

The Indian River County District School Board met on Tuesday, October 9, 2012, at 6:00 p.m. The business meeting was held in the Teacher Education Center located at the J.A. Thompson Administrative Center, 1990 25th Street, Vero Beach, Florida. School Board Members attending were: Chairman Jeff Pegler 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. Vice Chairman Carol Johnson was not present.

Business Meeting

- I. Called Meeting to Order – Chairman Pegler
- II. Invocation was given by Pastor Kellie Tipton, Children's Pastor at Central Assembly of God
- III. PLEDGE OF ALLEGIANCE TO THE FLAG AND PRESENTATION OF COLORS
BY: Vero Beach High School's Air Force Junior ROTC Detachment 043, under the Direction of Chief Wade E. Dues, Chief Master Sergeant (Ret), USAF
- IV. ADOPTION OF AGENDA
Chairman Pegler called for a motion. Ms. Jiménez moved approval of the Orders of the Day. Mrs. Disney-Brombach seconded the motion and it carried unanimously, with a 4-0 vote.
- V. PRESENTATIONS
A. 2011-2012 Fred E. Rozelle Sportsmanship Award Recognition to Sebastian River High School's and Sebastian River Middle School's Athletic Programs – Dr. Adams
Mr. Stutzke, Athletic Director at Sebastian River High School, talked about the criteria of the award. Mr. Racine, Principal of Sebastian River High School, stated that this was a community award as well as a student/school award. Mr. Kramek, Principal at Sebastian River Middle School, congratulated the Schools and the Students.
- VI. CITIZEN INPUT
No requests were received.
- VII. CONSENT AGENDA
Chairman Pegler called for a motion. Mr. McCain moved approval of the Consent Agenda. Ms. Jiménez seconded the motion and it carried with a 4-0 vote.
A. Approval of Minutes – Dr. Adams
 1. School Board Policy Review Discussion held 9/18/2012
 2. Constitutional Amendments held 9/18/2012
 3. Information Session held 9/20/2012

4. Mental Health Services Workshop held 9/25/2012

5. Regular Business Meeting held 9/25/2012

Superintendent recommended approval.

B. Approval of Personnel Recommendations – Ms. Roberts

Attached was a list of personnel recommendations, which included personnel additions, terminations, and/or changes. Superintendent recommended approval.

C. Approval to Dispose of Surplus Property – Mr. Morrison

This was a request for approval to dispose of surplus property in accordance with Florida Statutes 274.05 and 274.06. The attached lists represented property to be deleted from various inventories and/or for items that were declared surplus. After Board approval, the property would be recycled and/or auctioned. In addition, attached was a list that represented property that was recorded for building materials and improvements for the old Dodgertown Cafeteria, flammable storage building, and District owned portable classrooms. These buildings were demolished as per the terms and conditions of the contracts for site and demo work with Summit Construction as of June 30, 2012. This request was to have the attached records deleted from the Fixed Asset Ledger pursuant to Florida Statutes 274.07 (Board Submittal). Superintendent recommended approval.

D. Approval of Donations – Mr. Morrison

Wabasso School received a donation in the amount of \$1,465 from the Knights of Columbus Council #5629. The funds would be used for student needs as approved by the Principal. Superintendent recommended approval.

E. Approval of Band Trip to Indianapolis, Indiana, March 2013 – Mrs. D’Albora

This request was for out-of-state travel to Indianapolis, Indiana to participate in the 2013 Music For All National Music Festival presented by Yamaha that would be held March 14-16, 2013. Bands from Vero Beach High School, Gifford Middle School, and Sebastian River High School were selected to perform. All necessary information pertinent to insurance issues was cleared with Risk Management. All costs were covered by fundraising and parents, with the exception of travel expenses for Principals, substitutes for teachers, and insurance. Superintendent recommended approval.

F. Approval of Gifford Middle School Band Trip to Athens, Georgia, December 2012 – Mrs. D’Albora

This request was for Gifford Middle School Band to travel out of state to University of Georgia located in Athens, Georgia to participate in the Middle School Band Festival (MidFest), hosted at the University of Georgia on December 7-9, 2012. All necessary information pertinent to insurance issues was cleared with Risk Management. All costs were covered by fundraising and parents, with the exception of travel expenses for teacher, substitutes for teacher, and insurance. Superintendent recommended approval.

G. Approval of TEDx @IB York Conference in Toronto, Canada, November 2012 – Mrs. D’Albora

This request was for out-of-state travel to Toronto, Canada to participate in the TEDx @IB York Conference to be held at the York School in Toronto on November 14-15, 2012; where IB and TED have partnered to hold a student-focused conference similar to TED talk conferences. Students from all over the world would gather for two days, with discussions centered around the theme “Taking on the World”. Students would also have the opportunity to tour various sites of interest. Students would arrive in Toronto on November 13 and depart on November 17. All necessary information pertinent to insurance issues was cleared with Risk Management. Students would incur the entire cost, with the exception of a few minor expenses being paid from IB funds, at approximately \$1,600. Superintendent recommended approval.

