



VISION:
To be a world-class school system.

THE SCHOOL BOARD OF LEE COUNTY
School Board Meeting - MINUTES
(School Board Meeting Room, 2855 Colonial Blvd., Fort Myers, FL)
Tuesday, August 25, 2009

Attending

Dr. Jane E. Kuckel, Board Chair
Mr. Steven K. Teuber, J.D., Vice Chair
Mr. Robert D. Chilmonik, Member
Mrs. Jeanne S. Dozier, Member
Dr. Elinor C. Scricca, Member (*arrived at 6:25 P.M.*)
Dr. James W. Browder, Secretary and District Superintendent
Mr. Keith B. Martin, Board Attorney
Mrs. Donna Lesansky, Recording Secretary

I. Opening Exercises

A. Call to Order

The School Board of Lee County, Florida, met on Tuesday, August 25, 2009, in the School Board Meeting Room for a Regular School Board Meeting. Board Chair Jane Kuckel presided and called the meeting to order at 6:00 P.M.

Dr. Browder provided justification for the addition of his Good Cause item. Dr. Kuckel stated that as presiding officer she determined there is good cause to add the item to the agenda.

Motion by Mrs. Dozier, seconded by Mr. Teuber, and carried 4-0 to adopt the agenda as the Order of Business.

Dr. Kuckel announced that Dr. Scricca would be joining the meeting shortly.

B. Invocation (*Mrs. Dozier*)

C. Presentation of Colors / Pledge of Allegiance (*Mr. Chilmonik*)

- Cadet Yireh Ayala, Estero High School JROTC
- First Sergeant Bryant Robinson, JRTOC Army Instructor

II. Special Presentations

A. Recognitions

1. Lee County 2009 Principal Achievement Award for Outstanding Leadership (*Mr. Teuber*)
 - Ms. Denise Phillips-Luster, James Stephens International Academy
2. Lee County 2009 Outstanding Assistant Principal (*Mr. Teuber*)
 - Ms. Melissa Robery, Ida S. Baker High School

B. Resolutions

- 1. Sam Sirianni Day: September 4, 2009 (*Mrs. Dozier*)

RESOLUTION

WHEREAS, Samuel F. Sirianni began his coaching legacy in 1969 as head football coach of the Fort Myers Senior High Green Wave and held that position for 33 years, making the Fort Myers Green Wave one of the most successful team programs in the State of Florida; and

WHEREAS, Samuel F. Sirianni dedicated his entire career to nurturing thousands of young students in the School District and educated them to realize the rewards of teamwork, fellowship, sportsmanship, communication, and physical conditioning; and

WHEREAS, Samuel F. Sirianni inspired so many of the School District’s young students to venture into the world with a vision and determination to pursue their goals and seek their destiny; and

WHEREAS, the parents of children who were touched through his teaching and coaching were ever so indebted to this outstanding educator for his unique ability to educate their children to the lessons of life to use both on and off the field; and

WHEREAS, the Lee County School District family wishes to honor his long and unwavering steadfast commitment to the thousands of student athletes under his leadership, which resulted in an even longer list of loving friends and fans who knew him best as “*Coach Sam*”; and

WHEREAS, it is recognized that through the accomplishments of “*Coach Sam*” our School District’s image has forever been polished and our aspirations for the highest quality of life within our School District have been sustained;

NOW, THEREFORE, BE IT RESOLVED that The School Board of Lee County, Florida, recognizing the selfless dedication of Samuel F. Sirianni to his profession, which made him one of the most respected and valued members of our School District family, hereby proclaims September 4, 2009, as

SAM SIRIANNI DAY

Adopted at a regular meeting of The School Board of Lee County, Florida
This Twenty-fifth day of August 2009

Motion by Mrs. Dozier, seconded by Mr. Chilmonik, and carried 4-0 to adopt the Resolution proclaiming September 4, 2009, as Sam Sirianni Day.

- 2. “Do The Right Thing” Month: September 2009 (*Mr. Teuber*)

RESOLUTION

WHEREAS, “Do The Right Thing” is an ongoing program that recognizes the outstanding deeds of Lee County’s young men and women and spotlights their positive behavior; and

WHEREAS, positive recognition has been heralded as an effective means of reinforcing and encouraging this type of behavior among students; and

WHEREAS, it is one of the top priorities of the Lee County Sheriff’s Office, the Cape Coral Police Department, and the Fort Myers Police Department, in conjunction with The School Board of Lee County and area businesses, to help recognize these “unsung heroes” on a monthly basis; and

WHEREAS, “Do The Right Thing” joins the Lee County community in support of our outstanding young role models; and

WHEREAS, promotion of these students through “Do The Right Thing” has proven to be a positive, self-esteem building venture that fosters healthy decisions and positive lifestyle choices among students and their peers;

NOW, THEREFORE, BE IT RESOLVED that The School Board of Lee County, Florida, hereby proclaims the month of September 2009 as

“DO THE RIGHT THING” MONTH

Adopted at a regular meeting of The School Board of Lee County, Florida
This Twenty-fifth day of August 2009

Motion by Mr. Teuber, **seconded** by Mrs. Dozier, and **carried 4-0** to adopt the Resolution proclaiming the month of September 2009, as “Do The Right Thing” Month.

