

THE SCHOOL BOARD OF
ESCAMBIA COUNTY, FLORIDA

MINUTES, SEPTEMBER 12, 2014

The School Board of Escambia County, Florida, convened in Regular Workshop at 9:00 p.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. Gerald W. Boone Mr. Bill Slayton Mr. Jeff Bergosh		
School Board General Counsel:	Mrs. Donna Sessions Waters		
Superintendent of Schools:	Mr. Malcolm Thomas		

Meeting was advertised in the *Pensacola News Journal* on September 1, 2014 - Legal No. 1629121

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/09122014-520>

I. CALL TO ORDER

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

II. COMMENTS FROM THE SUPERINTENDENT

The Superintendent announced that the employee groups had ratified the following items: *Ratification of Article VI Compensation and Employee Benefits, Section VI.1 Insurance of the 2013-2016 Master Contract between the School District of Escambia County and the Union of Escambia Staff Professionals, FEA, NEA, AFT* (Item V.b.3.A.7.d, September 16, 2014 Regular Meeting agenda) and *Employee Benefits changes effective January 1, 2015: Medical Plan changes, Medical Premium Schedule, and Employee Wellness Incentive Program* (Item V.b.3.C.2, September 16, 2014 Regular Meeting agenda). He reported the following results of the votes by the employee groups: Educational Support Personnel, 55% for and 45% against; and Instructional EEA, 62% for and 48% against.

III. MINUTES

- a. 07-17-14 Regular Workshop
- b. 07-29-14 Special Meeting
- c. 08-19-14 Regular Meeting

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

IV. COMMITTEE/DEPARTMENTAL REPORTS

-Charter School Quarterly Report

This item was addressed after a discussion on the Student Progression Plan (*see Section VI.a.2.*).
Representatives from the following charter schools were in attendance for this workshop: Capstone Academy,

Bryneville Elementary, Pensacola Beach Elementary, Five Flags Academy, Beulah Academy of Science, Newpoint Academy, Newpoint Pensacola, and Escambia Charter School. A copy of the quarterly report was provided to School Board Members prior to this workshop. Mrs. Vicki Mathis, Director of Alternative Education, alerted School Board Members to the updated enrollment figures (*see Item 2 under "Contract Obligations"*): Capstone Academy-20, Byrneville Elementary-193, Jackie Harris Preparatory Academy-182, Pensacola Beach-138, Five Flags Academy-91, Beulah Academy of Science-287, Newpoint Academy-176, Newpoint Pensacola-108, and Escambia Charter School-70. Ms. Mathis advised that monthly financial reports from the charter schools were not available at that time (*see Item 5 under "Contract Obligations"*). At the request of Mrs. Hightower, Ms. Mathis was to forward School Board Members a copy of each charter school's schedule of board meetings.

V. UNFINISHED BUSINESS
-None

VI. NEW BUSINESS

a. PROPOSED ADDITIONS OR REVISIONS TO SCHOOL DISTRICT RULES

1. Rule(s) Adoption
-No items submitted

2. Permission to Advertise

Approval to Advertise Notice of Intent to Adopt Amendments to the School District of Escambia County, Florida Student Progression Plan

Upon inquiry by Mrs. Hightower, the Superintendent advised that staff was committed to working on a future rewrite of the entire Student Progression Plan so that it would be easier for students and parents to understand.

Section 3: Middle School Education

3.4213 Promotion and Retention

3.4213.3 Promotion

- E. Eighth grade students must complete all twelve and one-half (12.5) core course requirements and meet GPA requirements in order to be promoted to ninth grade.*

The following GPA requirements must be met for middle school promotion consideration:

Eighth graders: a cumulative 2.0 GPA on a 4.0 scale must be earned for all the eighth grade course work taken during the 2014-2015 school year

Seventh graders: a cumulative 2.0 GPA on a 4.0 scale must be earned for all of the seventh and eighth grade course work taken during the 2014-2015 and 2015-2016 school years

Sixth graders: a cumulative 2.0 GPA on a 4.0 scale must be earned for all of the sixth, seventh and eighth grade course work taken during the 2014-2015, 2015-2016, and 2016-2017 school years

Students not meeting the GPA requirements at the end of the eighth grade will have the opportunity to participate in a transition program during the summer. At the completion of the transition program, the student may be considered for promotion.

