

The Indian River County District School Board met on Tuesday, November 13, 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, 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.

### **Business Meeting**

- I. Meeting was called to order by Chairman Pegler.
- II. Invocation was given by Father Michael Goldberg from St. Augustine of Canterbury Episcopal Church.
- III. PLEDGE OF ALLEGIANCE TO THE FLAG AND PRESENTATION OF COLORS  
BY: Vero Beach High School Air Force Junior ROTC Detachment 043, under the Direction of Wade E. Dues, Chief Master Sergeant (Ret) USAF
- IV. ADOPTION OF AGENDA  
Chairman Pegler announced that there was one change to the Orders of the Day to move Consent E to Action J. Mr. McCain moved approval of the Orders of the Day moving Consent E to Action J. Ms. Jiménez seconded the motion and it carried unanimously, with a 5-0 vote.
- V. PRESENTATIONS  
**A. Treasure Coast Elementary School's Designation as a Project CHILD National Demonstration Site – Dr. Adams**  
Treasure Coast Elementary School was named as one of seven CHILD National Demonstration Sites for the 2012-2013 school year by The Institute for School Innovation. These sites would host visitors to showcase innovative methods for school improvement and reform. Dr. Adams and Chairman Pegler presented a plaque to Treasure Coast Elementary Principal, Mark Dugan and to the School. Mr. Dugan and Winky Jenkins-Rice, Director of Educational Programs from the Institution for School Innovation, talked about the success of the Program.
- VI. CITIZEN INPUT  
Beth Weatherstone requested to speak on contract for a temporary Assistant Superintendent of Human Resources and Risk Management.  
Diane Parentela requested to speak on teacher morale.  
Luke Flynt requested to speak on Pupil Progression Plan.  
Kerri Wall requested to speak on Student Progression Plan.

VII. CONSENT AGENDA

Mrs. Disney-Brombach moved approval of the previously-amended Consent Agenda. Ms. Jiménez seconded the motion and it carried unanimously, with a 5-0 vote.

**A. Approval of Hearing Officer's Recommendation – Dr. Adams**

It was recommended that the District School Board accept the Hearing Officer's Findings of Fact, Conclusions of Law, and recommendations in regard to Hearing Number 11-119. Superintendent recommended approval.

**B. Approval of Minutes – Dr. Adams**

1. Student Progression Plan Workshop held 10/23/2012
  2. Land Use and Acquisition Workshop held 10/23/2012
  3. Regular Business Meeting held 10/23/2012
- Superintendent recommended approval.

**C. Approval of Personnel Recommendations – Ms. Roberts**

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

**D. Approval of Donations – Mr. Morrison**

1. Fellsmere Elementary received a donation in the amount of \$3,000 from Fellsmere Frog Leg Festival, Inc. The funds would be used for Art, Music, and PE at Fellsmere Elementary.
  2. Storm Grove Middle School received a donation in the amount \$1,000 from Best Buy for the 2012 Run for Autism 5K. The donation would be distributed to the following schools that participated in the 5k: Storm Grove Middle, Sebastian River High, Vero Beach High, Sebastian River, Pelican Island Elementary, Liberty Magnet, and Citrus Elementary School.
- Superintendent recommended approval.

**E. Approval of Amendment to Outside Contractor Agreement (Additional Consulting Services) – Dr. Adams**

Item was moved to the end of the Action Agenda, as Action J.

VIII. ACTION AGENDA

**A. Approval to Amend the 2012-2013 Salary Schedules – Dr. Adams**

On April 28, 2009, the School Board approved the Superintendent's Budget Reduction Action Plan in response to an estimated \$14 million loss in state and local revenues. In addition to the elimination of positions, all twelve-month, non-bargaining positions' contract days were reduced by 6 days or an equivalent of 2.46%. Again, on April 29, 2010, the School Board approved the Superintendent's Budget Reduction Action Plan in response to an estimated loss of \$12.6 million in State and local revenues and to avert a financial crisis caused by a significant decline in the District's unreserved fund balance. In addition to the elimination of positions, all non-bargaining personnel, with the exception of confidential managerial staff, had their salaries further reduced by 5%. Any personnel who had received greater

than a 5% reduction in the prior year received a 2.5% salary reduction instead. This item sought to restore all non-bargaining positions that were severely and disproportionately impacted by these budget reductions. It was estimated that the net cost of this restoration was approximately \$500,000 or 0.41% of the District's 2012-2013 unassigned fund balance.

