



“Student Success,
Whatever It Takes”

SCHOOL BOARD OF MONROE COUNTY
WORKSHOP AND REGULAR MEETING MINUTES

June 23, 2009 at 10:00 am

A. J. Henriquez Adm. Bldg.
241 Trumbo Road, Key West, Fl.

PRESIDING: Andy Griffiths, Chair
PRESENT: John Dick; Duncan Mathewson; Steven Pribramsky Debra Walker; Mike Henriquez, Acting Superintendent and School Board Attorneys Richard Collins and Dirk Smits

The Board and Acting Superintendent met in Closed Executive Session to Discuss Collaborative Bargaining at 11:00 am.

BUSINESS MEETING AGENDA – Time Certain 5:00 p.m.

CALLED TO ORDER, THOUGHT OF THE DAY – Mr. Pribramsky, PLEDGE OF ALLEGIANCE – Mr. Dick

Dr. Walker spoke regarding the 29th and the 30th Board Meeting. The Board cancelled the 29th meeting and will only hold the meeting on the 30th. Dr. Walker will be absent from the June 30th, 2009 meeting.

The Board will tentatively meet on July 9th to be in compliance with the statute concerning employment recommendations.

ADOPT AGENDA AND FORMAT

Upon the recommendation of the Acting Superintendent,

Mr. Dick moved, Mr. Pribramsky seconded that the Board adopt the agenda as amended.

The agenda was amended as follows:

DELETED CONSENT AGENDA ITEMS:

13. Approve Out of County Travel. Goal Area 5
15. Approve Memorandum of Understanding with Florida Keys Area Health Centers for the Smoking Cessation Program. Goal Area 5 (06/22/09)
19. Approve Recommendations for the 2009-2010 School Year for Instructional Staff on AC, Addendum. Goal Area 4
20. Approve Recommendations for the 2009-2010 School Year for Instructional Staff on PSC, Addendum. Goal Area 4
21. Approve Recommendations for the 2009-2010 School Year for Instructional Staff on CC, Addendum. Goal Area 4

22. Approve Recommendations for the 2009-2010 School Year for County Staff/Principal and Administrative Personnel. Goal Area 4
23. Approve Recommendations for the 2009-2010 School Year for County Staff/Administrative Support Personnel. Goal Area 4
24. Approve Recommendations for the 2009-2010 School Year for Administrative Staff Retiring. Goal Area 4
43. Approve Internal Funds Audit Report Report for the FYE 2008. Goal Area 8
45. Approve Contract with The Department of Health to Provide School Nursing Services. Goal Area 5
47. Approve Life Skills Contract. Goal Area 5

ADDED CONSENT AGENDA ITEMS:

53. Addendum to Advertise Open Positions. Goal Area 4

PULLED FOR DISCUSSION AND MOVED TO ACTION

17. Approve Contract with the City of Key West Police Department for School Resource Officers. Goal Area 6
35. Approve Contract & Attachment #10-044-A1 with NEFEC for Instructional Services. Goal Area 5.
36. Approve Contract Renewal and Modification for Warren Abbey for Utilities Monitoring. Goal Area 5.
39. Approve Secondary Perkins Grant. Goal Area 3
41. Approve Title IV Part A: Safe & Drug Free Schools –Entitlement Program 2009-2010 Project Application. Goal Area 2
52. Approve Plan for Use of Reallocated Title 1 SES Funds. Goal Area 1 (added 06/22/09)

DELETED DISCUSSION ITEMS:

2. Update from Habitat for Humanity Habitech Program – Bruce Ferraro

DELETED ACTION ITEMS:

1. Approve Budget Amendments, Resolution No. 723. Goal Area 8
2. Approve Financial Statements for the month of May 2009. Goal Area 8

APPROVAL OF MEETING MINUTES

Dr. Walker moved, Dr. Mathewson seconded that the Board adopt the minutes as presented.

Minutes for May 28, 2009; June 2, 2009; June 9, 2009; and June 16, 2009.

Motion Passed without Objection.

(Copy in SMB 47, page 327)

CONSENT AGENDA ITEMS

1. Approve the Volunteers Throughout the District. Goal Area 4 (Copy in SMB 47, page 328)
2. Approve the Recommendations for Support Services Personnel Employed and Terminated for the 2008-2009 School Year. Goal Area 4 (Copy in SMB 47, page 329)
3. Approve Requests for Leave. Goal Area 4 (Copy in SMB 47, page 330)
4. Approve the Recommendations for Instructional Personnel Employed for the 2008-2009 School Year. Goal Area 4 (Copy in SMB 47, page 331)