VIII. ACTION AGENDA

A. Approval of Resolution #2013-05, Tax Anticipation Notes, Series 2012 – Mr. Morrison

The purpose of this action was to adopt the attached Resolution #2013-05 authorizing the issuance of Tax Anticipation Notes (TAN), Series 2012, in the amount of \$12 million to provide interim funds for the payment of operating expenses; approve the form of documents in connection with the issuance of the notes; delegate to the Superintendent and appropriate staff the authority to accept the most favorable bid for the notes, subject to certain restrictions; and to take all necessary actions in connection with the issuance of the notes. The issuance of the TAN was required in order to provide necessary, short-term financing to position the District in such a manner that it was able to meet projected cash flow deficits of the General Fund. Based upon staff analysis, it was projected that the District would experience cash receipt deficits ranging from \$10 million to \$12 million during the month of November 2012. These cash flow deficits were mainly attributable to the intense slow-down of cash receipts from the Tax Collectors’ Office that was usually experienced from July through the middle of November every year. Superintendent recommended approval

Chairman Pegler called for a motion. Mrs. Disney-Brombach moved approval of Resolution #2013-05, Tax Anticipation Notes, Series 2012. Mr. McCain seconded the motion. Chairman Pegler called for a Roll Call vote as follows:

Mr. McCain	Aye
Ms. Jiménez	Aye
Mrs. Disney-Brombach	Aye
Chairman Pegler	Aye

The vote was unanimous in favor of the motion, with a 4-0 vote.

B. Approval of Release of Final Payment to Summit Construction Management for the Dodgertown HVAC Project (2011-06) – Mr. Morrison

Approval was recommended for the release of Final Payment in the amount of \$234,323.29 to Summit Construction Management for the completion of the Dodgertown HVAC Project (#2011-06). On February 8, 2011, the Board approved the Guaranteed Maximum Price (GMP) for this project in the amount of \$2,748,846.00; with the final construction cost for this project totaling \$2,736,145.59. The unused portion of the GMP, in the amount of \$12,700.41, was a savings to the District. Final payment of this project was being brought to the Board for approval in accordance with Florida Statute 1013.50. The final payment to the contractor consisted of the project retainage that was held until project completion. Superintendent recommended approval.

A Utility Report Card was distributed. Chairman Pegler called for a motion. Mrs. Disney-Brombach moved approval of release of final payment to Summit Construction Management for the Dodgertown HVAC Project (2011-06) in the amount of \$234,323.29. Ms. Jiménez seconded the motion and it carried unanimously, with a 4-0 vote.

C. Approval of Release of Partial Payment to Proctor Construction for the Vero Beach Elementary School Replacement Project (2011-07) – Mr. Morrison

Approval was recommended for release of Partial Retainage in the amount of \$306,926.68 to Proctor Construction Company for the Vero Beach Elementary School Replacement Project (#2011-07). On April 12, 2011, the Board approved the Guaranteed Maximum Price (GMP) for this project in the amount of 18,790,657.00. Retainage held to date for this project totaled \$799,443.17, with a remaining balance of \$492,516.49 after approval of partial retainage payment. The remaining retainage balance would be brought to the Board at a later date, upon completion of the project as approval of Final Payment to the contractor in accordance with Florida Statute 1013.50. Superintendent recommended approval.

Chairman Pegler called for a motion. Mrs. Disney-Brombach moved approval of release of partial payment to Proctor Construction for the Vero Beach Elementary School Replacement Project 2011-07 in the amount of \$306,926.68. Mr. McCain seconded the motion and it carried unanimously, with a 4-0 vote.

D. Approval of Employers Group Waiver Plan (EGWP) – Ms. Roberts

Deleted

E. Approval of Contract Renewal with Learning Sciences International – Ms. Roberts

A contract with Learning Sciences International would provide year-long inter-rater reliability and professional development for all administrators through on-site and web-based opportunities for the observation of teachers using the new teacher evaluation framework. Additional training would be provided for teacher leaders to ensure fidelity in the implementation of this process. The cost to the District would be \$48,500.00 that would be paid from Race to the Top Grant Funds. Superintendent recommended approval.

Chairman Pegler called for a motion. Mr. McCain moved approval of the contract renewal with Learning Sciences International. Ms. Jiménez seconded the motion and it carried unanimously, with a 4-0 vote.

F. Approval to Suspend Instructional Employee Without Pay Pending Outcome of Termination Hearing and Determine Termination Hearing Type – Ms. Roberts

The Superintendent recommended suspension without pay effective October 10, 2012, pending the outcome of a hearing of instructional employee, Alan Seiden. The grounds for this recommendation were contained in the attached charging letter. By letter dated October 2, 2012, the employee requested a hearing. Additionally, the School Board must determine if it would handle the termination hearing or send it to the Department of Administrative Hearings. Superintendent recommended approval.

Citizen Input Request:

Mr. Thomas Johnson, Attorney representing Alan Seiden, spoke to this item.

Mrs. D'Agresta suggested that the motions be taken in two parts. The first motion would be to address the suspension. The second motion would be to determine if the Board would handle the termination Hearing or send it to the Department of Administrative Hearings. If the decision was to send it to the Department of Administrative Hearings (DOAH), the final decision would come back to the Board for a final vote.

