

**Board Meeting  
Item 1-1.2**

**ORLANDO, FLORIDA  
October 8, 2002**

The School Board of Orange County, Florida, met in regular meeting on Tuesday, October 8, 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, Kathleen B. Gordon, and Berton R. Carrier, school board members; Henry R. Boekhoff, chief financial officer; Frank C. Kruppenbacher and Andrew B. Thomas, school board attorneys; and Ronald Blocker, superintendent.

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.

**Adoption of Agenda:** Mr. Blocker requested the following changes to the agenda: an addendum to 2.1 (Request Approval of Personnel Agenda Dated October 8, 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) including the teacher termination/suspension of Raymond Montero; a revision to 3.2 (Request Approval of the Expulsion of Students in Conjunction with the Waivers of Out-of-School Student Expulsion and The District Behavior Contracts); the withdrawal of 9.13 (Request Approval of Purchase of Educator's Legal Liability Coverage) and the addition of Nonconsent #1 (Request Approval of the School Board of Orange County, Florida to Authorize the Release of "Directory Information" to the General Public and Direct the Superintendent to Assure That Separate Notice of a Parents' or Legal Guardians' Right to opt out of Directory Information Disclosure be Provided to Them at the Beginning of Each School Year).

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

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

The motion passed 7-0 with all board members present voting on it.

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

- Approve Minutes *(Legally Required Board Action)*
- 1.1 September 17, 2002, School Board Meeting
- 1.2 September 24, 2002, Work Session
- 1.3 September 24, 2002, School Board Meeting
- Human Resources and Operation Issues *(Legally Required Board Action)*
- 2.1 Request Approval of Personnel Agenda Dated October 8, 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 to Enter Into a Contract With WebED Inc. for ESOL Strategies Online Course Service for 300 OCPS Employees

- Approve Student Expulsions *(Legally Required Board Action)*
- 3.1 Request Approval of the Expulsion of a Student for the Remainder of the 2002-2003 School Year/PB Howard Middle School
- 3.2 Request Approval of the Expulsion of Students in Conjunction With the Waivers of Out-of-School Student Expulsion and The District Behavior Contracts
- Approve Grant Applications *(Legally Required Board Action)*
- 4.1 Request Approval of Curricular Review of Career Clusters Information Technology Nursing Grant Application
- 4.2 Request Approval of 2002 NCLB: Enhancing Education Through Technology (EETT) Formula Grant Program
- Approve Education Services Related Items *(Legally Required Board Action)*
- 5.1 Request Approval of the Agreement With Sylvan Education Solutions, a Division of Sylvan Learning Systems Inc., for 2002-2003 to Provide Supplemental Instruction to Eligible Students Attending Private Schools
- Approve Work Force Education Issues (None) *(Legally Required Board Action)*
- Approve Work *(Legally Required Board Action)*
- 7.1 Request Approval of 2002-2003 Membership to the Council for Exceptional Children
- 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 – October 8, 2002
- 9.2 Request Approval of a Resolution Authorizing the Sale of Series 2002 Tax Anticipation Notes, not to Exceed \$ 50 million
- 9.3 Request Acceptance of the 2001-02 Annual Financial Report
- 9.4 Request Approval of the Report of the Impact Fee Trust Fund
- 9.5 Request Approval of the Fixed Asset Deletion and Restoration Report
- 9.6 Request Approval of the Public Education Agreement, Avalon Reserve Subdivision, as Part of the Horizon West School Plan
- 9.7 Request Approval of the Public Education Agreement, Potomac Land Company (Grand Pines), as Part of Horizon West School Plan
- 9.8 Request Approval of Public Education Agreement and School Construction Agreement Lugo, Inc.
- 9.9 Request Approval of Public Education Agreement and School Construction Agreement Palmer Homes, Inc. (Waterford Chase East, Phase 3)
- 9.10 Request Approval of the Public Education Agreement, ER PRO International, Inc., as Part of Horizon West School Plan
- 9.11 Request Approval of Public Education Agreement and School Construction Agreement Smith Property
- 9.12 Request Approval of Public Education Agreement and School Construction Agreement Unicorp National Development, Inc.
- 9.13 Request Approval of Purchase of Educator's Legal Liability Coverage **(Withdrawn)**
- Approve Construction Related Issues *(Legally Required By Law)*
- Approve Change Orders *(Board Policy EL11/Legally Require Board Action)*
- Approve Legal Issues
- Accept Superintendent's Monitoring Reports

**Special Order:** Dale Davies, 6224 Stanwin Drive, Apopka, Florida, 32712, addressed the board regarding his personal vehicle being damaged by an OCPs student while visiting a student's home. He expressed that incidents that occur during a social worker's visit to a student's home

deserved at least the same consideration by risk management as the incidents that occurred on any school campus.