5. Approve the Recommendations for Administrative Personnel Employed for the 2008-2009 School Year. Goal Area 4 (Copy in SMB 47, page 332)
6. Approve Bank Reconciliation for the month of May, 2009. Goal Area 8 (Copy in SMB 47, page 333)
7. Approve Schedule of Investments for month ending May, 2009. Goal Area 8 (Copy in SMB 47, page 334)
8. Approve Warrant Registers for the month of May, 2009. Goal Area 8 (Copy in SMB 47, page 335)
9. Approve Overtime Report for month of May, 2009. Goal Area 8 (Copy in SMB 47, page 336)
10. Approve Daycare Waivers. Goal Area 8 (Copy in SMB 47, page 337)
11. Approve Financial Statements for the month of May 2009 for Montessori Elementary Charter School, Big Pine Elementary Academy, Treasure Village Montessori. Goal Area 8 ((Copy in SMB 47, page 338)
12. Approve Tangible Personal Property Removal Report. Goal Area 8 (Copy in SMB 47, page 339)
14. Approve After the Fact Travel: A. Goal Area 5 (Copy in SMB 47, page 340)
16. Approve Resolution to Join the Florida Education Purchasing Consortium. Goal Area 8 (Copy in SMB 47, page 341)
18. Approve Contract with the Sheriff of Monroe County for School Resource Officers. Goal Area 6 (Copy in SMB 47, page 342)
25. Approve Plant Survey (Revised). Goal Area 6 (Copy in SMB 47, page 343)
26. Approve Request for Authority to Designate NEOLA as "Sole Source Provider" in Accordance with Florida Administrative Code for Purposes of Posting Designation Under Rule 6A-1.012 (12)d. Goal Area 5. (Copy in SMB 47, page 344)
27. Approve MOA for the Florida Keys 1st Motorcycle Rider School. Goal Area 5 (Copy in SMB 47, page 345)
28. Approve the School Readiness Contract. Goal Area 2 (Copy in SMB 47, page 346)
29. Approve the VPK Provider Agreement Contract. Goal Area 2 (Copy in SMB 47, page 347)
30. Approve ESOL Endorsement Renewal Plan. Goal Area 2 (Copy in SMB 47, page 348)

31. Approve Board Meeting Minutes for April and May 2009 for Montessori Elementary Charter School, and for March and April 2009 for Big Pine Elementary Academy. Goal Area 5 (Copy in SMB 47, page 349)
32. Approve the Contract Addendum with YNET to extend the Contract while RFP 401 is being advertised. Goal Area 7 (Copy in SMB 47, page 350)
33. Approve Agreement #5 with Berkowitz, Dick, Pollack & Brant in the Amount of \$112,988.00. Goal Area 7 (Copy in SMB 47, page 351)
34. Approve Student Expulsion Case No. 08-09-10S. (Copy in FOB)
37. Approve Bid No. 395 and Contract for General Labor with Academy Design and Technical Staff. Goal Area 7 (Copy in SMB 47, page 352)
38. Approve No Child Left Behind, Title X, Homeless Education Program Grant. Goal Area 2 (Copy in SMB 47, page 353)
40. Approve 21st Century Community Learning Centers (CCLC) Proposal. Goal Area 3 (Copy in SMB 47, page 354)
42. Approve Grant Application for Title III. Goal Area 2 (Copy in SMB 47, page 355)
44. Approve Flood Insurance Plan Renewal. Goal Area 6 (Copy in SMB 47, page 356)
46. Approve Title 1 Grant. Goal Area 1 (Copy in SMB 47, page 357)
48. Approve Open Positions for Advertisement. Goal Area 4 (Copy in SMB 47, page 358)
49. Approve Contract with Florida Keys Area Health Education Center. Goal Area 5 (Copy in SMB 47, page 359)
50. Approve Adult Learning Grant and Target Form, Grant No. 2, and Target Goal Area 3 (Copy in SMB 47, page 360)
51. Approve Adult Education Fee Schedule for 2009-2010. Goal Area 7 (Copy in SMB 47, page 361)
53. Approve Addendum to Advertise Positions. Goal Area 4 (Copy in SMB 47, page 362)

DISCUSSION ITEMS

1. Final Forensic Report – L.T. Lafferty, Esq.

Mr. Lafferty stated that the computer forensic acquisitions will be done on the technology of Mr. & Mrs. Acevedo. The preliminary report is not finalized yet. Mr. Dick questioned the EvenStart Grant and possible pursuit of looking into this. Mr. Dick would like direction on asking Mr. Fechter to go back 2003 for the FBI investigation. Dr. Walker asked how much it would cost the Board and what the value to do so would be. Mr. Dick stated that the FBI has begun work on investigating the Even Start grant. The Board would like more detail on what the FBI will be investigating. Mr. Lafferty stated obviously the FBI is not open to what they are looking into. He did suggest to ask the FBI what they are willing to share

with the Board and if their investigation actively includes this grant. What the Board should not have is Mr. Fechter doing research and the FBI doing the same research.

