

**NON CONSENT
ITEM 4**

**ORLANDO, FLORIDA
August 22, 2006**

The School Board of Orange County, Florida, met in regular meeting on Tuesday, August 22, 2006, at 5:30 pm. Present were: Karen Ardaman, Chairman; Jim Martin, Vice-chairman; Joie Cadle, Timothy Shea, Judge Richardson Roach, and Kathleen B. Gordon, School Board Members; Henry Boekhoff, Chief Financial Officer; Frank Kruppenbacher, General Counsel, and Ronald Blocker, Superintendent.

A moment of silence was followed by the Pledge of Allegiance.

Mrs. Ardaman recognized the 2006 Orange County Legislative Delegation. Representative Sandy Adams, chairperson, thanked the school board for honoring them. The following delegation members were present to receive the proclamation: Representatives Sandy Adams, Bob Allen, Bruce Antone, Fred Drummer, Andy Gardiner, Sheri McInvale, David Mealor, John Quinones, and David Simmons; Senators Lee Constantine, Gary Siplin and Daniel Webster. Those unable to attend were Senator Bill Posey, Representatives Frank Attkinson, Dean Cannon and Randy Johnson.

Mrs. Ardaman thanked the delegation for their collective efforts and service to the community. She also thanked Herff Jones for donating the plaques.

Adoption of Agenda: Mr. Blocker discussed the following changes to the agenda: an addendum to item 1.1 (Request Approval of Personnel Agenda Dated August 1, 2006, Including the Designation/Creation of Positions to be Filled, the Minimum Job Qualifications for the Positions, Salary Schedules, Appointments and Terminations of Select Personnel) including the removal of employee SL from the classified agenda, revisions for item 9.1 (Request Approval of Apopka High School Relief (Hiawassee Road): Condemnation Lawsuit-Orlando/Orange County Expressway Authority and the School Board of Orange County, Florida vs. Commercial Realty Group, Inc. al., Orange County Circuit Court, Case No. 2005-CA-5009 Approval of Mediated Settlement Agreement) and 9.9 (Request Approval of the Joint Use Agreement Between the School Board of Orange County, Florida and the City of Orlando for Joint Use of Northwest Community Center Playfields and the Relief School for Princeton Village Development).

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

It was moved by Mr. Shea and seconded by Mrs. Geiger that the agenda be adopted.

The motion passed 7-0.

Adoption of Consent Agenda: It was moved by Mr. Shea and seconded by Mrs. Cadle that the consent agenda be adopted.

1. Human Resources and Executive Services

(Legally Required Board Action)

- 1.1 Request Approval of the Personnel Agenda Dated August 22, 2006, 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 **Addendum**
- 1.2 Request Approval to Continue the Incentive Plan to Recruit and Retain Instructional Staff at Assistance Plus Schools as Authorized in Florida Statute 1001.42 (19)
- 1.3 Request Approval to Continue the Incentive Plan to Recruit and Retain Administrators at Assistance Plus Schools as Authorized in Florida Statute 1001.42 (19)
- 1.4 Request Approval of Contract Renewal for Unified Purchase of Software Support From Pearson Digital Education in Support of Professional Development
- 1.5 Request Approval of the Annual Update of the Master Inservice Plan for Implementation During the 2006-07 School Year
2. Approve Student Expulsions *(Legally Required Board Action)*
 - 2.1 Request Approval of the Expulsion of a Student in Conjunction With the Waiver of Out-of-School Student Expulsion and The District Behavior Contract
3. Approve Grant Applications *(Legally Required Board Action)*
 - 3.1 Request Approval of a Grant Application to the Florida Department of Education to Support an Alternative Education Public-Private Partnership
 - 3.2 Approval of Submission of a Grant Application to the Centers for Disease Control and Prevention (CDC) to Continue Funding the HIV Prevention Education Program
 - 3.3 Request Approval for Purchase of Total Classroom Educational Materials Kits Through the Publisher, It's About Time
 - 3.4 Request Approval of the Submission of a Grant Application to the Florida Department of Education to Renew the Learning for Life Character Education Program in Selected Orange County Elementary Schools
 - 3.5 Request Approval to Partner With the Center for Civic Education to Support the School Violence Prevention Demonstration Program
 - 3.6 Request Approval for Purchase of Science Materials for Title I Elementary Classrooms With Sargent Welch Publisher
 - 3.7 Request Approval of Submission of a Grant Application to Toyota Family Literacy Program
 - 3.8 Request Approval of a Sub-Contract Agreement With Healthcare Providers of Florida, Inc., Funded Through the Winter Park Health Foundation, to Provide Licensed Pediatric Nurse Practitioners at Glenridge Middle School and Winter Park High School
 - 3.9 Request Approval of a Sub-Contract Agreement With Healthcare Providers of Florida, Inc., Funded Through Orange County Department of Health, to Provide Advanced Registered Nurse Practitioners
4. Approve Education Services Related Items *(Legally Required Board Action)*
 - 4.1 Request Approval to Continue the Purchase of Voyager Reading Materials for Eagle's Nest, Lake Weston, Maxey, Rock Lake, Spring Lake, and Washington Shores Elementary Schools to Improve Student Achievement in Reading

