

The Indian River County District School Board met on Tuesday, February 22, 2012, at 4:00 p.m. The hearing was held in the Teacher Education Center located at the Central Administrative Offices, 1990 25th Street, Vero Beach, Florida. School Board Members attending were: Chairman Jeff Pegler, Vice Chairman Carol Johnson, and Board Members: Matthew McCain, Karen Disney-Brombach, and Claudia Jiménez. Dr. Frances J. Adams, Superintendent of Schools, and School Board Attorney Suzanne D'Agresta were also present.

## **Legislative Hearing**

- I. Meeting was called to order by Chairman Pegler.
- II. Purpose of the Legislative Hearing – Chairman Pegler  
Chairman Pegler began with introductions.  
Table one - Dr. Fran Adams, Superintendent of Schools; Mrs. Pam Lannon, Assistant Superintendent for Human Resources and Risk Management; Mr. Carter Morrison, Assistant Superintendent for Finance and Operations; Mr. Wayne Helsby, representing the Superintendent.

Table two – Mrs. Diane Falvo, Treasure Coast Service Unit Director; Beth Weatherstone, President of the IRCEA (Indian River County Education Association).

### **Introduction (Read for the Record by Chairman Pegler)**

This was a public hearing conducted by the School Board of Indian River County, Florida (“School Board”) pursuant to §447.403, Florida Statutes, to resolve impasse(s) in negotiations between the Superintendent of the School District of Indian River County, Florida (“Superintendent”) and the Indian River County Education Association (“IRCEA”) involving unresolved issues in the 2011-2012 Collective Bargaining Agreement.

The Superintendent declared impasse and invoked the statutory impasse procedures set forth in Chapter 447, Florida Statutes. The parties mutually agreed, in writing, to waive the special magistrate process and proceed directly to this public hearing.

Pursuant to §447.403(4), Florida Statutes, and communication to the parties dated January 24, 2012, both parties have submitted to the School Board their recommendations for settling the impasse issues. This hearing was now required pursuant to §447.403(4)(c), Florida Statutes, in order that each party was afforded the opportunity to explain their positions to the School Board with respect to the impasse issues.

This proceeding was open to the public to observe, but it was a labor proceeding with specific statutory requirements and only the two parties, the Superintendent and IRCEA, would make a presentation to the School Board.

Each party would be afforded 1.5 hours to present their positions on the disputed impasse issues. In order to allow each party to fully make their

presentations, School Board Members would hold any questions until the end of each party's presentation. The Superintendent would be called upon first and IRCEA would be called upon next. Upon the conclusion of the presentations by both parties, the School Board would then have an opportunity to deliberate and then vote on resolution of the impasse issues.

Chairman Pegler opened it up to Board Members for any questions regarding the process. Mrs. Johnson requested to hold questions until the end of the presentation. Hearing no objection, Chairman Pegler said that there would be a break between each presentation. Mrs. Disney-Brombach asked the Board Attorney, Mrs. D'Agresta, to state for the audience the instructions given to Board Members once the impasse was declared. Mrs. D'Agresta explained, in detail, that once an impasse was declared, the Board could not have any communications with either party regarding the impasse. The purpose was to ensure a fair hearing for both parties.

III. Presentations – Chairman Pegler

**A. Presentation by Superintendent**

Dr. Adams presented information regarding the following Articles at impasse:

Articles submitted for impasse were as follows:

Article III Working Conditions

Article IV: Teacher Assessment

Article VII: Reduction in Personnel

Article XIX: Professional Compensation and Fringe Benefits

**B. Board Member Questions**

(Questions were held until the end of both presentations.)

**C. Presentation by IRCEA**

Mrs. Weatherstone presented information regarding to the following Articles at impasse:

Articles submitted for impasse were as follows:

Article II Working Conditions

Article IV Teacher Evaluation

Article VII: Reduction in Personnel

Article XIX: Professional Compensation and Fringe Benefits

IV. Final School Board Questions of Either Party – Chairman Pegler  
Board Members were given an opportunity to ask questions.

