

NON CONSENT ITEM 2

ORLANDO, FLORIDA
November 9, 2004

The School Board of Orange County, Florida, met in regular meeting on Tuesday, November 9, 2004, at 5:43 pm. Present were: Timothy Shea, vice chairman; Joie Cadle, Judge Richardson Roach (left at 7:00 p.m.) Karen Ardaman, Kathleen B. Gordon and Susan Landis Arkin, school board members; Janice Pratt, interim deputy superintendent, instruction and curriculum services; Frank Kruppenbacher and Andrew B. Thomas (left at 6:41 p.m.), school board attorneys and Ronald Blocker, superintendent.

Berton R. Carrier, chairman, was absent due to illness.

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

The vice 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.

Recognitions: Mr. Shea introduced LaBron Chance, chairman of the board, the Foundation for Orange County Public Schools. Mr. Chance recognized the winners of the 2004 Darden Classroom Enhancement and Teacher Initiative Grants for innovative projects and asked all recipients to stand with their principals. Mr. Chance then recognized the winners of the 2004 Citigroup Teacher/Mentor Grants and asked all recipients to stand with their principals.

Next, Mr. Shea introduced Doug Spencer, vice president of the OUC Customer Connection. Mr. Spencer presented a check to the district for \$219,941.72 to be used for energy and water efficiency improvements that reduce the school system's utility costs.

Adoption of Agenda: Mr. Blocker discussed the following changes to the November 9, 2004 agenda: an addendum to 1.1 (Request Approval of Personnel Agenda Dated November 9, 2004, 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 retirement of employee of; the addition of 1.5 (Request Approval of the Tentative Agreements Reached Through Negotiations With the Orange County Classroom Teachers Association); the withdrawal of 9.1 (Request Approval of Site for Construction of Apopka High School); the withdrawal of Non consent #4 (Request Denial of the Charter School Application for the MACH 4 Academy); the move of 8.6 (Request Approval of the Capacity Enhancement Agreement Subject to the Provisions of Sunsetting and Limitations on Receipt of Building Permits – The Wilder Companies, Ltd., Inc. (The Rialton) to Non consent #4; the move of 11.1 (Request Approval of Proposed Settlement of Litigation Involving the School Board of Orange County, et al vs. City of Orlando, et al (More Commonly Known as the Pulte Matter) to Non consent #5; and the move of the closed expulsion hearing for 2.2 (Request Approval of the Expulsion of Student MD in Conjunction With the Waivers of Out-of-School Student Expulsion of Students and The District Behavior Contracts) to Non consent #6.

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

It was moved by Mrs. Ardaman and seconded by Mrs. Cadle that the agenda as amended be approved.

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

Adoption of Consent Agenda: It was moved by Mrs. Ardaman and seconded by Mr. Roach that the consent agenda be approved.

1. Human Resources and Labor Relations *(Legally Required Board Action)*
 - 1.1 Request Approval of the Personnel Agenda Dated November 9, 2004, 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 of Agreement With George Fournier for the 2004-05 School Year
 - 1.3 Request Approval of Settlement of Workers' Compensation Claim: Michael B. Lorig v. Orange County School Board
 - 1.4 Request Approval to Enter Into a Contract With CaseNEX for Professional Development Training and On-line Services
2. Approve Student Expulsions *(Legally Required Board Action)*
 - 2.1 Request Approval of the Expulsion of a Student for the Remainder of the 2004-2005 School Year/JL Winter Park High School
 - 2.2 Request Approval of the Expulsion of Students in Conjunction With the Waivers of Out-of-School Student Expulsion and The District Behavior Contracts **Student MD moved to Non consent #6**
3. Approve Grant Applications *(Legally Required Board Action)*
 - 3.1 Request Approval of an Agreement With Bridges for Learning Consultant Funded Under the Math and Science Partnership (Title II, Part B) Grant
 - 3.2 Request Approval of the Submission of a Grant Application to the National Council of Teachers of Mathematics, Irene Etkowicz Eizen Mathematics Education Trust, at Azalea Park Elementary School for FY 2005-2006
 - 3.3 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
 - 3.4 Request Approval of a Sub-contract Agreement With Health Care 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 of Application for Alternative Schools/Public Private Partnerships
 - 4.2 Request Approval of Continuation Agreement With Orange County, Florida and the School Board of Orange County, Florida for Head Start Services
 - 4.3 Request Approval of the Amendment to the Charter Agreement for Nap Ford Community School **Withdrawn**
 - 4.4 Request Approval of the Agreement With United Arts of Central Florida, Inc.
 - 4.5 Request Approval of Agreement With TSI Educational Consulting Inc. Dr. Marc Lavasseur for the 2004-2005 School Year
 - 4.6 Request Approval of Agreement With Educational and Leadership Training, Inc. for the 2004-2005 School Year

