



MISSION:

To ensure that each student achieves his or her highest personal potential.

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, January 11, 2011

Attending:

Mr. Thomas Scott, Chairman
Ms. Mary Fischer, M.A., Vice Chairman
Dr. Jane E. Kuckel, Member
Mr. Don H. Armstrong, Member
Dr. Lawrence D. Tihen, Secretary and Interim Superintendent
Mr. Keith Martin, Board Attorney
Mrs. Donna Lesansky, Recording Secretary

Absent:

Mrs. Jeanne S. Dozier, Member (*illness*)

I. Opening Exercises

A. Call to Order

The School Board of Lee County, Florida, met on Tuesday, January 11, 2011, in the School Board Meeting Room for a Regular School Board Meeting. Board Chairman Thomas Scott presided and called the meeting to order at 6:05 P.M.

Mr. Scott noted that Agenda Item VIII.4. had been corrected prior to the meeting to reflect the effective date of the Rule as January 12, 2011.

Motion by Ms. Fischer, seconded by Mr. Armstrong, and carried 4-0 to adopt the agenda as the Order of Business.

Mr. Scott acknowledged Mrs. Dozier's absence due to illness.

B. Invocation (Mr. Armstrong)

C. Presentation of Colors and Pledge of Allegiance (Dr. Kuckel)

- Cadet Lieutenant Jordan Rongish, Lehigh Senior High School JROTC
- First Sergeant Edward E. Davidson (RET), Army Instructor, Lehigh Senior High School

II. Special Presentations

A. Recognitions

1. American Heart Association Start! Fit-Friendly Company (*Mr. Armstrong*)
 - Lisa Brown, Coordinator, Employee Wellness Program
2. Positive Behavior Support Model Schools / 2009-2010 (*Dr. Kuckel*)
 - Alva Elementary School (Bronze Level)
 - Bayshore Elementary School (Silver Level)
 - Diplomat Middle School (Bronze Level)
 - North Fort Myers Academy for the Arts (Gold Level)

- Orange River Elementary School (Bronze Level)
- Ray V. Pottorf Elementary School (Bronze Level)
- Rayma C. Page Elementary School (Bronze Level)
- Trafalgar Elementary School (Gold Level)

B. Resolutions

1. Dr. Martin Luther King, Jr. Commemorative Celebration: January 15-17, 2011.

RESOLUTION

WHEREAS, the 2011 Dr. Martin Luther King, Jr. Commemorative Celebration provides the opportunity to celebrate the life of civil rights activist Martin Luther King, Jr. who was one of the most significant and inspirational figures of the Civil Rights Movement; and

WHEREAS, the relevance of the history and activities of the Civil Rights Movement must be remembered and made apparent to future generations through local, state, and national observances and ongoing activism; and

WHEREAS, the Civil Rights Movement was instrumental in establishing that injustice to any citizen of the United States would not be tolerated; and

WHEREAS, it is proper for The School District of Lee County, Florida, on behalf of its 82,000 students, to honor the legacy of Dr. Martin Luther King, Jr. by paying tribute to his memory and to the memory of all those who fought for justice and equal opportunity before the law; and

WHEREAS, it is the responsibility of The School District of Lee County, Florida, to provide equal educational opportunities to each student without regard to race, sex, color, religion, nationality, or condition of handicap; and

WHEREAS, The School District of Lee County, Florida, urges the citizens of Lee County to remember Dr. King's work and legacy by acting on his teachings and principles of nonviolence and human rights and by participating in local community activities during this year's Commemorative Celebration scheduled for January 15-17 2011;

NOW, THEREFORE, BE IT RESOLVED that The School Board of Lee County, Florida, hereby proclaims its support of the

2011 DR. MARTIN LUTHER KING, JR.

COMMEMORATIVE CELEBRATION

"Out of Many People, One Dream...The American Dream"

Adopted at a regular meeting of The School Board of Lee County,
Florida

This Eleventh day of January 2011

Motion by Dr. Kuckel, seconded by Mr. Armstrong, and carried 4-0 to adopt the Resolution proclaiming the School Board's support of the Dr. Martin Luther King, Jr. Commemorative Celebration scheduled for January 15-17, 2011.