Approval was requested to amend the 2012-2013 salary schedules for all non-bargaining positions to the rates that were in effect in fiscal year 2008-2009, as approved by the School Board on June 24, 2008. It was requested that the amendment to the salary schedule be effective July 1, 2012. In addition, approval was requested that any non-bargaining employee who was currently receiving a hold harmless differential would have their differential adjusted accordingly. Superintendent recommended approval.

Citizen Input:

Ainsley Seeley requested to speak on this Action item.

Mrs. Johnson moved approval to amend the 2012-2013 Salary Schedules for all non-bargaining positions to the rates that were in effect in fiscal year 2008-2009, as approved by the School Board on June 24, 2008. Mr. McCain seconded the motion and it carried unanimously in favor of the motion, with a 5-0 vote.

**B. Approval of Alternative Calendar Due To Hurricane Sandy – Dr. Adams**

As authorized in Section 1011.60(2), Florida Statutes, schools must operate for 180 actual teaching days or the equivalent on an hourly basis to participate in the Florida Education Finance Program. Rule 6A-1.045111, Florida Administrative Code, specified the hourly equivalent as not less than 720 net instructional hours for kindergarten through grade 3 and not less than 900 hours for grades 4 through 12. Provided that this statutory requirement was met, School Boards have the authority to adopt an Alternative Calendar without authorization or approval by the Florida Department of Education. An Alternative Calendar would not affect the District's funding through the Florida Education Finance Program, nor would it affect the survey count of full-time equivalent students. The recommendation was to approve a 179-day Alternative Calendar, as well as to approve October 26, 2012, as a Paid Holiday. Superintendent recommended approval.

Mr. McCain moved approval of the 179-day Alternative Calendar as well as to approve October 26, 2012, as a Paid Holiday due to Hurricane Sandy. Mrs. Johnson seconded the motion and it carried unanimously, with a 5-0 vote.

**C. Approval to Accept Construction Attestation Reports for Phases 1, 2 and 3 Vero Beach High School Renovation Project – Mr. Morrison**

On August 12, 2008, the School Board approved District staff to engage the firm of Carr, Riggs & Ingram, LLC, to perform agreed upon procedures relative to the construction costs and related contract for the construction of the Alternative Education Center. Subsequently, under the Superintendent's purchasing authority, this firm was engaged to perform construction attestation services for the various construction phases of Vero Beach High School. The purpose of this engagement was to affirm that the contract terms were properly applied to the job costs of the project and to ensure the District did not overpay for any items during the billing process. The cost of this would be paid for out of the capital projects fund. In the event any project costs were recovered, the proceeds would be used to offset the fee. Based on the attestation procedures performed, the following was a reconciliation of the guaranteed maximum price (GMP) versus total amounts paid:

<b>Construction phases:</b>	
<b>Phase 1</b>	<b>Amounts</b>
Billed and stored to date from pay applications	\$ 12,034,422
Adjusted GMP based on attestation procedures	\$ 11,996,350
Owed to the district	\$ 38,072
<b>Phase 2</b>	
Billed and stored to date from pay applications	\$ 20,638,249
Adjusted GMP based on attestation procedures	\$ 20,555,550
Owed to the district	\$ 82,699
<b>Phase 3</b>	
Billed and stored to date from pay applications	\$ 2,732,875
Adjusted GMP based on attestation procedures	\$ 2,725,052
Owed to the district	\$ 7,823
Total owed:	\$ 128,594
Total paid:	\$ (128,594)
Balance owed to district for phases 1-3	\$ -
Total Certified	\$ 35,276,952

The amount of \$128,594 was received from Proctor Construction via check #18483 dated November 5, 2012, in full settlement of the amounts owed to the District for phases 1-3 of the Vero Beach High School Renovation Project. Superintendent recommended approval.

Mrs. Disney-Brombach moved approval to accept Construction Attestation Reports for Phases 1, 2 and 3 Vero Beach High School Renovation Project. Mrs. Johnson seconded the motion and it carried unanimously, with a 5-0 vote.

