

**ORLANDO, FLORIDA**  
**August 13, 2002**

The School Board of Orange County, Florida, met in regular session on Tuesday, August 13, 2002, at 5:45 p.m. Present were: Susan Landis Arkin, chairman; Judge Richardson Roach, vice chairman; Barbara T. Rushing, Linda H. Sutherland, Karen Ardaman, and Kathleen B. Gordon, school board members; Dr. Henry H. Boekhoff, chief financial officer; Deborah Manuel, deputy superintendent, instruction and curriculum; Frank C. Kruppenbacher and Andrew B. Thomas.

Berton R. Carrier, school board member, was recuperating from surgery, and Ronald Blocker, superintendent, was out of town.

The Pledge of Allegiance followed the moment of silence.

The chairman announced that any individual who would like to address an item on the agenda could do so by completing the appropriate form at the board table.

Mrs. Arkin stated that Mr. Blocker was on his way back from Tallahassee where he attended a luncheon at the Governor's mansion for the five Teacher of the Year Finalists. Mary Louise Wells, from Jones High School and Teacher of the Year for Orange County, was one of those five. She also reported that the Florida Cabinet upheld the board's decision on Cyber High Charter School.

**Adoption of Agenda:** Dr. Boekhoff requested a finding of an emergency and the following changes to the agenda: corrections to 1.1 (July 30, 2002 Board Meeting Minutes); an addendum to 2.1 (Request Approval of the Personnel Agenda dated August 13, 2002, Including the Designation/Creation of Positions to be Filled, the Minimum Job Qualifications for the Positions, Salary Schedules, Appointments, and Terminations of Select Personnel as Shown Thereon); corrections to pages 30 & 33 (salary schedule) for 2.3 (Request Approval of the Tentative Agreements Reached Through Negotiations with the Orange Education Support Professional Association on Contract Language for 2002-2003) and the addition of 2.7 (Request Approval of Temporary Busing)

Dr. Boekhoff requested approval of the resolution for 2.7 (Request Approval of Temporary Busing) with the following proposed changes in Paragraph 4: (1) Orange County Government will apply for a sidewalk permit from the Florida Department of Transportation within thirty days of this approval and immediately commence construction thereafter; and (2) Funding for school bus service during the period until construction commences shall be reimbursed by Orange County Government.

The chairman found good cause to amend the agenda as requested.

It was moved Mrs. Sutherland and seconded by Mr. Roach that the agenda as amended be approved.

The motion passed unanimously 6-0 (with Mr. Carrier being absent).

**Adoption of Consent Agenda:** It was moved by Mrs. Rushing and seconded by Mrs. Gordon Board Meeting – August 13, 2002

that the consent agenda as requested be approved.

- Approve Minutes *(Legally Required Board Action)*
- 1.1 July 30, 2002 – Board Meeting
- Human Resources and Operation Issues *(Legally Required Board Action)*
- 2.1 Request Approval of Personnel Agenda Dated August 13, 2002, Including the Designation/Creation of Positions to be Filled, the Minimum job Qualifications for the Positions, Salary Schedules, Appointments, and Terminations of Select Personnel as Shown Thereon
- 2.2 Request Approval of the Tentative Agreements Reached Through Negotiations With the Orange County Classroom Teachers Association on Contract Language for 2002-2003
- 2.3 Request Approval of the Tentative Agreements Reached Through Negotiations With the Orange Education Support Professional Association on Contract Language for 2002-2003
- 2.4 Request Approval of the 2002-2003 Administrative/Technical, Executive Management and School Food Service Managers Salary Increase Budget
- 2.5 Request Approval of the 2002-2003 Professional Instructional Salary Increase Budget
- 2.6 Request Approval of School Bus Routes for 2002-2003, Subject to Modification as Necessary
- 2.7 Request Approval of Temporary Busing
- Approve Student Expulsions *(Legally Required Board Action)*
- 3.1 Request Approval of the Expulsion of Students in Conjunction With the Waiver of Out-of-School Student Expulsion and the District Behavior Contracts
- Approve Grant Applications *(Legally Required Board Action)*
- 4.1 Request Approval of the Submission of a Grant Application to Continue the Even Start Family Literacy Program for FY 2002-2003
- 4.2 Request Approval of the Grant Agreement With the Oak Ridge Neighborhood Center for Families, Known as NCF, to Fund a Part-time Nurse Practitioner at Walker Family Service Center
- 4.3 Request Approval of Grant Applications Submitted Under the Mayor's Educational Partnership Grant Program
- 4.4 Request Approval to Submit Grant Application to the Florida Department of Education to Fund Learning for Life Character Education Program
- 4.5 Request Approval of Continuation of Acceptance of a \$50,000 Grant by the Orange County Sheriff's Office for an Out-of-School Suspension Program in the North Area Learning Community
- 4.6 Request Approval of the Submission of an Application to the Florida Department of Education for 2002-2003 Dissemination Grant Program for the Summit Charter School
- 4.7 Request Approval of Grant Application Submitted Under the Step Ahead to Success/Farmworker Youth Opportunity Program
- 4.8 Request Approval of the Submission of an Application to the Florida Department of Education for Second Year Funding for Nap Ford Community School
- 4.9 Request Approval of the Submission of an Application to the Florida Department of Education for Second Year Funding for NorthStar High Charter School
- 4.10 Request Approval of the Submission of an Application to the Florida Department of Education for Second Year Funding for UCP Child Development Center Charter School

