

THE SCHOOL BOARD OF ALACHUA COUNTY, FLORIDA
APPROVED MINUTES OF REGULAR BOARD MEETING
September 5, 2006

The School Board of Alachua County, Florida, met in regular session duly called at 6 p.m. in the Boardroom, 620 East University Avenue, Gainesville, Florida. Present were: F. Wesley Eubank, Chairman; Virginia S. Childs, Vice-Chairman; Tina Pinkoson, Eileen F. Roy, and Janie S. Williams, members; W. Daniel Boyd, Jr., Superintendent; and James F. Lang, attorney for the Board.

The meeting was called to order by Chairman Eubank, followed by the Pledge of Allegiance to the Flag, led by the Color Guard from the Gainesville High School Navy Junior ROTC.

APPROVAL OF MINUTES Motion by Mrs. Williams Seconded by Mrs. Pinkoson

Moved to approve the minutes of the Board meeting of August 15, 2006.

Regarding the Wellness Policy discussion, Mrs. Roy requested an addition to the minutes of Deputy Superintendent Hollinger's confirmation that ala carte items will be held to the same standards as vending machine selections.

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

ADOPTION
OF AGENDA

The Chairman announced the following changes to the agenda:

- Addition of Emergency Action Item H.3., Oasis Enrichment Academy, Inc.
- Separate discussion on Consent Agenda items G.10., Title I Supplemental Educational Services District/Provider Contracts, and G.11., Agreement with the University of Florida Department of Pediatrics.

Motion by Mrs. Childs Seconded by Mrs. Pinkoson

Moved to adopt the September 5, 2006, meeting agenda as amended.

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

BOARD MEMBER/
SUPERINTENDENT
ANNOUNCEMENTS

Mrs. Roy commended Ms. Vickie Stark for her letter in *The Gainesville Sun*, inviting the business community to join the Early Learning Coalition in providing more opportunities for preschool children.

CITIZEN INPUT

A citizen expressed criticism of what he referred to as the public schools' 'report card,' the statistics as published in the annual back-to-school ad in *The Gainesville Sun*.

A citizen expressed concern about a free tutoring program that is being offered, which is based on socioeconomic criteria rather than academic

need. The Chairman informed him that this criteria is federally mandated. Mr. Eubank suggested that citizens make their concerns known to national representatives.

PRESENTATION --
GATORS FOR KIDS
CHECK

Mrs. Mary Chance, Executive Director, Alachua County Public Schools Foundation, reported on the recent student scholarship fundraiser, Gators for Kids golf tournament. Ten thousand dollars was raised for the Foundation.

CONSENT AGENDA

Motion by Mrs. Roy Seconded by Mrs. Pinkoson

Moved to approve the Consent Agenda as presented in items G.1. – G.20.

At a question from Mrs. Williams, it was reiterated that free tutorial services are only able to be offered to those students eligible to receive free and reduced price lunch. Efforts have been made to appropriately inform parents of the service.

It was also clarified that the physical exams under the Agreement with the UF Department of Pediatrics are not limited to Head Start, but include Pre-K through grade 12. Mrs. Childs suggested this might be a good use of CHOICES program funding.

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

BUDGET AMENDMENT
FOR THE PERIOD OF
JUNE 1, 2006, THROUGH
JUNE 30, 2006

Motion by Mrs. Pinkoson Seconded by Mrs. Childs

Moved the Superintendent's recommendation to approve Budget Amendment No. 27 as presented.

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

APPROVAL OF 2005-2006
GENERAL PURPOSE
FINANCIAL
STATEMENTS AND
RELATED COST REPORT

Motion by Mrs. Pinkoson Seconded by Mrs. Roy

Moved the Superintendent's recommendation to approve the 2005-2006 General Purpose Financial Statements and related Cost Report for submission to the Department of Education.

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

OASIS ENRICHMENT
ACADEMY

Superintendent Boyd stated that it was learned that last Friday, the Oasis Academy was unable to meet their payroll. The Oasis contract, Paragraph 4.8.4, Financial Emergency, states that if the school is deemed to be operating in a state of financial emergency, the Sponsor (School Board) may take any and all necessary steps to determine if the school will be allowed to continue to operate in such manner. Dr. Boyd read the criteria for designation of a Financial Emergency. At least two of the conditions have occurred: Failure to pay wages and operating with a negative fund balance.

Motion by Mrs. Pinkoson

Seconded by Mrs. Roy

Moved the Superintendent's recommendation to approve the distribution of funds to Oasis Enrichment Academy, Inc., based on the school's present student enrollment, with adjustment to be made to reflect actual WFTE students reported by the school during the October survey period, pursuant to paragraph 4.8.4. of the Charter contract.

Mrs. Childs was distressed that this is the third time that the Board has had to address financial difficulties at Oasis. She questioned why the Board of Directors was not in attendance at this meeting. She believes if the Board does not act, it becomes a party to the problem.

- Discussion on Oasis Academy was suspended until after the public hearing. -

PUBLIC HEARING --

The regular Board meeting was recessed and a Public Hearing convened.

RESOLUTION
NO. 06-03 -
ADOPTION OF THE
MILLAGE LEVY FOR
THE 2006-2007 FISCAL
YEAR

Mr. Keith Birkett, Assistant Superintendent for Finance, reviewed the Resolution and responded to Board member questions.

Mrs. Childs noted that there is \$222,649,172 in the General Fund, which must include payment of utility and fuel increases and current operating expenses. Otherwise, the funds are undesignated.

Motion by Mrs. Childs

Seconded by Mrs. Roy

Moved the Superintendent's recommendation to adopt Resolution Number 06-03, Resolution Adopting the Millage Levy for Fiscal Year 2006-2007, as presented.

