



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FLORIDA

OFFICE OF INSPECTOR GENERAL  
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LUNG CHIU, CIG, CPA  
INSPECTOR GENERAL

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ROBERT M. AVOSSA, Ed.D., SUPERINTENDENT

## MEMORANDUM

**TO:** Honorable Chair and Members of the School Board  
Dr. Robert Avossa, Superintendent  
Chair and Members of the Audit Committee

**FROM:** Lung Chiu, Inspector General *kc*

**DATE:** February 8, 2017

**SUBJECT:** Transmittal of Final Investigative Report  
*Case # 16-446/16-455 Adult & Community Education Department*

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In accordance with School Board Policy 1.092(6)(d), we hereby transmit the above-referenced final report.

The report addresses eleven allegations regarding the operations of the Adult and Community Education Department. In addition, a complaint regarding improper reassignment of an employee was referred to the Chief of Human Resources for further review.

The results of the investigation concluded that the eleven allegations were either unsubstantiated or unfounded.

We recommend the Adult and Community Education Department consider updating written procedures to encompass any new guidelines and procedures that have been implemented. It is also recommended the updates are properly distributed and discussed with staff.

The report has been finalized and will be posted on the Inspector General's website.

cc: Keith Oswald, Chief Academic Officer  
Eric Lundman, Assistant Superintendent of Professional Growth

Office of Inspector General  
The School District of Palm Beach County

Case No. 16-446/16-455

*Issue: Department Operations*

*Location: Adult & Community Education Department*

## INVESTIGATIVE REPORT

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### AUTHORITY

*School Board Policy 1.092, Inspector General (4)(a)(iv)* provides for the Inspector General to receive and consider complaints, and conduct, supervise, or coordinate such inquiries, investigations, or reviews as the Inspector General deems appropriate.

This investigation was conducted by Veronica Rodriguez, Senior Investigator I.D. #200, in compliance with the *Quality Standards for Investigations, Principles and Standards for Offices of Inspector General*, promulgated by the Association of Inspectors General.

### BACKGROUND

During May thru August 2016, Ms. Deborah Utterback-Nash (Complainant), submitted numerous whistleblower complaints regarding the Adult and Community Education Department (Department) to the Office of Inspector General (OIG). The complaints allege the following:

1. Inaccurate information provided in the April 20, 2016 School Board meeting agenda regarding who provided the approval for the expenditure of funds;
2. Violation of state and federal statutes as it relates to the spending of funds;
3. Intent to hire an audit specialist to perform ongoing audits of Departmental programs;
4. Requirement of mandatory monthly budget spreadsheets;
5. Elimination of the responsibility of overseeing one of the satellite program sites as retaliation for filing complaints with the OIG;
6. Demotion and reassignment of Complainant's spouse, as retaliation for filing complaints with the OIG;
7. Public record request furnished appear to be altered and not original;

8. Department staff going beyond job scope by conducting ongoing audits, making unannounced visits, using excessive control over program administrators and budgets, requesting information regarding employee pay rates, hours worked, salaries and benefits, and requiring the signed completion of forms related to data verification;
9. Department staff does not possess educational leadership certifications as required by law;
10. Sites closed without School Board approval; and
11. Improper request of confidential employee information without permission

Per *School Board Policy 3.28 Whistleblower Protection Policy* the OIG determined the complaints did not meet the requirements of a whistleblower.

It should be noted the Complainant stated that on January 19, 2016 her spouse filed a complaint with the OIG in person regarding improper reassignment of an employee. The OIG shows no record of a complaint filed by the spouse on said date. A copy of the complaint was requested from the Complainant and since has been forwarded to the Chief of Human Resources for further review.

#### **DOCUMENTS REVIEWED**

- *Section 112.3187, Florida Statutes - Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief*
- *Section 1001.32, Florida Statutes - Management, control, operation, administration, and supervision*
- *Section 1011.80, Florida Statutes - Funds for operation of workforce education programs*
- *Section 1012.23, Florida Statutes - School district personnel policies*
- *Section 1012.55, Florida Statutes - Positions for which certificates required*
- *School Board Policy 1.092 - Inspector General*
- *School Board Policy 2.036 - Breach of Personal Identification Information*
- *School Board Policy 3.08 - District Personnel Files*
- *School Board Policy 3.28 – Whistleblower Protection Policy*
- *School Board Policy 3.30 - Performance Assessment of Personnel*
- *School Board Policy 3.84 - Employment of Certified Personnel*
- Florida Auditor General Report No. 2014-163
- PBCSD Inspector General Report No. 2015-14
- PBCSB Meeting Agenda April 20, 2016