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- 4.11 Request Approval of the Submission of an Application to the Florida Department of Education for Second Year Funding for Hope Charter School
- Approve Education Services Related Items *(Legally Required Board Action)*
- 5.1 Request Approval of Contract With Darryl N. Roland for Consultant Services From July 1, 2002 Through June 30, 2003 to Provide Services as Administrative Hearing Officer for Expulsion and Disciplinary Hearing
- 5.2 Request Approval of Letter of Agreement With the Orlando Science Center for the 2002-2003 School Year
- 5.3 Request Approval for the Purchase of Ruby Payne Consultant Services (Aha, Inc.) for the 2002-2003 School Year
- 5.4 Request Approval of Purchase of Degrees of Reading Power (DRP) Materials
- Approve Work Force Education Issues (None) *(Legally Required Board Action)*
- Approve Curriculum/Program Services Issues *(Legally Required Board Action)*
- 7.1 Request Approval of the Agreement With the School Board of Lake County for the Provisions of Programs and Services to Exceptional Education Students Attending Private/Parochial Schools
- 7.2 Request Approval of the Agreement With the School Board of Seminole County for the Provisions of Programs and Services to Exceptional Education Students Attending Private/Parochial Schools
- 7.3 Request Approval of an Extension to the Agreement With Voyager Expanded Learning, Inc., for the Purpose of Implementing the Voyager Universal Literacy System
- Approve Real Estate Issues (None) *(Board Policy EL6)*
- Approve Business and Finance Functions *(Legally Required Board Action)*
- 9.1 Request Approval of Bids to be Awarded – August 13, 2002
- 9.2 Request Approval of Settlement of Workers' Compensation Claim: Barbara Richards v Orange County School Board
- 9.3 Request Approval for Purchase of Storage Area Network Expansion from Hitachi Data Systems, Inc.
- 9.4 Request Approval of the Report on Expenditure of Lottery Funds
- Approve Construction Related Issues *(Legally Required By Law)*
- 10.1 Request Approval of Phase III Final Construction Documents at Boone High School
- 10.2 Request Approval of Phase III Final Construction Documents at Hiawassee Elementary School Replacement
- 10.3 Request Approval of Phase III Final Construction Documents at Metrowest Elementary School Relief (Eagle's Nest Elementary School)
- 10.4 Request Approval of Phase III Final Construction Documents at Pine Hills Transportation
- Approve Change Orders *(Board Policy EL11/Legally Required Board Action)*
- 11.1 Request Approval of Change Order No. 2 to the Trane Company for the Chiller and Boiler Maintenance and Repair Services Contract
- Approve Legal Issues
- Accept Superintendent's Monitoring Reports

Edward Mulgrave, 2078 Gatlin Avenue, Orlando, Florida, 32806, addressed the board regarding 2.2 (Request Approval of the Tentative Agreements Reached through Negotiations with the Orange County Classroom Teachers Association on Contract Language for 2002-2003). He

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stated that he felt the salary schedule for teachers was inequitable because it gave very little to the positions on the low end of the schedule. He added that teachers were being rewarded for longevity rather than job performance.

At the request of Mrs. Arkin, Dr. Boekhoff responded to Mr. Mulgrave's concerns. Dr. Boekhoff stated that the district was concerned about the competitiveness of the teacher salary schedule. The board and the superintendent had made a concentrated effort over the last few years to make salaries a priority. This salary schedule to be approved was better at every experienced step than in any of the surrounding counties, which are our direct competitors. He added that Volusia and Seminole counties had already settled for this year. Osceola, Lake, Polk and Brevard counties had not settled so there could be some changes.