2. Celebrate Literacy Week, Florida!: January 24-28, 2011

RESOLUTION

WHEREAS, the Lee County School District's mission is to increase the literacy proficiency of all students by providing them with the opportunity to expand their knowledge and skills through learning opportunities valued by students, parents, and communities; and

WHEREAS, the Lee County School District has a comprehensive, coordinated reading initiative aimed at helping every student and citizen become a successful, independent reader; and

WHEREAS, the Lee County School District maintains its goals of helping every student in the K-12 system to read at or above grade level and making literacy the priority of every citizen in the District; and

WHEREAS, parents, families, neighbors, and mentors play a crucial role in helping children learn to read; and

WHEREAS, the Lee County School District seeks to enhance the literacy culture of our schools from prekindergarten to postsecondary by raising the ceiling and raising the floor to better enable students to achieve success in the 21st Century; and

WHEREAS, the Lee County School District and its partners aim to promote the enjoyment of reading for all ages – children to adults;

NOW, THEREFORE, BE IT RESOLVED that The School Board of Lee County, Florida, in collaboration with the Governor, the Commissioner of Education, and the Just Read, Florida! Office of the Florida Department of Education, hereby proclaims the week of January 24-28, 2011, as

CELEBRATE LITERACY WEEK, FLORIDA!

Adopted at a regular meeting of The School Board of Lee County,
Florida

This Eleventh day of January 2011

*Motion by Ms. Fischer, seconded by Dr. Kuckel, and carried 4-0 to adopt the Resolution proclaiming the week of January 24-28, 2011, as **Celebrate Literacy Week, Florida!***

C. Acknowledgement (*Ms. Fischer*)

Character Education Word for January: Commitment

D. Special Presentations to the Board (None)

E. Staff Presentation to the Board (None)

III. Public Comment

Speakers and the topics they addressed:

Marvin Goetz: pay raise for substitute teachers

John Traube: pay raise for substitute teachers

Allison David: parental access to records for ESE students

Chris Bauconi: pay raise for substitute teachers

Miranda Cameron: excellent educational program for her son at Trafalgar Middle School

Kim Kanefke: benefits of the Social Communication Program to her children at Trafalgar Middle School

Sue Jacobse: superintendent search forums and need for input that can be quantitatively measured

Mr. Scott responded to speakers. He asked Dr. Tihen to gather and share with the Board information regarding substitute teacher salaries; stated that he appreciated the positive comments regarding the District's ESE programs, and that Dr. Tihen will follow up on the issue of parental access to records; stated that the Board Members are trying to be cautious about imposing their personal thoughts on the public during the superintendent search forums.

IV. Consent Action Items

The following item was pulled by Mr. Armstrong for discussion during the Unfinished Business/Tabled Items portion of the agenda:

Item IV.D.5. – Renew Bid No. B086839SW – Annual Purchase of Unleaded Regular Gasoline and Diesel Small Quantity Lots (Local Depot)

***Motion** by Dr. Kuckel, **seconded** by Mr. Armstrong, and **carried 4-0** to approve the Consent Agenda with the exception of the pulled item.*

A. Executive Services – Dr. Lawrence D. Tihen

1. Approval of minutes of School Board Meetings:
 - December 14, 2010, School Board Special Meeting
 - December 14, 2010, School Board Briefing Meeting
 - December 14, 2010, School Board Action Meeting
2. Approval of the following appointments to the four (4) Advisory Committees: Finance, Curriculum, Continuous Systemic Improvement (CSI) and Construction Advisory Committees: Finance Advisory Committee: Susan Quattro and Tamisen Traiger; Curriculum Advisory Committee: Dick Ripp and John Traube; Continuous Systemic Improvement: Lynn James; Construction Advisory Committee: Ryan Richards, Jeffrey Monscour, and Jonathan Romine.