Mr. Blocker stated that Mr. Davies raised an issue that was heard periodically from some employees' when they felt their vehicles had been personally damaged. He added that there was a limit by practice and policy of what the district could do and that both the unions understood it and the practice had been in place for years. Mr. Davies issue was that while in the performance of his duties of OCPs, there should be additional consideration given.

Mrs. Arkin restated that when the district paid or did not pay in terms of damaged automobiles, it was consistent in every case and was something that was understood by the unions.

Mr. Blocker concurred and stated that the unions understood why the district operated this way. He added that the district was not witnessing a lot of the incidents that were reported, therefore, the district must be consistent on how everyone was treated.

Mr. Carrier stated that this would be a topic for a future work session to see if the district was being as fair as it could be.

Mrs. Arkin requested that Mr. Blocker provide the board in a Board Update some information about the number of incidents the district had where employees come and said here is what happened to my automobile and here's where it happened. This way the board would have some hard data.

Mrs. Arkin also stated that the board appreciated the work that social workers did, but the district must be consistent and a practice could not be changed for one person.

Mrs. Rushing asked whether there was an alternative for employees who had to use their vehicles or whether it was a requirement that they provide their own transportation to get places.

Mr. Blocker responded that for certain jobs there was an understanding and requirement that the employees provide their own transportation to get from one location to another.

Mrs. Rushing asked if employees were in an accident, whether the district would have to cover them as far as workers' compensation since they were doing a duty for the district instead of being an independent contractor. In addition, she requested a full scope understanding of the issue instead of a paragraph in the Board Update.

Mrs. Arkin requested that Mrs. Rushing e-mail her questions to the superintendent because he may be able to address some of her questions in writing.

Mr. Roach asked Mr. Davies whether he was aware that there would be a limit.

Mr. Davies responded that he never considered his car being damaged by a student during a home visit.

At the request of Mr. Blocker, Emma Newton, chief human resources officer, explained how employees were notified based on the contract.

Mrs. Newton stated that all employees had access to the contract and it was the responsibility of the employee to know what was in the contract. She added that it was clearly spelled out in the contract that the limit was \$250.00. This was the amount the union and the school board agreed upon and to change this would require collaborative bargaining.

Mrs. Rushing stated that she was glad that the district did cover damages to a certain degree

and she was not aware of this from the earlier discussion.

**Special Order:** Judith Hope, 2654 Smithfield Drive, Orlando, Florida, 32837, addressed the board regarding concerns about the treatment of her son by the school.

Mr. Blocker stated that Mrs. Hope submitted a list of her concerns to him at the last board meeting. He added that he asked staff to contact Mrs. Hope on his behalf. Dr. James Lawson, associate superintendent, curriculum and program services, documented twenty-five times he called Mrs. Hope and he did not receive a return call. Dr. Roy Brooks, area superintendent, South Learning Community, was also unsuccessful in reaching Ms. Hope. Mr. Blocker further stated that the district had made an effort to get back with Ms. Hope and to deal with her issues.

Mr. Blocker further stated that Ms. Hope reported that her child received bruises at the school, and the school contacted the Department of Children and Families. He added that the principal acted appropriately and the investigators did not find grounds that abuse had taken place. The district would still try to work with Ms. Hope on her myriad of issues. He advised Ms. Hope to meet with Dr. Lawson.

Mrs. Gordon expressed concern that staff could not contact Ms. Hope.

Mrs. Arkin suggested that Ms. Hope make sure that Dr. Lawson had her correct phone number.

In regard to agenda item 2.1 (Request Approval of Personnel Agenda Dated October 8, 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), Mark Herdman, 2595 Tampa Road, Suite J, Palm Harbor, Florida, 34684, addressed the board regarding the recommendation for termination for Jesus Roig.

Jesus Roig, 7633 Harbor Bank, Orlando, Florida, 32822, addressed the board regarding the recommendation for his termination.

Mr. Blocker stated that leaving students on the bus was an infraction and that the district had been consistent. He added that this recommendation was necessary.