- 4.2 Request Approval to Upgrade Management System With CompassLearning for Credit Recovery/Retrieval Program at Jones High School
- 4.3 Request Approval of a Non-Exclusive Agreement Granting Limited Internet Webcast Rights to Jericho Broadcast Networks, Inc.
- 4.4 Request Approval of Amendment to Princeton House Charter School
- 4.5 Request Approval of the Renewal of the Inter-District Agreement for the Enrollment of Lake County School Board Students in Princeton House Charter School
- 4.6 Request Approval of the Renewal of the Inter-District Agreement for the Enrollment of Osceola County School Board Students in Princeton House Charter School
- 4.7 Request Approval of the Renewal of the Inter-District Agreement for the Enrollment of Lake County School Board Students in Hope Charter School
- 5. Approve Career and Technical Education Issues *(None)* *(Legally Required Board Action)*
- 6. Approve ESE and Multilingual Services Issues *(None)*
- 7. Approve Operations Issues *(Legally Required Board Action)*
 - 7.1 Request Approval of Bids to be Awarded – August 22, 2006
 - 7.2 Request Approval of Construction Managers for Continuing Contract for Construction Management at Risk Services – RFQ #06CM09
 - 7.3 Request Approval of Purchase of Fidielis Security Software and Hardware
 - 7.4 Request Approval of Purchase of Oracle Software
 - 7.5 Request Approval of Consulting Services for Business Process Mapping (BPM) With International Business Machines (IBM) to Support Student Information System Implementation
 - 7.6 Request Approval of Consulting Services to Address Florida Department of Education Requirements Changes With Information Systems Consultants, Inc.
- 8. Approve Business and Finance Functions *(Legally Required Board Action)*
 - 8.1 Request Approval of the Proclamation to the 2006 Orange County Legislative Delegation
 - 8.2 Request Approval of a Resolution Authorizing the School Board to Renew its Current Outstanding 2005 Revenue Anticipation Note (RAN) Through the Issuance of a 2006 RAN, Pursuant to Section 1011.14 of Florida Statutes and to Extend the Maturity Date of the Note From August 31, 2006 to August 30, 2007. The Principal Amount of the Note Will Not Exceed \$32 Million
 - 8.3 Request Approval of the Fixed Asset Deletion Report
 - 8.4 Request Approval to Donate Fixed Asset #31586 Transitioning Assistive Technology Assigned to Graduating Student

