

THE SCHOOL BOARD OF ALACHUA COUNTY, FLORIDA
APPROVED MINUTES OF REGULAR BOARD MEETING
May 21, 2002

The School Board of Alachua County, Florida, met in regular session duly called at 7 p.m. in the Boardroom, 620 East University Avenue, Gainesville, Florida. Present were: Bill Cake, chairman; Jeannine Cawthon, vice-chairman, Chester Leathers, Bev Carroll and Barbara Sharpe, members; Mary L. Chambers, superintendent; and James F. Lang, attorney for the Board.

The meeting was called to order by Chairman Cake, followed by the Pledge of Allegiance to the Flag.

APPROVAL OF
MINUTES

Motion by Mrs. Carroll

Seconded by Dr. Leathers

Moved to approve the minutes of May 7, 2001, as presented.

The question was called.

Upon Vote: Motion passed 5-0

ADOPTION OF AGENDA

Motion by Mrs. Sharpe

Seconded by Dr. Leathers

Moved to adopt the agenda for the meeting of May 21, 2002, as presented.

Add as Action Item H.3.d., Student Case No. 02-19-X, adjust the recognition items by moving item 2 to item 1 and add Board member discussion of Zoning Exceptions as Item J.1.

The question was called on the agenda as amended.

Upon Vote: Motion passed 5-0

BOARD MEMBER/
SUPERINTENDENT
ANNOUNCEMENTS

Dr. Leathers expressed appreciation to everyone for their prayers and support during his surgery and recovery.

RECOGNITIONS/
PRESENTATIONS
REPORTS

Professional Association of Librarians and Media Specialists (PALMS)--Accelerated Readers

Students at individual schools who have achieved outstanding accomplishments in reading were presented for recognition.

Safety Patroller of the Year for AAA South

Student Charlette Demko, fifth grade, Terwilliger Elementary School, was recognized for being selected as AAA South's Safety Patroller of the Year, which encompasses Florida, Georgia and Tennessee. Her selection was based on the qualities of leadership, safety, school involvement, and volunteerism that she demonstrates both in and out of school.

High School Bands--Otto J. Kraushaar Award

The Buchholz, Gainesville and Santa Fe High School bands and the band directors were recognized for receiving the prestigious Otto J. Kraushaar Award this year. This award is presented to high school bands that have received straight superior ratings by all judges present at the Florida Band Masters Association Marching Assessment in the fall, the District Concert Assessment and the State Concert Assessment in any given school year.

High School Rowing Club State Championships

Students from Buchholz, Eastside, Oak Hall and PKY represented the Gainesville Area High School Rowing Club in the state championships in Orlando. The women's lightweight 8, the men's varsity 8 and the men's junior varsity 4 won the state championship and returned home with gold medals. The overall winner was the men's novice 4 for a total of 4 state championship crews.

Eastside High School Institute of Culinary Arts Award

In competition with students from 20 other states, the Eastside High School Institute of Culinary Arts students were recognized for winning the Silver Medal for Gourmet Meal Presentation at the Florida Restaurant Association's Educational Foundation (FRAEF) ProStart Culinary Competitions held May 2-5 in Denver, Colorado. Each student was awarded \$9,000 in scholarships. Their instructor, Mrs Billie DeNuzio, was recognized on her recent certification as culinary chef.

Florida Health Supervisor for the State

The Florida School Health Association selected Ms. Patricia Hughes as the 2002 School Nurse Supervisor of the Year. This selection is based on contributions to the school system, the community, and to the nursing profession. Ms. Hughes' vision for school health services has made the Alachua County School Nurse program a model in the state of Florida.

School Improvement Highlights

Representatives from Irby Elementary, High Springs Elementary and Oak View Middle Schools shared highlights of activities and programs in their schools that contribute to higher student achievement.

Budgeting/Financial Update

Mr. Keith Birkett, deputy superintendent, provided a legislative funding update comparing the 2002 Conference Report with the May 2001 Conference Report. He also reviewed budget amendments #20, #21, and #22 on the Consent Agenda.