The question was called.

Upon Vote: Motion passed 5-0

RESOLUTION
NO. 06-04 -
ADOPTION OF THE
2006-2007 BUDGET

Mr. Keith Birkett, Assistant Superintendent for Finance, reviewed the Resolution and responded to Board member questions.

Motion by Mrs. Pinkoson

Seconded by Mrs. Childs

Moved the Superintendent's recommendation to adopt Resolution Number 06-04, Resolution Adopting the Final Budget for Fiscal Year 2006-2007 as presented.

The question was called.

Upon Vote: Motion passed 5-0

The Public Hearing was adjourned and the regular Board meeting was reconvened to Item H.3., Oasis Enrichment Academy.

OASIS ENRICHMENT
ACADEMY (continued)

Particular concern was expressed about no teachers being on site, and whether staff had been fingerprinted. Mr. Eubank believes the Board must have a recommendation prepared for the next meeting, including termination, if that is deemed to be appropriate.

Mr. Tom Wittmer, Staff Attorney, stated that, in the event of an emergency, Board options include termination without the 90-day notice.

Discussion was held on possible Board liability. Mr. Wittmer confirmed that the normal 'hold harmless' clauses may not be effective in a situation where the Board knew there was inadequate staff for the students and allowed it to operate.

Mr. Scott Ward, Chief Financial Officer, updated the Board on the Oasis annual financial report. Last year, with an average of 35 students, the school lost \$92,000. This year, there are fourteen students enrolled and there is \$70,000+ in immediate debt. Even if enrollment increased to 45 students now, the school could operate, but would not be able to pay the debt. As of June 30, 2006, the payroll liability was \$33,000; payroll deductions and withholdings, \$1,100; and vendor payments, \$43,000. The check from the School Board in July was \$17,000, which was twice what it would have been if the funding had been based on actual FTE.

Financial problems aside, Board members were mainly concerned that the students' education is suffering.

Oasis Director Sharla Head-Jones addressed the Board, stating that she is in the process of preparing information to address the Boards' concerns and plans to present it to Dr. Boyd by week's end. In response to questions, she stated:

- The enrolled students include sixth-, seventh- and eighth-graders.
- More students are expected to enroll.
- She has four full-time teachers, including herself.
- All taxes have been paid.
- Board of Directors are aware of situation but could not attend meeting.
- Parents have been made aware that enrollment must be increased.
- She believes she can still move forward with operating the school.
- Teachers are expected to be on duty in the morning.

Mr. Eubank believes that Oasis has violated the contract in several ways and that it is unrealistic to think the debt can be overcome. He mentioned that vendors are calling the School Board for payments. He believes it is time for SBAC staff to begin an audit that would include finances; teacher certifications; and HR practices, including fingerprinting.

Superintendent Boyd read Florida Statute 1002.33, which deals with Charter School termination, in the event that good cause is shown that the health, safety or welfare of the students is threatened.

Motion by Mrs. Pinkoson

Seconded by Mrs. Childs

Moved to amend the motion to instruct the Board attorney to initiate the revocation of the Charter for Oasis Enrichment Academy and instruct the Superintendent to take control of the school as of September 6, 2006.

Mr. Wittmer clarified that statute language provides for the School Board to assume operation of the school, since Oasis would have 30 days to appeal the revocation, and it would likely take 60 days for a state ruling.

It was clarified that the School Board does not assume a charter school's liabilities when it is closed. Regarding operation of the school during an appeals process, it was not clear whether that would have to be done at the charter school itself, or if the students might be moved back to their zoned schools.

Mrs. Pinkoson withdrew her motion.

Motion by Mrs. Pinkoson

Seconded by Mrs. Childs

Moved to amend the motion and prorate the FTE for the period of July and August, pay that amount to Oasis Enrichment academy, Inc., and instruct the attorney to initiate procedures to terminate the Charter with Oasis.

If there is no appeal, the school would close after 30 days. If there is an appeal, it would have to be operated until the state makes a ruling.

Director Ms. Head-Jones was requested to provide required personnel documentation to the HR Department, including fingerprinting, by the end of the day following this Board meeting. If it is not provided, the HR Department will visit the school.

Mr. Wittmer will investigate the question of whether students must remain at the school during the appeals process.

Mr. Eubank suggested that the Oasis Board of Directors be contacted, in the hopes that they would see that this environment is not best for the students and voluntarily relinquish the charter.

Motion by Mrs. Pinkoson

Seconded by Mrs. Williams

Moved to amend the motion and ask the Oasis Board of Directors to voluntarily withdraw their Charter, and if that is not done, the School Board will begin the Charter termination process at the next Board meeting, which is September 19, 2006.

The question was called on the first amendment.

Upon Vote: Motion passed 5-0

The question was called on the second amendment.

Upon Vote: Motion passed 5-0

The question was called on the original motion as amended.

Upon Vote: Motion passed 5-0

CITIZEN INPUT

A citizen requested school population information and was directed to Deputy Superintendent Hollinger.

BOARD MEMBER/
SUPERINTENDENT
REQUESTS

Mrs. Roy inquired about when meetings are scheduled concerning the hiring of an energy consultant. Mr. Ed Gable, Executive Director, Facilities, stated that submissions from all interested parties have been received and Board members will be informed when a meeting date is scheduled.

ADJOURNMENT

Motion by Mrs. Williams

Seconded by Mrs. Childs

Moved that the meeting be adjourned.

The question was called.

Upon Vote: Motion passed 5-0

The Chairman declared the meeting adjourned at 7:40 p.m.