B. Academic Services – Dr. Constance Jones

1. Approval of the 2010-2011 School Advisory Council Membership list from ninety-two (92) schools and special centers.
2. Approval of the Lee County School Health Services Plan for 2010-12.
3. Approval of the additional funds for Speech-Language, Occupational Therapy and Physical Therapy Services with Community Rehab Associates, Inc. at an estimated maximum cost to the District of \$300,000 for the 2010-11 school year.
4. Approval of the new Affiliation Agreements with The Christian Missionary Alliance Foundation and Hendry/Glades County Health Department for the Licensed Practical Nursing Program located at the Hendry Campus of Edison College effective March 1, 2011. There is no cost to the District for these Agreements.
5. Approval of the contract with the Board of County Commissioners of Lee County for a Saturday School Driver Education Program, for the period of February 26, 2011, to May 14, 2011, for a total cost not to exceed \$47,003.37.
6. Approval of the Agreement with Big Brothers Big Sisters of South of Southwest Florida for partnering to deliver the AmeriCorps SWFL Youth Mentoring Initiative Program to students. This agreement will continue until September 2011 at no cost to the District.

C. Administrative Services

1. Approval to change the authorized signers on the Internal Fund Account at Alva Elementary with two signatures required on this account, one of which must be administrative; and authorization for the Superintendent to execute related documents.

D. Business Services

1. Approval to award Bid No.B106919SW for school bus restraint devices to Easy Way Safety Services, Inc. for items 11, 12 and 13; and to Florida Transportation Systems, Inc. for items 1, 2, 3, 4, 7 and 10; and to Matthews Buses, Inc. for items 5 and 6; and to Rivers Bus and RV Sales, Inc. for items 8 and 9 at an estimated annual expenditure of \$150,000 and authorization for the Superintendent to execute all documents.
2. Approval to piggy-back Duval County Public Schools Bid No. ITB-005-10/LM to furnish and install stage drapes awarded to Heritage Product Resources, Inc. from January 11, 2011 through September 30, 2011, at an estimated expenditure of \$25,000 and authorization for the Superintendent to execute all documents.
3. Approval to piggy-back Florida Sheriffs Association Bid No.10-18-0907, titled administrative non-pursuit, utility vehicles, trucks, vans and other fleet equipment, for the period of January 11, 2011 through September 30, 2011. The piggy-back ensures the ability to purchase vehicles if/when required and if/when funds are available, at an estimated expenditure of \$100,000 and authorization for the Superintendent to execute all documents.
4. Approval of the purchase requisitions in the total amount of \$112,800.09 and authorization for the issuance of the nineteen (19) purchase orders as described.
5. Approval to renew Bid No. B086839SW for the purchase of unleaded regular gasoline and diesel in small quantity lots (local depot) for Maintenance Services awarded to Evans Oil Company, LLC for diesel and to Palmdale Oil Company, Inc. for unleaded regular gasoline for the first renewal period of January 26, 2011 through January 25, 2012 at an estimated annual expenditure of \$60,000. This is pursuant to the same terms and conditions as previously approved by the Board and authorization for the Superintendent to execute all documents. ***Pulled for discussion during the Unfinished Business/Tabled Items portion of the agenda.***
6. Approval to renew ITN N0. N096841SW for on-call security guard services awarded to Allegiance Security Group, LLC for the first renewal period of January 26, 2011 through January 25, 2012 at an estimated expenditure of \$165,000. This is pursuant to the same terms and conditions as previously approved by the Board 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.

F. School Support Services – Mr. William Moore

1. Approval of Bid CS#295 - Auditorium Lighting Project for Cypress Lake High School and Edison Park Creative and Expressive Arts School received from Tri-City Electrical Contractors, Inc. in the amount of \$146,713 and authorization for the Superintendent to execute all necessary documents.
2. Approval to accept the Certificate of Final Inspection for ALC Central Campus Wide HVAC Controls Replacement dated October 20, 2010 and final payment in the amount of \$18,115 to Boyd Brothers Service, Inc. and authorization for the Superintendent to execute all necessary documents.

V. Unfinished Business/Tabled Items

Item IV.D.5– Renew Bid No. B086839SW – Annual Purchase of Unleaded Regular Gasoline and Diesel Small Quantity Lots (Local Depot).

