



VISION
To be a world-class school system.

THE SCHOOL BOARD OF LEE COUNTY
School Board Meeting – M I N U T E S (Approved 10/24/06)
Tuesday—September 26, 2006 / 6:30 p.m.

Attendees: Mr. Steven K. Teuber, J.D., Chairman
Mr. Robert D. Chilmonik, Board Member
Dr. Jane E. Kuckel, Board Member
Dr. James W. Browder, Secretary & District Superintendent
Dr. Elinor C. Scricca, Vice Chair
Mrs. Jeanne S. Dozier, Board Member
Mr. Keith Martin, Board Attorney
Mrs. Denise Mangus, Recording Secretary

I. OPENING EXERCISES

A special presentation was made by Allen Park Elementary School for Celebrate Freedom Week (reciting the preambles of the Declaration of Independence and Constitution of the U.S., with a song also about the Bill of Rights).

- A. Call to Order** – The School Board of Lee County, Florida, met on Tuesday, September 26, 2006 at 6:30 p.m. in the School Board Meeting Room for a regular School Board Meeting; Chairman Teuber presided, and the following changes to the agenda were noted: Consent Items IV.F.4, 5, and 6 pulled; Superintendent's Good Cause Item IV.A.1; and Consent Items IV.A.2 corrected (name misspellings), Item IV.D.1 back-up information revised, and Item IV.E.3 additional page of out-of-field assignments added. *Motion made by Dr. Kuckel, and seconded by Dr. Scricca, carried 5-0 to approve the agenda as the Order of Business.*
- B. Invocation/Moment of Silence** – Mrs. Dozier led this for tonight.
- C. Pledge of Allegiance** – Dr. Scricca led the Pledge after presentation of the colors by Cadet LTC Chad Dover of Mariner High School (LTC Glenn Steffenhagen, Instructor).

II. SPECIAL PRESENTATIONS

A. Recognitions

1. Future Business Leaders of America – Mr. Chilmonik led the recognition of Ms. Rebecca Laube from Mariner Middle School.
2. Five-STAR Schools – Dr. Kuckel led the recognition of 13 schools (elementary: Allen Park, Cape, Orange River, Pinewoods, San Carlos Park, Spring Creek, Sunshine, Three Oaks, Trafalgar; middle: Diplomat, Lexington, Three Oaks; and high: North Fort Myers).

B. Resolutions

1. Celebrate Freedom Week – *Motion by Dr. Scricca, and second by Mrs. Dozier, carried 5-0 for Board adoption of a Resolution proclaiming the week of September 25-29, 2006 as Celebrate Freedom Week.*

2. Fire Prevention Week – *Motion by Mrs. Dozier, with second by Dr. Kuckel, carried 5-0 for Board adoption of a Resolution proclaiming the week of October 8-14, 2006 as Fire Prevention Week.*
3. Health Literacy Month – *Motion by Mr. Chilmonik, with second by Mrs. Dozier, carried 5-0 for Board adoption of a Resolution proclaiming the month of October 2006 as Health Literacy Month.*

III. PUBLIC COMMENT (Mr. Martin provided the Public Comment guidelines)

Marvin Goetz – Troubled if subs barred due to freedom of speech; noted Mr. Donzelli’s “air of negativity” remarks and subs ‘not District employees.’ Issue Mr. Goetz sees is retribution (non-contractual employees); no say but accept. Stated Dr. Adkins’ sub meetings discontinued 1/06.

Claire Shapiro – Feels great injustice if opportunity to teach affected by expressing views; don’t judge on views but teaching ability/skills. Believes in peaceful resolution and suggests kind, meaningful dialogue to resolve differences. She feels the Board will resolve in amiable manner.

Nancy Howell (Wage Peace) – Concern with military recruiters (most of high integrity) student access (more than law requires); in a study, 6600 charges (civilian court and court martial) filed against 14000 recruiters in 2005 (sexual misconduct); 100+ (16-18 year old) women preyed upon.

Ray Troy – He (District grandparent) talked with friends/past school board members elsewhere. Noted principal having sole authority of subs that teach; don’t punish someone who runs for political office but if issue on front of public, treat as decent human beings. He noted McCarthyism.