SCHEDULED AGENCIES There were no scheduled agencies.

CITIZEN INPUT

The following suggestions/recommendations/requests were presented to the Board for consideration:

- Return selection of superintendent of schools back to the voters of Alachua County. Requested a public and school board discussion of this issue.
- Gave a brief review of Carter G. Woodson’s “The Miseducation of the Negro” and feels the current education system promotes the same miseducation.
- Concerns were expressed regarding the denials of zoning exceptions to J. J. Finley. Requests were made that current zoning exceptions be left in place and new incoming exceptions be denied.
- Teacher requested that the step in the salary schedule be honored. Get more people involved in the decision-making process with regard to the issue of overcrowded schools; do a workshop, a comprehensive study.
- Requested the July 2, 2002, Board meeting not be cancelled and that the Board not hold a workshop but address the issues during the Board meetings.
- Suggested if an interim superintendent becomes necessary, the Board appoint someone that cares about teachers and career service employees.
- Requested reconsideration of denial of current Hidden Oak zoning exceptions and that new incoming zoning exceptions be denied.

BID AWARD FOR
PROJECT SBAC CF315—
STEPHEN FOSTER
ELEMENTARY SCHOOL
STUDENT SERVICES
REMODELING

Motion by Mrs. Carroll

Seconded by Mrs. Sharpe

Moved the administration’s recommendation to accept the low base bid of \$415,700 and Additive Alternates #1,2,3, and 4 in the amount of \$100,595 and award a contract for construction totaling \$516,295 to R.O. Camp Construction, Inc., Gainesville, Florida. Completion of this project shall be within one hundred fifty (150) consecutive calendar days from the date indicated in the “Notice to Proceed.”

The question was called.

Upon Vote: Motion passed 5-0

MARTIN LUTHER KING
ACADEMY, INC.,
CHARTER SCHOOL
CONTRACT

A public hearing was held April 16, 2002, to consider the contract for the Martin Luther King Academy, Inc., Charter School. It is the intent of the charter school to serve grades one through five and target low socio-economic, high achieving students.

Motion by Mrs. Carroll

Seconded by Mrs. Sharpe

Moved the administration’s recommendation to approve the contract for the Martin Luther King Academy, Inc., Charter School as presented.

Dr. Leathers pointed out that the educational intentions are sound but this is a business and good resources are out there, but it won't be easy. He wished them the best in their efforts.

The question was called. Upon Vote: Motion passed 5-0

STUDENT CASE
NO. 02-07-X

Mr. John Dukes, deputy superintendent, Student Support Services & Communications, reported that the student was charged with possession of a controlled substance while at school. A hearing was held on March 12, 2002. The hearing Agent recommends that the Board expel the student but allow him to enroll in and attend the alternative center on probation. No exceptions have been filed.

Motion by Dr. Leathers Seconded by Mrs. Carroll

Moved the Superintendent's recommendation to enter a final order adopting the Hearing Agent's Recommended Order.

The question was called. Upon Vote: Motion passed 5-0

STUDENT CASE
NO. 02-10-HC

Mr. Dukes reported that the student was reassigned to the alternative program as a result of a Level IV violation of the Code of Student Conduct. The parent objected to the reassignment. A hearing was held on March 20, 2002. The Hearing Agent recommends that the Board confirm the reassignment of the respondent to the alternative program. No exceptions have been filed.

Motion by Mrs. Sharpe Seconded by Mrs. Carroll

Moved the Superintendent's recommendation to enter a final order adopting the Hearing Agent's Recommended Order.

The question was called. Upon Vote: Motion passed 5-0

STUDENT CASE
NO. 02-17-X

Mr. Dukes reported that the student is charged with battery of another student while on campus.

Motion by Mrs. Sharpe Seconded by Dr. Leathers

Moved the Superintendent's recommendation to extend the student's suspension through June 4, 2002, pending an investigation.

Mrs. Carroll noted that this case and the next one are serious and she would like to see them dealt with quickly.