Mr. Bergosh was pleased with the added requirement of a cumulative 2.0 GPA requirement for a middle school student to be promoted to the ninth grade; however, he believed that an additional requirement of a minimum score on the statewide standardized assessment would be even better. The

Superintendent said he would not support the addition of another barrier to student promotion. He felt that the addition of the 2.0 GPA requirement was sufficient.

Section 4: High School Education

4.13 Additional Strategies for Meeting Graduation Requirements

B. Dual Enrollment

Upon inquiry by Mr. Bergosh, Ms. Lesa Morgan, Director of Secondary Education, advised that Section 4.13(B) of the Student Progression Plan had simply been revised to reflect information outlined in the *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* that was approved by the School Board at the August 19, 2014 Regular Meeting (see Item V.b.1.F.1, August 19, 2014 Regular Meeting agenda).

Section 4: High School Education

4.34 Grade Point Average (GPA) for National Collegiate Athletic Association (NCAA) Eligibility

Grade Point Average (GPA) for National Collegiate Athletic Association (NCAA) eligibility is calculated using a standard 4.0 scale. Honors weighting will be applied by the NCAA for those courses designated as honors in the Florida Department of Education Course Code Directory.

Upon inquiry by Mr. Bergosh, Mr. Steve Marcanio, Assistant Superintendent for Curriculum and Instruction, explained that Section 4.34 of the Student Progression Plan had been added as a result of ongoing conversations with the NCAA in regards to the manner in which the School District awards honors points, credits. Mr. Marcanio said the verbiage in Section 4.34 was aligned with the NCAA's requirement; but noted that the School District was not changing the manner in which it awards honor points, credits.

b. CONSENT AGENDA

1. Curriculum

-No items discussed

2. Finance and Business Affairs

C. Budgeting

5. Financial Statements by Fund – no item submitted

Upon inquiry by Mrs. Moultrie, the Superintendent said School Board Members should have received a copy of the Annual Finance Report (AFR) which was essentially a financial report that would close the current fiscal year. (NOTE: *The AFR was not included on the September Regular Meeting agenda.*) At the request of the Superintendent, Mr. Terry St. Cyr, Assistant Superintendent for Finance and Business Services, advised that as was typically the case at the end of a fiscal year, monthly financial reports would be generated after the months of June, July, and August were closed.

E. Purchasing

2. Bid Award: A la Carte Snack Items for Direct Delivery to School Cafeterias II, RFP #150203

Mr. Bergosh noted that the backup documentation associated with this item did not list the various snack items that were being purchased. Ms. Jaleena Davis, Director of Food

Services, indicated that the items were essentially granola bars; she confirmed that these items did conform to the new snack rules.

6. District Mobile Application Agreement

The Superintendent and a representative of Free Apps for Schools (vendor) clarified that this would be a School District mobile application from which individual school information could be accessed; individual school applications were not being considered at this time, but were a possibility for the future. It was noted that the purpose of the agreement with Free Apps for Schools (vendor) was to provide students, parents, and the general public with a free mobile application which would provide pertinent information about the School District in general, and information specific to the various schools within the School District. The mobile application would also be used as a fundraiser to supplement the general funding of the School District. Mrs. Hightower noted that the agreement referred to a Business Sponsorship tab for businesses that contribute but specified that the District would not provide an endorsement of the businesses listed and reserved the right to deny/remove businesses that were offensive or inappropriate. Mrs. Hightower wanted to know if there was an existing School Board policy that addressed criteria for sponsorships; if not, she believed that such a policy should be developed prior to the implementation of this mobile application. Mr. John Dombroskie, Director of Purchasing, advised that Section H ("Morality Claus") of this agreement outlined the School District's onus of defining "offensive" and "inappropriate" as determined using the criteria extracted from the School District's Student Rights and Responsibilities Handbook. Mrs. Hightower suggested that it might be a good idea to add that same verbiage to Chapter 5 (Business Services) of the School Board's policy. In response to concerns expressed by Mr. Bergosh regarding fundraising, the Superintendent advised that this agreement specifically states that Free Apps for Schools (vendor) acknowledges that the School District "has sponsors, corporate/business partners and private fundraising sources already in place and that this agreement is limited to the terms and purposes herein, relating to the production, operation and marketing of the aforesaid mobile application, and in no way will interfere with or in any way damage or impair the already existing relationships the School District has with other entities or individuals." The Superintendent commented that this was an inexpensive way for the School District to venture into the mobile application arena. If this agreement was approved by the School Board, Free Apps for Schools (vendor) would then begin development of the application. Upon inquiry by Mrs. Hightower, the representative from Free Apps for School (vendor) confirmed that it would be possible for the School Board to view the product before it went "live." The Superintendent said he would add the demonstration to the agenda of an upcoming "open discussion" workshop, most likely in October but perhaps in November. For clarification, Mr. Dombroskie advised that although the School Board was being asked to approve the agreement on September 16, 2014, Free Apps for Schools (vendor) actually had until October 15, 2014 to provide the School District with a product to review and consider for approval.