Sheridan Chester – Learned 9/19 of her “do not call”; noted Mr. Traube’s and he doesn’t sub at two. She speaks to sub issues, committing no crimes. Board Meetings begin with invocation, Pledge of Allegiance; children will be losers, and principals take the blame. To surplus employees a problem.

John Traube – Noted schools teach value/importance of Declaration, Constitution. Media helped him and Sheridan get their plight out. He asked if teachers use news article in class (same situation?). Military=freedom fighters. He’ll continue/speak as Sub Teacher Association President.

Barbara Curley – She has an equitable way for sub pay with formulas the Board could use (e.g., \$35,800 yearly Master’s schedule / 196 days = \$196.43; take 50% of that base pay and it equals \$98 daily—last year’s Bachelor’s sub salary; 60% of daily rate = \$118 for 0-1-2-3 years taught).

Erika Mumm – Noted face-beating incident her young daughter experienced; latter received a day suspension for fighting back; her son, former Shriners’ Hospital patient for walking and cerebral palsy, was kicked in leg in wheelchair. She’ll continue to teach her kids to defend back if hit..

Darlene Jursinski – Seen Board Members/Superintendents. Growth, transportation faced by Dr. Adams; he set up technology, forged paths/moved away from desegregation, understood community involvement/support; was respectful, thus public was. Noted her Tallahassee trip(s) for education.

Diann Swasey – Noted military and her husband 100% disabled who fought for free speech; she met with Lehigh Principal, noting latter's comments of doing the right thing—landscaping, painted offices, new furniture but no words about children.

James Muwakkil – Feels issues/division; smart leaders listen to ideas. Recall of those just elected will be explored if the sub ban not resolved. Feels system's corrupt; how to honor freedom. Principals don't act on their own. Early Americans didn't want tyranny/government oppression.

Kellie Elders – ESE parent of supportive classroom setting; noted unattended timeout room and students restrained/belly-side down (daughter's come home with bruises/lumps). Requested specs on room—no padding; parents can't touch children—why school. Wants rooms removed or videos.

Deidre Hall – Concerns with Lehigh Acres lockdown/student pick-up (1-1/2 hours) and daughter wondering in said area. She met with Principal; items being fixed re safety plans (grade-level color coded cards, notebooks, etc.). Wants better law enforcement communication/traffic control.

V. UNFINISHED BUSINESS/TABLED ITEMS – No pulls; *motion by Dr. Scricca, with second by Mr. Chilmonik, carried 5-0 to approve the Consent Agenda as presented tonight.*

A. Executive Services – Dr. James Browder

1. Approval of minutes: August 15, 2006—Special School Board Meeting, August 15, 2006—School Board Briefing Meeting, and August 15, 2006—School Board Meeting.
2. Approval of the appointments to the District Advisory Committee, Finance Advisory Committee, Curriculum Advisory Committee, Compliance Advisory Committee and Construction Advisory Committee effective September 27, 2006 through the date of the regular School Board meeting in September 2007 at which the Board takes action to appoint members to Board Advisory Committees.

B. Academic Services – Dr. Connie Jones

1. Approval of the five grant proposals at no additional cost to the District:
 - a. ESEA Title V, Part D, Subpart 2 Elementary and Secondary School Counseling Program;
 - b. ESEA Title V, Part D, Subpart 3 Partnerships in Character Education;
 - c. Carl D. Perkins Post-Secondary Continuation 2006-07;
 - d. Carl D. Perkins Secondary Continuation 2006-07;
 - e. Carl D. Perkins Tech Prep Continuation 2006-07;
2. Approval to appoint Cynthia Nunez to serve as the District's ABC (A Business Community) Program liaison; and Steve Scott, The Chamber of Southwest Florida, Regina Smith, Southwest Florida Economic Development Council, Steve Personette, EMBARQ, Bud Stephens, Lee Memorial Health System, and Dr. Constance Jones, Chief Academic Officer, to serve on the ABC Program Committee for the 2006-2007 school year.