- Job Descriptions
  - Director of Adult and Community Education
  - Compliance/Special Projects Manager
  - Academic Programs Audit/Compliance Specialist
- Public records responses related to Complainants request

## INTERVIEWS CONDUCTED

- Guarn Sims, Director of Adult and Community Education
- Tameka Robinson, Principal of Santaluces Community High School
- Deborah Utterback-Nash, Complainant

## RESULTS OF INVESTIGATION AND CONCLUSIONS

*Issue # 1: Inaccurate information provided in the April 20, 2016 School Board meeting agenda regarding who provided the approval for the expenditure of funds*

The OIG reviewed the April 20, 2016 School Board meeting agenda item # 17 “New Business” related to Adult and Alternative Education which included an attachment (*see Exhibit 1*) that in part, states “the Adult and Community Education department solicited approval from the Inspector General’s office regarding using the unspent funds for the purpose of modernizing and/or renovating two adult education centers.”

The OIG did not provide such approval as stated in the document. The OIG determined the approval was obtained from the Florida Department of Education Budget Department (*see Exhibit 2*).

The OIG discussed the matter with the author of the document, Mr. Guarn Sims. Mr. Sims stated at the time he composed the document, he associated the OIG with the Florida Department of Education (FDOE) and later realized they are two separate entities.

Although the information included in the April 20, 2016 School Board meeting agenda includes mistaken information, there are no violations of laws, rules or policies, as the Department did obtain approval from the FDOE for the use of the funds. The allegation in issue # 1 is unsubstantiated.

*Issue # 2: Violation of state and federal statutes as it relates to the spending of funds*

Documentation provided to the OIG demonstrates the Department obtained approval from the Bureau Chief of Budget, Accountability and Assessment at FDOE for the use of the funds.

An email from the Bureau Chief cited:

*Florida Statute 1011.80(7)*

*(a) A school district or Florida College System institution that receives workforce education funds must use the money to benefit the workforce education programs it provides. The money may be used for equipment upgrades, program expansions, or any other use that would result in workforce education program improvement. The district school board or Florida College System institution board of trustees may not withhold any portion of the performance funding for indirect costs.*

*(b) State funds provided for the operation of postsecondary workforce programs may not be expended for the education of state or federal inmates.*

The OIG consulted with the Office of General Counsel regarding the matter. Julieann Rico, General Counsel provided a response addressed to School Board Members dated October 27, 2016 concluding (see Exhibit 3):

*“Given that this matter is a matter of first impression, and our research has not revealed any case, guidance or completed project that can be relied upon as dispositive on the issue, we are not in a position to provide an unqualified opinion that the use of the accumulated Workforce Education funds can be used to fund a capital outlay project, however it is the opinion of the Office of General Counsel that there is nothing that was revealed in our research that explicitly prohibits their use. Additionally, based on the letter, DOE staff appears to hold the position that their fund for this purpose is consistent with statutory definition. ”*

There is no evidence a violation of state and federal statutes occurred as it relates to the spending of funds. The allegation in issue # 2 is unsubstantiated.

*Issue # 3: Intent to hire an audit specialist to perform ongoing audits of programs*

The OIG reviewed the job description for the position of “Academic Programs Audit/Compliance Specialist” (see Exhibit 4.) One of the responsibilities listed in the job description is to assist in preparing, monitoring and maintaining curriculum and instructional budget.

The OIG discussed the matter with Mr. Sims who stated he recommended and discussed the idea with management to hire an audit specialist in order to provide accountability and oversight to the Department. Additionally, Mr. Sims stated prior to him entering his job as Director of Adult and Community Education, there was no process in place to monitor Department sites in order to ensure proper utilization of funds.

While this job function has the word “audit” in its title, this position would not be performing actual audits as the OIG does, the position is more associated with compliance, as also stated in the job title.

A department having such position does not constitute a violation of laws, rules or policies. The allegation in issue # 3 is unsubstantiated.

*Issue # 4: Requirement of mandatory monthly budget spreadsheets*

The OIG discussed the matter with Mr. Sims who confirmed he implemented a procedure that requires Department sites to complete a budget document. Mr. Sims stated the procedure was established in order for each site to have knowledge and awareness of the yearly allocation of funds and for accountability purposes. Mr. Sims also stated the document is to be completed at the beginning of the school year by the Assistant Principal, who is to review the document with the Principal, and then submit it to Mr. Sims. Additionally, Mr. Sims stated the document is monitored throughout the year as changes may occur.