Dr. Boekhoff stated that the district had an initiative (not based strictly on performance) to provide additional funding to teachers who were going into schools that have been considered more difficult. The teachers were provided an additional ten days of training, which increases their salaries. In terms of performance, state law now requires that the district have a performance based program which includes a review by peers in addition to data by students.

He stated there was a plan for administrative performance incentives, and the superintendent has added that this year. Dr. Boekhoff stated it was appropriate for accountability measure like performance pay to be initiated broadly with principals first, who then would be responsible for implementing it with instructional staff.

The following persons addressed the board regarding 2.7 (Request Approval of Temporary Busing):

Rodney Reynolds, 2248 Okada Court, Orlando, Florida, 32818  
Pastor Hezekiah Bradford, 21 W. 13<sup>th</sup> Street, Apopka, Florida, 32703

Both speakers commended the board for providing the temporary busing, but requested that the board reconsider long term busing because of the walking conditions.

At the request of Mrs. Arkin, Dr. Boekhoff responded that the desire for busing in any particular area must be balanced with the standards the state sets for student safety and thus reimbursement because there are similar conditions all over the district. Based on the action the board was taking tonight, Orange County Government would have time to provide for important sidewalks. In addition, there is a procedure for space available busing.

In terms of state support, Dr. Boekhoff stated that the state's current transportation funding formula penalizes districts for providing busing that was below the standards established by the state i.e., two miles or more from a school if it doesn't the state's conditions for hazardous busing. If the state wants to encourage districts to provide additional funding for transportation, the transportation formula would have to be changed to reflect it and they would need to fund it.

Mrs. Arkin stated that the dollars that the district uses on transportation that are not reimbursed are dollars that do not go into the classroom. She added that Commissioner Bob Sindler had agreed to have the County expedite the process. As soon as the county begins construction, hazardous conditions funding will apply.

Mrs. Gordon asked whether there would be a crossing guard for the students tomorrow.  
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Rye Merriam, senior director, transportation and support services, stated that the district's safety coordinator, Winnie Gerken, worked very closely with the sheriff's department to identify intersections where crossing guards are needed. He added that crossing guards are a local community issue because it is hard to get someone from east Orange County to travel to west Orange County for \$7 to \$8 an hour. Most crossing guards live in the community. He added that the district was constantly trying to help the sheriff's department recruit crossing guards. Currently, there are 76 vacancies across the county.

Mrs. Arkin asked whether this intersection was one of the vacancies.

Mr. Merriam responded affirmatively and stated that two guards were requested for the area. They had one and there is one vacancy.

Mrs. Gordon asked how quickly this could be expedited since the board would vote tonight and this issue would be out of the district's hands and into the county commissioner's hands.

Dr. Boekhoff responded that with the board's vote tonight, it would probably take a day or two to provide the bus.

Mr. Merriam followed up stating that if the board voted affirmatively tonight and Commissioner Sindler approved the terms of the agreement, busing could begin Thursday morning. Also, the transportation department immediately would notify the county through Daniel Buckman, associate superintendent, governmental relations, that the request had been approved.

Mrs. Sutherland asked whether the district had the capacity to handle requests if other commissioners took the same initiative as Commissioner Sindler.

Mr. Merriam responded that it would depend on the volume of the requests. The capacity exists to do this now, but if a lot of requests were received at one time, the district would have to pick and choose who would receive service.

Mrs. Sutherland requested that this become an agenda for the legislative platform so that everyone could lobby together. She added that the district should capitalize on the timing of this issue.

Mr. Merriam stated that this was an issue not limited to one particular community or income level.

Mrs. Arkin stated that, ideally, the board would like to see all children on safe school buses, rather than walking routes like this. However, the board's first priority with limited dollars was that all the children have good teachers in their classrooms. She added that she was glad that Commissioner Sindler stepped forward.

Mr. Roach expressed concern regarding the lack of crossing guards.

Mrs. Sutherland stated that there had been discussions in the past and there needed to be ongoing dialogue.

Mrs. Arkin suggested that, if board members or staff members had suggestions for sources for potential crossing guards, Sheriff Beary would welcome that information. She added that she hoped that the community would take an active role in recruiting crossing guards.

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The motion passed 5-0 (with Mr. Roach out of the room).