Chairman Pegler called for a motion to address the suspension. Ms. Jiménez moved approval of the Superintendent's recommendation to suspend Alan Seiden, without pay, effective October 10, 2012, pending the outcome of a Hearing. Mr. McCain seconded the motion and it carried unanimously, with a 4-0 vote.

Mrs. D'Agresta stated that the Hearing by the Board was required to be done within 60 days. If the hearing was by DOAH, the 60-day notice would

commence within 60-days notification to DOAH. She explained the costs associated with a DOAH Hearing. Mrs. Disney-Brombach moved approval to have the Department of Administrative Hearings' Judge hear the case. Mr. McCain seconded the motion. Board Members discussed the motion. Chairman Pegler called for a vote. The vote was tied with Mrs. Disney-Brombach and Mr. McCain voting in favor of the motion; and Ms. Jiménez and Chairman Pegler voting against the motion.

Chairman Pegler called for a motion. Ms. Jiménez moved approval to have the District School Board hold the Hearing. Chairman Pegler passed the gavel to Mrs. Disney-Brombach. Mr. Pegler seconded the motion. The Board discussed the motion. The Board voted in favor of the motion, with a 3-1 vote. Ms. Jiménez, Mr. Pegler, and Mrs. Disney-Brombach moved approval of the motion. Mr. McCain voted against the motion.

Mrs. D'Agresta stated that the Board had until December 1, 2012, to hold the Hearing. She suggested starting in the morning and continuing as long as needed. The Board agreed to schedule the Administrative Hearing on Monday, November 26, 2012, starting at 9 a.m. Mrs. D'Agresta stated that she would prepare the notice.

G. Public Hearing and Adoption of Revisions to School Board Policy 3.40 Personnel Evaluation – Dr. Adams

On August 28, 2012, the Board moved approval to set the Public Hearing date for revisions to School Board Policy 3.40 Personnel Evaluation. The purpose of the revisions was to include an evaluation process for teachers that terminate anytime during the school year. The policy change process was followed in accordance with Florida Administrative Procedures Act, Statute Statutes, and School Board Policy #1.06. Superintendent recommended approval.

Public Hearing

Chairman Pegler asked the Superintendent if the Public Hearing was properly advertised in accordance with State Statutes. Dr. Adams said, "Yes." Chairman Pegler recessed the meeting to conduct the Public Hearing.

Chairman Pegler announced that the Public Hearing was in session. He asked Dr. Adams if there were any written responses to be read. Dr. Adams said, "No." The public was invited to address this issue.

Hearing no requests to speak, Chairman Pegler announced that the Public Hearing was conducted pursuant to notice and that ample opportunity to address this issue was provided to all. The Board meeting was reconvened.

Chairman Pegler called for a motion. Ms. Jiménez moved approval of the revisions to School Board Policy 3.40 Personnel Evaluation. Mr. McCain seconded the motion and it carried unanimously, with a 4-0 vote.

IX. SUPERINTENDENT'S REPORT

Dr. Adams reported that Friday, October 12, 2012, was the last day of FTE to be in compliance with the Class Size Amendment, class by class. She mentioned that the schools were currently holding Spelling Bees. Dr. Adams congratulated Sebastian River High School on their first Home Coming Parade last week. She said that this week was Vero Beach High School's Home Coming. Dr. Adams congratulated Mr. Morrison and Staff on the Superior Rating in regard to ability to borrow funds.

X. DISCUSSION

No discussion items.

XI. SCHOOL BOARD MEMBER MATTERS – Chairman Pegler

Ms. Jiménez reported on the International Walk to School Event. She congratulated schools for being invited to the Band events. Ms. Jiménez talked about an ad in the *New York Times* regarding student prescription drug usage from their homes. She also mentioned worldwide education reform in England, stating that teachers could only do so much because excellence requires equity and tests to do not prove excellence, excellent teachers do. Ms. Jiménez also noted that they looked to Finland because they consistently had high-quality education results. She also urged the community to stop government mandates on education.

Mrs. Disney-Brombach reminded the public about the upcoming Forums on Constitutional Amendments on October 16, 2012, in the TEC and at 6:00 p.m. at Sebastian Elementary School Cafeteria.

XII. INFORMATION AGENDA

A. Charter School Audits – Mr. Morrison

Attached were fiscal 2011/2012 Charter School Audits that were contractually due to the School Board annually by September 20.

XIII. SUPERINTENDENT'S CLOSING

Dr. Adams mentioned the International Baccalaureate Students traveling to Canada to "Take on the World". She also reminded parents that there would be no school on October 19. Dr. Adams said that October 23 was the end of the first nine weeks, with report cards and parent/teacher meetings to follow. She mentioned an article written in 32963 featuring Principals O'Keefe and Racine.

Ms. Jiménez thanked Mrs. Disney-Brombach for taking on the job of educating the community on the Constitutional Amendments.

XIV. ADJOURNMENT – Chairman Pegler

With no further business, the meeting adjourned at approximately 6:52 p.m.