, took a moment to explain why there was no financial statement on this month's agenda. Mr. St. Cyr advised that there would be no financial statements for the School Board Members to review until such time as the end of the fiscal year had been closed out and the Annual Financial Report (AFR) was completed.

#### E. Purchasing

With regard to the Purchasing segment of the agenda, Mr. Bergosh wanted to know why items were separated into two categories: *Items prepared by Purchasing* and *Items prepared by Facilities Planning*. Mr. Bergosh specifically wondered why there was a need to specify that

certain items were prepared by Facilities Planning when there was supposed to be someone from the Purchasing department involved in every bid award. The Superintendent clarified that someone from Purchasing department had been involved and monitored the bid award process and that the items were classified by those categories simply to indicate which department had actually prepared the backup documentation for the agenda. Mr. David Bryant, Director of Internal Auditing, clarified that nearly seven (7) years ago, Mr. John Dombroskie, Director of Purchasing, had expressed to him, his discomfort that items prepared by the Facilities Planning department appeared under the Purchasing agenda even though he nor his staff had been involved in the preparation of those items. Mr. Bryant said at that time, he suggested to Mr. Dombroskie that he consider splitting the items into two segments: *Items prepared by Purchasing* and *Items prepared by Facilities Planning*. Mr. Bryant said that about two (2) years ago, his department had also recommended to the Superintendent that the Purchasing department be involved in the Facilities Planning bid award process; Mr. Bryant advised that the Superintendent had accepted that recommendation and the Purchasing department was now involved in that process. Upon inquiry by Mr. Bergosh, Mr. Bryant said it was his opinion that the Purchasing agenda items should continue to be listed under the different segments just to clarify which department had prepared the agenda backup documentation; he believed the important thing was that the Purchasing department was now involved in Facilities Planning's bid award process.

ITEMS PREPARED BY PURCHASING:

5. Dell Computers for Bailey Middle School

Upon inquiry by Mr. Slayton, Ms. Vicki Gibowski, Director of Middle School Education, said that this large purchase of three hundred (300) computers for Bailey Middle School was from the military grant; these Dell computers would replace the school's current Apple Mac computers. Ms. Gibowski said that the school's principal had used almost every amount of money that was available from various funding sources, such as Title I and SAI, in order to purchase as many computers as possible. Upon inquiry by Mr. Bergosh, Ms. Gibowski said she felt certain that the Bailey Middle School would still be using the Apple Mac computers for some other purpose.

3. Human Resource Services  
A. Instructional/Professional

7. Special Requests

- d. Approve Janet Windham to receive her regular hourly rate of pay funded by General Fund Overtime & Extra Pay to work at the Vernon McDaniel Building in the Information Technology Department preparing computers for donation to a nonprofit from June 26, 2014 through July 3, 2014, a total of 4 hours.

Mrs. Hightower thought it odd that an employee on the Professional Salary Schedule was being paid overtime. Dr. Alan Scott, Assistant Superintendent for Human Resource Services, clarified that this Professional salary schedule employee was being paid overtime because she had been asked to perform a duty that was "beyond the scope of expectation" of her position as a service to the community. Mrs. Hightower questioned whether this was the most economical means of handling this duty; she wondered if this was a situation where a high-paid employee was asked to perform a duty that could have been handled by a lower-paid employee. Mr. Bergosh questioned whether this duty could be handled, at a cost savings, under the School Board's existing contract with Tech Advanced Computers. In response to Mrs. Hightower's inquiry, Mr. Tom Ingram, Director of Information Technology (IT), clarified that Mrs. Windham was not one of the highest paid technicians in the IT department; he believed that her skills were well placed for performing this function/task. However, as per Mr. Bergosh's suggestion, Mr. Ingram said he would certainly inquire as to whether it would be cheaper for Tech Advanced Computers to perform this duty.