10. Agreement Termination: Teaching Channel

Upon inquiry by Mr. Bergosh, Mr. Steve Marcanio, Assistant Superintendent for Curriculum and Instruction, advised that an agreement with Teaching Channel had been approved by the School Board at the July 22, 2014 Regular Meeting (*see* Item V.b.2.E., Professional Services Agreement: Teaching Channel, July 22, 2014 Regular Meeting agenda). After the School Board's approval however, the Contractor (Teaching Channel) acknowledged that the original proposal submitted was not the final agreement. After further review, Mr. Brian Alaback, from the School District's Professional Learning Department found that the Teaching Channel services were not needed as similar services were already

available from another Contractor (PD360, Edification) and as such, it was determined that the agreement with Teaching Channel was not even necessary.

24. Change Notice #1 to Purchase Order #5421400180 - Demolition of Various Schools – Sid Nelson, Brownsville Middle and Pickens Book Depository

Upon inquiry by Mrs. Hightower, Mr. Shawn Dennis, Assistant Superintendent for Operations, clarified that this was a request to issue a change notice (to Purchase Order #5421400180) in order to remove the demolition of Brownsville Middle School and to add the demolition of a building at Sid Nelson.

3. Human Resource Services

- A. Instructional/Professional

7. Special Requests

- a. Approve Heather A. Wiscombe to receive her regular hourly rate of pay funded by IDEA to provide additional mathematics instruction beyond the teacher work hours from September 2, 2014 through December 19, 2014, a total of 14 hours.

Upon inquiry by Mrs. Hightower, Ms. Terri Szafran, Director of Exceptional Student Education (ESE), clarified that this individual (Wiscombe) would be providing direct services to an ESE student.

- c. Ratification of Article XIV Employee Benefits, Section XIV.1 Insurance of the 2013-2015 Master Contract between the School District of Escambia County and the Escambia Education Association
 - d. Ratification of Article VI Compensation and Employee Benefits, Section VI.1 Insurance of the 2013-2016 Master Contract between the School District of Escambia County and the Union of Escambia Staff Professionals, FEA, NEA, AFT

These items were addressed earlier in the meeting under Section II, Comments from the Superintendent.

4. Operations

- A. Facilities Planning

1. Miscellaneous

- b. First Amendment to Sales Agreement between the School Board of Escambia County, Florida and White Development Company and/or its Permitted Assigns

[NOTE: *The Sales Agreement between the School Board of Escambia County, Florida and White Development Company and/or its Permitted Assigns for the AV Clubbs Alternative School was previously approved by the School Board at the May 20, 2014 Regular Meeting (see Item V.b.4.A.2.b., May 20, 2014 Regular Meeting agenda.)*.] Upon inquiry by Mrs. Moultrie, Mr. Shawn Dennis, Assistant Superintendent for Operations, explained that this item was an amendment to the sales agreement whereby the Ernest Money requirement for the requested extension would be eliminated in exchange for additional money in the overall purchase price. In answer to Mrs. Moultrie's question about the intended use for this property, Mr. Dennis advised that White Development Company typically developed properties for the grocery store chain, Publix Super Markets, Inc.