5. Approve Work Force Education Issues *(None)* *(Legally Required Board Action)*
6. Approve Curriculum, ESE & Multilingual Services Issues *(None)* *(Legally Required Board Action)*
7. Approve Operations Issues *(Legally Required Board Action)*
 - 7.1 Request Approval of Bids to be Awarded – November 9, 2004
 - 7.2 Request Approval to Continue Consulting Contract With Dave Arnott in Food & Nutrition Services
 - 7.3 Request Approval of the 2004-05 School Improvement Plan
8. Approve Business and Finance Functions *(Legally Required Board Action)*
 - 8.1 Request Approval of the Report on Expenditure of Lottery Funds
 - 8.2 Request Approval of Agreement With Randy Young of Henderson, Young & Company for Consultant Services in Connection With the Revision to the Impact Fee Study
 - 8.3 Request Approval of Payment to Listed Vendor for Specified Amount
 - 8.4 Approval of Budget Amendment #1 to the Capital Outlay Budget for Fiscal Year 2005
 - 8.5 Request Approval of the Capacity Enhancement Agreement Subject to the Provisions of Sunsetting and Limitations on Receipt of Building Permits – Bridgewater Planning, LLC (Fourth Neighborhood of Bridgewater)
 - 8.6 Request Approval of the Capacity Enhancement Agreement Subject to the Provisions of Sunsetting and Limitations on Receipt of Building Permits – The Wilder Companies, Ltd., Inc. (The Rialto) Moved to **Non consent #4**
9. Approve Construction Related Issues *(Legally Required By Law)*
 - 9.1 Request Approval of Site for Construction of Apopka High School Relief **Withdrawn**
 - 9.2 Request Approval of Construction Managers at Risk for Six Comprehensive School Projects
10. Approve Change Orders *(Board Policy EL11/Legally Require Board Action)*
 - 10.1 Request Approval of Change Order No. 6 to Centex-Rooney Construction Co., at New West Orange/Apopka High School Relief
11. Approve Legal/Audit Issues
 - 11.1 Request Approval of Proposed Settlement of Litigation Involving the School Board of Orange County, et al vs. City of Orlando, et al (More Commonly Known as the Pulte Matter) **Moved to Non consent #5**
 - 11.2 Request Approval for Authority to Settle Personal Injury Claim Brought by D.B., Individually, and as the Mother and Natural Guardian of M.B., a Child age 6
12. Accept Superintendent's Monitoring Reports

The motion passed 6-0.

Mr. Blocker introduced the following newly appointed administrators: Ruth Baskerville, assistant principal, Washington Shores Elementary; Scott Townsend, assistant principal, Discovery Middle School; and James Weiss, assistant principal, Lakeview Middle School.

Highlights: Mrs. Cadle highlighted 3.3 (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) and 3.4 Request Approval of a Sub-Contract Agreement With Health Care

Providers of Florida, Inc. Funded Through Orange County Department of Health to Provide Advanced Registered Nurse Practitioners) recognizing the Winter Park Health Foundation for providing nurses on school campuses.

At the request of Mrs. Cadle, Dr. Henry Boekhoff, chief financial officer, gave a quarterly lottery report. He explained that discretionary lottery funds provided to the school district this year would provide day to day operations for 1.4 days.

Mr. Roach reported that the school district had amassed \$136.7 million dollars in grant money this year and commended Dr. Bonnie King, director, grant services and her staff for their diligent efforts to bring this money to the district.

Mrs. Gordon acknowledged district and school staff for all their work in developing 2004-2005 School Improvement Plans. Mrs. Cadle added supportive comments.

Mrs. Gordon reported she recently attended the FAME Librarians Conference in Tampa. She commended Janice Saulsby, media specialist at Dr. Phillips High, for receiving the 2004 Amander Award.

Approval of Minutes: It was moved by Mrs. Cadle and seconded by Mrs. Gordon that the following minutes be approved: Non consent #1 (Minutes – October 25, 2004, Work Session), Non consent #2 (Minutes – October 26, 2004, Agenda Review) and Non consent #3 (Minutes – October 26, 2004, Board Meeting).

The motion passed 6-0.

Non consent #4 (Request Approval of the Capacity Enhancement Agreement Subject to the Provisions of Sunsetting and Limitations on Receipt of Building Permits – The Wilder Companies, Ltd., Inc. (The Rialto): It was moved by Mrs. Ardaman and seconded by Mrs. Cadle that the capacity enhancement agreement with The Wilder Companies, Ltd., Inc., be approved, subject to the understanding that it is part of a global solution for overcrowding at Dr. Phillips Elementary and that there be a clarification of dollar amounts. Mrs. Ardaman requested that a copy of the Rinaldi report be incorporated in the record.