3. Approval for the implementation of Supplemental Educational Services for the provider, Innovative Educational Programs D/B/A Learning Alliances, as selected by parents for the 2006-07 school year, with services based on a per student allocation of \$1,151,00 and not to exceed a total of \$2,528,700.
4. Approval of the Lee County School Health Services Plan for 2006-08.

C. Administrative Services – Mr. Michael McNerney

1. Approval to open a checking account for Cape Coral High Internal Fund at Riverside Bank with two signatures required on the account; and authorization for the Superintendent to execute related documents.
2. Approval to change the authorized signers on the Internal Fund Accounts at Bonita Springs Elementary, Colonial Elementary, Dunbar High and Mirror Lakes Elementary, with two signatures required on these accounts; and authorization for the Superintendent to execute related documents.

D. Business Services – Mr. Lee Legutko

1. Approval of the Tentative District Facilities Work Program 2006-2007 through 2025-2026.
2. Approval to remove from the Official Property Records, 63 items listed on the computer printout titled Property Records by Bar Code/Tag Number (BI-009) dated September 11, 2006.
3. Approval of the processor upgrade purchase in the amount of \$248,329.00; and authorization for the Superintendent to execute related documents.
4. Approval of the termination of the contract with Cost Recovery Group and authorization for the Superintendent to execute all necessary documents.
5. Approval of purchase requisitions in the total amount of \$53,619.14 and authorization to issue the 12 purchase orders:
 - a. All Phase Electric: payment for labor and materials to screw shut and/or caulk all exterior windows at Estero High School for Maintenance Services Department (Requisition No. Q-0063385);
 - b. All Phase Electric: payment for the materials and labor to replace damaged light pole in the south parking lot at Trafalgar Middle School for Maintenance Services. (Requisition No. Q-0063273);
 - c. Walker Construction: payment for installation of exit light, repairs to wall panels, trim and exterior lights, and the removal of un-used communication boxes to Portable CC7338/39 at Lehigh Senior High School for Construction Services (Req. No. 242985);

- d. Walker Construction: payment for repairs to wall panels and trim, exterior lights, caulk holes in exterior, and the removal of un-used communication boxes to Portable CC7492/93 at Lehigh Senior High School for Construction Services (Req. No. 242987);
 - e. Walker Construction: payment for installation of exit light, repairs to wall panels, trim and exterior lights, and the removal of un-used communication boxes to Portable CC7342/43 at Lehigh Senior High School for Construction Services (Req. No. 242990);
 - f. Walker Construction: payment for installation of exit light, repairs to wall panels, trim, exterior lights and escape window, and the removal of un-used communication boxes to Portable CC7340/41 at Lehigh Senior High School for Construction Services (Requisition No. 242991);
 - g. Walker Construction: payment for installation of exit light, repairs to wall panels, trim, exterior lights and exit window, and the removal of un-used communication boxes to Portable CC7334/35 at Lehigh Senior High School for Construction Services (Requisition No. 242993);
 - h. Walker Construction: payment for installation of exit light, repairs to wall panels, trim and exterior lights, and the removal of un-used communication boxes to Portable CC7336/37 at Lehigh Senior High School for Construction Services (Req. No. 242994);
 - i. Walker Construction: payment for labor and materials to replace carpet bar and ceiling tile to Portable 12970 A/B at Dr. Carrie D. Robinson Littleton Elementary School for Construction Services (Requisition No. 243026);
 - j. Walker Construction: payment for repairs to roof, tile and vinyl base, trim and molding, and weather stripping to Portable CC6511/12 at Dr. Carrie D. Robinson Littleton Elementary for Construction Services (Requisition No. 243028);
 - k. Walker Construction: payment for repairs to ceiling tiles, caulk holes in exterior, siding, roof, and trim and molding to Portable 12987 A/B at Gulf Middle School for Construction Services (Requisition No. 243029); and
 - l. Fyr Fyter, Inc.: payment to bring schools up to date to meet state and local fire codes throughout the district for Maintenance Services (Requisition No. Q-0063444).
6. Approval to award Bid No. B066474CP for Exacta Mate Condiments to Donanne, Inc. at an estimated annual expenditure of \$30,000 beginning September 26, 2006 through September 25, 2007, with renewal options for two additional one-year periods upon the written agreement of the vendor and the School Board.
 7. Approval to increase the estimated annual expenditure for Bid No. B066454CP, snack products, to Lance, Inc. and SWF Food & Beverage by \$175,000 making a total anticipated expenditure of \$350,000 through July 31, 2007.
 8. Approval to renew Bid No. 6222 for dehumidifiers to Therma-Stor Products LLC for the third year and final period of November 2, 2006 through November 1, 2007 pursuant to the same terms and conditions as previously approved by the Board at an estimated annual expenditure of \$80,000.