**D. Approval of Certificate of Completion for Vero Beach High School Replacement Project and Direction to Trustee to Transfer Funds – Mr. Morrison**

On September 27, 2005, the School Board approved the issuance of approximately \$81 million in Certificates of Participation via resolution COP-2006-02, to finance the replacement of Vero Beach High School, demolition and reconstruction of an Gifford Alternative School, construction of a new space at Sebastian River Middle School to house the music program, new practice and chorus rooms, a keyboard lab, an office for technology coordination with associated equipment, smart boards, and repair and server rooms. In addition, the 700 wing of the school which housed the music program was to be converted to classroom and computer lab space. In addition, proceeds from the certificate sale were earmarked for the acquisition of approximately 152 acres of land located in the central area of the School District to be used for future educational facilities. Pursuant to section 6.03(g)(ii)(b) of the Master Trust Agreement, the School Board certified as to the completion of the Vero Beach High School Replacement project and directed the trustee to transfer the excess funds of approximately \$1,790,787.09 remaining in the project account to the interest account for the next (2) payment dates and second to the principal accounts. Superintendent recommended approval.

Ms. Jiménez moved approval of the Certificate of Completion for Vero Beach High School replacement project and direction to Trustee to transfer the excess funds of approximately \$1,790,787.09 remaining in the project account to the interest account for the next (2) payment dates and second to the principal accounts. Mr. McCain seconded the motion and it carried unanimously, with a 5-0 vote.

**E. Approval to Award Term Contract for Custodial Supplies, Bid 2013-01 - Mr. Morrison**

The purpose and intent of this bid was to secure firm prices and to establish a term contract for the purchase and delivery of custodial supplies district wide. The estimated annual financial impact was \$40,000. Award of Section I was recommended to Buckeye Cleaning Center, Calico Industries, Inc., Cypress Supply, Inc., Janitorial Depot of America, Inc., and Southern Janitor Supply as best bidders meeting specifications, terms, and conditions. Award of Section II was recommended to Buckeye Cleaning Center, Calico Industries, Inc., Cypress Supply, Inc., Dash Medical Gloves, Interboro Packaging Corp.,

Janitorial Depot of America, Inc., Pyramid School Supplies, and Southern Janitor Supply. Superintendent recommended approval.

Mrs. Disney-Brombach moved approval to Award Term Contract for Custodial Supplies, Bid 2013-01 as stated. Mr. McCain seconded the motion and it carried unanimously, with a 5-0 vote.

**F. Approval of Release of Final Payment to the Barth Construction, Inc., for the Osceola Magnet School New Parent Pick-up/Drop-off Loop and Outside Lighting Improvements Project (2009-22 Project 17) – Mr. Morrison**

Approval was recommended for the release of Final Payment in the amount of \$40,525.43 to Barth Construction, Inc., for the completion of the New Parent Pick-up/Drop-off Loop and Outside Lighting Improvements Project (#2009-22 Project 17). On April 10, 2012, the Board approved the Owner/Contractor Construction Agreement for this project with a Contract amount of \$341,988.64 (\$305,347.00 Contractors Bid Price / \$36,641.64 Owner Added Contingency). In addition, change orders (#1-4) totaling \$64,052.00, were Board approved on June 26, 2012, bringing the total contract amount to \$406,040.64. The final construction cost for this project totals \$405,962.00. The unused portion of the owner added contingency, in the amount of \$78.64, 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, which was held until project completion. Superintendent recommended approval.

Mrs. Disney-Brombach moved approval of the release of final payment to the Barth Construction, Inc., for the Osceola Magnet School new parent pick-up/drop-off Loop and outside lighting improvements project (2009-22 Project 17). Ms. Jiménez seconded the motion and it carried unanimously, with a 5-0 vote.

**G. Approval of Revised Contract with Learning Sciences International – Ms. Roberts**

The revised contract with Learning Sciences International would provide intensive, year-long, inter-rater reliability for professional development for all administrators through on-site, web-based, and coaching 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 was reduced \$2,000.00 to \$46,500.00 that would be paid with Race to the Top Grant Funds. Superintendent recommended approval.

Mrs. Johnson moved approval of the revised contract with Learning Sciences International. Mr. McCain seconded the motion and it carried unanimously, with a 5-0 vote.

**H. Approval of Revisions to Student Progression Plan 2012-2013 – Mrs. D’Albora**

The State Board of Education required each District to maintain a Student Progression Plan that outlined policies and procedures related to promotion and retention. The District Student Progression Plan helped to ensure that the required program of study, placement, promotion, reporting, retention, and assessment procedures were equitable and comprehensive; thereby, providing accountability for all students. The School District of Indian River County’s Student Progression Plan was revised to reflect legislative changes and was edited for clarification. Superintendent recommended approval.

