



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 11/21/06)  
**Tuesday—October 24, 2006 / 6:30 p.m.**

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**Attendees:** Mr. Steven K. Teuber, J.D., Chairman  
Mrs. Jeanne S. Dozier, Board Member  
Dr. James W. Browder, Secretary & District Superintendent

Mr. Robert D. Chilmonik, Board Member  
Mr. Keith Martin, Board Attorney  
Mrs. Denise Mangus, Recording Secretary

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**I. OPENING EXERCISES**

**A. Call to Order** – The School Board of Lee County, Florida, met on Tuesday, October 24, 2006 at 6:30 p.m. in the School Board Meeting Room for a regular School Board Meeting; Chairman Teuber presided. Mr. Teuber noted the following agenda changes: Items IV.F.7 and 8 are pulled (Certificates of Inspection); Good Cause VI.A.1 added (Administrative appointments); and Item II.A.1 and 2 are amended (Mrs. Dozier will be presenting both in one motion). *Motion was made by Mrs. Dozier, and seconded by Mr. Chilmonik, to accept the agenda as the Order of Business; motion carried 3-0.*

**B. Invocation/Moment of Silence** – Mrs. Dozier provided the Invocation/Moment of Silence.

**C. Pledge of Allegiance** – Mr. Chilmonik led the Pledge after presentation of the colors by Cadet LTC Michael Lowry, Riverdale High School JROTC (MAJ Steve Falc, Instructor).

**II. SPECIAL PRESENTATIONS**

**A. Resolutions**

**1./2. Resolutions/ Red Ribbon Week and SADD Day** – *Mrs. Dozier presented resolutions proclaiming October 22-28, 2006 as Red Ribbon Week and November 2, 2006 as SADD Day; motion was seconded by Mr. Chilmonik and carried 5-0. Kathy Reese (Student Services) accepted.*

**III. PUBLIC COMMENT (Mr. Martin provided the public comment guidelines.)**

*Marvin Goetz* – Noted prior meaningful dialogue (Board, Superintendent, Sub Teachers Association) urging and visions begin with listening though all won't agree. Feels, re newspaper article, employees won't comment due to retaliation. He cited historical freedom of speech.

*Anthony Kennedy* – Parent noted "MySpace.com" concerns; asks parents to look at children's computers/web page (suicide, provocative poses, gangster/thug issues) which could result in worse things at school vs. talk. Wants issue awareness campaign and national media attention.

*Lynn Spradley* – Local ACLU cooperating attorney who noted Dick Friedman, ACLU Vice-President in attendance. She addressed issue of sub teacher do-not-call list; they're investigating and monitoring re freedom on speech. She noted procedures and public records requests.

*Don Larsen Shudlick* – Feels teachers' affordable housing is communist. Noted some teacher benefits but others have salary concerns. Stated socialism benefits those other than middle class working 2-3 jobs but he believes in free enterprise/capitalism/Constitution, Bill of Rights, etc.

*Judy Alves* – Noted parents’ trends re military recruiters’ student access; mentioned the Code of Conduct form’s waiver line. Feels recruiters, though honorable soldiers, are high pressure sales; wants parent permission for talks and students allowed to change mind before basic training.

*John Traube* – Read (on file) from copy, noting Dr. Kuckel’s previous meeting comments; feels he and Ms. Chester are victims of bullying, civil rights/freedom of speech violated, intimidation, etc. Questioned willingness of violating law and moral authority to govern the school system.

*Sheridan Chester* – Noted invocation/pledge; disappointed, feeling commandments and civil rights violated. Cited never occurring to her of power as a dominant motivator. Believes she and Mr. Traube are victims of retaliation/lies/half-truths. Noted three employees’ obscene e-mails.

*Gail Burkham* – Noted District kids and Board Members; re Mr. Teuber, Mr. Rushlow should work on transportation instead of Mr. Chilmonik. Noted some West late buses and drivers not showing for work. Feels Mr. Chilmonik’s bullied. Get back to business; read Code of Conduct.

*Darlene Jursinski* – Suggests campaign workshop; feels e-mail not isolated. Noted parking lot vehicle transfer of Teuber signs/Mr. Rushlow’s comments (alleged); contract negotiations--not saying anything took place on latter; and teacher replies’ retribution atmosphere.

*Deidre Hall* – Noted East school lockdown; wants site plans, safety procedures (wants more) looked into, and clearer police communication with Board/school. She’s requested info/comments from Safety Department but feels further follow-up to her calls/e-mails is needed.

*Liz McGrath* – She confirmed what Ms. Jursinski saw in the parking lot. Ms. McGrath noted Mr. Martin not responding and surprise at Mr. Rushlow’s comments of “better be careful.”