The development of such procedure is not in violation of laws, policies or procedures. The allegation in issue # 4 is unsubstantiated.

*Issue # 5: Elimination of the responsibility of overseeing one of the satellite program sites as retaliation for filing complaints with the OIG*

The Complainant stated that on June 1, 2016 she addressed the School Board, on behalf of her spouse, during public comment to speak about the retaliation her spouse experienced as a result of filing complaints with the OIG. Furthermore, the Complainant stated as a result of the public comments made she received a letter dated June 2, 2016 regarding her removal of the supervision of Boca Raton Community High's First Baptist Church adult education satellite program effective July 1, 2016 (see Exhibit 5.)

The OIG discussed the change in management of the Department's satellite program at First Baptist Church with Mr. Sims. Mr. Sims stated the change came as a result of him performing site visits to the various satellite sites in order to better understand the oversight process. Mr. Sims stated he observed that some Assistant Principals were responsible for more than one site, some having a day time site as well as a night time site to oversee. Additionally, Mr. Sims stated the Assistant Principals do not receive additional compensation or travel time to oversee more than one site.

Mr. Sims stated that as a result of his review, he proposed that all satellite sites have a full time manager who would be on site, as opposed to Assistant Principals being responsible for more than one site. Mr. Sims further stated the change would be beneficial to the Assistant Principals, as they would not have to travel to the different sites and would have additional time to focus on one site.

Mr. Sims noted the changes were implemented in all satellite sites with the exclusion of First Baptist Church. Mr. Sims explained the change to First Baptist Church was met with some resistance and therefore no changes were made to that site.

The OIG determined there's no evidence of retaliation against the Complainant for filing complaints with the OIG. The change of responsibilities related to First Baptist Church were changes that included all satellite sites. The allegation in issue # 5 is unsubstantiated.

*Issue # 6: Demotion and reassignment of Complainant's spouse, as retaliation for filing complaints with the OIG*

The OIG reviewed the circumstances related to Complainant's spouse, a Vocational Assistant Principal at Santaluces Community High School, prior to his demotion. Based on the information provided, it was determined the spouse was demoted for reasons unrelated to complaints filed with the OIG.

The Principal at Santaluces Community High School stated she had no knowledge of any complaints filed with the OIG. The OIG also discussed the matter with Mr. Sims. Mr. Sims stated he had no involvement in the matter nor did the Principal at Santaluces Community High School consult with him regarding the Complainant's spouse.

The OIG finds no evidence the Complainant's spouse was demoted as retaliation for filing complaints with the OIG. The allegation in issue # 6 is unfounded.

*Issue # 7: Public record request furnished appear to be altered and not original*

The OIG reviewed the documents submitted on June 14, 2016 in response to the Complainant's public records request. Additionally, a comparison was performed with the documents related to the public records request. The OIG finds no evidence of alteration to the documents submitted.

The OIG finds no evidence the documentation provided to the Complainant in response to her public record request was altered. The allegation in issue # 7 is unfounded.

*Issue # 8: Department staff going beyond job scope by conducting ongoing audits, making unannounced visits, using excessive control over program administrators and budgets, requesting information regarding employees pay rates, hours worked, salaries and benefits, and requiring the signed completion of forms related to data verification*

The OIG reviewed the job descriptions of the Department staff the Complainant stated were going beyond their job scope.

The responsibilities of the Director of Adult and Community Education include administering and supervising departmental budgets, program compliance and FDOE requirements. The responsibilities also include coordinating and implementing curriculum and instructional program development (*see Exhibit 6.*)

The responsibilities of the Manager of Compliance/Special Projects include assisting in the development of the Academic Annual Report, analyzing management reports as needed, participating

in the development of project proposals, initiating and implementing solutions to user problems, developing improved methods and perform other related duties as necessary to facilitate departmental goals (*see Exhibit 7.*)

The OIG discussed the responsibilities of the managers with Mr. Sims. Mr. Sims stated the Department includes two managers, Academics and Operations. Mr. Sims stated the Academics Manager and the supporting staff conduct site visits in order to properly fulfil their job duties. Additionally, Mr. Sims stated the Operations Manager and supporting staff may request periodic salary information as most of the employees positions involved with Adult and Community Education are funded with program funds. Mr. Sims stated the Operations function includes the financial aspect of the department.

The OIG also discussed with Mr. Sims District forms related to data verification. Mr. Sims stated an "End-of- Term Data Verification" form is required to be completed by each site (*see Exhibit 8.*) Mr. Sims further stated, the form is part of a departmental procedure which requires the Assistant Principal, Principal, and himself to approve attesting the data related to instructional hours, student demographics and needs, testing scores, and the accuracy of attendance.

