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School Board Workshop
November 3, 2009

Opening Remarks

The Chair opened the meeting by stating that there have been several requests to have public input at workshops. The School Board will continue to have the regular workshop format, so the School Board Members can discuss topics per the Sunshine Law. In the future there will be a mechanism created, a public forum, to receive public input. Workshops gives the School Board Members the opportunity to have discussions and give direction, but do not vote on items. The Board will be discussing having public input at workshops in the future but have not had that opportunity as yet.

Qualification Selection Evaluation Committee (QSEC)

Due to the existing investigation, School Board Members wanted to have a discussion regarding the QSEC Policy and committee to see how it can be improved on the way the District awards contracts for construction projects and to improve public perception.

Staff gave a history of QSEC, which was originally the Consultant Review Committee. There have been previous situations regarding construction projects, which is why the committee was completely reorganized.

QSEC has two processes, the prequalification process and the selection process. Staff explained the prequalification process. When an application is submitted it goes through Dunn and Bradstreet, which gives a national history of the company. This is the gatekeeper that allows staff to weed out the pretenders and deal with those companies that truly can deliver. Companies are also checked locally, which includes payment history, having the ability to pay their subcontractors, and check on their bonding capacity.

Board Members had a few suggestions to improve the public perception of wrongdoing.

- Board Members would no longer be members of the QSEC Committee.
- Board Members would become non-voting members of QSEC.
- A designee would have to be appointed five working days before a meeting if the Board Member could not make the meeting, thus allowing time to review documents. There are emergency situations so exceptions would be allowed.
- To not accept campaign contributions while the district is soliciting bids for projects.
- Additional training for committee members on the Sunshine Law and the Cone of Silence
- Sending reminders to Board Members on bids and the Cone of Silence.

A common misperception by the public is that the same company is awarded contracts. There are 23 different companies that have done work for the School District for over 96 projects. The score sheet shows the volume of work that a company has done for the School District. This allows the committee to look at who has done a lot of work and those who have less work. If their bids were the same, the company who had less work would be awarded the contract.

The Board had a discussion regarding the suggestion of not being a member on the QSEC Committee. On one hand, Board Members have only one vote and there have been many times their choice has not been selected. On the other hand, Board Members are elected by their District and should represent the area that has the construction project to speak on behalf of their community. They could be present at the QSEC meeting but be a non-voting member. Board Members also stated that it was important for them to be at the selection of the architect for a project. That is when a design of a school is discussed and would be the time to give input for the community and the school. It was suggested that Board Members should have the option of being a voting member, a non-voting member, or not be present if they so choose.

The perception of the community is that Board Members may receive campaign donations from construction companies and think that persuades Board Members to vote for certain companies. It was suggested to decline to accept any donations from people who do business with the School District while the district is soliciting bids for projects. It was suggested that staff select a random number of projects and see if any of the Board Members had any influence getting a company hired.

Also discussed were QSEC committee members. Anyone who sits on QSEC has to submit a financial disclosure statement. Board Members have to file a financial disclosure but were not aware that other committee members had to do that. Staff is requested to enforce this.

Board Members had some suggestions regarding the selection of a company,
-Short list three companies who had the lowest bids in sealed envelopes. Select the lowest bid guaranteeing quality and price.
-Allow a company more time for their presentation if they have multiple bids.

The Superintendent stated he would bring the QSEC policy back for the Board's further discussion.

Material for this topic can be found on the eAgenda November 3, 2009 workshop.

Available Student Spaces

The Chair had previously requested that the School Board Members have a discussion regarding available student spaces in Broward County Schools.

In 2003, the population was booming in Broward County and the School District had their work cut out for them to try to keep up with available student space in schools. Based on 2003 legislation, School Districts were asked to phase out relocatables and that is why it was decided to either build new schools or additions at existing schools, if space was available. The voters passed the Class Size Amendment and each class can only have so many students, which made schools overcrowded and the need to build more schools. The Interlocal Agreement and Senate Bill 360 also restricted how many students could be in a school.

As brought out in a previous School Board workshop, the State's 2008 Plant Survey halted any further building in Broward County, because it was found that there were available seats in schools mostly in the eastern section of the County.

There are many reasons for the reduction of students in Broward County Schools. In 2007-2008, enrollments started to drop. There was no way to predict this sudden under enrollment.
-Property values were extremely high and many people could not afford to buy homes.
-High property values brought high taxes that people could not afford.

- Home insurance became very expensive, due to several hurricanes in the area.
- Jobs have become scarce in Broward County, due to the economic downturn.
- Loss of students due to enrollment at Charter Schools. 20,000 students have enrolled at Charter Schools, who would otherwise be in public schools.

There are many more reasons, but the fact remains, there are fewer students in Broward County. At this time there are 15,000 empty seats excluding seating in relocatables. Due to the empty seats in the eastern part of the county, the School Board faces the job of having to move students from overcrowded schools to under enrolled ones.

Staff stated the 15,000 empty seats is an inflated number. It was brought out that many schools have special needs students, which can only have up to 4 or 5 students rather than the usual 25 students per class. And there are classrooms that have other uses for special needs students. Advanced Placement classes also do not have 25 students in a classroom, but rather approximately 10 students. So the empty seats are not really empty seats. Staff is requested to go through each school to find the program capacity classrooms and adjust the empty seats figure. Staff is requested to do a side-by-side comparison with the State's figures and the true Broward County classroom figures.

Although the Plant Survey said there were 15,000 empty seats, the State has recently informed the School District that they miscalculated the number of students in Broward County schools by 10,000 students and was therefore under funded FTE dollars. The State is developing a process to correct this error.

Material for this topic can be found on the eAgenda November 3, 2009 workshop.

Policy 1100B Lobbyist Activities

Staff returned with Policy 1100B, Lobbyist Activities, with the Board Members' recommendations from the October 27, 2009 workshop.

The definition was expanded to include the recommendations. The Chair suggested that the first sentence is very long and should be broken up. The Chair also asked if this policy includes all staff and wanted everyone to be covered. Staff stated it did include all staff that would be in the situation of speaking to a company wanting to do business with the School District. The Chair asked who the "Principal" is that is mentioned in the policy. The "Principal" is the individual, firm, corporation, or the business entity, which has employed or retained the services of a lobbyist. This is stated in 2. under the section, Definitions. Staff is requested to put a note in Definitions, 1., to refer to 2. for clarification.

Board Members stated that they wanted to protect the constituent who wanted to talk to them, for example, about their homeowners association. Staff stated that this policy does do just that. The intention of this policy is to have people who want to speak to Board Members, on behalf of a company wanting to do business with the School District, to first fill out the lobbyist form before making contact with a Board Member. There are penalties now stated in the policy for not doing that.

Board Members discussed what the difference between someone from a homeowner's association who wants to speak with a Board Member and someone representing a company or service. A lobbyist is someone who is trying to secure a contract to do business with the School Board either directly or indirectly. This is not a person who wants to speak with a Board Member to convey their position on a matter such as boundaries.

It was asked why the compensation piece was taken out of the policy. Staff clarified that a person can be a lobbyist and not receive compensation, but may receive a favor. Staff is also requested to include attorneys as lobbyists who would be speaking on behalf of a person or company who is doing business with the School Board.

Under Investigation of violations, Penalties Item 11., staff is requested to put the State Statue in this area.

Staff is requested to add the Board's recommendations to Policy 1100B. The Superintendent will bring the lobbyist policy to the November 10, 2009 School Board meeting for the Board's approval.

Policy 1100B, Lobbyist Activities, can be found on the eAgenda November 3, 2009 workshop.

JFN:jd