- 8.5 Request Approval of the Capacity Enhancement Agreement Subject to the Provisions of Sunsetting, Pre-Payment of Impact Fees, and Limitation on the Timing of Building Permits and the Number of Units – Le Royal, Inc. (Millenia Gardens) CEA No. 06-009. Owner Agrees to Donate to OCPS a Minimum of 12 Acres for an Elementary School Site at a Location Acceptable to OCPS and Without School Impact fee Credit; Clear and Grade the School Site; and Place the School's Stormwater Retention Outside the School Property but Within the Project's Stormwater Management System. The School Site Shall be Conveyed to the School Board no Later Than April 30, 2008 and Owner Shall not Receive a Building Permit Until the School Site is Conveyed to the School Board
- 8.6 Approval to Enter Into Schools Acceleration and Capacity Enhancement Agreement With Land Owners in Southeast Orange County Through Schools Financing Consortium, LLC ("Consortium") in Order to Advance the Opening of Three Relief Schools Generally Located in Southeast Orange County. The Agreement Shall Include Pre-payment of Impact Fees, Acceleration of the Construction of a High School, a Middle School and an Elementary School Through Consortium-provided Cost of Issuance and Interest Payments and OCPS Commencement of Design of the 3 new Schools
- 9. Approve Construction Related Issues *(Legally Required By Law)*
 - 9.1 Request Approval of Apopka High School Relief (Hiawassee Road): Condemnation Lawsuit-Orlando/Orange County Expressway Authority and the School Board of Orange County, Florida vs. Commercial Realty Group, Inc. al., Orange County Circuit Court, Case No. 2005-CA-5009 Approval of Mediated Settlement Agreement **Revision**
 - 9.2 Request Approval of Amendment No. 6 to Harvard Jolly, Inc., for Design Services at Windermere Elementary School Comprehensive Project
 - 9.3 Request Approval of Construction Change Directive No. 1 to Skanska at Colonia 9th Grade Center Comprehensive Project
 - 9.4 Request Approval of Phase III Final Construction Documents at Apopka High School Replacement
 - 9.5 Request Approval of Phase III Final Construction Documents at Columbia Elementary School Replacement
 - 9.6 Request Approval of Phase III Final Construction Documents at West Orange High School Replacement
 - 9.7 Request Approval of Phase III Final Construction Documents at Audubon Park Elementary School Relief
 - 9.8 Request Approval of Phase III Final Construction Documents at North Lake Park Elementary School Relief II
 - 9.9 Request Approval of the Joint Use Agreement Between the School Board of Orange County, Florida and the City of Orlando for Joint Use of Northwest Community Center Playfields and the Relief School for Princeton Village Development **Revision**
- 10. Approve Change Orders *(None)* *(Board Policy EL11/Legally Require Board Action)*
- 11. Approve Legal/Audit Issues
 - 11.1 Request Acceptance of Attached Cost Audit Reports for Completed Construction Projects
 - 11.2 Request Acceptance of Final Audit Report of Payroll Follow Up Audit

- 11.3 Request Acceptance of D&C Quarterly Audit Report for the Period of April 2006 to June 2006
- 11.4 Request Approval of Settlement of Workers' Compensation Claim: Barbara S. Wallen v. Orange County School Board
- 12. Accept Superintendent's Monitoring Reports *(None)*

In regard to item 1.4 (Request Approval of Contract Renewal for Unified Purchase of Software Support From Pearson Digital Education in Support of Professional Development), Mr. Roach asked whether all the technology blueprint concerns were being addressed by the technology consulting firm and whether it fit into the plan.

Mr. Blocker indicated that the technology consulting firm was helping the district develop a multi-year strategic and comprehensive plan.

At the request of Mr. Blocker, Charles Thompson, Senior Executive Director/Chief Information Officer, addressed the board. Mr. Thompson stated that the district was in contact with the consulting firm and indicated that the resolutions in question were in accordance with final delivery of the plan next month.

The motion passed 7-0.

Highlights: Mr. Shea highlighted item 8.6 (Approval to Enter Into Schools Acceleration and Capacity Enhancement Agreement With Land Owners in Southeast Orange County Through Schools Financing Consortium, LLC ("Consortium") in Order to Advance the Opening of Three Relief Schools Generally Located in Southeast Orange County. The Agreement Shall Include Pre-payment of Impact Fees, Acceleration of the Construction of a High School, a Middle School and an Elementary School Through Consortium-provided Cost of Issuance and Interest Payments and OCPS Commencement of Design of the 3 new Schools), thanking the board for approval of this item which will advance the construction of an elementary, middle and high school. He added that this project saved the district \$40 million in construction cost.

Mrs. Geiger stated that these relief schools would help serve the Burnham Institute for Medical Technology if it chooses to come to Orange County.

Mrs. Cadle reported on items 9.4 (Request Approval of Phase III Final Construction Documents at Apopka High School Replacement), 9.5 (Request Approval of Phase III Final Construction Documents at Columbia Elementary School Replacement), 9.6 Request Approval of Phase III Final Construction Documents at West Orange High School Replacement) 9.7 (Request Approval of Phase III Final Construction Documents at Audubon Park Elementary School Relief) and 9.8 Request Approval of Phase III Final Construction Documents at North Lake Park Elementary School Relief II).

Mrs. Gordon highlighted item 9.9 (Request Approval of the Joint Use Agreement Between the School Board of Orange County, Florida and the City of Orlando for Joint Use of Northwest Community Center Playfields and the Relief School for Princeton Village Development), thanking the board and the developers for approving the joint use agreement between the School Board of Orange County and the City of Orlando for joint use of Northwest community standards play field and relief school for Princeton Village, which will be built on W. D. Judge.