At the request of Mr. Blocker, Mr. Kruppenbacher presented background information on the case. He stated that this was not a due process issue because due process had been given in this matter. He added that in the last six years, the district had terminated 14 bus drivers for similar situations.

Mr. Carrier asked for clarification about the bus drivers visually looking under every seat on the bus was a part of the training.

Mr. Blocker responded that the procedure was called "sweeping the bus" where the driver checked from one end of the bus to the other checking under every seat in a methodical fashion.

Mr. Kruppenbacher read from a policy titled "Leaving Children Unattended on a Motor Vehicle". The policy stated that the bus operator/monitor will after each school, walk to the rear of the bus and check the bus completely to make sure no students were left aboard.

Mr. Carrier expressed concern that it was not spelled out in the policy that the driver must visually look under every seat.

Ryburn Merriam, senior director, transportation, described the training that was provided for all drivers.

Mr. Blocker asked whether it was explained in training, as he described, regarding checking the bus top to bottom, on and under the seat.

Mr. Merriam responded yes, that this was explained in their classes.

Mr. Kruppenbacher asked Mr. Merriam if bus drivers were allowed to let this situation happen without consequences.

Mr. Merriam responded that any identified driver in which the circumstances could be proved it happened, termination had always been recommended. He added that this had been a consistent practice.

Mrs. Rushing stated that she supported the superintendent's recommendation.

The motion passed unanimously.

Mr. Blocker introduced newly appointed administrator, Kimberly Steinke, assistant principal, Conway Middle School.

**Nonconsent #1 – Request Approval of the School Board of Orange County, Florida to Authorize the Release of “Directory Information” to the General Public and Direct the Superintendent to Assure That Separate Notice of a Parents’ or Legal Guardians’ Right to opt out of Directory Information Disclosure be Provided to Them at the Beginning of Each School Year:** Mr. Blocker stated that it recently came to his attention that members of the community were concerned about the release of parents’ names and addresses to the Change for Kids Campaign. There was intense research of the factual and legal issues associated with the release of this information. He added that the district was able to prove that there was no violation of law, neither federal nor state. The information was released unknowingly by a staff member that it was in violation of policy that was included in the Student Handbook Code of Conduct. The list of students that was released would require school board action if it deviated from standard procedure. It was found in research that the directory information that was generally requested for release, goes to various entities and organizations in the community such as health organizations, yearbooks, sports, military recruiters, newspapers, community colleges, etc. It was clear that if the information was not released to anyone, the district would be undermining a public good because a lot of the organizations work for the good of students and parents. He stated that his recommendation was that he would take steps to assure that notices of right to opt out were provided separately to each parent or guardian at the time of registration, scheduled pick up or some appropriate time in which the school identified. He added that the best way to implement this was not to put it in the student handbook because it may or may not be read by every parent, but when a parent registered a student, they would be given the opportunity to opt out. This would allow the district to release all the information to the entities that were interested and who worked for the good of the student. The board could continue to make this information available to the public and it would fulfill the board’s direction and philosophy that parental control and input was the cornerstone of the district’s success. Parental opt out rights assured that the parents would control the issue, which was why he was recommending the resolution.

Mrs. Arkin requested that Mr. Blocker enumerate what kind of information was involved in the directory information.

Mr. Blocker responded that directory information would include the student’s addresses, phone numbers, and telephone listings for juniors and seniors, personal information as it related to school athletic teams such as grades and class and other identifiable information.

Mrs. Arkin requested that Mr. Blocker give examples of what would not be included in the directory.

Mr. Blocker responded that directory information would not include medical information, information protected by the privacy laws, or information related to parent guardianship as it dealt with the courts.

Mr. Kruppenbacher read the following statutory definition: directory information includes the student's name, address, telephone number (if it is a listed number), date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received and the most recent previous educational agency or institution attended by the student.

The following persons addressed the board:

James Coney, 5914 Turnbull Drive, Orlando, Florida, 32822

At the request of Mrs. Arkin, Mr. Kruppenbacher addressed the issue that the directory information may either be given to no one or everyone.

Mr. Kruppenbacher stated that the district could create a directory of information that contained all or any of the portions of the components he cited earlier. He added that under federal law, the district must give the parents notice that you have that directory information and the district will retain the right to release it and the parent and/or legal guardian has the right to opt out. Once the district had released what had been identified as directory information to anyone, it is released to anyone who asked for it. The district could not legally discern the purpose of the person requesting the directory information.