*Ray Troy* – Noted 9 years’ school board experience, parent’s ESE timeout room concerns, “loonies” song taught to a class, upset/many calling him. He’ll have policy/agencies investigate. Noted political going-ons; feels Mr. Teuber shouldn’t come to swearing-in ceremony.

*Kelly Elders* – Sent timeout room pictures; feels put there due to diagnosis/not behavior, school where song taught, child put herself in school takedown position at home/re-living flashback. Displeased with matter passed to Mr. Mesch; and teacher threatens if child doesn’t sit.

**IV. CONSENT ACTION ITEMS** – There were no pulls from the agenda for discussion. *Motion by Mrs. Dozier, with second by Mr. Chilmonik, carried 3-0 to approve the Consent Agenda.*

**A. Executive Services** – Dr. James Browder

1. Approval of School Board (September 2006) meeting minutes: September 7 - Special School Board Meeting; September 12 - Board Workshop; September 12 - Special School Board Meeting; September 12 - School Board Briefing; September 12 (Final Budget) - Special School Board Meeting; September 12 - School Board Meeting; September 26 - Student Hearings; September 26 - Special School Board Meeting; September 26 – School Board Briefing; and September 26 - School Board Meeting.

2. Approval of the Florida School Boards Association 2007 Legislative Platform: Priorities for the 2007 Legislative Session.

**B. Academics – Dr. Constance Jones**

1. Approval of four grant proposals at no additional cost to the District:
  - a. ESEA Title III Supplementary Instructional for English Language Learners;
  - b. ESEA Title I, Part A Education of Disadvantage Children and Youth;
  - c. ESEA Title X Education for Homeless Children and Youth
  - d. Florida Teacher Advancement Program (FTAP).

Approval authorizes the Superintendent to execute related documents and to approve normal and customary accounting, amendment, bookkeeping, and payroll processes to maintain continuity of federal and state grant expenditures during fiscal year changes and other technical transitions. Any processes so approved will represent best practices, and will conform to funding agency regulations; and to submit proposals and receive awards in subsequent cycles of these specific grant programs and direct successors without further Board action, providing subsequent proposals do not include a major change in focus. The Superintendent may also bring such subsequent proposals forward for Board action for any other cause, at the Superintendent's discretion.

2. Approval of the School Improvement Plans submitted by 84 schools and special centers for the 2006-2007 school year.
3. Approval of the Service Agreements for Speech-Language Therapy Services with Community Rehab Associates, Inc., Community Rehab Services, Inc. and Elite Speech Therapy, Inc. at an estimated cost to the District of \$177,000 effective November 1, 2006 through May 28, 2007.
4. Approval of the private provider contracts for the implementation of Supplemental Educational Services as selected by parents for the 2006-2007 school year with services based on a per student allocation of \$1,151 and not to exceed a total of \$2,528,700.
5. Approval of the renewal of the Interlocal Agreement with The Lee County Sheriff's Office for the continuation of the School Resource Officer (SRO) and D.A.R.E. Programs for August 11, 2006 to August 20, 2007, at a cost of \$613,530.

**C. Administrative Services – Mr. Michael McNerney (none)**

**D. Business Services – Mr. Lee Legutko**

1. Approval of Amendment Number 4 to the agreement with Computer Associates International, Inc. extending the term of the license agreement to March 30, 2009; the expenditure of \$199,348 in FY07 for the supplemental license fee and annual maintenance fee; the expenditure of \$139,348 in FY08 for the annual maintenance; and authorization for the Superintendent to execute related documents.