Based on the information reviewed, it does not appear Department staff has gone beyond their job scope thereby no violation of laws, rules or policies exists. The allegations in issue # 8 are unsubstantiated.

*Issue # 9: Department staff does not possess educational leadership certifications as required by law*

The OIG reviewed the job descriptions in question and determined that neither managers nor specialists require educational leadership certifications (*see Exhibits 3 & 6*).

The OIG verified this information with Mr. Sims, who confirmed neither job requires educational leadership. Mr. Sims stated his staff may at times model or coach at sites if teachers are in need of such assistance but his staff does not have the responsibility of teaching or conducting classes.

Based on the information reviewed, no violation of laws, rules or policies exists. The allegation in issue # 9 is unfounded.

*Issue # 10: Sites closed without School Board approval*

The OIG confirmed three Adult and Community Education program sites were closed; Roosevelt Community Middle, Spanish River Community High, and Boca Raton Community Middle. As of the writing of this report, two of those sites remain closed, Roosevelt Community Middle and Spanish River Community High, and one, Boca Raton Community Middle, re-opened. Presently, there is no law, policy or procedure in place that requires school Board approval prior to the closing of a site. The allegation in issue # 10 is unsubstantiated.



*Issue # 11: Improper request of confidential employee information without permission*

The Complainant stated confidential employee information such as payroll information was requested. The Complainant further stated the release of such information requires written permission and notification.

The requested information does not require Department staff to request permission or provide notification to employees. Ultimately, the Director of the Department oversees the department as a whole and is held accountable for how funds are spent. The request from Department staff for such information does not violate any laws, rules, or procedures. The allegation in issue # 11 is unfounded.

**RECOMMENDATION**

The OIG recommends the Department consider updating written procedures to encompass any new guidelines and procedures that have been implemented. It is also recommended the updates are properly distributed and discussed with staff.

**FURTHER ACTION**

The OIG will follow up with the Chief of Human Resources regarding their conclusion of allegations of improper reassignment of an employee.

**AFFECTED PARTY RESPONSES**

In accordance with School Board Policy 1.092 (6)(iv), a draft copy of this report was provided to Mr. Guarn Sims and Ms. Tameka Robinson, who were given an opportunity to respond. No responses were received.



### Agenda Item Details

Meeting Apr 20, 2016 - 1. REGULAR BOARD MEETING at 5 p.m. In the Board Room

Category 17. New Business

Subject PM1 Modernization of Gold Coast Community School Campus for Adult and Alternative Education

Type Action

Recommended Action I recommend the Board approve projects to modernize the Gold Coast Community School campus for Adult and Alternative Education, remodel portions of Bear Lakes Middle School for Administrative staff, and raze the Adult Education campus at 2161 North Military Trail in West Palm Beach as components of repurposing space for overall efficiency and economy of School Board assets and operations.

### DESCRIPTION:

Approval requested is for the following purposes:

1. It is proposed to raze most of the 1950's era existing buildings on the Gold Coast Community School Campus and construct a new, efficient multi-story Adult Education School at that location. The Design-Build method of contracting is proposed. The project budget is \$14,500,000.
2. It is proposed to relocate the Alternative Education unit now at Gold Coast Community School from the 1950's era buildings to the modular classroom assembly that also exists on that site at this time, but which is currently occupied by administrative staff. In order to do this, two of the 1950's era-buildings would be remodeled instead of razed, to accommodate student needs and planned growth. Some minor remodeling is required inside the modulars. The cost of the project is \$950,000. An Educational Specification for Alternative Education at Gold Coast will be presented to the Board for approval on a separate Board agenda item.
3. It is proposed to relocate the administrative staff in the modular classroom assembly from Gold Coast Community School to the underutilized Bear Lakes Middle School campus, for which the student population is not projected to grow. The cost of the project is estimated at not more than \$100,000. The administrative staff involved are Afterschool Programming, Early Childhood Education and Project Transition (Refugee Services).
4. It is proposed to demolish all of the permanent structures and wooden portables at the Military Trail campus (1941), once the new facility is constructed at the Gold Coast Campus, and then land-bank the property for the future. This demolition cost is included in the Adult Ed budget.
5. A proximity map and a site aerial are included in the Attachments.
6. All three efforts can be phased to minimize operational impacts. See the probable phasing schedule attached.