4. Operations
  - A. Facilities Planning
    1. Miscellaneous
      - a. Contractor Name Change

Mrs. Hightower wanted to know if the Superintendent's staff ever took the opportunity to review the financial information of any contractor that had recently undergone a name change to ensure that the company was still a viable company. The Superintendent said he would have staff send via email all School Board Members, a response to Mrs. Hightower's inquiry.

c. ITEMS FROM THE BOARD

-No items submitted

d. ITEMS FROM THE SUPERINTENDENT

3. Employee Discipline

- A. Recommend that employee #0000000913 be suspended without pay for five (5) working days beginning Wednesday, August 20, 2014, and retrained as a school bus assistant based on misconduct as more specifically identified in the notice letter to the employee. The approval by the Board of this recommendation for suspension and retraining is subject to any right of review the employee may have under the applicable Collective Bargaining Agreement and Chapter 120, Florida Statutes.

4. Other Items

- B. Recommend that employee #0000020002 be suspended without pay beginning Wednesday, August 20, 2014, based on conduct as more specifically identified in the notice letter to the employee. The approval by the Board of this recommendation for suspension is subject to any right of review the employee may have under the applicable Collective Bargaining Agreement and Chapter 120, Florida Statutes.

With regard to the agenda outline, Mrs. Hightower wanted to know the reason for the separate sections, "Employee Discipline" and "Other Items" when the recommendations under "Other Items" often appeared to reference some type of employee discipline such as suspension without pay. The Superintendent clarified that the recommendations appearing under "Other Items" were not recommendations for employee discipline but rather a non-disciplinary actions for an employee that had been arrested for a disqualifying offense. Mr. Bill Vincent, Executive Director of Escambia Education Association (EEA), said that references to a suspension without pay as a non-disciplinary action had always been a point of contention between the School District and the Union. He noted that the Union could make a "good argument" that a suspension without pay was in reality, a disciplinary action because the employee is placed in a position of not being able to pay their bills over time.

e. INTERNAL AUDITING

1. School-Age Child Care Program – Follow-Up of Auditor General and Internal Audit Previous Audit Findings

Upon inquiry by Mr. Bergosh, Mr. David Bryant, Director of Internal Auditing, confirmed that staff from the Workforce Education department had made much progress in terms of correcting the findings cited by the Auditor General in the last several audits of the School-Age Child Care Program. He was anticipating that the Auditor General's upcoming audit would result in any findings.

f. ITEMS FROM GENERAL COUNSEL

-No items submitted

VII. PUBLIC FORUM

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

VIII. ADJOURNMENT

Prior to adjournment, the following topics were addressed by School Board Members and/or the Superintendent:

Problems Receiving/Opening Email Attachments on iPads

Mr. Slayton requested that Mr. Tom Ingram, Director of Information Technology, meet with Mrs. Linda West, Coordinator of Board Affairs, regarding problems that he and other School Board Members had experienced when receiving and/or trying to open email attachments that had been sent to Mrs. West from the Superintendent and/or his staff and then forwarded by Mrs. West to School Board Members.

Invocation at Regular Monthly School Board Meetings

Mr. Bergosh felt the need to “set the record straight” regarding recent correspondence with a gentleman, Mr. David Suhor, who had contacted him and supposedly other School Board Members, the Superintendent, and the School Board’s General Counsel as well, offering to deliver the invocation at the August 19, 2014 Regular Meeting. Mr. Bergosh said he had advised Mr. Suhor that he already had someone in mind to deliver the invocation at that particular meeting. (Per the School Board’s rotation schedule, it was Mr. Bergosh’s responsibility to secure someone to deliver the invocation at the August Regular Meeting.) Mr. Bergosh was aware that Mr. Suhor had emailed the rest of the School Board regarding a phone conversation that they had; Mr. Bergosh felt it important to note that Mr. Suhor’s account of that phone conversation was inaccurate and simply not true.

On a related matter, Mrs. Waters advised the School Board that she was currently reviewing the recent Supreme Court ruling in the case of *Town of Century vs. Galloway* to determine if, and how, that ruling may impact the School Board’s current process for invocations.

There being no further business, the Regular Workshop adjourned at 10:18 a.m.

Attest:

Approved:

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Superintendent

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Chair