William T. Comer, 2695 Vine Street, Orlando, Florida, 32806

Doug Guetzloe, 3103 Maguire Boulevard #161, Orlando, Florida, 32803

Mr. Kruppenbacher stated that on behalf of the board he analyzed the issue and he decided not to direct the consultants to destroy the records because of the concern that they might be necessary public records. Instead he requested that the consultant in Gainesville, who was the recipient of the records, mail the records directly back to him and that no copies be made.

Ray Lord, 9858 Downey Cove Drive, Orlando, Florida, 32825

Vicky Bell, 2034 Red Gate Road, Orlando, Florida, 32818

Mr. Kruppenbacher stated that if the board decided to have a policy that said you had directory information and release it to one entity, you had to release it to everyone. He added that last week, the superintendent took steps to shut down the release of any information pending the board's resolution. In consultations with the attorney general, pending the decision the board made, the district would have to reconcile if that information that had already been released, stayed in the public domain or could the board close it. If the board decided that it wanted these records to be closed permanently, he would forward a letter to the attorney general to inquire about the information released prior would be public or closed.

Mrs. Rushing asked whether this list was released to profit groups.

Mr. Kruppenbacher responded that when students took the SAT, their names and addresses

were released to multiple outlets.

Doug Demaree, Herff Jones, Company, 112 N. Wymore Road, Winter Park, Florida, 32789

Mrs. Arkin stated that the superintendent's resolution requested that the board keep the directory information open.

It was moved Mr. Carrier and seconded by Mrs. Sutherland that the School Board of Orange County, Florida that the authorization of the release of "Directory Information" to the general public and direct the superintendent to assure that separate notice of a parents' or legal guardians' right to opt out of Directory Information Disclosure be provided to them at the beginning of each school year be approved.

There was extensive discussion by board members including the legalities of the issue, why the board was not informed that there was a potential noncompliance with the policy, superintendent documents should be reviewed, plans for implementing the opting out of directory information, the flow of information in the system, and parents opting out totally from school related information.

It was moved by Mrs. Rushing and seconded by Mr. Roach and Mrs. Gordon that the main motion be amended that any policies currently in conflict with the earlier motion would be repealed.

The amendment passed unanimously.

It was moved by Mrs. Ardaman and seconded by Mrs. Gordon and Mr. Roach that the amendment includes that the Directory Information Disclosure would be included in the registration packet.

Mr. Kruppenbacher stated that language would be worked out in the next 30-60 days because there were multiple ways this could be dealt with at the school and the district did not want to lock in registration when there could be a more efficient way.

After board discussion, Mrs. Ardaman withdrew her amendments and Mrs. Gordon and Mr. Roach withdrew their seconds.

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

**Statement of Policy Level Issues the Board Would Like to Agenda for Subsequent Meetings or Work Sessions:** Mrs. Gordon stated that at a later date she would share with the board what the business partner was doing to assist Eccleston Elementary.

Mrs. Arkin stated that if board members had a policy issue, they needed to include it on the form and e-mail it to all board members and copy Mrs. McGill. She also suggested that the board discuss the mitigation policy they reviewed at the next work session.

Mrs. Ardaman stated that the board had not received responses to questions posed at the October 2001 transportation work session.

Mrs. Rushing stated that she would like to receive information from staff early enough so that she could make the proper decisions. She also requested a copy of Seminole County's policy regarding cell phones.

Mrs. Sutherland requested that a concentration map be done for the district to show where uncertified and out-of-field teachers were in the district.

Mr. Blocker stated that the district did not hire uncertified teachers.

**Information and Future Meeting Dates – Superintendent:** Mr. Blocker distributed a report on community support for the urban cohort schools.

Mr. Blocker stated that the district was addressing the issues of the LEP programs and had consistently made adjustments in policies. He added that he would be meeting with the Parent Leadership Council and information would be translated in five different languages that would explain the how the district had adjusted and the plan developed.

Mr. Blocker announced the following upcoming meetings:

October 22, 2002 3:30 p.m. Work Session

October 22, 2002 5:30 p.m. Board Meeting

October 28, 2002 3:30 p.m. Work Session

October 31, 2002 3:30 p.m. Work Session

The meeting adjourned at 9:20 p.m.

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Chairman

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Secretary

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