**Special Order:** Dawn Steward, Kid Care Coordinator, 600 Courtland Street, Suite 565, Orlando, Florida, 32804, addressed the board on the distribution of Kid Care applications, what the program does and how it ties to the success of children in the school system. She also thanked Orange County Public Schools for its continued support for the promotion and distribution of the Florida Kid Care Program.

Mrs. Arkin stated that the board appreciated the Orange County Healthy Start Coalition, Inc. because it was critically important that the children were healthy.

Mrs. Gordon announced that Bishop John Adams of the African Methodist Episcopal Church for the state of Florida and the Bahamas had endorsed the Florida Kid Care Program.

Mrs. Sutherland thanked Mrs. Steward for her update to the board. She also announced that the Healthy Start Coalition in Orange County had the Kid Care outreach contract. She added that the Healthy Start Coalition was working to make sure that babies were born healthy because if they were born low birth weight, they were much more likely to have learning disabilities that would affect future test scores. Part of the education process is to help people understand how to use a medical home (primary and preventive care), rather than emergency room services.

Mrs. Arkin requested that when the board meeting was aired on television, a tag line with the number for Kid Care be run while Mrs. Steward was speaking.

Dr. Boekhoff introduced the following newly appointed administrators: Nancy Pender, assistant principal, Clarcona Elementary; Melanie May, assistant principal, Liberty Middle; and Jacqueline Nadler, assistant principal, Evans Middle.

In regard to 9.4 (Request Approval of the Report on Expenditure of Lottery Funds), Mrs. Sutherland requested that Dr. Boekhoff share how many days the lottery would fund education.

Dr. Boekhoff responded that the lottery dollars run the school system less than three days.

Mr. Roach highlighted 4.6 (Request Approval of the Submission of an Application to the Florida Department of Education for 2002-2003 Dissemination Grant Program for the Summit Charter School) by thanking the superintendent and Dr. Manuel for their follow through on this item.

Mrs. Sutherland stated that she was impressed with the idea that the district was moving to administrative personnel incentive and performance pay. She also complimented the superintendent and his staff.

Mrs. Gordon thanked the superintendent, Emma Newton, deputy superintendent, human resources and labor relations, and Frank Kruppenbacher, school board attorney, as well as the Classroom Teachers Association for working out the additional 10 days of salary in the effected schools.

Mrs. Ardaman stated that she was impressed with the new administrators that had been appointed over the last several months.

Mr. Roach asked how many teacher vacancies still needed to be filled.

Mrs. Newton responded that there were 50 vacancies left for certified teachers.

Mr. Roach reported that he saw an OCPS recruitment poster in Michigan.

Dr. Boekhoff highlighted that the board approved the districtwide assessment system for 2003. Staff had researched and recommended the Degrees of Reading Power system that would be used to diagnose, monitor and assess student achievement. The purpose of using the districtwide assessment system is to ensure consistency of data collected and report it to the school board through the ENDS monitoring report.

Dr. Boekhoff also highlighted 4.5 (Request Approval of Continuation of Acceptance of a \$50,000 Grant by the Orange County Sheriff Office for an Out-of-School Suspension Program in the North Area Learning Community) by stating that the district was appreciative of this funding. This school will serve students who were suspended from school. The program successfully served more than 280 students were last year.

He stated that the board also approved three grant applications submitted under the Mayor's Educational Partnership Grant Program. Non-profit organizations, schools and neighborhood organizations that partner with other agencies are eligible to apply for up to \$10,000 to fund neighborhood-based educational enhancement programs for youth. The stipulation was that the program must be available to area youth during non-traditional school hours. Orlando Tech, Rock Lake Elementary and Stonewall Jackson Middle are each applying for \$10,000 each.

**Information and Future Meeting Dates – Superintendent:** Dr. Boekhoff announced the following upcoming meetings:

August 27, 2002	5:30 p.m.	Board Meeting
September 10, 2002	3:30 p.m.	Work Session (cancelled)
September 10, 2002	5:30 p.m.	Board Meeting (cancelled)
September 17, 2002	6:00 p.m.	Board Meeting
September 17, 2002	7:00 p.m.	Final Budget Hearing
September 24, 2002	3:30 p.m.	Work Session
September 24, 2002	5:30 p.m.	Board Meeting

**Reports by Attorneys:** Mr. Kruppenbacher gave an update on the Cyber High Charter School hearing. He stated that in May the board acted upon the superintendent's recommendation to revoke the charter of Cyber High Charter School. Cyber High Charter School has no affiliation with the Florida Virtual High School which is a successful state endorsed program.

