

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

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**School Board Workshop
May 25, 2010**

Personnel Policy 4.9, Disciplinary Procedures Section V, Superintendent of Schools – Probable Cause Inquiry and Recommendation: Procedural Guidelines

Policy 4.9 was deferred from the April 20, 2010 Regular School Board meeting in order to have further discussion on this policy today.

The Superintendent created a committee of several members who addressed Section V of Personnel Policy 4.9 Disciplinary Procedures. This section addresses the probable cause inquiry and recommendation. It was the Superintendent's goal to get the Board's consensus on this portion of the policy, so it could be ready for the beginning of the 2010 school year.

General Counsel thanked the committee members for their hard work on this policy and then went over the policy with the Board section by section. The Board Members thought that this was a great collaborative effort and realized that there still needs to be more work done in other areas of the policy.

This process is the mechanism that is utilized to assist the Superintendent to recommend or not recommend discipline for personnel.

Section 5.1. It was suggested to change the language regarding the sentence; *The Superintendent may appoint and convene a Professional Standards Committee (PSC)*. Board Member thought this was permissive language and thought the process should be applied consistently to all employees. Staff is requested to work on that language.

Section 5.1, the last sentence, *The School Board makes the final determination. . .*, Board Member stated at this point in the process the Board is not making a final determination. It was recommended to change the word "*subject*" to "*after*." Board Members agreed that a clarification of the process is needed.

Board Members also requested adding a clarifying sentence to explain the Board's role when the Superintendent makes his recommendation for disciplinary action.

Section 5.9, *the employee shall be provided written notice of the investigation*. Staff is requested to include a copy of Policy 4.9 with the notice so that employees know their rights. This section also referred to the discovery of additional allegations. The committee will continue to work on this section regarding the consequences of discovering additional allegations.

Section 5.14 refers to paragraph 5.15. The Board thought that paragraph 5.16 (not 5.15) should be referenced here, which notes the 20-day period that an employee is allowed to submit a written response to the allegations.

Section 5.18 refers to an employee being placed in an alternate site assignment. The Chair stated that there is a concern for the employees' safety at the alternate employment site. This is one of the issues that will be further discussed at a future meeting discussing Policy 4.9. The clarification for this section may be added to the guidelines for this policy regarding when it is appropriate to assign an employee to an alternate site and for how long.

Section 5.19 refers to the composition of the Professional Standards Committee. It is requested that this be reviewed at a future Policy 4.9 meeting. The diversity of the committee should not only apply to ethnicity, but should also include professional diversity. General Counsel is requested to look at this.

Section 5.21 refers to the notification of the date, time, and location of the Professional Standards committee meeting. The employee may request a continuance of the scheduled meeting for good cause no later than 48 hours prior to the scheduled meeting. Board Member requested adding an exception when "*an emergency arises.*"

Section 5.22 states the Professional Standards Committee meeting shall not be recorded. General Counsel stated that this is a managerial function meeting and did not need to be recorded. Board Member wanted to make sure that the Superintendent had all the facts from the proceedings. The Superintendent clarified by stating that he meets with the Executive Director of Professional Standards, who is on the PSC, and is given all of the discussion, pros and cons, which also include minority views. Staff is requested to clarify this procedure in the guidelines for future Superintendents.

This policy is not complete and the committee will continue to work on it. This portion of the policy, which refers to the probable cause inquiry and recommendation from the Superintendent, is complete and will go forward to be approved by the Board at a School Board meeting.

Policy 4.9 Section V, Disciplinary procedures can be found on the eAgenda May 25, 2010 workshop.

District Educational Facilities Plan

The Superintendent wanted to clarify the purpose of this meeting and to keep separate the June 7, 2010 workshop, which will discuss the projects that will be financed through Qualified School Construction Bonds 2010, and today's meeting, which was to discuss the impact of funding shortfalls on projects in the 5-year District Educational Facilities Plan.

Staff recapped the funding losses of the 2009-10 adopted 5-Year Capital Plan. Taxable property value projections have fallen for the past two years and the millage reduction from 2.0 mills to 1.5 mills had a net affect of eliminating \$1.8 billion of projects from the 5-year capital plan. Other impacts from the 5-year plan include no funding for technology refresh and for bus/vehicle life cycle replacements. Currently the District is using 14 years for bus/vehicle life cycle. The new plan will take the bus/vehicle life cycle to 19 years. Board Members pointed out that the School District's buses have diesel engines and the life cycle is many years longer than a gasoline engine.

