

OFFICE OF THE SUPERINTENDENT OF SCHOOLS

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**School Board Workshop
October 13, 2009**

Policy 1.5, Diversity

At the May 29, 2009 workshop, the School Board gave direction to the Diversity Department to revise the definition of equity in Policy 1.5, to be consistent with the School Board non-discrimination statement. Staff was directed to add "sexual orientation, gender identity, and expression" to the definition.

At today's workshop staff presented the revised definition for Policy 1.5, Diversity Committee, item 3. School Board's Belief Statements, b., definitions, (2). The Board Members were in agreement with the revised definition.

Policy 1.5 was also realigned from the four area offices to the present three area offices. This change affects the committee's composition. The Diversity Committee now has 30 members, changed from 31. Board Members' appointments to the committee did not change, which is three members who reside in the Board Member's District. The Student Advisor's appointments did change from 3 to 2 because of the reduction of area offices.

Staff will bring Policy 1.5, Diversity Committee, to a future School Board meeting for the Board's consideration.

Material for this presentation can be found on the eAgenda October 13, 2009 workshop.

Proposed New Policy 7009, Authorization for Execution of Settlement Agreements with Broward County, Florida

This proposed new policy gives the Deputy Superintendent of Facilities and Construction Management, or in his absence his designee, the authority to negotiate and execute settlement agreements concerning the Broward County Code of Ordinances within the jurisdiction of the Broward County Environment Protection Department. Such settlement agreements shall not exceed \$30,000. Any settlement agreement in excess of \$30,000 will be submitted to the SBBC for approval. An example of this would be acquiring permits to cut a tree down. This policy states the Deputy Superintendent has authority to do so, if needed. The Board agreed with this policy and it will be brought forward to a future School Board meeting.

The material for this presentation can be found on the eAgenda October 13, 2009 workshop.

Policy 3320, Purchasing Policy

Staff brought forward revisions to Policy 3320, to align with other State agencies. Page 5 of the policy, II. Purchasing Policies-General Provisions, item G, refers to waiving the requirement for requesting competitive solicitation or prior School Board approval for items that fall below \$50,000. This section refers to the purchase of professional services such as artistic services; academic program reviews; lectures by individuals; legal services, such as, court reporters &

expert witnesses; health services involving examination, diagnoses, treatment, and medical consultation.

There was discussion by the Board requesting the continuation of the bidding process for the above-mentioned items regardless of the dollar threshold. Staff explained there are items that do not need a bid such as court reporters, lectures by individuals, and a particular academic program, to name a few. The Board wanted to make it clear that there is a bidding process taking place for items under the dollar threshold such as, nurses and audit services, and asked staff to state that clarification in this section of the policy. As the policy states now, there is no bidding process.

Staff assured the Board that the bidding process is taking place for items that fall under the dollar threshold and will make that clarification in item G.

Staff also recommended increasing the dollar threshold to \$1,000,000, which would streamline the workload and align with other state agencies. Board Members did not want to increase the dollar threshold and requested staff to keep it at \$500,000.

Staff submitted new language to item J., which refers to waiving the requirement of requesting competitive solicitations for the purchase of emergency commodities or contractual services. An example of an emergency purchase would be the clearing of downed trees due to a hurricane. The Superintendent would determine and put in writing, an immediate danger to the public health, safety, or welfare requiring emergency action. After this written determination, the School District could proceed with the procurement without requesting competitive solicitations. Staff will develop a list of bids for emergency services for the Board's information. It was requested to add to this list the statement "but not limited to."

Staff will make the recommended changes and return for a final review by the Board at a future workshop.

Material for this topic can be found on the eAgenda October 13, 2009 workshop.

Policy 3601, Tax Sheltered Annuities/Mutual Funds/No Load Mutual Funds.

Staff came before the Board with the revision to this policy for their review.

The first change is in paragraph 1., the word "shall" was changed to "may."

This provides the Superintendent with the option to issue a Request for Proposal (RFP) when needed rather than a periodic requirement.

Also added to paragraph 1 the statement, "or contract for such services as permitted by School Board Policy 3320 or Section 6A-1.012, Florida Administrative Code." This permits the District to add investment companies and products to provide additional options to employees. This also permits the additions of investment companies and products per School Board policy and State purchasing rules without the expense of the RFP process.