The question was called. Upon Vote: Motion passed 5-0

STUDENT CASE
NO. 02-19-X

Mr. Dukes reported that the student is charged with lewd and lascivious behavior (sexual harassment) while riding the school bus.

Motion by Mrs. Sharpe

Seconded by Mrs. Carroll

Moved the Superintendent's recommendation to extend the student's suspension through June 4, 2002, pending an investigation.

The question was called.

Upon Vote: Motion passed 5-0

AMENDMENTS TO
POLICIES 6.31, SALARY
SCHEDULES, AND 7.01,
SCHOOL BUDGET
SYSTEM

Mr. Birkett noted that the amendments to Policies 6.31 and 7.01 include language to comply with Florida Statute 230.23(5)(c).

Motion by Mrs. Sharpe

Seconded by Dr. Leathers

Moved the administration's recommendation to schedule a public hearing 7:30 p.m., June 18, 2002, and adoption of the amendments on June 18, 2002.

The question was called.

Upon Vote: Motion passed 5-0

SCHEDULE/CANCEL
BOARD MEETINGS

The Board held discussion on scheduling a Budget workshop and Strategic Plan update and whether to cancel the July 2, 2002, Board meeting.

The Superintendent suggested a Strategic Plan update and Budget workshop June 17, 2002, in the afternoon. She announced that this is the meeting to look at the legislative funding, capital outlay plans for the upcoming school year, and the Strategic Plan update to determine the direction to take for budgeting.

Mrs. Cawthon noted that she prefers not to cancel the July 2, 2002, meeting, and it would suit her better to hold the workshop at this meeting.

Mrs. Carroll stated that she did not mind having a workshop at this time but she does not think this workshop fits in a regular Board meeting.

Dr. Leathers noted that he would like to hold the July 2, 2002, as he plans to raise several issues for the Board to consider. If Dr. Chambers takes the position in Collier County, one would be the task of appointing a replacement; second, even though this Board opted for a long-range plan for rezoning, it doesn't mean this Board can't do some work ahead that will help the new Board prepare for that. In addition to talking about zoning exceptions later in the meeting, he thinks the district is going to have to look toward the public for more support--negative funding from the state and term limits are not going to help the situation. Eight or nine districts have already gone to the public. This Board may need to address several major issues and come up with some recommendations including some plans that may help the new Board in dealing with this issue.

Mrs. Sharpe agreed with holding both the Board meeting and the workshop, but not at the same time. Schedule them separately and hold the workshop in the Boardroom if that is what the public wants.

Mrs. Carroll suggested changing the format of the agenda for the July 2, 2002, Board meeting and discuss the issues brought up by Dr. Leathers and have budget information presented with options and have good Board discussion on those issues.

Superintendent Chambers suggested a setting-direction kind of workshop in June in order to have the budget further established by July 2, 2002. She noted that the district will not have the fund balances by that time but staff could show where the district is at that point in time, based on input received in June.

By direction of the Board, the Superintendent is to schedule a Budget workshop June 17, 2002, 1 p.m., in the Boardroom and hold the July 2, 2002, Board meeting to address issues suggested by Dr. Leathers and to discuss budget information with options.

CONSENT AGENDA

Motion by Mrs. Sharpe

Seconded by Dr. Leathers

Moved to approve the consent agenda as described in items 1-9. (See Supplementary Minutes Book.)

The question was called.

Upon Vote: Motion passed 5-0

INFORMATION/
DISCUSSION ITEM –
ZONING EXCEPTIONS

Mrs. Carroll noted that she started receiving phone calls from parents a few days following the last Board meeting regarding zoning exceptions. While there was discussion regarding zoning exceptions, she never got a feeling that this Board placed a moratorium on zoning exceptions as she was hearing from the community. She called and shared reasons with the Superintendent why she didn't think that was what she voted for or had discussed.

Mrs. Carroll expressed concern that something happened in the district that caused some upset. We are being told Board members made that decision, and if we did, we should have had some public discussion about that decision. She thought that as a Board they were going to direct studies and community input for the next Board. All along she had heard that zoning exceptions were on hold until after the spot zoning issue was addressed. It never really impacted her that they would not go to their schools. When she called and asked why, she was told that the thought of the staff was that three Board members agreed that was the outcome of the meeting.