2. Approval of purchase requisitions in the total amount of \$313,639.40; and authorization to issue the 17 purchase orders:
  - a. Excelsior Software, Inc. – payment for the annual software maintenance for Pinnacle Software agreement for the period from October 31, 2006 through October 31, 2007 for Information Systems Department (Requisition No. 243811);
  - b. All Phase Electric – payment for the replacement of two barn light fixtures with metal halide fixtures, two walkway lights at parent pick up and 15 fixtures on the bus ramp walkway at Lehigh Acres Middle School for Maintenance Services (Requisition No. Q0063529);
  - c. All Phase Electric – payment for the relocation and/or provide new waterproof disconnects on five rooftop air handler units at North Fort Myers Academy for the Arts for Maintenance Services (Requisition No. Q-0063514);
  - d. All Phase Electric – payment to provide electrical hook up for a pump and scale, and to correct electrical wiring for the fire alarm in the paint booth at Lee County High Tech Center Central for Maintenance Services (Requisition No. Q-0063515);
  - e. Walker Construction – payment for labor and materials for repairs to the portable restroom unit at Lehigh Senior High School for Construction Services Department (Requisition No. 245132);
  - f. Walker Construction – payment for the labor and materials for repairs in portable 12978A/B at Buckingham Exceptional School for Construction Services Department (Requisition No. 245133);
  - g. Micro Control Systems – for the purchase of one MCS-8 main controller for the chiller at Edison Park Creative and Expressive Arts School for Maintenance Services (Req. No. Q0063517);
  - h. Wright Construction – payment for labor and materials to split the electrical service to the computer lab at Lehigh Elementary School for Maintenance Services (Requisition No. Q0063520);
  - i. Micro Control Systems – for the purchase of one MCS-S116 16 sensor expansion board and two MCS-T100-40 temperature sensors for the HVAC system at Dunbar Community School for Maintenance Services (Requisition No. Q-0063521);
  - j. All Phase Electric – payment for the relocation of power poles, the addition of four new circuits and to reroute network cables in building 700, room 1 at Trafalgar Middle School for Maintenance Services (Requisition No. Q0063442);
  - k. All Phase Electric – payment for the materials and labor to, replace one power pole, remove five floor receptacles and to repair three floor receptacles to eliminate trip hazard in the cafeteria at Cape Coral High School for Maintenance Services (Requisition No. Q0063551);
  - l. Sam Galloway Ford – for the purchase of one 2007 Ford F-350 Diesel pick up truck with lift gate. Air conditioning, automatic transmission and vinyl bench seat for Transportation Services (Requisition No. 244878);
  - m. Sam Galloway Ford – for the purchase of one 2007 Ford F-250, 4x4, diesel pick up truck with automatic transmission and vinyl bench seat for Transportation Services (Req. No. 244935);
  - n. Lab Volt – for the purchase of one Electronic Training System total package including software for the hands on study of basic electricity, electronics, analog,

- digital and microprocessor circuits and devices for Lee County High Tech Center central (Requisition No. 244318);
- o. Follett Software Company – payment for the renewal of Destiny Library and Textbook Manager Solution for the School District of Lee County (Requisition No. 245177);
  - p. All Phase Electric – payment for the materials and labor to install seven new circuits in the computer lab portable at ALC West for Maintenance Services (Requisition No. Q0063540); and
  - q. Acousti Engineering Co. of Florida – payment for labor and materials to replace operable wall and necessary drywall in the cafeteria of Mariner High School for Maintenance Services. (Requisition No. Q0063578).
3. Approval to award Bid No. B066450SW for towing services to Alligator Towing and Recovery, Inc. at an estimated annual expenditure of \$41,000 beginning October 24, 2006 through October 23, 2007, with renewal options for two additional one-year periods upon the written agreement of the vendor and the School Board.
  4. Approval to award Bid No. B066486LO for the purchase of doors, related hardware and installation to Stanton Door Co., at estimated annual expenditure of \$100,000 beginning October 24, 2006 through October 23, 2007, with renewal options for two additional one-year periods upon the written agreement of the vendor and the School Board.
  5. Approval to terminate the contract with Win-Dar, Inc. and increase the estimated annual expenditure for Bid No. B056330LO, purchase and installation of walkway covers and entry canopies by \$1,500,000 making a total estimated expenditure of \$1,800,000 through May 9, 2007.
  6. Approval to increase the estimated annual expenditure for Bid No. B056354LO, roof repairs, to Advanced Roofing & Sheet Metal, Inc., Camp-Rigby Roofing-Sheet Metal Contractors, Inc. and Crowther Roofing & Sheet Metal of Florida, Inc. by \$300,000 making a total anticipated expenditure of \$600,000 through June 13, 2007.

**E. Human Resources – Dr. Gregory Adkins**

1. Approval to renew the current agreement with Gallagher Benefit Services (GBS) to provide benefit consulting services to the District for the one-year period January 1, 2007 through December 31, 2007.
2. Approval of the general personnel recommendations including administrative, certificated, support and substitute staff, annual reappointments and corrections to items previously approved by the Board.

**F. School Support Services – Mr. Bill Moore**

1. Approval of the Grant of Easement to Comcast Cablevision of the South, Inc. for 8,580 square feet at Lehigh Senior High School in exchange of \$150,000 worth of improvements to provide cable service to existing schools and new schools.