VI. School Board Vote – Chairman Pegler

Chairman Pegler said that he would go through each of the Articles, one by one, to approve or reject the Superintendent's recommendations.

**Article III.1.H.1. Workday and Work year:**

Mrs. Disney-Brombach moved approval of the Superintendent's recommendation to reject language proposed under Article III, Section III.1.H.1. Mrs. Johnson seconded the motion. Board Members discussed the language. Hearing no further discussion, the Board voted in favor of the motion, with a 3-2 vote. Mrs. Johnson, Mrs. Disney-Brombach, and Ms. Jiménez voted in favor of the motion. Mr. McCain and Chairman Pegler voted against the motion.

**Article III.1.L. Workday and Work year:**

Mrs. Disney-Brombach moved approval of the Superintendent's recommendation to reject language proposed under Article III, Section III.1.L. Mrs. Johnson seconded the motion. Board Members discussed the language. Hearing no further discussion, the Board voted in favor of the motion, with a 4-1 vote. Mrs. Johnson, Mrs. Disney-Brombach, Ms. Jiménez, and Chairman Pegler voted in favor of the motion. Mr. McCain voted against the motion.

**Article III.1.M. Workday and Work year:**

Mrs. Johnson moved approval of the Superintendent's recommendation to reject language proposed under Article III, Section III.1.M. Mrs. Disney-Brombach seconded the motion. Board Members discussed the language. Hearing no further discussion, the Board voted in favor of the motion, with a 4-1 vote. Mrs. Johnson, Mrs. Disney-Brombach, Ms. Jiménez, and Chairman Pegler voted in favor of the motion. Mr. McCain voted against the motion.

**Article IV.III.A. Teacher Assessment - General Rules**

Mrs. Disney-Brombach moved approval of the Superintendent's recommendation to reject language proposed under Article IV.III.A. Mrs. Johnson seconded the motion and it carried with a 4-1 vote. Board Members discussed the language. Mrs. Johnson, Mrs. Disney-Brombach, Ms. Jiménez, and Chairman Pegler voted in favor of the motion. Mr. McCain voted against the motion.

**Article IV.III.B. Teacher Evaluation**

Mrs. Johnson moved approval of the Superintendent's recommendation to delete the IRCEA proposed language. Mrs. Disney-Brombach seconded the motion. Board Members discussed the language. With no further discussion, the motion carried, with a 4-1 vote. Mrs. Johnson, Mrs. Disney-Brombach, Ms. Jiménez, and Chairman Pegler voted in favor of the motion. Mr. McCain voted against the motion.

**Article IV.V.C.3. Teacher Evaluation**

Mrs. Disney-Brombach moved approval of the Superintendent's recommendation to reject the IRCEA proposed language. Ms. Jiménez seconded the motion. Board Members discussed the language. With no further discussion, the motion carried, with a 4-1 vote. Mrs. Johnson, Mrs. Disney-Brombach, Ms. Jiménez, and Chairman Pegler voted in favor of the motion. Mr. McCain voted against the motion.

**Article IV.V.C.7 Teacher Evaluation**

Ms. Jiménez moved approval of the Superintendent's recommendation to add the IRCEA proposed language with the word "may" instead of the word "shall" to C.7. Mrs. Disney-Brombach seconded the motion. Board Members discussed the sentence. With no further discussion the motion failed, with a 2-3 vote. Mrs. Disney-Brombach and Ms. Jiménez voted in favor of the motion. Mrs. Johnson, Mr. McCain, and Chairman Pegler voted against the motion.

Mrs. Johnson moved approval of the IRCEA proposed language to include the word "shall" instead of the word "may". Mrs. Disney-Brombach seconded the motion and it carried, with a 4-1 vote. Mrs. Johnson, Mrs. Disney-Brombach, Mr. McCain, and Chairman Pegler voted in favor of the motion. Ms. Jiménez voted against the motion.