E. Human Resources – Dr. Gregory Adkins

1. Approval of professional leave for the 2006-07 school year for Donna Mutzenard, President of the Teacher Association of Lee County.
2. Approval of professional leave for the 2006-07 school year for Robert L. Rushlow, President of the Support Personnel Association of Lee County.
3. Approval of the Out-of-Field assignments.
4. Approval of the position and job description for Manager, Custodial Services, effective September 27, 2006.
5. Approval to adopt, revise and delete the job descriptions as indicated for the Supervisory, Technical and Confidential Salary Schedule and the Administrative Salary Schedule.
6. Approval of the general personnel recommendations including certificated, support and substitute staff, and annual reappointments.

F. School Support Services – Mr. Bill Moore

1. Approval of the resolution approving the dedication of 13.06 acres on Treeline Avenue for \$5,565,000 in impact fee credits to Lee County Homes Associates II, LLP on approval by Lee County.
2. Approval to award Bid #CS150 to complete the varsity locker room at Ida S. Baker High School that was not part of the original scope of work to Leal Construction, LLC in the amount of \$69,000; and authorization for the Superintendent to execute all necessary documents.
3. Approval to award Bid #CS151-Leonard Transportation Facility Phase I to Lodge Construction at a cost of \$3,266,430.00; and authorization for the Superintendent to execute all necessary documents.
4. *PULLED* – Acceptance of the Certificate of Final Inspection for Ida S. Baker High School dated July 18, 2006 and final payment in the amount of \$1,388,719.52 to Kraft Construction Co., Inc. and authorization for the Superintendent to execute all necessary documents.
5. *PULLED* – Acceptance of the Certificate of Final Inspection for Lexington Middle School dated March 15, 2006 and final payment in the amount of \$895,199.12 to DeAngelis Diamond Construction, Inc. and authorization for the Superintendent to execute all necessary documents.
6. *PULLED* – Acceptance of the Certificate of Final Inspection for South Fort Myers High School dated July 26, 2006 and final payment in the amount of \$111,445.69 to Owen-Ames-Kimball Co. and authorization for the Superintendent to execute all necessary documents.

VI. SUPERINTENDENT’S RECOMMENDATIONS

A. Good Cause – Majors for 2007-08 School Year

Dr. Scricca made a motion, with Mrs. Dozier seconding, for Board approval of the majors (see agenda item) for students entering high school beginning the 2007-08 school year. Dr. Scricca noted today's Briefing discussion; she looks/anticipates greater action for expanding areas of majors—foreign languages. Mrs. Dozier noted support; look at history—A+ plan introduced with resistance but brought about accountability and final Florida performance. Majors for high schools students and middle school reform receives a lot of resistance. This is part of the plan putting students in the right plan/direction. Motion carried 5-0.

B. RFP #R066447RG for Desktop and Portable Computers

Motion was made by Mrs. Dozier, and seconded by Dr. Kuckel for Board approval to award RFP #R066447RG for desktop and portable computer workstations as outlined, effective September 27, 2006 at an estimated cost not to exceed \$9,000,000 for FY07; authorization of purchases within the \$9,000,000 limit; and authorization for the Superintendent to execute all related documents. Mr. Chilmonik noted Dr. Browder's supplying of a memo; the Superintendent responded to him the expenditure is for the 07 school year and 80,000 students will be served by the purchase, and all except \$337,000 is targeted for schools (per Mr. Alton). Dr. Browder noted this is part of OPPAGA's recommendation. Motion carried 5-0..