The total available revenue for the next 5 years is \$127million. The projected funding needs total \$260.1million. This is a shortfall of \$133.1 million. Staff presented proposed solutions

to balance the 5-Year Capital Plan. The shortfall can be offset by using \$20 million from reserves, \$30 million savings from closing old completed projects and purchase orders, and \$83.1 million by delaying projects from the 5-Year Capital Plan. This totals the \$133.1 million shortfall and balances the 5-Year plan.

Board Members would like a list of the credits that have come through from closing old projects and purchase orders. Staff explained that these funds are placed in the capital projects reserve and is also impacted by Board Items that have financial impacts such as change orders and Capital Funding Requests. A monthly report showing activity and the balance is provided as an attachment the Capital Funds Budget Amendment Board Item. Staff is requested to highlight the budget amendment page for the Board, which includes this information.

The Board Members also asked for information regarding funds identified by an audit report regarding overpaid invoices and outstanding funds on consultant errors and omissions.

Board Members asked about the funding still to come from FEMA, due to Hurricane Wilma, and how much is expected. FEMA has been slow to deliver all funding from the hurricane losses. It was pointed out that Miami Dade is still receiving funding from FEMA from Hurricane Andrew.

Staff recommended several items for funding in the DEFP, totaling \$14,652,552, and a list of major projects to be delayed that have not begun construction. Board Members requested the total list of delayed projects from last year and the ones listed in today's presentation. In addition, Board Members would like a list of all the projects that are currently in progress for the June 7th workshop. Board Members want to prioritize the delayed projects for future years when funding is available.

The Superintendent stated that in order to find any funding for the delayed projects at this time, services and personnel would have to be further cut.

Projects that will use the Qualified School Construction Bonds 2010 funding, which are interest free, will be discussed at the June 7th workshop. The Board is very concerned about several projects. Priorities are safety and security.

Material for this presentation is available on the eAgenda May 25, 2010 workshop.

Budget/Legislative Update - Review 2010 Legislative Session

The School Board's Legislative Representative began the presentation noting that the Broward School District is not alone in the funding crisis. All counties in the State of Florida are affected. It hit Broward Schools later than other districts, because in order to protect the classroom, the School District went into their reserve funding. This year it could no longer be avoided and drastic cuts had to be made.

Staff informed the Board as to what other School Districts have been doing during this economic crisis to balance their budgets.

-Pinellas County cancelled all choice transportation and teachers are teaching an extra class. They also closed schools and sold the property. The .25 millage referendum was passed by asking the voters to help save school programs.

-Duval County has not given raises in the past couple of years. This year employees were given a step, but they have to pay for their health insurance. Duval County also changed the graduation requirement from 26 credits to 24.

-Volusia County gave a step this year, but eliminated block scheduling, freshman sports, combined schools, and closed seven schools.

-Seminole County gave a 1.5% raise last year, but no raise this year. Every teacher received an additional period of teaching. Custodians were cut, so there is less maintenance, and bus stops were consolidated. Instead of a student living more than two miles from a school to receive transportation, it is now five miles.

-Dade County furloughed 3 days last year, reduced 500 positions, no raises, and reduced the number of assistant principals.

-Polk County teachers have 6 classes out of 7 to teach and they gave up their planning time.

-Forty-Seven Counties in the State of Florida levied the .25% millage by the Super Majority vote by the School Board.

Public education is underfunded and the demands on the funding have increased. Class Size is one of those demands. Through the Conforming Bill, the State Legislature moved Class Size class by class from January 2011 to September 2010. The funding needed to do this in the millions. There will be a referendum vote in November regarding Class Size, Senate Bill 2, a constitutional amendment to keep class size school wide rather than class-by-class. It will take 60% of the voters to pass it. There is no research that shows that reduction in class size improves student learning. It will cost the School District \$88 million to start it in September of 2010. The School Board has requested Governor Crist to veto the Conforming Bill to avoid this huge expenditure that may be for naught if the bill is passed in November.

The State is requiring School Districts to do their part to inform parents regarding Class Size class by class and what their plan is to implement in the fall. The Superintendent is scheduling a Public Hearing, June 22, 2010. More details regarding the Public Hearing are forthcoming.

The Conforming Bill states that Charter Schools do not have to do the class by class in September, even though they are a public school. The State also cut funding to support Charter Schools, so the School District will not be able to provide services as it has in the past.

The presentation lists all of the Bills that were passed this year that affect School Districts. This information can be found on the eAgenda May 25, 2010 workshop.

JFN:jd