Frank Kruppenbacher, General Counsel, highlighted item 8.5 (Request Approval of the Capacity Enhancement Agreement Subject to the Provisions of Sunsetting, Pre-Payment of Impact Fees, and Limitation on the Timing of Building Permits and the Number of Units – Le Royal, Inc.

(Millenia Gardens) CEA No. 06-009. Owner Agrees to Donate to OCPS a Minimum of 12 Acres for an Elementary School Site at a Location Acceptable to OCPS and Without School Impact fee Credit; Clear and Grade the School Site; and Place the School's Stormwater Retention Outside the School Property but Within the Project's Stormwater Management System. The School Site Shall be Conveyed to the School Board no Later Than April 30, 2008 and Owner Shall not Receive a Building Permit Until the School Site is Conveyed to the School Board) by providing background information and stating that Mrs. Gordon was instrumental in helping to acquire a better site. He also thanked the David Moon, Senior Manager, Planning and Governmental Relations, board members and the developers for their efforts.

Mr. Roach recognized Dallas Maddren, former OCPS employee, for being a supporter of Orange County Public Schools.

Mrs. Ardaman introduced the following elected officials who were present Congresswoman Corrine Brown, Orange County Commissioner Mildred Fernandez, Orlando City Commissioner Daisy Lynum, Senator Gary Siplin and Mayor Scott Vandergrift, City of Ocoee.

Mrs. Geiger highlighted item 3.4 (Request Approval of the Submission of a Grant Application to the Florida Department of Education to Renew the Learning for Life Character Education Program in Selected Orange County Elementary Schools), thanking the legislator for appropriating funds for the Learning for Life Character Education program the Boy Scouts of America provides for students. She added that this program will be implemented into 42 elementary schools this year.

Mr. Blocker highlighted item 8.4 (Request Approval to Donate Fixed Asset #31586 Transitioning Assistive Technology Assigned to Graduating Student), stating that the list included a system technology device customized for a disabled student.

Approval of Minutes: It was moved by Mr. Shea and seconded by Mrs. Geiger that the following minutes be approved: Nonconsent #1 - June 26, 2006 - Work Session; Nonconsent #2 – June 27, 2006 - Agenda Review; Nonconsent #3 – June 27, 2006 - Board Meeting; Nonconsent #4 – June 28, 2006 - Work Session; Nonconsent #5 – July 11, 2006 - Work Session; Nonconsent #6 – July 17, 2006 - Work Session; Nonconsent #7 – July 18, 2006 - Work Session; Nonconsent #8 – July 19, 2006 - Work Session; Nonconsent #9 – July 25, 2006 - Agenda Review and Nonconsent #10 – July 25, 2006 - Board Meeting.

The motion passed 7-0.

Nonconsent #11 - Request Approval Adopting School Board Position on Florida House Bill 1221 – Elected School Board Chairman: At the request of the chairman, Mr. Kruppenbacher provided an overview of the resolution and House Bill 1221. He recommended that the school board approach to HB 1221 be a three-step process. The steps are as follows:

1. Does the school board want to have a referendum election to determine whether the district school board chair shall be elected by a district-wide vote? If the answer to the question posed in step one is yes, the school board should proceed to Step 2. If the answer is no, there is no further action required by the board.
2. What date does the school board want to have the referendum election? Section 101.36, FS imposes no "time" restriction on a vote for an elected chair at either a general or primary election. This section does provide that the vote must be taken at "primary",

general or otherwise called special election". The only mandatory timeframe set out in the statute requires the School Board on certification of a political committee's petition to adopt a resolution for an election date to be set on the "earliest primary, general or called special election" not less than thirty (30) days after certification of the election. The School Board has not received a political committee's petition; therefore, the School Board currently has the discretion to pick the date. The foreseeable available election dates that comply with the law are: November 7, 2006; March 11, 2008 and November 5, 2008.

Mr. Kruppenbacher stated that November 7, 2006 and March 11, 2008 would be to create the position and then in November citizens would vote for a candidate. He added that for this purpose, he recommend March 11, 2008.

3. What is the Title & Ballot Language?

Title: Referendum regarding procedure for the election of District School Board Chair.

Ballot: Should the chair of the School Board of Orange County, Florida, who will serve as an eighth member of the School Board and whose vote shall determine the prevailing side in the event of a tie, be elected by a district-wide vote of the registered voters of Orange County, Florida?

Scott Howat, Director, Legislative & Congressional Relations, presented an overview of the present situation of the school board and the proposed change.