Mr. Lafferty spoke concerning the Board's employment options concerning those individuals listed in Mr. Fechter's preliminary report. He discussed whether Kathy Reitzel and Linda Walker qualify under the whistleblower's protection. He stated it is readily apparent the oversight failure did occur in Finance. He recapped those policies and procedures. He mentioned Bobbi Brown involvement and that she has operational responsibility. If the Acting Superintendent does not recommend them to return then no action is necessary. If he does recommend them for rehire then the Board can either can approve or reject for good cause. It is apparent that the Board can act on these employees. Kathy Reitzel and Linda Walker could fall under whistleblower protection but it should be balanced with the year of oversight failures due to gross violations of policies and procedures with respect to the Pcard transactions. Based on the information he has right now he does not believe they have whistleblower protection and he recapped why he believes that. If a written disclosure did occur that would change that belief. Refusal to sign the certification does not have any case law determining whether that justifies the whistleblower status of written disclosure. He spoke on each option available for employee recommendations. A reprimand to the employees in question and accept the nomination for continued employment is acceptable. He recapped options for nominations for other employees not failing under the whistleblower category. With respect to Dori Collins he spoke of 2 significant issues from the report and recapped the report's findings. He clarified that it was a substantial violation of procedure but clearly it is not theft. But, does not necessarily believe the Board should take adverse action against that employee. Dr. Walker questioned the finance department's culpability for the lack of oversight for those two instances. Mr. Dick voiced concern over the employees really involved in this situation being given a reprimand while we lay off employees who are not involved. Mr. Pribramsky stated the Board should set the tone. Mr. Pribramsky felt maybe the need to give everyone a pass because the reprimand was given to the Superintendent for not following the policy and procedures. Dr. Mathewson would like to know the degree of consequence to the employees which are involved. He believes the evaluations are of low quality or attention to work on the job. Mr. Lafferty discussed Mr. Hooper and his failure to timely submit backup documentation. Mr. Fechter pulled the reimbursement forms and each did note they were not submitted timely. Subsequent review has been done and Mr. Hooper states those responsibilities were given to Mrs. Acevedo but that does not relieve Mr. Hooper of his responsibility of turning in those documents. Mr. Griffiths stated that each member of the board has veto power over the budget and it could be a coincidence over not adopting the budget with employee reductions.

Mr. Henriquez recapped suggestions to define clear procedures to address training, evaluations, and documentation in following the policies. Mr. Lafferty did evaluate Mr. Henriquez oversight responsibilities and oversight failures. Mr. Lafferty reviewed various steps that can be taken to tighten the procedure and policies and oversight and effective investigations and effective discipline resulting from unethical behavior. Mr. Henriquez stated for the record he was Mrs. Acevedo's supervisor for only 5 months. During those 5 months she did not turn in those receipts to him. Mr. Pribramsky stated that it was the perfect storm and changing the culture is necessary. Mr. Lafferty has not spoken to Mrs. St. James as Mrs. Acevedo's former supervisor.

PUBLIC INPUT

Captain Ed Davidson – spoke concerning the culture of the District with respect to whistleblower protection with consequences to those that are in violation.

DISCUSSION ITEMS continued

NEOLA Discussion – Mr. Pribramsky discussed possible revisions to the policy concerning violence against a child. Mr. Tom Young of NEOLA was present to work with the Board on these policy revisions. Policies can be brought to the Board for consideration based upon the Superintendent's recommendation. Mr. Young's recommendation is that it be brought to the Union for consideration prior to bringing to the Board for formal adoption. 8462 and other nine policy language to include the Board be notified of the alleged incident with parental notification at the time of suspension of that teacher and suspension with pay and future mental health testing of that employee. Mr. Collins will work with Mr. Young on that language. Mr. Young suggested an enhanced Whistleblower policy. Mr. Dick stated the State Attorney will provide Whistleblower training and speak to the schools and District Administration. Mr. Dick will invite him to a future meeting to see what he would like to do. Mr. Dick will forward Mr. Ware our current policy 1211. Mr. Pribramsky questioned the after hours employment policy. Mr. Pribramsky questioned the requirement of having disclosure from full time employees who engage in a private enterprise, policy conflict of interest private practices. Mr. Collins, Mr. Fowler and Mr. Young will work together collaborative to set standards for future considerations by the Board. Mr. Griffiths permitted Mr. Fowler to address the Board. Mr. Fowler presented the Union's stance on this issue.

Charter School Update – Mr. Fraga stated they were awarded a start up grant of \$350,000.00. Legal is still working on completing the draft charter.