- F. Information Technology

1. ECSD Digital Classroom Plan – Overview

At the request of Mrs. Hightower, the Superintendent gave a brief overview of the ECSD Digital Classroom Plan (DCP). *(The intent of the DCP is to improve student learning through the effective use of digital tools in the teaching and learning process. The plan includes an overview of the district; a strategy section including a need analysis as well as goal and strategy setting based on need; and an allocation proposal for categorical state funding.)* It was noted that this plan would meet the requirements established by the Florida Department of Education for the DCP and it was also aligned to the School District's Strategic Plan. Mr. Tom Ingram, Director of Information Technology (IT), advised that Part III of the DCP outlined the School District's allocation proposal. He noted that there were five (5) areas where the DCP allocation could be spent and the Superintendent and his staff had chosen to address the "online assessment" area. [The five (5) areas included: student performance outcomes, digital learning and technology infrastructure, professional development, digital tools, and online assessments.] Mr. Bergosh inquired as to the possibility of using some of the funds from the DCP allocation to purchase and install cameras in classrooms in order to help with student behavior; perhaps not at every school, but at least in those schools with high instances of student behavior problems. Mr. Ingram did not believe that the purchase of cameras for the purpose that Mr. Bergosh outlined would fit within the five areas required for funding from this particular legislation. Mr. Bergosh indicated that cameras in classrooms was an important matter to him and that he intended to discuss it again at the next "open discussion" workshop.

c. ITEMS FROM THE BOARD

-No items submitted

d. ITEMS FROM THE SUPERINTENDENT

2. Student Discipline

- A. Disciplinary Reassignment
- B. Expulsions

1. Recommend that consistent with the decision of the due process committee, student discipline number 15-04-411 be expelled from all public schools of Escambia County for the remainder of the 2014-2015 school year with the option to enroll, if qualified and if space is available, in an alternative educational program exclusive of regular school placement. Placement to be at the discretion of the Superintendent and to be available as an alternative during the full expulsion time frame.
2. Recommend that, consistent with the decision of the due process committee, student number 15-05-411 be expelled from all public schools of Escambia County for the remainder of the 2014-2015 school year with the option to enroll, if qualified and if space is available, in an alternative educational program exclusive of regular school placement. Placement to be at the discretion of the Superintendent and to be available as an alternative during the full expulsion time frame.

Mr. Bergosh and Mrs. Hightower expressed a concern that School Board Members had, in the past, received much more detailed information regarding the academic and behavioral background of those students who were being recommended for discipline each month. Mr. Darriel White, Court Liaison, acknowledged that the information had been provided in the past, but with the limited staff in his office, he had been unable to provide such detail for this month's recommendations. The Superintendent said he would work with Mr. White's office to ensure that School Board Members continued to receive sufficient information regarding the student discipline recommendation. He noted however, that anytime a School Board Member felt that additional information was necessary, they could schedule an appointment with Mr. White to review the student's cumulative record. Mr. Bergosh pointed out that this year's annual summary of student expulsions also did not contain the amount of detail that had been provided in the past. Again, Mr. White acknowledged that the information had been provided in the past, but with the limited staff in his office, he had been unable to

provide such detail for this year's summary. Mr. Bergosh believed, and the Superintendent agreed, that it was important for comparative purposes that each annual summary report reflect the same detailed comparisons. The Superintendent said he would work with Mr. White's office to ensure that School Board Members received a corrected copy of that report.

3. Employee Discipline

~~None~~

ADD

A. Recommend that employee #0000031670 be terminated effective Wednesday, September 17, 2014, based on misconduct as more specifically identified in the notice letter to the employee.

Mr. Boone commented that the School District's investigative report was a "pitiful mess" that was difficult to read due to a number of spelling and grammatical errors as well as poor sentence structure. The Superintendent agreed that the document itself was a "mess" but noted that it was an investigative report which contained "raw information" that could not be edited because of the public records law. Mr. Boone began to comment on some of the things he had learned from conversations with various administrators and personnel at Escambia High School but was interrupted by the Superintendent, who cautioned against any discussion related to the "open investigation" until such time as the Florida High School Athletic Association (FHSAA) had issued their final report. The Superintendent noted that the un-redacted version of the School District's investigative report had been given to School Board Members because they would need that detailed information in order to make a decision concerning his recommendation for the termination of this employee. However, until such time as the FHSAA had issued their final report, the information outlined in the investigative report should not be discussed publicly. The Superintendent said he believed the FHSAA final report would be issued prior to the School Board's September 16th Regular Meeting. Mrs. Moultrie questioned how the School Board was supposed to discuss the matter since the FHSAA final report had not yet been issued and when the School Board was not scheduled to reconvene prior to the September 16th Regular Meeting at which time they would be asked to decide on the Superintendent's recommendation for termination without having had an opportunity for open discussion. Mrs. Waters noted that the problem was that two governmental agencies were involved in this matter: the School District and the FHSAA. She noted that the personnel files of governmental agencies were governed largely by Section 1012.31, which states, "Any complaint and any material relating to the investigation of a complaint against an employee shall be confidential and exempt from the provisions of Section 119.07 (which is the public records law) until the conclusion of the preliminary investigation or such time as it becomes inactive. A preliminary investigation will be considered active as long as it is continued with a reasonable good faith anticipation that the administrative finding will be made in the foreseeable future." Because the conclusion of the School District's investigation was contingent upon the FHSAA's ruling, discussion would be limited until such time as the FHSAA's final report was received; however, once the FHSAA's final report was received it would be incorporated into the School District's investigative report and would then become a public record. The Superintendent noted that the situation with this employee involved much more than just the FHSAA issue; there were students and families impacted by this employee's actions. He noted that he had provided each School Board Member with a notebook containing all of the information because even though it was not exactly "why" he recommending termination, it was connected to that recommendation. The Superintendent said that as soon as the FHSAA had issued their report, he would provide School Board Members with an un-redacted copy of that report and would then prepare as quickly as possible, a redacted version that could be released to the public. Mr. Bergosh said he had contacted the FHSAA to inquire as to when their report would be issued and was told that it should be available by the end of the day. He wanted the School Board to have an opportunity to discuss the entire matter before the September 16th Regular Meeting but noted the limitation in being able to do so when at the mercy of another entity's investigation and prohibited from speaking with other School Board Members outside of an advertised public meeting. He questioned the legality of scheduling a special meeting for the purpose of holding an executive session ("shade meeting") to discuss this