C. Acknowledgement (Mr. Chilmonik)

Character Word for August: Responsibility – Accountability for your personal choices, obligations, and duties.

D. Special Presentations to the Board (None)

E. Staff Presentation to the Board

1. Mr. Carl Burnside, Member of Kappa Alpha Psi Fraternity and Principal of Dunbar High School
Presentation of a portrait of James Stephens

III. Public Comment

Speakers and the topics they addressed were as follows:

Eric Dochinger: funding for art and music programs

Sandy Bergener: full-time coordinator for the Cape Coral High School IB Program

Karen Taylor: education and treatment of special needs students

Kellie Elders: treatment of special needs students

John Traube: funding referendum

Sue Jacobse: Board Policy 1.06 as it pertains to the authority of the School Board to take action

Dr. Kuckel responded to speakers as follows: stated that the arts program is important to the Board and that they are working very hard to reinstate funding; stated that the Board is closely monitoring all of the IB programs and will make adjustments next year if warranted; stated that the School District works very hard for its special needs students; acknowledged Mr. Traube's comments and thanked Mrs. Jacobse for hers.

IV. Consent Action Items

Motion by Dr. Scricca, **seconded** by Mr. Teuber, and **carried 5-0** to approve the Consent Agenda as presented.

A. Executive Services – Dr. James W. Browder

1. Approval of minutes of School Board Meetings:
 - July 29, 2009, School Board Special Meeting to hold a Public Hearing to adopt FY2010 Tentative Budget
 - July, 29, 2009, School Board Action Meeting
 - August 11, 2009, School Board Briefing Meeting
 - August 11, 2009, School Board Action Meeting

B. Academic Services – Dr. Constance Jones

1. Approval of this Memorandum of Understanding with Southwest Florida Addiction Services (SWFAS) at no cost to the District. Approval authorizes the Superintendent to execute related documents, and to approve normal and customary accounting, 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 by the Superintendent will represent best practices, and will conform to funding agency regulations.

2. Approval of the Agreement and Articulated Acceleration Plan with The Board of Trustees of Edison State College to enhance learning opportunities for eligible students with the opportunity to take specified college level courses in lieu of standard curricular courses for the 2009-10 school year, and authorization for the Superintendent to execute related documents.
3. Approval of the amendments to the current Behavior Specialist ESE job description. These changes will have no fiscal impact to the District.
4. Approval of the renewal contracts with the Carlton Palms Educational Center, Incorporated, for education services for fiscal year 2009-2010, at a total cost not to exceed \$35,774.74.

C. Administrative Services – Mr. Michael McNerney

1. Approval to change the authorized signers on the Internal Fund Accounts at Harns Marsh Elementary, Estero High School, River Hall Elementary, Edgewood Academy, South Fort Myers High School, Fort Myers Middle Academy, Lexington Middle School, Tanglewood Elementary, and Hancock Creek Elementary with two signatures required on these accounts, one of which must be administrative; and authorization for the Superintendent to execute related documents.
2. Approval of the agreement with Lee Charter Foundation, Inc., doing business as Bonita Springs Charter School; Cape Coral Charter School; Gateway Charter Elementary, Intermediate and High Schools and Six Mile Charter Academy to provide Interoffice mail service from the School District for the period August 25, 2009 through July 31, 2010, at no cost to the District.

D. Business Services

1. Approval of expenditures estimated at \$1,200 for out-of-state travel for school district employees to pursue the development, business, and leadership needs of the School District. Approval authorizes the Superintendent to also provide reimbursement for incidental travel costs, and to execute related documents.
2. Approval to award ITN No. N096804SW for inspection, certification and repair of fire alarm systems district-wide to Safetech Security & Fire Equipment Technologies, Inc. as the top ranked firm for Section A, inspections and certification and to all vendors in Section B with proprietary systems as indicated on the attached tabulation for repairs and preventative maintenance based on evaluation, ranking and negotiation at an estimated annual expenditure of \$350,000 beginning August 25, 2009 through August 24, 2010 with renewal options for two additional one year periods upon the written agreement of the vendor and the School Board and authorization for the Superintendent to execute all necessary documents.
3. Approval to piggy-back Collier County Schools Bid No. 224-6/07 for the purchase of automotive/bus parts and service awarded to multiple vendors through June 30, 2010 at an estimated expenditure of \$80,000 and authorization for the Superintendent to execute all documents.
4. Approval to piggy-back Lee County Government Bid Q-080397 for purchase and lease of copiers, through June 30, 2010, at an estimated expenditure of \$200,000 and authorization for the Superintendent to execute all documents.