She asked how it would impact the schools positively to do this. She is

concerned that the school community can only take so many crises. Here we have placed another crisis on the backs of a few more of our community members. What was the purpose? She asked if portables were going to be moved out of these schools and was told they were not. She read Policy 5.11 and assumed this policy would become functional with School Choice.

Another concern was whether the Board had done this purposely or not, and she did not even think of the ramifications of having a conversation about zoning exceptions would lead down this road. There was a lateness of the hour and a lateness of the date with this. If we had rezoned this whole community, hundreds of families would be in this same boat, but we didn't do that. Now we have left just a few families to go out and find at this late date a new school. If you are getting zoning exceptions, you want to visit those schools and the last couple of weeks of school is not the best time to do that. You have to arrange for childcare and carpool. Many of the families involved with this are going away for the summer, and the lateness of the hour is causing some difficulties in making those decisions. Late decisions and tough decisions hurt deeply very young children. She also wasn't sure whether or not the rezoned this year would have to choose another school, what's the impact of school choice on them next year—will they have to move again? The new zoning exceptions should be stopped.

Mrs. Carroll noted a lot of confusion from the phone calls she received, as to who supported this, how we got this far with this--just be a little more clear on this, be more accountable with this. She is real concerned that all of a sudden parents were not allowed at their schools.

Dr. Leathers stated that he shares many of the reactions Mrs. Carroll just described. He thought at one point Dr. Lucas made the plea for reaction on the Board to carry out the existing policy and this pertained to exceptions. He was confused by the word "new." His understanding of this is that it does not pertain to those that have exceptions. His feeling is Finley is a true neighborhood school. His feeling was don't mess with Finley, let it take its course. He had not heard about any overcrowded sensitivities other than Talbot. He prefers to not mess with Finley, Wiles, or Hidden Oak at this point.

Superintendent Chambers explained that discussion began in October or November regarding portables, facility utilization, overcrowding, under enrollment, grade configuration and real capacity of the schools. There was a committee report that staff spent several months trying to determine the best ways to deal with the over/under enrollment of our schools. Each time we had a workshop or meeting, we built upon what

we thought was consensus at that time. The original zoning plan called for grandfathering in the fourth graders. The assumption was if we rezoned, we would be able to allow zoning exemptions to exist, because zoning exemptions are in line with our Choice Plan. It's the precursor for what we anticipate we would be doing within our Choice Plan. So we held off on approval/denial of zoning exceptions until the zoning plan was approved. If they were going to be allowed regardless they would have been processed. If the zoning plan did not get approved, we would have to look at the enrollments based on the functional capacity. This happened over several months. Listening to the principals and teachers, talking with facilities about the capacities of schools, thinking about health and safety, the potential of liabilities, the potential danger to our children in overenrolled schools, coupled with what we understood the Board direction to be, and knowing that we are working toward our Choice policy, is why we are following the current guidelines for zoning exceptions.

Superintendent Chambers noted the policy was approved. It had public debate. Zoning exemptions are on annual approval/denial as noted on the form that has been ongoing for several years. She understood when Board members said, "do nothing," it was believed to be talking about the spot zoning now, not the already established exception policy within the existing Board policy. It has been past practice to look at zoning exceptions on an annual basis. What changed was the functional capacity of the schools. This is where I think the differences have occurred.

Mr. Terry Tougaw, executive director, Facilities, reviewed the process used in the past when the School Board would take a look at zoning. Staff would work with the Zoning department to determine the capacity of the school, as determined by the state they are given a capacity called FISH (Florida Inventory of School Houses). When FISH capacity is counted, it is based on a square footage figure. Usually the FISH capacity is many more than what the principals will tell you they really need at their schools. In the past the assistant superintendent of Facilities would sit down with the director of Zoning and try to determine exactly how many students should be put in various classrooms at those schools.