2. Approval of Certification of Facilities Data which has been verified as of September 5, 2006 as current and accurate pursuant to applicable statutes and rules.
3. Approval of the Five Year Educational Plant Survey and Facilities List in accordance with F.S. 1013.31.
4. Approval of the ranking of Construction Management firms to provide services for High School “HHH”: 1) Kraft Construction; 2) Walbridge Aldinger; 3) Gates McVey Butz Institutional Construction, LLC; and 4) ACI Construction Services; and authorization for negotiation of a contract; and for the Superintendent to execute all necessary documents. In the event negotiations with the top ranked firm is not successful, authorization to proceed with negotiations for the next ranked firm for the project until the project is negotiated and contract is executed.
5. Acceptance of the Certificate of Final Inspection for Cape Coral High School restroom renovations dated October 6, 2006 and final payment in the amount of \$42,746.75 to Chris-Tel Company of SW Florida; and authorization for the Superintendent to execute all necessary documents.
6. Acceptance of certificate of Final Inspection for Ida s. Baker High School dated July 18, 2006 and final payment in the amount of \$1,288,719.52 to Kraft Construction Co., Inc. and authorization for the Superintendent to execute all necessary documents.

*Pulled*

7. ~~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.~~

*Pulled*

8. ~~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.~~

**V. UNFINISHED BUSINESS/TABLED ITEMS – none**

**VI. SUPERINTENDENT’S RECOMMENDATIONS**

**A. Good Cause – Personnel Appointments/Administrative**

*Motion made by Mrs. Dozier, with second by Mr. Chilmonik, carried 3-0 for approval of the administrative personnel recommendation for Christine Black to Coordinator, Professional Standards and Equity—effective October 25, 2006; and for Craig Baker to Coordinator, Professional Standards and Equity—effective November 1, 2006.*

**B. Approval of High School Graduations**

*Motion was made by Mrs. Dozier, and seconded by Mr. Chilmonik, to approve the proposed 2007 high school graduations: May 14 – Estero High School; May 15 – Cape Coral and Lehigh Senior High Schools; May 16 – Cypress Lake, Mariner, and South Fort Myers High Schools; May 17 – Dunbar High School; May 19 – Buckingham School and Tanglewood/*

*Riverside School; May 22 – Adult Education; May 23 – Riverdale High School; May 24 – Fort Myers and North Fort Myers High Schools.* Mrs. Dozier inquired as to the progress for looking at single sites for multiple ceremonies; Dr. Browder noted the Board had discussion re late start dates and test dates. Multiple graduations could be done. Re starting ceremonies earlier, some parents may not be able to attend because of work; this can be revisited. There are only four sites to do graduations. As the District continues to grow, and additional high schools opened, these may be housed. The Superintendent, with Board agreement, will look at what procedures large and growing districts do and their common practices. Ceremonies now last two weeks; could end up being a month long but proactive steps will be taken now. *Motion carried 3-0.*

**VII. ATTORNEY’S RECOMMENDATIONS – Mr. Martin (none)**

**SCHOOL BOARD AUDITOR’S RECOMMENDATIONS**

**A. Approval of the Proposed 2006-07 Audit Plan**

Mrs. Nieminski noted the previous (October 10<sup>th</sup> Briefing) audit plan presentation to the Board. Mr. Teuber, asked for point of clarification, about changes requiring an extraordinary vote for approval. *Motion by Mr. Chilmonik, with second by Mrs. Dozier, carried 3-0 for approval of the proposed 2006-07 Audit Plan.*

**VIII. PUBLIC HEARINGS (Dr. Browder presented two items for tonight)**

Mr. Teuber recessed the Board Action Meeting and opened the Public Hearing at 7:28 p.m. He asked if anyone would like to address the Board regarding the issues on the Agenda for Public Hearing tonight (there being none). Mr. Teuber closed the public hearing and reconvened the regular School Board Meeting at 7:28 p.m.

**A. Revisions to AR-2.12, Conditions of Employment**

*Motion made by Mr. Chilmonik, with second by Mrs. Dozier, carried 3-0 to approve the revisions to AR-2.12, Conditions of Employment, to align the current employment application process, hiring practices, and probationary period with collective bargaining agreements, current practice, and changes in law.*

**B. Revisions to AR-3.82, Wellness**

*Motion made by Mr. Chilmonik, with second by Mrs. Dozier, carried 3-0 to approve the revisions to AR-3.82, Wellness, to meet the Florida Department of Education Food and Nutrition Wellness reporting requirements.*

**IX. OTHER BUSINESS.**

**A. Special Request Presentation (Policy 1.31) -- none**

**B. Board Members’ Comments/Reports**

*Mr. Chilmonik – Thanked speakers for professionalism. He noted wanting to clarify what was said about Cafferata Elementary and Dr. Kuckel’s past comments; Mr. Chilmonik noted*

he wasn't personally attacking her. He further commented about the clarifying statements she made of knowing about the bonding issue, whereas she corrected herself later. Mr. Chilmonik researched memos, noting March 14<sup>th</sup>, as a result of his request; he remarked on the bonding risk per state statute and individual board members' risk—even with money held back. He has concern with the Board and/or public's notification of this and, further, if the school's going to cost more than the amount brought back. Mr. Chilmonik requested financial spreadsheets of what's been spent at Cafferata.