5. Approval of purchase requisition in the total amount of \$1,199,887.00; and authorization for the issuance of the one (1) purchase order as described.
6. Approval to renew Bid No. B076586SW for vehicle parts for Transportation Services Department to Bumper to Bumper at an estimated annual expenditure of \$150,000 beginning September 7, 2009 through September 6, 2010 and authorization for the Superintendent to execute all documents.
7. Approval to renew Bid No. B086716SW for replace and repair of exhaust fans district-wide to Rainbow Electric of MD, Inc. at an estimated annual expenditure of \$100,000 beginning September 8, 2009 through September 7, 2010 and authorization for the Superintendent to execute all documents.

E. Human Resources – Dr. Gregory Adkins

1. Approval of the general personnel recommendations including administrative, certificated, support and substitute staff, out-of-field appointments, annual reappointments, and correction to item previously approved by the Board.
2. Approval of the Group Policy Information Access Agreement with Minnesota Life Insurance Company effective August 1, 2009. There is no cost to the School District to enter into this agreement which will permit required access to, and training in, the necessary Minnesota Life data bases and e-claims system for designated School District employees.
3. Approval to move the position of School to Community Specialist from the Supervisory, Technical and Confidential employee salary schedule and placed on the SPALC Salary Schedule.
4. Approval of the job description for the position of School to Community Specialist, pay grade 7. This position will terminate should grant funding for this position cease.
5. Approval of the new Data Processor position, Pay Grade 5 of the Supervisory, Technical and Confidential Salary Schedule and the reclassification of the existing Clerk Specialist, Pay Grade 4 of the Supervisory, Technical and Confidential Salary Schedule to the position of Data Processor, Pay Grade 5 of the same schedule. The combined cost of the primary Data Processor position and the reclassification of the back-up position is just under \$46,000: \$14,000 less than the \$60,000 provided by Minnesota Life.

F. School Support Services – Mr. William Moore (None)

V. Unfinished Business/Tabled Items (None)

VI. Superintendent's Recommendations

A. Good Cause

1. Personnel Recommendation – Administrative.

Transfer and Change

| <u>Assignment</u> | <u>From</u> | <u>To</u> | <u>Effective Date</u> |
|-------------------|-------------------------------------|--|-----------------------|
| *Robert Cooper | Lehigh Acres Elementary, Teacher | Dr. Carrie D. Robinson, Littleton Elementary Assistant Principal | 08/26/09 |

*Administrator appointed above will be working greater than a 196-day contract.

Motion by Mrs. Dozier, seconded by Mr. Chilmonik, and carried 5-0 to accept the Superintendent's recommendation that the Board approve the above transfer and change of assignment.

B. Increase Total Project Cost for Villas Elementary School Window, Plumbing, Cabinet Replacement and New P.E. Building.

Motion by Mr. Teuber, seconded by Dr. Scricca, and carried 5-0 to accept the Superintendent's recommendation that the Board approve increasing the cost for Villas Elementary School Window, Plumbing, Cabinet Replacement and New P.E. Building by \$2,000,000.00 for a total project cost of \$4,500,000.00; and authorize the Superintendent to execute all necessary documents.

VII. Attorney's Recommendations – Mr. Keith Martin (None)

VIII. Public Hearing

Dr. Browder presented his recommendations for this evening's Public Hearing items.

- A. Revisions to Policy 2.28, Charter Schools.**
- B. Revisions to Policy 4.28, Admission of International and Foreign Exchange Students.**
- C. Revisions to Policy 5.20, Family and Medical Leave.**
- D. Adoption of Exceptional Student Education (ESE) Policies and Procedures Document for the 2009-10 through 2011-12 School Years.**

Dr. Kuckel recessed the Board Meeting and opened the Public Hearing at 6:55 P.M. She asked if anyone would like to address the Board regarding the four items on the agenda for Public Hearing.

There being no requests to address the Board, Dr. Kuckel closed the Public Hearing and reconvened the Board Meeting at 6:56 P.M.

A. Revisions to Policy 2.28, Charter Schools.

Motion by Mr. Teuber, seconded by Dr. Scricca, and carried 5-0 to accept the Superintendent's recommendation that the Board approve revisions to Policy 2.28, Charter Schools, to establish a more thorough process for review of initial and renewal applications for establishment of a charter school and to comply with recent statutory changes.

B. Revisions to Policy 4.28, Admission of International and Foreign Exchange Students.

Motion by Mrs. Dozier, seconded by Dr. Scricca, and carried 5-0 to accept the Superintendent's recommendation that the Board approve revisions to Policy 4.28, Admission of International and Foreign Exchange Students, to add language to comply with Homeland Security timeline requirements and to revise the required English proficiency score to comply with the change in the State requirements.