Harris School Proposals – Mr. Sims recapped the proposals received. He asked for the Board's direction on which way to proceed. Mr. Pribramsky asked to tweak the Mr. Braun's offer to \$4.5 million, the District would pay the commission, but the seller would pay all the closing costs, with a net of \$4.365 million. Dr. Walker suggested the Board visit the interior of the building before making any offers. Mr. Sims did speak to Mr. Skomp today indicating that Mr. Braun's offer is only good until the end of July at that point he will look at other investments. Mr. Pribramsky urged the Board to move on Mr. Braun's offer. Mr. Dick stated the monies would need to go towards the HOB project. Mr. Griffiths suggested involving the public with this decision. They will add this to the July 21st agenda for discussion; with an invitation to both proposers. A vote will be placed on the agenda for the 28th.

CAMP Discussion – Dr. Walker voiced concern about costs associated with this endeavor. She questioned how much they should be paying for utilities and use of facilities. Dr. Mathewson spoke regarding ECMC school within a school. Right now the program is short financially due to the pull out of the grant that was originally approved; but CAMP continues to raise money. Currently, the District was requiring the reimbursement of the A/C and bus costs.

Job Qualifications – Mr. Dick added this item to the agenda at the meeting. Mr. Dick questioned which administrators do not have degrees. He asked the fairness of paying a big salary for a job which only requires a high school diploma. He asked if the Assistant Director of Maintenance job requirements was changed through the MAG Report. Mr. Henriquez will look into non-instructional side. Mr. Collins was tasked with the list and requirements of non-instructional personnel. Mr. Dick asked if the Board can bring back the Administrative Health Care reimbursements especially in light of the budget.

ACTION ITEMS DISCUSSIONS:

Upon Recommendation of the Acting Superintendent to approve

Mr. Pribramsky moved, and Dr. Walker seconded,

Mr. Henriquez clarified for Mr. Dick that this contract was the same as last year and the dollar amount did not increase this year.

City of Key West Police Department Contract for School Resource Officer –

Motion passed without objection.
(Copy in SMB 47, page 363)

Upon Recommendation of the Acting Superintendent to approve

Dr. Mathewson moved, and Dr. Walker seconded,

Contract and Attachment #10-044-A1 with NEFEC– Mr. Dick asked when can the District do away with this program. Mr. Henriquez spoke in favor of continuing with them and recapped the benefits. Mr. Griffiths asked for the membership list. Mr. Henriquez will look in the future to possibly not longer using them.

Motion passed without objection.
(Copy in SMB 47, page 364)

Upon Recommendation of the Acting Superintendent to approve

Mr. Pribramsky moved, and Dr. Mathewson seconded,

Contract Renewal and Modification for Warren Abbey – Mr. Dick preferred using an in-house employee rather than contracting with him each year. Mr. Sims recapped the benefits of contracting with Mr. Abbey.

Motion passed without objection.
(Copy in SMB 47, page 365)

Upon Recommendation of the Acting Superintendent to approve

Dr. Mathewson moved, and Dr. Walker seconded,

Perkins Grant – Mr. Dick questioned the grant and its requirements of not using the grant to pay for administrators yet salary is still listed in the grant. Mr. Henriquez stated this typical practice within other districts stating the grant writer manages and operates that program. Mr. Henriquez will look into this further. Mr. Collins suggested tabling this item until the June 30th meeting especially concerning the cell phone use charge. The Board agreed to table this item.

Upon Recommendation of the Acting Superintendent to approve

Mr. Pribramsky moved, and Dr. Mathewson seconded,

Safe and Drug Free Schools Program – Mr. Dick spoke against hiring an Administrator with this money. The difference is that Ms. Booker is the teacher of this program which is the reason for the grant reimbursement of her salary. Mr. Henriquez stated this is strictly to cover a portion of the coordinator's salary. This is a federal grant due July 1st.

Motion passed without objection.
(Copy in SMB 47, page 366)

Internal Audit Funds Report was deleted from the agenda by Acting Superintendent Henriquez. Mrs. Reitzel left early and was not present to discuss.

Upon Recommendation of the Acting Superintendent to approve

Mr. Pribramsky moved, and Dr. Walker seconded,

SES Plan for Use of Reallocated Title 1 SES Funds – Mr. Dick believes this money should not be used for technology. The ARRA monies allow the use of the monies for technology since the funding is not permanent. Ms. Eleanor Garcia spoke in favor of using these funds and the timeline. Mrs. Herrin spoke of the benefits of having these funds and the mandate that they have to stay in Title 1.

Motion passed without objection.

(Copy in SMB 47, page 367)

Being no further business the meeting was adjourned at 8:17 pm.

Andy Griffiths

Andy Griffiths, Chair

Mike Henriquez

Mike Henriquez, Acting Superintendent