C. Bid #B066476LO – Ceiling Tile, Acoustical Wall Installation and Related Material Purchase

Motion by Mrs. Dozier, with second by Dr. Kuckel, carried 5-0 for approval to award Bid No.66476LO for ceiling tile and acoustical wall installation and purchase of related material to Acousti Engineering Company of Florida at an estimated annual expenditure of \$2,500,000 beginning September 26, 2006 through September 25, 2007 with renewal options for two additional one-year periods upon the written agreement of the vendor and the School Board.

VII. ATTORNEY'S RECOMMENDATIONS

A. Approval to Participate in FSBA Lawsuit Concerning Florida Schools of Excellence

Motion was made by Mrs. Dozier, with second by Dr. Scricca, that the Board adopt the resolution authorizing the Florida School Board Association (FSBA) to include the Lee County School Board as a plaintiff in litigation challenging the constitutionality of the Bill established the Florida Schools of Excellence Commission and authorization to pay a sum of \$2,500 to contribute to the payment of legal fees and litigation costs in this matter. Mrs. Dozier noted this discussed thoroughly with FSBA; basically, a group of individuals would be appointed to supersede Boards' authority and the appointed board's given authority to take care of matters within our jurisdiction (with authority over elected officials—for that reason, FSBA filing suits and asking districts to join in). If authority chiseled away voters give them, it will continue to be chiseled away. Mr. Chilmonik noted he supports this, as it's the will of the people—the Board's elected to make decisions. Dr. Scricca noted this was discussed at today's Briefing, she echoes Mrs. Dozier's comments, and supports; we have collaborative relationship with charters and don't want authority usurped by individuals who may not

understand local concerns/conditions. Mr. Teuber agrees; he agrees with Mr. Martin re the possible taking away of local control of charters. *Motion carried 5-0.*

VIII. PUBLIC HEARING -- none

IX. OTHER BUSINESS

A. Special Request Presentations (Policy 1.31) – none

B. Board Member Comments/Reports

Dr. Scricca – Noted children’s Freedom Week fine presentation tonight. She acknowledged those who come to the podium to speak, that’s freedom of speech, and the Board’s listening. Secondly, re Ms. Howell’s public comments—some investigation may need to be done. Dr. Browder noted he’ll converse with local person who leads local recruiting from each military branch. Re the bus safety and woman’s daughter, Mr. Mesch talked with the mother to get data to look into this and report back. The other parent speaker, Ms. Elders, will visit the school in the next couple of days and talk with the principal. An enhanced policy is being investigated for lockdown procedures. Dr. Browder debriefed each East Zone principal from law enforcement notifications; it’s the first time the District has held kids due to a lockdown, and all those coming in with cars were checked (3 police officers at schools and 90 in the area). Dr. Browder thought the Sheriff’s Department did a positive job as well as the way the District responded. Children were home by 8:00 p.m. (released at 5:30 p.m.); he’d rather be on the side of caution. Sunshine Elementary reported parent pick-up went well. Any time there’s a dangerous situation, per Dr. Browder, procedures followed but precaution taken.

Mr. Chilmonik – Glad the safety issues areas are being looked into. Secondly, re the speakers tonight, he said the Board is at a turning point when it comes to constitutional guarantee of free speech; Mr. Chilmonik noted writing an editorial on the spirit of the issue and this type of behavior. Mr. Chilmonik feels tonight is the night to do the right thing, and he wants the Board to override the Superintendent though some would feel this is micromanaging; this is public outrage and more importantly, the constitutional freedom of speech. He noted watching this Board stop debate of not just him but parents, and a stand needs to be taken tonight to override the Superintendent; he feels a chilling message is sent to a teacher running for School Board and sees the two substitute teachers doing nothing wrong.