Board Members agreed with the revisions and requested staff to bring the policy to a Board meeting for their approval.

This policy can be found on the eAgenda October 13, 2009 workshop.

Professional Standard & Special Investigative Unit (SIU)

The presentation of the Professional Standard & Special Investigative Unit (SIU) investigation process was continued from the September 22, 2009 workshop. The discussion picked up on page 16 of the presentation, regarding the process for handling an incident at a school by an employee.

When an incident occurs, the Administrator of the school or department first has to decide if the inquiry of the incident will be conducted in house or to contact SIU. The Administrator can also contact SIU to help make that decision. If it is handled at the site, SIU may make recommendations. If the Administrator wants SIU to investigate, a Personnel Investigation Request form is filled out. SIU will then make the determination to conduct the investigation or not authorize it if the incident does not warrant it.

It was requested to add to this process a point person at the Area Office for the school to contact for their recommendation. This would give the Administrator a second opinion on the incident on whether it should stay in house or go to SIU. Board Members asked if there was training for supervisory level employees regarding determining what kind of incident should go to SIU. Staff responded that this is one of their recommendations to give formal training to all supervisory level employees. Board Members requested that examples of incidents requiring SIU investigation be listed in the training. Staff stated a brochure would be created to hand out during the training and would list inappropriate behavior.

When a Personnel Investigation Request is done, the Board asked if a formal notification is sent to the employee being investigated. Staff responded that the employee is given a formal notification from SIU and why they are being reassigned. If the incident does not rise to SIU level, it would go back to the Principal who may direct disciplinary action.

Board Member asked if someone makes a false allegation if SIU goes back and investigates who made the false allegation. Board Member also asked if SIU keeps records of principals submitting reports to see if there are unusual amounts of unsubstantiated reports that are being made.

To determine if a report is false it would have to be investigated as to whether someone had lied and if that can be documented. Students are subject to disciplinary action if they make a false allegation. If an employee makes a false accusation the case would go through the Professional Standards Committee (PSC). It is usually a "he said she said" case. The Committee would review and make a recommendation. There is no formal process at this time. Board Member would like staff to see how this process can be done and added to the investigative process regarding how the employee charged can be protected. They should have the same due process rights. The Superintendent stated that there is not a process to help the employee found innocent return to work. The Superintendent stated there needs to be a reengagement process for that individual. It has to be determined if the person does want to go back to the original work location or another location and to find out what can be done to help and support that employee.

Board Members also questioned whether it was true that an employee under investigation is asked not to speak to anyone regarding that investigation. Employees are asked not to speak to anyone, because they could influence a witness, which would taint the investigation.

When an investigation begins, information is gathered and interviews are conducted. Names of witnesses on behalf of the employee are submitted at this time. SIU determines if the investigation should be closed by memo and the employee is notified or SIU will recommend that there be a PSC review and the employee is provided a notice with the copy of the entire case

seven days prior to the meeting for the PSC Due Process meeting. Board member requested that any witnesses not interviewed, because they are not pertinent to the case, be listed in the report stating that. At the PSC meeting the findings are reviewed and the committee listens to the employee's side. The employee has 10 minutes to address the charges and allegations.

Board Members requested that the employee be given more than 10 minutes. Staff suggested 15 minutes and stated that if the employee needed more time he may request that at the PSC meeting. The employee is asked to leave the meeting and PSC discusses what they had heard and decides if this incident should go on to the Pre Disciplinary hearing or to close the case.

Board Member requested that there be a synopsis done of the entire PSC meeting, including the final discussion, to give to the employee so they know what was said. It was also requested that the Supervisor of the employee not be present at the PSC meeting. Staff is requested to look at the size of the PSC meeting and if it can be reduced. The size of the PSC is large and somewhat intimidating.

If the PSC determines that there is just cause, the case goes to the Pre Disciplinary hearing. Notice of the hearing is provided to the employee. Attendees are the Executive Director of Professional Standards/SIU, Cadre Attorney, Court Reporter, and employee with the representative(s) of choice, which can be an attorney and a representative. This is the opportunity where the employee can give names of additional people to rebut the probable cause. If at this time new facts are found out, the case goes back for further review with the PSC.