Motion by Mr. Armstrong and *seconded* by Dr. Kuckel to accept the Superintendent's recommendation that the Board approve the renewal of Bid No. B086839SW for the purchase of unleaded regular gasoline and diesel in small quantity lots (local depot) for Maintenance Services awarded to Evans Oil Company, LLC for diesel; and to Palmdale Oil Company, Inc. for unleaded regular gasoline for the first renewal period of January 26, 2011 through January 25, 2012 at an estimated annual expenditure of \$60,000, and pursuant to the same terms and conditions as previously approved by the Board; and authorize the Superintendent to execute all documents.

Mr. Bill Moore, Executive Director for School Support, responded to Mr. Armstrong's inquiry as to how the District tracks its gasoline consumption.

Motion carried 4-0.

VI. Superintendent's Recommendations

A. Good Cause (None)

B. Annual Expenditure Approval for Purchase of Instructional Materials, Testing Materials, and Textbooks.

Motion by Dr. Kuckel, *seconded* by Ms. Fischer, and *carried 4-0* to accept the Superintendent's recommendation that the Board approve the estimated annual expenditure of \$7,000,000 for the purchase of instructional materials, testing materials, and textbooks from the Florida School Book Depository, as well as direct from the publisher(s) or their authorized representative for the period of January 12, 2011 through January 11, 2012; and authorize the Superintendent to execute all necessary documents.

C. Ranking of Architects for East Zone Middle School "LL."

Motion by Ms. Fischer, *seconded* by Mr. Armstrong, and *carried 4-0* to accept the Superintendent's recommendation that the Board approve the following ranking of architectural firms to provide services for East Zone Middle School "LL": (1) Reynolds, Smith, and Hill, Inc.; (2) Fletcher Thompson; (3) Parker/Mudgett/Smith Architects, Inc.; (4) Gora McGahey Architects, Inc.; and authorize the Superintendent to execute all necessary documents. In addition, in the event negotiations with the top ranked firm are not successful, that the Board authorize proceeding with negotiation and execution of a contract according to the final ranking.

D. Award Bid No. B106913GM – Beverage Products.

Motion by Ms. Fischer, *seconded* by Mr. Armstrong, and *carried 4-0* to accept the Superintendent's recommendation that the Board approve awarding Bid No. B106913GM to Florida Coca-Cola Bottling Company, Pepsi Beverages Company, Seven-Up Snapple Southeast, Southwest Florida Food and Beverage, and Tropicana Chilled DSD for beverage products as indicated on the review/evaluation tabulation sheet for the period beginning January 26, 2011 through January 25, 2012, at an estimated annual expenditure of \$750,000; and authorize the Superintendent to execute all necessary documents.

E. Audited Comprehensive Annual Financial Report.

Motion by Mr. Armstrong, *seconded* by Ms. Fischer, and *carried 4-0* to accept the Superintendent's recommendation that the Board approve the audited Comprehensive

Annual Financial Report for The School District of Lee County for the fiscal year ended June 30, 2010.

F. Annual Expenditure for RFP No. R086715SW – Consumable Office Supplies and Related Items.

Motion by Ms. Fischer, seconded by Mr. Armstrong, and carried 4-0 to accept the Superintendent's recommendation that the Board approve the anticipated annual expenditure of \$1,700,000 for RFP No. R086715SW for consumable office supplies and related items for the entire District for the third and final period of January 27, 2011 through January 26, 2012; and authorize the Superintendent to execute all necessary documents.

G. Final Order on Administrative Law Judge's Recommendation: Reject RFP No. R106885GM – Group Dental Insurance.

Motion by Dr. Kuckel and seconded by Mr. Armstrong to accept the Superintendent's recommendation that the Board adopt the Administrative Law Judge's Recommended Order, dismiss the protest by Humana, reject all proposals received in response to RFP No. R106885GM for Group Dental Insurance, and authorize the solicitation to be reissued at a later date with revised specifications.

No one representing Humana was present to address the Board.

Mr. Armstrong requested the opportunity to ask Ms. Susan Strong [Director of Insurance and Benefits Management] some questions regarding this matter

In response to Mr. Armstrong's request and comments by other Board Members, Mr. Martin clarified that the question before the Board is whether or not to accept the Administrative Law Judge's Recommended Order, and that in doing so, no information other than the record presented should be considered.

Motion carried 3-1, with Mr. Armstrong casting the vote in opposition to the Motion.

