



## THE SCHOOL BOARD OF LEE COUNTY

### *Compliance Advisory Committee*

Dr. James A. Adams Public Education Center

Monday, January 8, 2007

6:00 p.m.

**Committee Members Present:** Mike Arno, James Hebner, Lynne Lampila, Orin Opperman, Raymond Rhodes, Vicki Santini, Virginia Wallace, Richard Young (Vice Chairman)

**Committee Members Absent (Excused):** Tim Loughren, Charlene Serino

**Committee Members Absent (Unexcused):** Tim Butts, Arlene Franklin, Charles Gutekunst, Lynn James, Patricia Ward

**Board Liaison Present:** Dr. Jane Kuckel

**School District Personnel Present:** Mrs. Greta S. Campbell

**Guests:** Keith Martin, Board Attorney, Julie Nieminski, Board Auditor

**Recording Secretary:** Sarah Cox

#### **Welcome and Opening Remarks**

Richard Young opened the meeting at 6:00p.m., welcomed everyone, and wished a belated Happy Holiday. Discussion went around the table for a summary of everyone's Holiday. Mr. Young announced the resignation of the Committee's Chairman, Jack Eikenberg. In Mr. Eikenberg's letter of resignation he asked that the Committee carry out his obligation of recommendation to the Board on changes to the District's current Call Center.

#### **Board Member Comments**

Dr. Kuckel advised that the Committee should elect a new Chairman at the next meeting. If Mr. Young, the current Vice Chairman, is selected as Chairman, then the Committee will need to elect another Vice Chairman. She asked for Committee members to email her with suggestions for Chairman and/or Vice Chairman. There is currently no standard procedure for this type of situation, although, generally, the Vice Chairman would move up to serve as Chairman. Lynne Lampila asked for a description of the Chairman's duties. Dr. Kuckel explained the Chairman's main duties are facilitating the meeting according to an agenda. Keith Martin added those duties are listed in School Board Policy 3.31 and he would get the exact information to the Committee's Secretary for distribution to all members.

Dr. Kuckel requested that excused and unexcused absences be noted in the minutes. She explained that 3 consecutive unexcused absences could lead to individuals being removed from membership. She thinks the Committee is losing rich discussion from people who could attend and bring more diverse conversation to the meetings. Mr. Martin added that the specifics are stated in Policy 3.31 which will be supplied to the Committee's Secretary. It was suggested, and is current procedure, that any members who can not be present at a meeting contact the Committee's Secretary by email or phone, which is always provided in her emails.

Dr. Kuckel shared with the Committee that the Board will host Town Meetings in the evenings, in their District's, beginning in February, 2007. The purposes of these meetings are for dialogue with citizens. There will be a brief introduction from the Board Member and Superintendent. There is no set agenda and it will be an open microphone conversation for the community to share information or make

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suggestions. The attendees will have the opportunity to ask specific questions of the Board. The Board will also be asking questions through Strategic Listening to get feedback. Dr. Kuckel will notify the Committee's Secretary of the meeting schedules to be put in future minutes.

**Public Comment (Agenda Items only)**

N/ A

**Sunshine Law**

Greta Campbell, Staff Liaison, apologized to the Committee for the confusion in an original email from the Committee's Secretary which included Jack Eikenberg's draft summary recommendation to the Board on the District's Call Center. A request was made that all responses be sent to the Committee's Secretary. Mr. Martin advised that email conversations between Committee members is a violation of the Sunshine Law. Mr. Hebner questioned why the Committee is to refrain from having discussion through email when they have no executive authority and do not implement public policy. Mr. Martin replied that the intent of the law is that discussion concerning a public decision, by a public board, is discussed in public and open for anyone to attend. He added, courts have ruled that requirements of the Sunshine Law do apply when Committees give recommendations to a governmental body on decisions they (the governmental body) will make. Mr. Martin added under Policy 3.31, the Committee has the authority to make recommendations to the Board. The Committee's discussion about any matter that they may take action on (i.e. Call Center) has to be conducted at a public meeting that has been advertised.

**Unfinished Business**

Mr. Young passed around Mr. Eikenberg's draft recommendation and the data from the Call Center provided by Linda Boyle, Coordinator for Accountability, Research, and Continuous Improvement. The Committee reviewed the information garnered and went around the table for each member's comments.

Mr. Martin started the discussion expressing his concerns regarding calls to the Call Center related to employee misconduct. Florida laws clearly state it is within the authority of and responsibility of the Superintendent to be notified of any investigation, to supervise all employees, and recommend any discipline to the Board. Dr. Browder is responsible for doing so and it is a part of his evaluation and job description. Mr. Martin does not think laws would prohibit another party from coordinating the receipt of the inquiries and following the completion of investigations. However, he does feel it would be inappropriate, under the law, for someone such as the Board Auditor to receive information and just share it directly with someone who would investigate and not share with the Superintendent. Dr. Kuckel asked, if the current procedure is to send these types of calls to Personnel, is Mr. Martin suggesting a different process? Mr. Martin replied he is not suggesting a different process because Personnel is a part of Professional Standards, which is in the Human Resources Division, and the Executive Director of Human Resources is under supervision of the Superintendent. Ms. Lampila stated if the issues related to employee misconduct and/or employees disobeying District policy are going to Professional Standards, they have not been logged in the report that was provided to the Committee. She made a call to the Call Center a while back and her call was one that was referred to Professional Standards and not logged in the report. Mr. Martin stated he would look into Ms. Lampila's statement to see if we could get a report of

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calls that went to Professional Standards and provide the Committee's Secretary with that information.