This year there was an organized process by which we sat down with each and every principal, including instructional, facility, and zoning staff, and justified how they were using each and every space. In doing so we would count where the homerooms are, look at every portable on site, and in the end develop what truly we could put in permanent space at those schools, that became the functional capacity.

That was an effort going back to October to where we were trying to

reduce the number of leased and School Board owned relocatables and try to balance out where students would have seats in permanent construction. We have passed a Choice Plan to be implemented the year after next. Functional capacity became very important because that would be the baseline for each and every school in terms of how much space they actually had.

As we went through the study, Dr. Lucas, director, Zoning, then brought forth the number of zoning exceptions that are actually out at the schools. It was an interesting number. In some cases Dr. Lucas would ask principals if they were overcrowded or not and base his decisions on that. As we started comparing zoning exceptions to functional capacity, we found that some of the schools truly should have less students and we needed to take a critical look at the number of exceptions being allowed. Since our policy is an annual policy where Dr. Lucas reevaluates the zoning exceptions each year, it was decided this functional capacity would be used as a basis from here on out.

We went through a couple of workshops with the instructional division where we showed the maps and talked about the process, and we think it is a very good process. At this point in time, we have completed that for the elementary schools, and our intention is to do the same thing with the middle and high schools.

Dr. Lucas noted that no action was taken with regard to zoning exceptions at the last Board meeting. The next day staff applied the zoning exception policy as we have for approximately 20 years. The Zoning office receives 4000 zoning exceptions each year, and we approve 3000 exceptions each year. A thousand exceptions are denied; parents are upset. Zoning exceptions are given if there is space. There are a few granted in crowded schools as related in the policy. There was a change in policy made this fall that on a hardship zoning exception, the capacity of the school will be taken into account on making that decision. We did not make any change in the decision-making process the day after the Board met from what we have done the last number of years. During discussion it was asked if it would make a big difference on the crowded schools if we got tougher about zoning exceptions and my answer was “No, with one exception—Finley.” We have been very tight on zoning exceptions in schools that are very crowded. But at Finley, we did not realize how crowded the school was until we did the functional capacity study. It is crowded. In several classes there might be 50% more students than there is space in terms of what the state says is allowed for a student. In the capacity of those classrooms, they are badly crowded.

Dr. Leathers asked if it is really worth it to deny those kids and families

if we are going to have a consolidated plan or a new one in another year?

Dr. Lucas noted that zoning exceptions are for one year only. It has never been implied that the exceptions would be continued. Every year that we have a change in a school's programs we take the appropriate action with respect to zoning exceptions. If a certain grade level becomes crowded that wasn't before, we take appropriate action with respect to zoning exceptions.

Responding to Mrs. Carroll, Dr. Lucas noted that there were about 50 children affected at Finley and that zoning exceptions are assessed and processed as quickly as staff can do so. There are times they are processed right up to the first or second week of school. They were held up this year until action was taken on the spot rezoning, because it makes a difference on the application of the zoning exception policy.

Mrs. Carroll stated that she knows zoning exceptions are on an annual basis. She can understand if we are going to lose portables and teachers and save money or if we had done this in February and given families notice. She expressed concern about this because of the lateness of the hour and the impact on a few families and that we appear to be making these decisions out of spite. It is the perception. We didn't separate this piece out and acknowledge earlier that this is going to be the impact on zoning exceptions so that these people could have been more involved, more vocal or out looking for another school.

Mrs. Sharpe noted that it was her understanding from the rezoning options that if number one failed we would revert back to our policy. It is terrible to uproot children, but sometimes these things have to happen. What the policy is and what every parent will see is that those zoning exceptions are on a year-to-year basis. You have to reapply and there is no guarantee. Every year we give zoning exceptions after zoning exceptions and she can see how schools can become overcrowded. Now we do have rezoning issues and someone is going to be hurt in the process no matter how we handle it. If we don't abide by our policies, then what is the reason for making them? If we are overcrowded at any school, we have to look out for the kids being affected by rezoning and those remaining in the school. We are responsible for the safety for each and every one of these children. When we make a policy, we need to be sure to abide by it.