Mrs. Dozier – Thanked all here tonight; she noted some don’t understand the process but the Board can’t respond to speakers during public comment. Mrs. Dozier stated that if policies or procedures need to be addressed, it’s decided as a Board to do so; many suggestions brought in the past have been implemented. Re Ms. Howell’s comments, Dr. Browder’s directed to look into the safety of all students. She acknowledged Ms. Curley’s thought-out formula re sub teacher pay deserves merit to be discussed later on at a Briefing. Re the small girl hurt on the bus (mother spoke during public comment), the District is involved in campaigns and this is not acceptable. Mrs. Dozier thanked Mr. Mesch for going and speaking to these parents tonight; the District doesn’t tolerate bullying. Re the timeout room (Ms. Elders, public comment ESE parent speaker), if even some of the things being suggested are done, they will talk as a Board; maybe video cameras are needed to provide protection for children. She

noted talking with Sheriff Scott recently, and Lee County isn't a small community anymore; Mrs. Dozier noted being vigilant as a Board, with processes in place—the Board is to work with the Superintendent to put strategies in place and with what staff has put in place.

Dr. Kuckel – Wants follow-up on the lockdown, timeout, and bus situation. She noted the practice in place that principals are responsible for all in their building as well as staff; there are things that may go awry but the District has an investigation department. Dr. Kuckel noted not having any evidence of coercion on principals to make these decisions; she doesn't want to change the practice as the principals are responsible, and they evaluate staff under their supervision. There may be a disconnect to investigate; re other incidences and, if indeed, subs in one building for years—look into the reasons, and she asks the Superintendent or his designee to investigate (the 7/17 timing of do not call cited). Though Mr. Chilmonik wants an independent investigation, Dr. Kuckel noted the District has a Human Resources Department that does it for every other complaint for the Board and there's not been concern of their investigation procedures; she reiterated not asking for an outside investigation and she's not questioning the process. Principals are responsible; she noted subs can choose not to be called by certain schools—it's a two-way street and we don't question them. It was confirmed to Dr. Kuckel that military recruiters are fingerprinted by the military. Re overturning a Superintendent's recommendation, the London trip was overturned and she questions in retrospect safety—noting the planes with bombs on them in the U.K. (headed to the U.S.).

Mr. Teuber – Congratulations to those recognized tonight, to the Five Star Awards, and to Dr. Dinon. He wants to proclaim to the community to get more parents involved.

C. Attorney Comments/Reports

Mr. Martin – Noted policy sub teacher is one that doesn't dictate process but Administrative Regulation gives to Superintendent to design the process. The Board authorizes the Superintendent to design and implement procedures for approval of sub teachers; appeals can be made to Human Resources Executive Director.

D. Superintendent's Comments/Reports

Dr. Browder – Grant received this week (\$900,000 for advanced placement offerings); Mr. McCullers and Mrs. Kinsey noted. This allows a really good foothold in four schools. Secondly, Dr. Browder noted High Tech Central's Southern Command Program briefed today (military trains private boat builders from across America to maintain/repair). The District could be one of three providers for this; Mr. Shilling played a big part. Lastly, re subs—the process was written in 2005 but in practice about 18 years. Many speakers talked tonight about the issue in their mind—freedom of speech; this isn't about public comment but about performance. He will summarize for the Board, through Human Resources, what's occurred. Dr. Browder noted these are personnel issues, and he'll be cautious about what he says or writes about them (so as to not be inaccurate). Principals have these rights; Dr. Browder stated it's moved beyond what it's really about. Dr. Browder noted, re Mr. Donzelli's comments, having personal conversations with him that he'll share with the Board. The Superintendent noted everyone has freedom of speech rights but this is about performance.

E. Next Scheduled 2006 Meetings: October 10—2:30 p.m., Special Board Meeting; 3:00, School Board Briefing; and 6:30, School Board Meeting.

X. ADJOURNMENT – *As there was no other business to come before the Board, the meeting was adjourned at 8:26 p.m.*

/dwm

MINUTES BOOK NO. 41 - FY07

Steven K. Teuber, J.D., Chairman

ATTEST:

James W. Browder, Ed.D., Secretary and District Superintendent

An audio/visual tape of this meeting has been produced to provide a verbatim record of the proceedings. Members of the public may obtain a copy of the tape of any meeting by making a request for such through the Communications Department and paying the actual cost of copying the tape. Members of the public may view any Board meeting tape at the Communications Department at no cost. Anyone wishing to view a Board meeting tape should contact the Communications Department at 337-8327 to make such a request.