Ms. Lampila expressed concerns with the Board Auditor reviewing the calls then directing them to the School or Department handling that issue. She feels that if the District is investigating employee misconduct reports, the Schools/District would try to protect themselves. She doesn't feel the District would sufficiently address issues from parents. She doesn't have a problem with the Board Auditor being the first step, but has concerns about the steps after that. She did like Lee Memorial Health System's Call Center because there were independent people tracking the calls. She feels we should have a better process to represent the District's business which is education.

Mr. Hebner liked the idea of changing the name from Call Center to Hotline. He feels any investigations should go through an independent party. He agrees with Ms. Lampila that if someone within the School District is investigating calls, they would try to protect themselves/ the District. He feels someone from outside of the District could better represent the community from fraud within.

Ms. Santini stated although she has not been present for the past few meetings, she feels the Committee is trying to mimic Lee Memorial Health System's design. LMHS does not have unions as the District does. She also feels there should be no anonymity.

Mr. Rhodes expressed that he feels the Call Center should be bifurcated. The present Call Center gets many calls from the community requesting information such as bus schedules, school calendars and etc. He suggests possibly giving the option on the current Call Center or creating a separate line for employees. He agrees with Mr. Martin that the Superintendent should be notified of employee misconduct/disobeying District policy calls, especially if the issue requires an investigation. He likes the idea of assigning ID numbers to each caller. It gives the person the option to call back, with their ID number, to receive answers and also indicate whether or not they are satisfied with the answers received. If they are not satisfied, perhaps someone from the outside could to investigate. He feels we should give the Principal or Superintendent a chance to rectify the situation first.

Mr. Opperman expressed that he doesn't think Julie Nieminski, Board Auditor, would be best for receiving the calls. He mentioned the idea of an independent party, maybe a volunteer to follow up on calls. Or even the Committee could follow up on calls with the exception of extracting any call related to personnel matters.

Mrs. Nieminski expressed that she thinks it would be a big job for her to take on, especially when the Call Center is 24/7. Most calls are received after hours. She is already handling Board concerns and would need additional staff to handle the concerns received by the Call Center. Costs are associated with researching issues from the Call Center, even if someone is brought in from outside the District. She doesn't know employee discipline as well as Professional Standards does. LMHS Call Center went through a Compliance Officer, which is a different position than Board Auditor.

Ms. Wallace expressed that she likes the idea of assigning ID numbers. She had some questions regarding Mr. Eikenberg's draft.

Mr. Arno expressed that he thinks the target of callers should be narrowed. There should be a way to filter calls with a higher priority. If we narrow our target of callers, we could weed out some of the informational calls that are not as important as others.

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Mr. Young expressed that he understands Mrs. Nieminski's responsibility to the Board. He would like to see someone with her qualifications direct the calls. Since the Call Center is on 24/7, he recommends that the calls made off hours be sent directly to the email or some other means of notification to whoever will take on the responsibility of directing calls. This type of notification should be checked every morning, or however the person decides, and disseminated to the appropriate department for response to the District individual coordinating the Call Center responses. He thinks the calls should be handled within a reasonable amount of time. Major concerns that need to be handled securely should go to Mrs. Nieminski, or whoever, and they will determine where the call should go.

Dr. Kuckel noted the ideas and will forward a draft to the Committee's Secretary for distribution to each Committee member individually. Committee members will offer comments at the next meeting.

The Committee agreed the calls should go to an independent receiver who will route the calls and assign an ID number to each caller. The title should be changed from "Call Center" to "Hotline". The introduction to the "Hotline" will clarify issues to be reported and give a telephone contact for other issues.

Dr. Kuckel liked the idea of changing the name to "Hotline" and the 24/7 availability. The recording should clarify the types of calls to be received and their importance. Personnel issues should still go to Professional Standards. The Call Center will assign an I.D. number that will be passed on to the independent receiver, who will never speak with a caller or call them.

#### **Approval of Minutes (December 11, 2006)**

Motion was made by Mr. Young to approve the minutes from last month's meeting. Motion was made, seconded, and carried 8-0. Lynne Lampila added that she would like to see the Committee follow the Strategic Plan and have more information provided by Linda Boyle as changes occur since Departments are still developing goals.

#### **Public Comment (Open)**

N/ A

#### **Good of the Order**

Mr. Rhodes mentioned giving recognition to Mr. Eikenberg, perhaps in the form of a plaque. Dr. Kuckel stated it hasn't been done before for a Board Advisory Committee but would be up with the Committee regarding recognition for Mr. Eikenberg. Dr. Kuckel will follow through with the notion once the Committee has decided on the form of recognition for Mr. Eikenberg. The motion was made, seconded and carried unanimously for Dr. Kuckel to look into recognition for Mr. Eikenberg.

Mr. Young, Vice Chairman, tabled the discussion about Safety to the next meeting.

#### **Adjournment**

The meeting was dismissed by Mr. Young at 7:45p.m.

#### **Next Meeting Date**

The Compliance Advisory Committee will hold their next meeting on Monday, February 12, 2007, in the Superintendent's Conference Room, on the third floor of the Dr. James A. Adams building (2055 Central Avenue) in the Fort Myers.