He added that from mid-October up until last week, Mr. Blocker, Nicholas Gledich, Jason Powell, Fred Barnes, Rye Merriam, Henry Boekhoff and Carl Hartley had been subjected to personal attacks and innuendos by the representatives and founders of Cyber High Charter School. He stated that, in his opinion, staff continued to deal professionally with the issue and not be sidetracked. The board evaluated the issue very carefully and decided to revoke the charter. Below are the reasons the board revoked the charter: (1) repeated complaints from Board Meeting – August 13, 2002

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parents and students regarding what was going on at the school was not being proper education; (2) repeated observations by school board staff that students were not engaged in academic activities in the classroom; (3) the employment of a teacher with multiple criminal charges including the possession of a controlled substance; (The teacher, having exhibited erratic and aggressive behavior toward students and having failed a drug test was employed by the school despite the knowledge that this person was ineligible for employment); (4) the use of an employee with no certification and a criminal background, to teach students; (When this was brought to their attention by OCPS staff, they indicated that the person was a clerical not instructional employee. An investigation found that the employee's name was altered in the records and he continued to be employed.); (5) the constant failure and refusal to properly answer telephone calls from and respond to parents' concerns; (6) the failure to properly classify and pay employees; (7) the failure to disclose in their financial statement an excess of \$95,000 of unrecorded liabilities; (8) a failure to comport with generally accepted accounting principles; (9) the employment, without bid, of the principal's brother-in-law as a consultant for \$34.00 per month per student and as a computer vendor who grossed over \$100,000 in that relationship; (Records have been subpoenaed, but he is unwilling to disclose where the computers were purchased and for how much. Since the computers are now missing, it is not possible to determine whether they were all indeed ever purchased.); (10) failure to properly administer the FCAT on the date established by the state of Florida; and (11) failure to comply with the Florida High School Athletic Association procedures for student participation in athletic events.

Mr. Kruppenbacher reported that today the Florida Cabinet, composed of Bob Milligan, Treasurer; Jim Smith, Secretary of State; Bob Butterworth, Attorney General; Tom Gallagher, Insurance Commissioner; Charlie Bronson, Commissioner of Agriculture; Charlie Crist, Commissioner of Education; and the Honorable Jeb Bush, Governor, voted 7-0 to deny the appeal of the Cyber High Charter School. He added that the Cabinet validated the integrity of the board and its staff for having done their jobs properly pursuant to the laws the state established.

Mrs. Arkin stated that there was no discussion among by the Cabinet members and that every member voted to uphold the board's decision. The district was well represented by Mr. Hartley. She added that Dr. Gledich stated that the board's executive limitation on charter schools was a very powerful tool that enabled the district to both help charters be successful and shut them down when it was appropriate.

Mr. Kruppenbacher stated that staff emphasized that the district had a great partnership with ten charter schools, and this case should not taint this partnership.

Mrs. Rushing stated that she appreciated all the work that went into this and that staff Board remained professional throughout. She added that board members had also been personally attacked. She also requested a status report on the issue of the district's missing assets, which is being investigated by the Florida Department of Education and the Orlando Police Department and has been referred to the state attorney's office.

Mr. Kruppenbacher responded that following the board's decision, the superintendent sent auditors out the next day to index and retrieve the property. Upon arrival, staff was told that there had been a burglary and that the computers were not there. This was the second burglary; the first was not reported until five months after it happened. It was also found that weeks prior to the board's actions, Orange County Cyber High School had sold a significant amount of valuable property to the Seminole County Cyber High which is run by the sister-in- Board Meeting – August 13, 2002

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law. The district has filed an order in court to show cause as to why the property should not be



returned to Orange County. The district is trying to ascertain what was bought with the money and where it was bought. The matter was referred to the state attorney's office and the inspector general. Both investigations are open. Public money was involved that could have been used for the students in Orange County.

Mrs. Rushing asked whether this was a criminal investigation or a civil one.

Mr. Kruppenbacher stated that the state attorney's office prosecutes, and it is in their jurisdiction. The inspector general's office investigates, and, if his staff identifies that violation, he can refer it for criminal or civil action. He added that he would bring the Cabinet's order to the board with a recommendation for adoption at the next board meeting.

The meeting adjourned at 7:10 p.m.

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Chairman

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Secretary

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