Responding to Mrs. Sharpe, Dr. Lucas stated that when a zoning exception is denied, they usually give options for schools as close to the school requested that are not overcrowded. If they don't choose an option, then they have a zoned school to attend.

Mrs. Sharpe confirmed that J. J. Finley is over capacity and that we have to look out for any other school and the liability as well.

Mrs. Cawthon noted that she received calls during the discussions on rezoning from incoming kindergarten parents who had requested zoning exceptions and were told by staff that all zoning exceptions were put on hold until rezoning was voted yes or no. This indicated to her that if rezoning failed, school would be overcrowded and zoning exceptions would be denied, otherwise there would be no reason at all to put off granting exceptions. When the rezoning failed and she stated to the media things would be the same as last year, it was her understanding, based on the fact the rezoning failed, zoning exceptions would be looked at very closely, that the policy would be as it had been in the past and if the school is overcrowded, your zoning exception would not be granted. That's what she understood to be the same as in the past. The past was if there was room, you could have the exception and if there wasn't room, you couldn't have the exception.

To her it seems if we go ahead with a comprehensive rezoning it is unlikely that the parents who are now getting zoning exceptions would be going to that school. The Choice plan is basically the same as zoning exceptions—based on space available in a school.

Mr. Gary Appleton, Finley parent, stated that he keeps hearing that nothing has changed. Doing exactly what has been done in the past. He asked if 100% of zoning exceptions in first, second and third grades have ever been cancelled in the last two weeks in a school year.

Dr. Lucas noted that no zoning exceptions have been cancelled. Zoning exceptions are on an annual basis. There are zoning exceptions that have been applied for and have not been granted.

Chairman Cake noted that he voted for the proposed rezoning plan and voted against putting off rezoning. We set policy and we set the policy we are talking about. District staff implements that policy and have as long as he can remember. He hopes this Board will stay out of micromanaging individual placements with zoning exceptions. Dr. Lucas and his staff deal with the principals on just about every exception. The policy is there, the Board set that policy and expects staff to implement that policy.

Dr. Leathers asked if the new factor in the equation this year is Finley is deemed to be overcrowded.

Dr. Lucas stated that Finley was discovered to be about 25% overcrowded and agreed that it changes the way that staff addresses exemptions, based on whether the school is over crowded or not.

LIFE MANAGEMENT
SKILLS/P.E. OPTIONS

Dr. Bill Cliett, deputy superintendent, noted that information had been requested regarding seniors in magnet programs that might not be able to graduate because of courses such as Life Management Skills and Physical Education. He reported that he did meet with high school principals and to their knowledge there are no seniors in that situation with one exception at one high school. There is a small group of students who are missing one-half of a P.E. credit because of the change of a state requirement to go from a half to a full credit in P.E. We have offered this in summer school this year so that they can make up this credit.

The Legislature in the new law has made some changes also. One half credit for P.E. is being allowed to be substituted by a semester of marching band, which will allow some students to satisfy this credit. Also, one full P.E. credit for participation in interscholastic sports for two full seasons is being allowed if the students can pass a personal fitness test the state Department of Education will develop. There is also an opportunity now for personal fitness to be taken through the on-line high school.

At the last Board meeting, a waiver was requested for the students at Gainesville High School in the Institute of Health Professions to be exempted from the Life Management Skills because three of the courses that they are required to take in the magnet program satisfy all of the requirements of Life Management Skills.

Through these ways all the students will be able to complete their magnet programs and meet the state requirements without any difficulty.

BOARD MEMBERS/
SUPERINTENDENT
REQUESTS

Dr. Leathers clarified if the Board wanted to address the zoning exemption issue and make a change this year until the next consolidated plan, it would have to go back through the hearing process, as any change to policy.

The Chairman noted that the Board would continue in Executive Session in the Superintendent's conference room immediately following the meeting.

ADJOURNMENT

The meeting was adjourned at 10:06 p.m.