**Article IV.VII.A. and IV.VII.B. Teacher Evaluation - TIP**

Mrs. Johnson moved approval of the Superintendent's recommendation to reject the IRCEA proposed language. Ms. Jiménez seconded the motion and it carried, with a 4-1 vote. Mrs. Johnson, Mrs. Disney-Brombach, Ms. Jiménez, and Chairman Pegler voted in favor of the motion. Mr. McCain voted against the motion.

**Article IV.VIII. Teacher Evaluation – Outcome of TEP**

Mr. McCain moved approval to accept the IRCEA proposed language and to add language that it be determined by the Board and tying it to budget restraints. Chairman Pegler suggested that the language be "all renewals are subject to available budget allocations at the school" as per Orange County language. Mr. McCain accepted Chairman Pegler's suggested language. Mrs. Johnson seconded the motion. Board Members discussed the language. Mrs. Johnson moved to amend the IRCEA proposed language to read, at the end of the sentence, "except in the case of budgetary constraints". Ms. Jiménez seconded the amendment to the motion. After the Board discussed the language at length, Mrs. Johnson and Ms. Jiménez withdrew their amendment. Mrs. Johnson moved the IRCEA language, with the inclusion of the sentence "renewed for the following year except in the case of budgetary constraints". Ms. Jiménez seconded the motion and it

carried unanimously, with a 5-0 vote. Note: Mr. McCain withdrew his original motion and Mrs. Johnson withdrew her second to the original motion.

Note: The new language for Article IV.VIII now reads: Outcome of the Final Evaluation. Any annual contract MBU who receives a Highly Effective or Effective score on the TEP (Teacher Evaluation Program) will be renewed for the following year, except in the case of budgetary restraints.

**Article IV.IX.A. and IX.B. Teacher Evaluation**

Mrs. Johnson moved approval of the Superintendent's recommendation to reject all language for Article IV.IX.A. and B. Mrs. Disney-Brombach seconded the motion. Board Members discussed the language. With no further discussion the motion carried with a 4-1 vote. Mrs. Johnson, Mrs. Disney-Brombach, Ms. Jiménez, and Chairman Pegler voted in favor of the motion. Mr. McCain voted against the motion.

**Article VII.1 Layoff Procedures**

Mrs. Disney-Brombach moved approval of the Superintendent's recommendation for new language. Mrs. Johnson seconded the motion. Board Members discussed the language. With no further discussion, the motion carried with a 3-2 vote. Mrs. Johnson, Mrs. Disney-Brombach, and Ms. Jiménez seconded the motion. Mr. McCain and Chairman Pegler voted against the motion.

**Article XIX.7. Differentiated Pay**

Mrs. Johnson moved approval of the Superintendent's recommendation to strike all language. Ms. Jiménez seconded the motion. Board Members discussed the language. Dr. Adams stated that the effective date for removal of the current language was June 30, 2012. Mrs. D'Agresta said that the action today did not preclude negotiating language for the 2012-2013 fiscal year. The Board voted approval of the motion with a 4-1 vote. Mrs. Johnson, Mrs. Disney-Brombach, Ms. Jiménez, and Chairman Pegler voted in favor of the motion. Mr. McCain voted against the motion.

**Article XIX.3E. Compensation and Pay Schedules**

Mrs. Johnson moved approval of the Superintendent's recommendation. Ms. Jiménez seconded the motion. Board Members discussed the language. With no further discussion, the Board voted in favor of the motion with a 4-1 vote. Mrs. Johnson, Mrs. Disney-Brombach, Ms. Jiménez, and Chairman Pegler voted in favor of the motion. Mr. McCain voted against the motion.

**Article XIX.4.A. Fringe Benefits – Health Insurance**

Mrs. Disney-Brombach moved approval of the Superintendent's recommendation. Mrs. Johnson seconded the motion. Board Members discussed the language. With no further discussion, the Board voted in favor of the motion with a 4-1 vote. Mrs. Johnson, Mrs. Disney-Brombach, Ms. Jiménez, and Chairman Pegler voted in favor of the motion. Mr. McCain voted against the motion.

VII. Adjournment – Chairman Pegler

With no further business, the meeting adjourned at approximately 10:01 p.m.