Dr. Adams noted the revision to page 17, #2. Mrs. Jiménez moved approval of the revision to the Student Progression Plan for 2012-2013 school year. Mr. McCain seconded the motion. Dr. Adams stated that the grading policy remained the same as last year. Dr. Adams said that next year’s grading policy was still to be determined. The Board voted unanimously in favor of the motion, with a 5-0 vote.

**I. Public Hearing for Approval of Revisions to School Board Policy 10.04 Smoking in Buildings – Dr. Adams**

On September 25, 2012, the Board moved approval to set the Public Hearing date for revisions to School Board Policy 10.04 Smoking in Buildings. The purpose of the revisions was to eliminate outdated language and to specify that the policy applied to all property owned, leased, or occupied by the School System. The policy title was changed to Smoking/Tobacco Products Prohibited. 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.

Mrs. Disney-Brombach moved approval of the Revisions to School Board Policy 10.04 Smoking/Tobacco Products Prohibited. Mrs. Johnson seconded the motion and it carried unanimously, with a 5-0 vote.

Consent E moved to follow the Action Agenda and changed to Action J:

**J. Approval of Amendment to Outside Contractor Agreement (Additional Consulting Services) – Dr. Adams**

This Amendment allowed the Assistant Superintendent for Human Resources and Risk Management position to be filled for the remainder of the fiscal year (December 1, 2012 through June 30, 2013) for \$9,516.07 per month that was 1/12th of the salary, plus benefits, for this unfilled position. Using contracted services for this unfilled position would allow the Superintendent to continue her evaluation and restructuring of District Administration. Superintendent recommended approval.

Dr. Adams stated that she has not been able to find the right person for the position after advertising, contacting other organizations in Florida, and interviewing. She said that she please to have an opportunity to hire someone for the remainder of the school year, with experience as an Assistant Superintendent of Human Resources, with a variety of in-depth understanding in all areas of Human Resources that included union negotiations, and with a jurist doctorate degree.

Mrs. Johnson moved approval of the amendment to outside contractor agreement for additional consulting services with the Law Office of Brown, Garganese, Weiss & D'Agresta, P.A., to serve as the Assistant Superintendent for Human Resources and Risk Management from December 1, 2012, through June 30, 2013. Ms. Jiménez seconded the motion.

Mrs. D'Agresta spoke to the question of conflict of interest. She said that Dr. Stuart Singer was not licensed to practice law in the State of Florida and would not serve or give legal advice. Mrs. D'Agresta also noted that the contract included a 30-day out clause, if he was not to your liking. 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.



IX. SUPERINTENDENT'S REPORT

Dr. Adams recognized: Sebastian River High School on their "pink" football field lines in honor of Breast Cancer month; Storm Grove Middle School for their Veteran's Day Celebration held at the school; Treasure Coast Elementary School for Project CHILD; and the School District of Indian River County as the only School District in Florida recognized as the "Best Music Education" in the Nation. Dr. Adams also recognized the Education Foundation for receiving a grant for the Vero Beach High School's Photography Academy that would be combined with the Motorola grant. Dr. Adams thanked teachers and staff at Glendale Elementary for hosting a Literacy Community Event titled "Show and Tell".

X. DISCUSSION

No Discussion items.

XI. SCHOOL BOARD MEMBER MATTERS – Chairman Pegler

Mrs. Johnson reported on the retirement event for Commissioner Gary Wheeler and recognized Mr. McCain for winning the Marathon.

Mrs. Disney-Brombach reported on the United Way Breakfast, Veteran's Day events in Sebastian and Vero Beach, at which the band's performances were excellent. She thanked the Board for today's Round Table Discussion.

Chairman Pegler announced that this would be his last day as Chairman. He thanked the Board, Superintendent, Mrs. Poysell, and Staff for their support.

XII. INFORMATION AGENDA

No Information items.

XIII. SUPERINTENDENT'S CLOSING

Dr. Adams said that it felt good to be able to restore all non-bargaining personnel back to their 2008-2009 salary level. She also stated that "step" was back on the negotiation Table for Teachers. Dr. Adams said that she hoped that the negotiations would be successful.

XIV. ADJOURNMENT – Chairman Pegler

With no further business, the meeting adjourned at approximately 7:01 p.m.