

**THE SCHOOL BOARD OF ALACHUA COUNTY, FLORIDA  
APPROVED MINUTES OF POLICY WORKSHOP  
August 4, 2015**

The School Board of Alachua County, Florida, met in workshop session duly called at 3:30 p.m. in the Kirby-Smith Administration Board Room, 620 East University Avenue, Gainesville, Florida. Present were: Eileen Roy, Vice-Chairman; April Griffin; Dr. Gunnar Paulson, and Robert Hyatt, Board Members; David Delaney, Board Attorney; Dr. Owen A. Roberts, Superintendent; Brian Moore, Staff Attorney; Alex Rella, Interim Assistant Superintendent of Finance; Paul White, Assistant Superintendent of Operations, and Karen Clarke, Assistant Superintendent of Curriculum and Instruction, and other staff members. Board Member Dr. Leanetta McNealy, Chairman, was absent.

The purpose of the workshop was for the Board to be introduced to the NEOLA representatives and receive an overview of the services they provide to the Board; and to review and make comments concerning the proposed amendments and new policies in Volume 15, No. 2 Update received from the Board's NEOLA Consultants.

Ms. Roy called the meeting to order and welcomed the NEOLA Representatives, Richard Clapp and his daughter, Amanda Clapp. The meeting was turned over to Brian Moore, Staff Attorney.

Mr. Moore gave an overview of the documents the Board received for the Workshop. Mr. Moore pointed out that this workshop would be different than the ones in the past. He noted that the Board received two packets: Item C.1 contains two sections, the first is the proposed policy template revisions received from NEOLA in Vol. 15, No. 2 and the second is Item C.2 which contains the Board's current policy language after revisions have been made. Mr. Moore pointed out that Item C.2 packet did not go to staff to review prior to the workshop as in the past, and those revisions are therefore rough drafts. Mr. Moore stated that this workshop allows the Board to hear the process involved before policy revisions are brought to them to review and approve. Mr. Moore advised the Board to follow along using the packet labeled C.1. Mr. Moore turned the meeting over to Dr. Clapp.

Dr. Clapp gave an overview of their company. He noted that the company had been in business for over 35 years and he was a former client while a Superintendent in another state. Dr. Clapp stated he liked the services the company provided and after he retired 16 years ago, bought the company. He stated that NEOLA is providing services to approximately two dozen Florida counties.

Dr. Clapp gave an overview of the process they use in determining what changes or new policies they will propose to their clients in order to keep them legally compliant and current. He stated that NEOLA reviews and keeps abreast of all the agencies, court decisions, other advisories from the state, and governmental actions that are going to affect schools and then they send out updates to keep District's policies legally compliant. He commended SBAC staff for being one of the models for getting the policies before the Board and keeping them current. He stated that their Florida team is made up of four or five attorneys, all are licensed to practice in Florida: Amanda Clapp; former SBAC employee Tom Wittmer; former SBAC employee Jim Robinson; Tom Young; and Terry Harmom, outside attorney from the firm Sniffen & Spellman. He stated that they all sit down, review the various changes affecting Districts and come to consensus on what needs to be brought to the Districts. He stated that they do not take their job lightly. They analyze the recent legislative action and they take great care in bringing suggestions to Districts to keep them out of trouble.

The following policies were reviewed and discussed:

- Discrimination and Harassment Policies 1122, 3122, 4122; 1122.01, 3122.01, 4122.01; 2260.01; 1122.04, 3122.04, 4122.04, 2260.02; and 1362, 3363, 4362, 5517: Dr. Clapp stated that these policies were reviewed based on changes in law, as well as outcomes in cases in other District's and the requirements from those settlements. He stated that OCR has demanded that the complaint procedures be in one policy instead of separate policies and that the actual name of the officers be included in the policy. Dr. Clapp stated that they have revised the policies on non-discrimination and the policies on anti-harassment to include the complaint procedures policy language and the anti-harassment complaint procedures language. In addition, Dr. Clapp stated that NEOLA believes that that the name can be left out of the policy as long as the District includes the actual names in other places such as the District website and handbooks. Mr. Moore and Mr. Calsam clarified that the actual names are now included on the posters at each location, on the website, and in handbooks.

Dr. Clapp also noted that NEOLA wrote the complaint procedures that they believe OCR will endorse/accept. Mr. Moore stated that the new complaint procedures language being added to these policies is largely the same as the current language the District has already adopted. The current District complaint procedures policies would be repealed.

Ms. Roy pointed out that NEOLA has suggested an appeal before the Board and questioned whether this is an option that the District should have. Dr. Clapp stated that they did not have a client in Florida who has chosen to have an appeal before the Board and usually Boards want to let the administration make the final decision. Dr. Clapp advised the Board to choose not to have the hearing and to keep their current procedures in place.