Mrs. Arkin stated that it might be simpler to allow the entire industry to pay a fairer share as opposed to just the people who are unvested. She added that the development community needed to understand that this has benefits for their members.

There was discussion by board members.

The following individuals addressed the board:

Ted Brown, Akerman Senterfitt, 255 South Orange Avenue, Orlando, FL 32801

Scott Justice, 9117 Ridge Pine Trail, Orlando, FL 32819

Louis Roeder, 7414 Sparkling Lake Road, Orlando, FL 32815

The motion passed 6-0.

Non consent #5 (Request Approval of Proposed Settlement of Litigation Involving the School Board of Orange County, et al vs. City of Orlando, et al (More Commonly Known as the Pulte Matter): At the request of Mr. Shea, Frank Kruppenbacher, general counsel,

presented background information on the case. Mr. Kruppenbacher read the following motion which was the result of an executive session held prior to the board meeting where the board discussed the possibility of settlement: A motion to approve the settlement agreement subject to execution of a standard capacity enhancement agreement according to today's financial standards which is in accord with the impact fees as this board has adopted and recommended to the County Commission to adopt with the addition of an agreement provision to provide the payment for busing from this neighborhood to an elementary and middle school locations to be determined by this board in the future and a provision to the settlement agreement to provide clearly that the Orange County Public Schools is to receive a copy of the homeowners signed acknowledgement of their knowledge of this agreement and the zoning conditions for that property which is to be executed prior to the culmination of the sell of that property.

Marcos Marchena of Marchena & Graham, P.A., provided a briefing on this matter. He reported that the developer was prepared to execute a capacity enhancement agreement which would provide in addition to paying the increased impact fees of \$3,807, the developer would agree that the students from this development will be rezoned by the school board to another elementary and another middle school--the elementary school through the school year 1011 and the middle school through the school year 1213. He added that any costs in transporting those students to the alternate locations will be borne by the developer solely. To the extent that the school board utilizes any seats on those school buses, obviously the developer would not be expected to pay for those seats. Additionally, it will be ensured that the homeowners associations would receive what they were trying to obtain from the developer. The developer has agreed that at the time of execution of a contract with a perspective homeowner, each homebuyer will be required to sign an addendum to the contract that addresses solely the fact that they acknowledge that the students from this development will for a period of time be rezoned to an alternate location for elementary school and middle school and a copy of the document will be provided to the school board as each agreement is executed.

Mr. Kruppenbacher stated that they had agreed to pay all costs and fees incurred by the district in this process and the aforementioned motion he read should reflect that in adopting this, the board would be clearly making a statement and it was not adopting a practice of transporting students as a way of accommodating unvested growth. He added that this was an attempt to resolve a very complex issue that the board disagreed with from the very beginning.

Mr. Marchena thanked Mr. Justice, Mr. Roeder for cooperation.

It was moved by Mrs. Ardaman and seconded by Mrs. Cadle that the agreement be approved as described, subject to the conditions enumerated by general counsel.

Louis Roeder, 7414 Sparkling Lake Road, Orlando, FL 32815, addressed the board on this item.

There was discussion among board members.

The motion passed 6-0.

Information Shared b Board Members: Mr. Shea reported that he meet the mayor of the City of Orlando to discuss the Princeton Elementary joint facility use agreement between Orange County Public Schools and the City of Orlando. He added that the agreement will move forward.

Mrs. Cadle shared that Michelle Erickson, assistant principal, Winter Park High, had been named Assistant Principal of the Year for the State of Florida. She added that the Winter Park High boys' cross country team won the state award for the fourth year in a row and the girls' volleyball team was currently competing for a state award.

Information and Future Meeting Dates: Mr. Blocker announced that the school board recognition meeting would be held on November 16, 2004, at 5:30 p.m.

Reports by Attorneys: Mr. Kruppenbacher thanked the board for their efforts in resolving the Pulte matter.

At the prerogative of the vice chairman,

The vice chairman recessed the meeting at 7:17 p.m. and reconvened at 7:25 p.m. to conduct the closed hearing for Non consent #6 (Request Approval of the Expulsion of Student MD in Conjunction With the Waivers of Out-of-School Student Expulsion and The District Behavior Contracts).

It was moved by Mrs. Arkin and seconded by Mrs. Cadle to approve the expulsion of student MD in conjunction with the waivers of Out-of-School Student Expulsion and District Behavior Contracts.

The motion passed 6-0.

The vice chairman reconvened the meeting at 8:50 p.m. and adjourned at 8:50 pm.

Chairman

Secretary

dmm