

THE SCHOOL BOARD OF
ESCAMBIA COUNTY, FLORIDA

MINUTES, DECEMBER 12, 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. Patricia Hightower Vice Chair: Mr. Bill Slayton

Board Members: Mr. Jeff Bergosh
Mr. Gerald Boone
Mrs. Linda Moultrie

School Board General Counsel: Mrs. Donna Sessions Waters

Superintendent of Schools: Mr. Malcolm Thomas

Meeting was advertised in the *Pensacola News Journal* on November 24, 2014 - Legal No. 1633898

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/12122014-561>

[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

Presentation of Plaques to Outgoing Officers

The Superintendent presented plaques to Mrs. Moultrie and Mrs. Hightower in appreciation of their efforts in their respective roles as Chair and Vice-Chair of the School Board during 2014-2015.

III. MINUTES

- a. 10-16-14 Special Workshop
- b. 10-17-14 Regular Workshop
- c. 11-18-14 Installation Ceremony & Organizational Meeting
- d. 11-18-14 Regular Meeting

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

IV. COMMITTEE/DEPARTMENTAL REPORTS

-Charter School Quarterly Report

Representatives from the following charter schools were in attendance for this workshop: Capstone Academy, Bryneville Elementary, Jacqueline Harris Preparatory Academy, Beulah Academy of Science, Newpoint Academy, Newpoint Pensacola, Five Flags Academy, Escambia Charter School, and Pensacola Beach Elementary. A copy of the quarterly report was provided to School Board Members prior to this workshop.

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 Rules and Procedures of the District School Board:
Chapter 4 - Instruction

Upon inquiry by Mr. Bergosh, the Superintendent and Mr. Steve Marcanio, Assistant Superintendent for Curriculum and Instruction, confirmed that the following verbiage previously included under Section 4.03, paragraph 5, had been removed prior to the School Board's approval for advertisement at the October 21, 2014 Regular Meeting: *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.* Upon inquiry by Mr. Bergosh, the Superintendent confirmed that the verbiage had been completely removed and not simply moved elsewhere within the Chapter 4 policy.

b. CONSENT AGENDA

The Superintendent listed the changes that had been made to the agenda after publication and prior to this workshop.

1. Curriculum

F. High School Education

1. Amendment to Dual Enrollment Inter-Institutional Articulation Agreement Between the District Board of Trustees of Pensacola State College, Florida and the School Board of Escambia County, Florida
2. Inter-Institutional Articulation Agreement Between the District Board of Trustees of Pensacola State College, Florida, and the School Board of Escambia County, Florida Establishing a Collegiate High School Dual Enrollment Program

Ms. Lesa Morgan, Director of High School Education, responded to general questions posed by Mrs. Hightower, regarding the proposed amendment to the dual enrollment inter-institutional articulation agreement with Pensacola State College.

H. Professional Learning

1. License Agreement Between the School Board of Escambia County, Florida and Pel Industries, Inc.

This agreement provides a funding opportunity for the District through the sales of apparel and accessories that display the school logos. Each area high school will provide their logo to Pel Industries, Inc. to be imprinted on apparel and accessories that will be sold to retail outlets for resale and distribution. The District will receive eight (8%) percent of the net wholesale price of all Licensed Products sold. Royalties will be paid quarterly to the District.

Mr. Bergosh said he understood that this license agreement with Pel Industries, Inc. had to the potential to generate some profit for the School District but wanted to know what sort of impact this agreement would have on high school booster clubs noting that those organizations made quite a bit of money by selling their merchandise at school sporting events. The Superintendent clarified that this was actually the renewal of an agreement with Pel Industries, Inc. that was originally approved by the School Board in 2011. He explained that Pel Industries sold merchandise through retail stores, such as Walmart, and as such it typically generated just a small profit, typically between \$1500 to \$1800 in royalties payable to the School District, which was then distributed among the seven (7) area high schools via their internal accounts and to be used at their discretion to help keep their athletic programs in operation. Mrs. Waters pointed out that the primary reason for an agreement such as this was not necessarily to generate a large profit, but rather to retain control over usage of the School District's licensed marks (registered school trademarks) and to ensure that those marks were not used in any way that would negatively reflect on any District school. With regard to Mr. Bergosh's inquiry about the impact this agreement would have on high school booster clubs, the Superintendent pointed out that schools did not have the ability to sell merchandise through retail stores as Pel Industries did; therefore, he did not believe that this agreement had a negative impact on such organizations because it was not competing with anything that those organizations would be able to sell. Mr. Bergosh responded that perhaps it was not "competition" per se but, a booster club was selling a t-shirt for \$20 and yet Pel Industries was able to sell a similar t-shirt for only \$10 through Walmart or another retail store, then perhaps people would choose to buy from the retail store rather than the booster club and as such the booster club misses out on the profit from such sales. Mr. Slayton agreed that it probably did reduce some sales from other school-related organizations such as booster clubs, but he pointed out that those organizations lacked the ability to market to retail stores such as Walmart anyway; he also noted that those companies take a certain risk in that if they do not sell the merchandise then they have inventory leftover; as such, he wanted to be fair to the retail stores, but certainly wanted the School District to receive the royalties from the sales of merchandise bearing the School District's school marks. Mr. Slayton noted that the new Hibbits Sporting Goods store was selling merchandise with the School District's school logos, names and related designs; and Mr. Bergosh mentioned that David Bowen Sporting Goods was doing the same. The Superintendent said the School District would need to put those companies on notice that they could not sell merchandise with the School District's marks without some compensation to the School District. The Superintendent requested assistance from the School Board's General Counsel in terms of drafting a letter that could be sent to those sporting goods companies putting them on notice that would need to reach some agreement with the School District if they wanted to market and sell merchandise bearing school trademarks. Mrs. Waters said she understood that Pel Industries sold primarily to Walmart, but was unsure if they also had a contract with other retail stores such as Hibbits and David Bowen. She indicated that she would confirm that the merchandise being sold at

those other stores was made by Pel Industries; if not, she would draft a letter on behalf of the School District.