Mr. Chilmonik noted being the subject of ridicule, belittlement, and slanderous statements by all; he believes it's due to his audacity in asking questions for the best interest of the public and his district. He's heard the word aggrandizement. Any more of such comments or treatment he will take as malicious intent publicly; there is a need to get on with the business of the Board, and he would assume there have been political reasons for doing the aforementioned actions. He noted the perception of the public.

Re the swearing in, he feels they're the laughing stock of the community and he insists on being sworn in at the same time. He wants the same services and he invited the Board, as all have to pull together. The community expects the Board to make policy and ensure 80,000 students are getting the best possible education. He wants the discussion now if Dr. Browder is to attack him and he responds. He noted he'll be sworn in on the same evening—the 16<sup>th</sup>—the public expects this.

*Mrs. Dozier* – She made a public records request at the Board table to have a copy of the pages Mr. Chilmonik was reading from. Separately, she would appreciate it being covered as to what is actually done for a public records request on a personnel file. Re late buses, Dr. Browder will provide an update; having students be late is not wanted. She noted it might be good at the Friday retreat to discuss political policy. Mrs. Dozier noted Ms. Hall speaking prior and hopes staff communicate with her again as to status. Ms. Hall may have not made the public records requests though the appropriate department of Communications. Mrs. Dozier noted Mr. Troy's passion and that special children are gifts from God. She anticipates the Superintendent will look into this and the love/passion Ms. Elders shows for her child is appreciated; if there's been neglect, there will be a request to look at all special needs children. Mrs. Dozier complimented those who spoke, as it takes a lot of courage but the Board is listening though they can't respond during public comment. Parents help identify issues and ways to improve upon.

*Mr. Teuber* -- Thanked Mr. Kennedy, as he's talked with him at length. There's familiarity here due to having a teenager himself; the computer permeates our lives with its access. Mr. Teuber noted not being able to say enough—spend time looking at your child's web page; in their house, MySpace.com is not accessible but parents have to make decisions. Mr. Teuber noted the Board workshop yesterday on advisory committees; suggestions were made for improvements—topics will be picked for community and parents, with the first being safety as it affects all. He separately noted Ms. Hall can attend Construction Advisory Committee. Last week the District was fortunate for the Governor's Points of Light recognition of two people—Maybelle Cox (82-year-old) who's participated for 17 years and takes two buses to get to the school. Dexter (Lehigh Senior junior) started Teen Trendsetters (mentoring at Sunshine Elementary and another); Lee has most teen mentors in the state (and Florida

recognized as the best in country). Lastly, Temple Beth Shalom gave books, supplies, backpacks to children at Tropic Isles, representing a community effort.

- C. **Attorney’s Comments/Reports** – Re Ms. Hall’s comments for site plan requests, Mr. Martin noted there is an exemption to public record requests for schools due to security (blueprints, diagrams, etc.).

**Auditor’s Comments/Reports** – none

**D. Superintendent’s Comments/Reports**

*Dr. Browder* – Noted the previous FBI investigation and site drawings being accessed. He congratulated Charlotte Rafferty for her recognition in D.C. today as one of the elementary principals of the year. Noted, re Mr. Kennedy’s public comments, concern from another parent volunteer and a student typing in a name given that turned out to be in inappropriate site. The District is arming itself with things needed to be done and encouragement is given to all parents to review websites. Individuals’ names are being checked/screened now through a filtering site. Children have more access to information these days, and Dr. Browder asks parents to monitor what their kids are doing on the web as it could be innocent but endangers their child’s life.

**E. Next Scheduled Meetings:**

- October 27, 2006 – 10:00 a.m., School Board Retreat;
- October 30, 2006 – 1:30 p.m., School Board Retreat (continuation, if needed);
- November 6, 2006—3:00 p.m., School Board Briefing Meeting; and
- November 6, 2006—6:30 p.m., School Board Meeting.

**X. ADJOURNMENT** – *As there was no other business to come before the Board, the meeting was adjourned at 7:51 p.m.*

/dwm

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*MINUTES BOOK NO. 41 - FY07*

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**Steven K. Teuber, J.D.,** Chairman

ATTEST:

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**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.*