At the May 1, 2001 Regular School Board Meeting, Employee Disciplinary Guidelines were brought forward for the Boards' approval. Recommendations from the Board included the composition of the Professional Standard Committee, adding someone with a legal or labor background, who would be selected by the Superintendent. Staff was requested to give this composition a pilot run for three months and bring back that information to the Board. Board Member asked staff to go back and see if this has been done.

It was requested that the Council of Great City Schools review the District's investigative process. Staff is requested to take five cases, which SIU did successfully, for the Council's review to see if we have a good process. Having a second set of eyes reviewing our process will give the District a comfort level on whether or not the process is fair. Staff is also requested to see what other Districts have in place for investigations for the Board's information.

The Board Members did not want to change too much of the already established process before an outside group reviews it and before the new Executive Director is hired. The Board Members did say that there were several items that came out of this discussion that could be done. The recommendations are:

1. Staff is requested to take five cases that SIU did successfully for the Council of Great City Schools to review to see if we have a good process.
2. See what other School Districts have in place for investigations.
3. Add to the process a point person at the Area Office for the school to contact for their recommendation. This would give the Administrator a second opinion on the incident on whether it should stay in house or go to SIU.
3. Give the employee a synopsis of the entire Professional Standards Committee meeting including the discussion that occurs after the employee left the meeting.
4. It is requested that the Supervisor of the employee not be present at the PSC meeting.
5. Staff is requested to look at the size of the PSC meeting and if it can be reduced.
6. Put in writing for the employee witnesses who are not used because they are determined not pertinent to the case. Ask employee if there is anything else he/she

would like to add that is pertinent to the case.

7. Investigation training for site administrators. Create a brochure showing examples of inappropriate behavior and hostile situations. Staff is requested to look at past cases as a benchmark. Board Members would like to review the brochure before it is printed.
8. Increasing the time an employee has to speak at the PSC meeting, which is now 10 minutes.
9. Composition of the PSC committee to include a legal person.
10. Create a process for the reengagement of the employee regarding going back to his/her workplace, choosing another location, and support for the employee when they do return back to work.
11. Develop a formal process for employees who make false accusations. Board Member requested staff to see how this process can be done and how the employee charged can be protected.
12. SIU is requested to keep records of Principals submitting reports to see if there are unusual amounts of unsubstantiated reports being made.
13. Establish criteria for the reassignment of an employee.

There is a perception by some that the Professional Standards & Special Investigative Unit Investigation process is not fair. The Board wants to make sure that everything is being done to make this process fair to the Administrator and employee.

The material for this presentation is available on the eAgenda October 13, 2009 workshop.

Open Items

The Chair's recent memo to the Superintendent was discussed regarding bringing forward several concerns to address how the School District operates and how the Board should act in handling those issues.

The Chair requested bringing forward several concerns for discussion at a workshop.

1. The Ashbritt Audit and the role of audits in our District. This will be discussed at the October 27, 2009 workshop. Legal staff is looking at what legal actions we can take concerning the Ashbritt Audit.
2. Review of the Qualification Selection Committee process. Board Members would like a discussion to better understand this process, what is in place now, and how can it be improved. Board Member Ann Murray also requested a discussion on QSEC. It was decided by the Board and Superintendent to continue this process in order to not delay projects that are currently being done.
3. The entire picture of how much space there is for students in this District. How our formula and the State's formula differ in determining the space there is for students. How the class size amendment, concurrency laws and recent growth management, population declines, NCLB, and Charter Schools determines the number of seats available.
4. The reasons for delays in completing building projects in a timely manner and the actual cost incurred by these delays.
5. The purchase of property tagged "swamp land."
 - How much that property is worth today compared with the purchase price.
 - Is demucking usual for property in similar areas?
 - Original stated use for the property.

The Superintendent agreed that the above are very important issues that should be discussed and suggested hiring an outside group to review our processes. The Superintendent recommended a

Blue Ribbon Committee to handle matters that clearly need independent review from the district, staff and leadership.

There is a lack of confidence and trust in the District, and events that have transpired this past month have not helped. The prestigious award the School District received from the Broad foundation and other positive news has been overshadowed by recent events and articles published in the newspapers. The School District's #1 priority remains a steadfast focus on teaching and learning. In life, events occur that no one could have predicted and it is the quality of an organization that meets them head on and takes whatever corrective action is necessary to ensure the integrity of their process and transparency to the community. There are always things we can do better and the School Board wishes to find those solutions.

JFN:jd