- Family and Medical Leave (FMLA) Policies 1430.01, 3430.01, and 4430.01: Dr. Clapp pointed out that the changes in these policies are for expectant mothers and their rights under FMLA. In addition, language was revised to be more compliant with the recent Supreme Court ruling for same sex spouses.
- Policy 2424 - Student Internships: Dr. Clapp stated that this policy is no longer statutorily required and they are recommending it be deleted. However, he stated that this District has an excellent internship program so he advised the District to keep the current language and delete the statutory reference. Mr. Moore pointed out that this policy would cover the CTE programs. Ms. Griffin stated she would like to see middle school interns.
- Policy 2461 - Recording of IEP Team Meetings: Dr. Clapp stated that this policy is not required by Florida Statute; however it does set rules for digitally recording IEP meetings and he advised that if the District allows the parent to record, the District should record it as well. Dr. Clapp stated that after speaking with Kathy Black earlier, they do not advise the District to allow video recording of IEP meetings.
- Policy 5350 - Student Suicide Prevention: Dr. Clapp stated that the State removed the statutory requirement to have staff trained in suicide prevention. However NEOLA believes you should have training for staff and they have revised the language to be compliant with the law and still allow the District to train staff.
- Policy 6100 - Uniform Records and Accounts: Dr. Clapp stated that the changes were the result of audits in another county for not having language from GASB 54 about delegating responsibility to assign funds in accordance with the categories that GASB 54 requires of Districts. He stated that NEOLA believed prior to the audit that the 1<sup>st</sup> paragraph on page 212 of Item C.1. was sufficient. Mr. Rella stated that GASB 54 requires School Districts to report certain fund balances for restricted items such as the One Mill balance which is kept separate, and he believes the statement in paragraph one on page 212, "The Board authorizes the Superintendent to take all steps necessary to comply with requirements of GASB 54" covers all of the new section below in item "B. Audits". Mr. Rella stated that he planned to contact Gadsden County and the auditor general to get some background information and determine if the District really needs to revise the language it currently has in this policy. The contingency funds were discussed and examples were given. Dr. Paulson asked Mr. Rella to look into the way in which the Board contingency would fall into those categories. Mr. Rella stated that he would look into it and get back to Dr. Paulson. Dr. Paulson stated that he also did not think that the District needed the new language. Mr. Hyatt questioned the inventory on page 213 of Item C.1. and if there are any other requirements for District property inventory, and if so, where it would be found? Dr. Clapp stated that property inventory could be found in the 7000 section in policy regarding inventory and fixed assets.
- Policy 6320 - Purchasing and Contracting for Goods and Contractual Services: Dr. Clapp pointed out that the District's current language is an abbreviated version of their policy and the District has in place a procedures manual that covers virtually everything they have included in the NEOLA version. He stated that the District's procedures manual complies with the state board rule and as long as it is consistent then we could keep the current policy language in place. The Superintendent's purchasing power and his ability to privatize certain jobs was discussed. Mr. Moore stated that the District has set a threshold of \$25,000 for the Superintendent to purchase certain items without getting Board approval. This new language would not allow the Superintendent to privatize a class of workers and would only allow the purchase of services for short-term, temporary reasons or to hire extra help or specialized services. Dr. Paulson stated that he did not want to revise the policy language in a way that would allow jobs to be taken away from District employees. Mr. Moore pointed out that currently anything purchased over the \$25,000 amount would require Board approval and anything purchased between \$5,000 and \$25,000 is reported to the Board for commodities and contractual services by Mr. Hackett. Mr. Moore stated that staff did not yet review the proposed revisions to this policy and he would be asking Mr. Hackett to review it and determine if there are parts that we may want to include in policy or the procedures manual.
- Policy 6334 - Prequalification of Contractors for Educational Facilities Construction: Dr. Clapp pointed out that this would be a new policy for the District. He stated that SREF required Districts to have a policy to prequalify contractors. Mr. Moore stated that we already do this, so we need to have the policy in place.

- **Policy 8390 - Service Animals:** Dr. Clapp stated that this policy addresses all animals on District property. The revisions are consistent with guidance recently issued by DOE that service animals are not an ESE issue, they are an ADA issue. Mr. Hyatt requested that staff review the language in policy and make sure that staff is following the requirements in it. Mr. Moore stated that he would review the policy language to make sure the policy is covering what is current practice with what is required and make proposed revisions that cover animals that have to follow state regulations and those that do not.

Dr. Paulson asked for clarification on the way NEOLA numbers their policies. Dr. Clapp stated the policies are grouped by what different policies cover or who the policy deals with. Dr. Clapp stated that the recommended revisions or new policies are intended for all the clients and then your staff reviews our recommendations in light of what your District needs or does. He noted that some policies require certain content that must be in policy and they make that clear to the Board and staff. Dr. Clapp stated that if law says you will have certain things in policy, then you need it in there. He pointed out that policies are not just about the Board's compliance with the law, but about educating your constituents as to what they are legally obligated to do or entitled to (staff, students, parents and others). The Board discussed whether they should state the law or just refer to it in policy. Dr. Clapp stated that usually when NEOLA quoted the statute it is because that language tends to confuse everyone and they try to make it simple but consistent with the requirements so that everyone understands what they are obligated to do or entitled to. He stated that making the determination of what to include is part of their process internally, and their team of attorneys review it to make sure we are following the law. Mr. Moore stated staff has to find the balance between what is required to be in the policy and what is discretionary. Ms. Griffin stated that most people are only looking at one policy and not a whole bunch at a time like they do when reviewing and adopting and believes that is why the Board feels overwhelmed at times. Ms. Griffin stated she now has an appreciation of what it takes to get our policies done now.

Ms. Roy thanked staff for their work on the policies.

The Policy Workshop was adjourned at 5:08 p.m.