C. Revisions to Policy 5.20, Family and Medical Leave.

Motion by Mrs. Dozier, seconded by Dr. Scricca, and carried 5-0 to accept the Superintendent's recommendation that the Board approve revisions to Policy 5.20, Family and Medical Leave, to comply with the recently updated federal regulations regarding the Family Medical Leave Act and to assure consistency with the collective bargaining agreements which include the updated language.

D. Adoption of Exceptional Student Education (ESE) Policies and Procedures Document for the 2009-10 through 2011-12 School Years.

Motion by Mrs. Dozier, seconded by Mr. Chilmonik, and carried 5-0 to accept the Superintendent's recommendation that the Board approve adoption of the Exceptional Student Education (ESE) Policies and Procedures (SP&P) document for the 2009-2010 through the 2011-2012 school years.

IX. Other Business**A. Board Members' Comments/Reports**

Mr. Chilmonik: acknowledged/responded to comments made by speakers; distributed copies of a new employment contract for the Superintendent that he had drafted, a copy of which is on file with the official meeting minutes.

Mr. Teuber called for a point of order, asking whether or not this discussion should proceed in light of the Superintendent's statement made at the Briefing Meeting that he would not entertain any discussion with regard to his contract. Mr. Martin stated that since the contract is an agreement between two parties and that no changes may be made without the consent of both, he would advise that Mr. Chilmonik be allowed to make his comments.

Mr. Chilmonik stated that the changes he was proposing were: language that would clarify the provisions for travel reimbursement, a reinstatement of the ethics clause, and an amendment of the severance package to provide for a severance payment not to exceed 52 weeks.

Motion by Mr. Chilmonik that the School Board direct the School Board Attorney to develop policy language for consideration by the School Board that would require that any adoption of or amendment to an employment contract with an employee reporting directly to the School Board be reviewed by the School Board at a televised School Board Briefing Meeting before consideration at a School Board Action Meeting.

Motion failed for lack of a second.

Mr. Chilmonik: stated that, with the opening of school, he has received some e-mails from parents concerned about student safety; expressed a desire that the District would meet its student enrollment projections.

Mrs. Dozier: acknowledged/responded to comments made by speakers; stated that the opening of school went well with the exception of some severe weather at dismissal time; wished everyone a productive and successful school year.

Dr. Scricca: acknowledged/responded to comments made by speakers; asked Dr. Browder to address ACT scores and a tax increase during his comments; congratulated staff on a successful school opening.

Mr. Teuber: none.

Dr. Kuckel: wished everyone a successful school year; stated that due to scheduling difficulties, the Curriculum Advisory Committee would appreciate a waiver to omit a September meeting from its schedule.

Motion by Dr. Kuckel, seconded by Dr. Scricca and carried 5-0 to grant the Curriculum Advisory Committee an exception to Board Policy 1.18 which would allow the Committee to waive the requirement for a September meeting.

B. Board Attorney's Comments/Reports

Mr. Martin: stated that he wanted to share some information with the Board as a follow-up to comments made by one of the speakers. He explained that at the beginning of last school year, he provided training to all School District principals regarding the development of Individual Education Plans (IEP's) for ESE students entitled to services under the Individuals with Disabilities Education Act (IDEA). One of the components of that training was to emphasize to the administrators that every ESE student is entitled to a free appropriate public education. Mr. Martin stated that during the training he emphasized that if a parent requests a particular service at an IEP meeting asserting that the service is needed by the child, it is never an appropriate response to say that it is too expensive or that enough funding is not available to pay for the service. The appropriate consideration for the IEP team is whether that service is needed in order to provide the student an appropriate education, without regard to cost.

C. Superintendent's Comments/Reports

Dr. Browder: stated that he was pleased with the opening of school; informed the Board that it might be necessary to reinstate some buses due to overcrowding during the afternoon runs; stated that it might be necessary to make some personnel adjustments after the ten-day count; acknowledged/responded to speakers; addressed test scores and taxing issues in response to Dr. Scricca's request.

D. Next Scheduled Meetings of the Board:

- September 8, 2009, 2:30 p.m., School Board Briefing Meeting (*Immediately following a Special Board Meeting, if scheduled)
- September 8, 2009, 5:05 p.m., Board Special Meeting to hold the Public Hearing to adopt the 2010 Final Budget
- September 8, 2009, 6:00 p.m., School Board Action Meeting

X. Adjournment

Motion by Dr. Scricca, seconded by Mr. Chilmonik, and carried 5-0 to adjourn the August 25, 2009, School Board Meeting.

The meeting adjourned at 7:33 P.M.

Jane E. Kuckel, PhD, Board Chair

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.