matter. Mrs. Waters did not believe that Statute would permit the School Board to hold an executive session in order to discuss this matter as such sessions were limited to discussions regarding pending litigation and she was not aware of any pending litigation related to this matter. She noted however, that the School Board had the ability to simply recess this workshop and reconvene at a later point – perhaps over the weekend or on Monday, September 15th – in order to discuss the matter prior to the Tuesday, September 16th Regular Meeting. The Superintendent reminded School Board Members that the FHSAA report was related to only one of the three charges against this employee. His recommendation to terminate the employee was based on improper contact with students and ethical violations, as well as gross insubordination that occurred subsequent to the conclusion of the School District’s investigation on the other two charges. The Superintendent believed that the matter of gross insubordination could be discussed openly by the School Board as regardless of the FHSAA final report. Mr. Bergosh wanted to know if his fellow School Board Members intended to support the Superintendent’s recommendation for termination if the FHSAA’s final report without any findings. Mr. Bill Vincent pointed out that during the last year, there had been three (3) other instructional employees terminated but when those cases were taken to arbitration, an arbitrator had ruled that termination was extreme; therefore, he urged School Board to be cautious in their decision to terminate this particular employee. Mr. Bergosh said he had wondered about that very issue; not that he necessarily disagreed with the Superintendent’s recommendation for termination but that he was concerned with the possibility of that termination eventually being overturned. Mrs. Moultrie said there was no doubt that this employee had been insubordinate but she questioned whether termination was the appropriate consequence. The Superintendent again reminded School Board Members that his recommendation to terminate the employee was based on three charges: improper contact with students and ethical violations, as well as gross insubordination that occurred subsequent to the conclusion of the School District’s investigation on the other two charges. In response to questions from Mr. Bergosh, Mrs. Hightower remarked that having each School Board Member indicate a decision on this matter during this workshop before the FHSAA’s report was even received, “was not sending a good message to the public of transparency.” After further discussion, the School Board agreed that any further discussion on this matter should occur at the September 16th Regular Meeting.

e. INTERNAL AUDITING

1. Inventory Adjustment Reports for forty-seven (47) cost centers

Mr. Bergosh asked that Mr. David Bryant, Director of Internal Auditing, take a moment to address the information outlined in Item V.e.1., in particular, the fact that several facilities had a number of losses due to theft. Mr. Bryant said he had been made aware that the Superintendent and his staff use the inventory results and audit results as an evaluation tool for school principals. The difficulty in doing so, is that the report combined inventory loss that was out of a principal’s control, such as items that had been stolen. Mr. Bryant said that at the request of the Superintendent, the Internal Auditing department had revised the format of the Property Inventory Adjustment Report to separate inventory loss that was due to theft and inventory loss that was due to simply being unable to locate an item.

f. ITEMS FROM GENERAL COUNSEL

-No items submitted

VII. PUBLIC FORUM

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

VIII. ADJOURNMENT

There being no further business, the Regular Workshop adjourned at 12:05 p.m.

Attest:

Approved:

Superintendent

Chair

PENDING BOARD APPROVAL