2. Finance and Business Affairs

A. Finance

1. Legal Services – General Fund

a. The Hammons Law Firm	\$ 651.00
b. The Hammons Law Firm	\$ 709.50
c. The Hammons Law Firm	\$ 449.50
d. The Hammons Law Firm	\$ 5,040.40
e. The Hammons Law Firm	\$ 4,282.00
f. The Hammons Law Firm	\$ 3,619.51
g. The Hammons Law Firm	\$ 310.00
h. The Hammons Law Firm	\$ 139.50
i. The Hammons Law Firm	\$ 77.50
j. The Hammons Law Firm	\$ 325.50
k. Shell, Fleming, Davis & Menge, P.A.	\$ 3,441.06
l. Rumberger, Kirk & Caldwell	\$ 572.55
m. Rumberger, Kirk & Caldwell	\$ 160.00
n. Rumberger, Kirk & Caldwell	\$14,203.97

2. Legal Services - Risk Management Fund

The Hammons Law Firm	\$ 6,214.50
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Mr. Bergosh advised that the School Board's Internal Auditing Department was currently conducting a comprehensive study regarding the School District's monthly legal bills.

3. A Resolution of the School Board of Escambia County Florida establishing its intent to reimburse certain capital expenditures with proceeds of a future tax-exempt financing; providing certain other matters in connection therewith; and providing an effective date

(NOTE: The District had determined that there was a need to incur debt in order to acquire, construct and install certain capital improvements, capital costs, retrofitting or technology implementation as may be financed by the proceeds received from the one-half cent capital outlay surtax. Approval of this resolution would permit the District to move forward with plans to implement the building program that was introduced by the Superintendent upon passage of the sales tax extension.)

Mr. Bergosh's primary concern with this item was that the debt incurred by the School District would be paid off by the end of the thirteen (13) year bonding period using proceeds received from the one-half cent capital outlay surtax. The Superintendent assured Mr. Bergosh that his intent was to equalize the repayments as much as possible over the thirteen (13) year bond period such that the debt would be paid off at the end of the period but in the meantime any additional sales tax proceeds not being used to service that debt would be available to address the needs of other school projects. The Superintendent pointed out that if approved, this resolution was essentially the "first statement" from the School Board indicating to their Bond Counsel (Bryant Miller Olive) that they were serious about securing financing for the purpose of moving forward with plans to implement the building program

introduced upon passage of the sales tax extension. He said this matter would be discussed several times over the next few months and as such, he would ensure that the School Board's Bond Counsel was present at future sessions to answer any questions. Upon inquiry by Mr. Bergosh, Mrs. Waters said she believed, but would need to confirm with Bond Counsel, that the School Board could vote to establish a specific repayment schedule.

E. Purchasing

6. Bid Renewal: Security Services, RFP #131302

(NOTE: *The description of this purchase indicated that this agreement would provide District-wide general security and traffic crossing guard services on an as needed basis.*) Mrs. Moultrie wanted to know where the traffic crossing guard services associated with this item would be utilized; she referred to the situation at Montclair Elementary School where there was a great need for traffic crossing guard services. Mrs. Hightower pointed out that at a number of schools, School District employees were manning the crossroads rather than actual security personnel. Mr. Shawn Dennis, Assistant Superintendent for Operations, advised that the School District's Protection Services department had a certified crossing guard trainer on staff who worked with personnel at each school with crossing guard needs to get staff qualified to do that job. He said the School District was down to only one (1) school with a contracted security person and that was Ferry Pass Middle School because of the perilous intersection at Yancy and Olive Road. He said it really was about those areas deemed particularly hazardous to have a staff member, even duly qualified, to man that crossing.

3. Human Resource Services

-No items discussed

4. Operations

-No items discussed

c. ITEMS FROM THE BOARD

-No items submitted

d. ITEMS FROM THE SUPERINTENDENT

2. Student Discipline

A. Disciplinary Reassignment

B. Expulsions

Mr. Bergosh recalled that previous e-agendas had included a hyperlink to a summary sheet of non-confidential information related to the Superintendent's recommendations for student discipline, both disciplinary reassignments and expulsions. He pointed out that such information, which could be accessed by the public, was not included as part of the current month's e-agenda. The Superintendent said he need to consult with Mr. Darriel White, Court Liaison, in order to determine why that information was not provided for e-agenda purposes. Mr. Bergosh mentioned to his fellow School Board Members that he had discussed with Mr. White, the need to correct some of the information provided in the backup documentation with regard to student ages,

various dates, and most importantly, one of the infractions for a student who was being recommended for expulsion.

e. INTERNAL AUDITING

-No items submitted

f. ITEMS FROM GENERAL COUNSEL

-No items submitted

VII. PUBLIC FORUM

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

VIII. ADJOURNMENT

There being no further business, the Regular Workshop adjourned at 11:08 a.m.

Attest:

Approved:

Superintendent

Chair

PENDING BOARD APPROVAL