The following individuals requested to address the board:

Representative Andy Gardiner, 1013 E. Michigan St., Orlando, FL 32806
Congresswoman Corrine Brown, 219 Lime Ave., Orlando, FL 32804
County Commissioner District #3 Mildred Fernandez, P. O. Box 1393, Orlando, FL 32837
Mayor Scott Vandergriff, 2625 Cedar Bluff Lane Ocoee, FL 34761
Commissioner Daisy Lynum, 400 S. Orange Ave., Orlando, FL 32802
Senator Gary Siplin, 1436 N. Pine Hills Rd., Orlando, FL 32808
Kit Pepper, 2221 Howard Dr., Winter Park, FL 32789
Richard Foglesong, 1000 Holt Ave., Winter Park, FL 32789
Cliff McInturff, 519 N. Rio Grande Ave., Orlando, FL 32805
Reverend Dr. Robert M. Spooner, 4132 Brookmyra Dr., Orlando, FL 32837
Reverend Randolph Bracy, Jr., 5315 Woodstead Way, Orlando, FL 32819
Pastor Grandville Anderson, 1127 N. Ave., Maitland, FL 32751
Reverend Cynthia Hinson Graham, 2210 South Rio Grande Ave., Orlando, FL 32805
Gary Metzger, 819 N. Pine Hills Rd., Orlando, FL 32808
Willie C. Barnes, 7656 St. Stephens Ct., Orlando, FL 32835
Bishop Thomas S. Lee, Jr., 7001 Wallace Rd. Orlando, FL 32819
Dick Batchelor, 201 S. Orange Ave. #960, Orlando, FL 32801
Sue Marshall, 12 N. Observatory Dr., Orlando, FL 32835
David Van Gelder, P.O. Box 540059, Orlando, FL 32854
Nancy Shutts, 2010 Brandywine Dr., Winter Park, FL 32789
Susan Gallo, 4001 Wardell Pl., Orlando, FL 32814
Charlie Jean Salter, 3464 Domi-Fitz Ct., Orlando, FL 32805
William Silliman, 4397 New Broad St., Orlando, FL 32814
Doretha "Doe" Fedrick, 2452 Atrium Cir., Orlando, FL 32808

Frankie Elliott, 1330 Lee Rd., Orlando, FL 32810
Deirdre McNab, 1860 Summerland Ave., Winter Park, FL 32789
Dawn Linares, 13513 Kitty Fork Rd., Orlando, FL 32828
Kay Sauer, 26 Caswell Dr., Orlando, FL 32825
James Q. Mitchell, P. O. Box 555003, Orlando, FL 32855
Wardell Sims, 4833 W. Jackson St., Orlando, FL 32811
Reginald B. McGill, 1417 Addie Ave. , Orlando, FL 32818
Reverend Nelson Pinder, P.O. Box 3825, Orlando, FL 32802
Armor J. Evans, 3939 Wilts St., Orlando, FL 32805
Linda A. Tindle, 329 Lucille Way, Orlando, FL 32835
Chris Kelly, 14810 Huntley Dr., Orlando, FL 32828

The meeting recessed at 11:20 p.m. and reconvened at 11:36 p.m.

There was discussion by board members.

It was moved by Mrs. Cadle to move forward with a plan to put it on the ballot for March 11, 2008, or the presidential election in 2008.

The motion died for lack of a second.

There was extensive discussion by board members including engaging and educating the community on the issue.

It was moved by Mr. Martin and seconded by Mr. Roach that the School Board have a referendum election to determine whether the district school board chair shall be elected by district-wide vote.

The motion passed 6-1 (with Mr. Gordon voting no).

It was moved by Mrs. Cadle and seconded by Mr. Geiger that the date of the referendum election by March 11, 2008.

The motion passed 4-3 (with Mr. Martin, Mr. Roach and Mrs. Gordon voting no).

There was discussion by board members regarding the ballot language.

It was moved by Mr. Shea and seconded by Mrs. Cadle that the board adopt the language as presented.

Mr. Kruppenbacher stated that the board would have the inherit authority to rescind to amend the language up until the deadline.

The motion passed 6-1 (with Mrs. Gordon voting no).

It was moved by Mr. Shea and seconded by Mrs. Cadle that the chairman work with the superintendent to craft correspondence to every electorate and parent letting them know the action the board took on the issue.

The motion passed 7-0.

The meeting adjourned at 1:03 a.m.

Chairman

Secretary

dmm