H. School Bell Times for the 2011-12 School Year.

Motion by Ms. Fischer, seconded by Mr. Armstrong, and carried 4-0 to accept the Superintendent's recommendation that the Board approve the bell times for the 2011-12 school year as presented; and as done in previous years, authorize the Superintendent to adjust school bell times plus or minus 15 minutes from the Board adopted bell times for the 2011-12 school year to meet the educational needs of students and to improve efficiency within our transportation system where and when possible.

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

VIII. Public Hearing

Dr. Tihen presented this evening's Public Hearing items.

- 1. Adoption of Policy 4.10, Teen Dating Violence or Abuse.**
- 2. Revisions to Policy 4.16, Student Attendance for Grades PreK-12.**
- 3. Revisions to Policy 4.22, Health Services, Students' Illnesses, Injuries, and Access to Educational Programs.**
- 4. Revisions to Policy 4.27 (formerly 4.251), Home Education Program.**

5. Revisions to Policy 4.35, Head Start Eligibility, Recruitment, Selection and Enrollment.

Mr. Scott recessed the Board Meeting and opened the Public Hearing at 7:17 P.M. He asked if anyone would like to address the Board regarding the five items on the agenda for Public Hearing.

Regina Hicks: opined that the language contained in Policy 4.27, Home Education Program, does not reflect Florida Statue and requested that the Board not approve the Policy this evening

Rachell Skerlek: opined that the revised language contained in Policy 4.27, Home Education Program, is not in compliance with Florida Law and requested that the Board not approve the Policy this evening

Lisa Schiffli: requested that language contained in Policy 4.27, Home Education Program, regarding student portfolios be reworded to comply with Statutory language.

There being no further requests to address the Board, Mr. Scott closed the Public Hearing and reconvened the Board Meeting at 7:25 P.M.

1. Adoption of Policy 4.10, Teen Dating Violence or Abuse.

Motion by Mr. Armstrong, seconded by Ms. Fischer, and carried 4-0 to accept the Superintendent's recommendation that the Board adopt Policy 4.10, Teen Dating Violence or Abuse, to establish policy that prohibits dating violence by any student, on school property, during any school-related or school-sponsored program or activity, or during school-sponsored transportation to be consistent with the intent and requirements of Section 1006.148, F.S. The effective date of the Rule is January 12, 2011.

2. Revisions to Policy 4.16, Student Attendance for Grades PreK-12.

Motion by Dr. Kuckel, seconded by Mr. Armstrong, and carried 4-0 to accept the Superintendent's recommendation that the Board approve the revisions to Policy 4.16, Student Attendance for Grades Pre-K-12, to outline guidelines for attendance as it relates to students, grades PreK-12. The effective date of the Rule is January 12, 2011.

3. Revisions to Policy 4.22, Health Services, Students' Illnesses, Injuries, and Access to Educational Programs.

Motion by Ms. Fischer, seconded by Dr. Kuckel, and carried 4-0 to accept the Superintendent's recommendation that the Board approve the revisions to Policy 4.22, Health Services, Students' Illnesses, Injuries, and Access to Educational Programs, to include the requirement that asthmatic students whose parents and physician provide approval may carry a metered dose inhaler on their person while in school, participating in school activities, or in transit to or from school or school-sponsored activities. The effective date of the Rule is January 12, 2011.

4. Revisions to Policy 4.27 (formerly 4.251), Home Education Program.

Motion by Dr. Kuckel and seconded by Mr. Armstrong to accept the Superintendent's recommendation that the Board approve the revisions to Policy 4.27, Home Education Program, to clarify the responsibilities of the parents/guardians and the Superintendent or designee, and to outline the public education programs in which Home Education students are eligible to participate. The effective date of the Rule is January 12, 2011.

In response to Mr. Scott, Mr. Martin explained that the District's purpose when creating policies is not to mimic statutory language, but rather to indicate how the District will implement and carry out statutes. Mr. Martin stated that it is his opinion that the policy language is not contrary to statute. He added, however, that the Policy language regarding

student portfolios contained in section (1)(b) should be clarified via Statute. To that end, Mr. Martin suggested that the Board offer a Motion to Amend.

Motion to Amend by Dr. Kuckel, **seconded** by Mr. Armstrong, and **carried 4-0** to amend Section (1)(b) to read: “Maintain a portfolio of materials and educational records for each registered child. The portfolio shall be made available to the Superintendent or his/her designee upon 15 days written notice, and be maintained for a period of two years. Any cost related to the Home Education Program or the evaluation is the responsibility of the parent/guardian.”

Main Motion carried 4-0.

5. Revisions to Policy 4.35, Head Start Eligibility, Recruitment, Selection and Enrollment.

Motion by Ms. Fischer, **seconded** by Mr. Armstrong, and **carried 4-0** to accept the Superintendent’s recommendation that the Board approve the revisions to Policy 4.35, Head Start Eligibility, Recruitment, Selection and Enrollment, to: (1) give enrollment priority into 3-year-old classes to children coming from LAMP nurseries; (2) give enrollment priority to children who may have been placed with a relative caregiver; (3) give extra points to families who have received a foreclosure or eviction notice; and (4) prioritize points for the various homeless descriptions. The effective date of the Rule is January 12, 2011.

IX. Other Business

A. Board Members’ Comments/Reports

Ms. Fischer: no comments.

Dr. Kuckel: expressed grave concern regarding the procedural violation by Delta Dental in connection with the company’s lobbying actions during the RFP process.

Motion by Dr. Kuckel and **seconded** by Mr. Armstrong to exclude Delta Dental from the next RFP for dental insurance and for the following three years.

Mr. Scott deferred to Mr. Martin, asking if the Board could take this action this evening.

Mr. Martin informed the Board that Mrs. Dozier requested that he share her comments in response to Dr. Kuckel’s memorandum of earlier today. Mr. Martin stated that Mrs. Dozier was not in agreement with the motion to exclude Delta Dental from any RFP processes and was requesting that the Board not take any action on the motion until she could be present.

Mr. Martin opined that the Board should not take any action to exclude Delta Dental as it could create due process problems. He added that if this action is to be considered, Delta Dental would need to be provided an opportunity to respond.

Mr. Scott stated that since the Board Attorney has advised against taking this action he could, therefore, not support the motion. Ms. Fischer concurred.

Motion failed 2-2 for lack of a majority, with Mr. Scott and Ms. Fischer casting the votes in opposition to the Motion.

Mr. Armstrong: expressed concern regarding the practice of providing cheese sandwiches to students who do not have money to pay for lunch.

It was the consensus of the Board that this practice be examined, and Dr. Tihen stated that he would look into this and schedule further discussion for the next Briefing Meeting.

Mr. Scott: no comments.

B. Board Attorney’s Comments/Reports (None)

C. Superintendent's Comments/Reports

Dr. Tihen: congratulated Helyn Ferlazzo for being selected as the District's 2011 Educational Support Person of the Year; acknowledged the donation by the Edison Foundation in the amount of \$12,000; thanked the members of the Board Advisory Committees for service to the District.

D. Next Scheduled Meetings of the Board:

- January 25, 2011, 2:30 P.M.*, School Board Briefing Meeting (**Immediately following a School Board Special Meeting, if one is scheduled*)
- January 25, 2011, 6:00 P.M., School Board Action Meeting

Mr. Scott also noted the Community Forums scheduled, as indicated below, for the purpose of garnering input regarding the selection of the School District's next Superintendent:

- January 18, 2011, 6:00 P.M.: Estero High School, Lehigh Senior High School, and Mariner High School
- January 20, 2011, 6:00 P.M.: Cape Coral High School and Fort Myers High School

X. Adjournment

Motion by Ms. Fischer, seconded by Mr. Armstrong, and carried 4-0 to adjourn the January 11, 2010, School Board Meeting.

The meeting adjourned at 7:50 P.M.

Thomas Scott, Board Chairman

ATTEST:

Lawrence D. Tihen, PhD, Secretary and District Interim Superintendent

An audio-visual recording of this meeting has been produced to provide a verbatim record of the proceedings and may be viewed on the School District's Website at www.leeschools.net/stream. Members of the public wishing to obtain a copy of the recording of this or any meeting of the School Board must make a request through the District's Communications Department at (239) 337-8327.