**JUSTIFICATION:** Adult Education originally sought to replace its 8 wooden portables with modular concrete units due to their condition at the current Military Trail site. On March 12, 2014, on Board Agenda Item PM3, the Board approved up to \$1.3M to move the units, and increase drainage and parking as space allowed. After further consideration, due to the extreme age of the facility (first occupied in 1941), staff recommended that replacing the facility would be more prudent. A Condition Assessment was then performed which revealed the degraded and fragile state of the Military Trail facility and the cost of continuing operation. The results were reported to the Board within the May 7, 2015 CORC report, in which CORC supported replacing the facility. On October 21, 2015 (PIR-1), the Board approved the Educational Specification for the proposed Adult Education facility. In the fall of 2015, staff reviewed the option of relocating Adult Ed to Gold Coast, and this is the preferred option.

On December 17, 2014, on Board Agenda Item PIR-2, the Board approved the Castaldi Analysis for the Gold Coast Community School, the summary of which was that all the permanent buildings were qualified to be razed. The Analysis was subsequently approved by the Department of Education on May 28, 2015 (attached). On July 22, 2015 the Florida Department of State indicated the facility is not of historic importance (attached).

On June 17, 2015, on Board Agenda item PM5, the Board approved the Castaldi Analysis for the Military Trail facility, the summary of which was that all the permanent buildings at Military Trail qualified to be razed. The Analysis was subsequently approved by the Department of Education on July 20, 2015 (attached). On September 18, 2015 the Florida Department of State indicated that the facility is not of historic importance (attached).

In keeping with recent legislation relating to caps on new building costs, concepts to reduce cost per square foot will be included in this project, such as reducing built-in cabinetry, reducing the area of common spaces, reviewing the District Design Criteria and Master Specifications and not requiring formal certification by a green building rating system. It is

expected that the competitive Design-Build solicitation process will also reduce building costs.

The current spending plan formulated by the Adult & Community Education Department supports the funding of this project (attached). The estimated cost of the project is based on the recommended Educational Specification for this facility. Construction could commence in the summer of 2017 and be completed in a year or less.

**CONTACT:**

Michael J. Burke, Chief Operating Officer ([mike.burke@palmbeachschools.org](mailto:mike.burke@palmbeachschools.org))  
 Steve Backhus, Acting Chief of Support Operations ([steve.backhus@palmbeachschool.org](mailto:steve.backhus@palmbeachschool.org))  
 Jim Kunard, Director, Program Management

**FINANCIAL IMPACT:**

The financial impact to the Adult General Education - Workforce Development Fund is not to exceed \$14.5 million. These funds cannot be used for capital purposes other than Adult Education. The financial impact to Capital Contingency is not to exceed \$1,050,000.

**SCHOOL BOARD GOALS:** (Check all that apply)

- X 1. Student First Philosophy
- X 2. Family Matters
- X 3. Qualified and Highly Effective Workforce
- X 4. Efficiency and Accountability
- X 5. Community Engagement
- 6. Communication

Proximity Map of Adult Ed-Gold Coast-Bear Lakes MS.pdf (294 KB)

Proposed Spending Plan for Unspent Program Adult Education Funds 3.pdf (76 KB)

Adult Ed DOE Castaldi approval letter.pdf (1,393 KB)

Gold Coast DOS - Historic Value.pdf (314 KB)

Aerial Photograph - Campus Concept.pdf (219 KB)

Adult ED DOS - Historic Value.pdf (311 KB)

Gold Coast DOE Castaldi approval letter.pdf (625 KB)

Gold Coast Project Phasing Plan.pdf (90 KB)

Q&A PM1.1.pdf (87 KB)

**Motion & Voting**

I recommend the Board approve projects to modernize the Gold Coast Community School campus for Adult and Alternative Education, remodel portions of Bear Lakes Middle School for Administrative staff, and raze the Adult Education campus at 2161 North Military Trail in West Palm Beach as components of repurposing space for overall efficiency and economy of School Board assets and operations.

Motion by Frank Barbieri, second by Marcia Andrews.

Final Resolution: Motion Passes

Yea: Marcia Andrews, Frank Barbieri, Karen Brill, Michael Murgio, Debra Robinson, Chuck Shaw, Erica Whitfield

## Proposed Spending Plan for Unspent Adult Education Funds

Since 2008 and through 2014, the Adult and Community Education department has accumulated \$17,057.019 in unspent adult education funds. The Adult and Community Education department submitted a response to the Inspector General within the Florida Department of Education regarding the approved parameters and our intentions for spending these funds. Specifically, the Adult and Community Education department solicited approval from the Inspector General's office regarding using the unspent funds for the purpose of modernizing and/or renovating two adult education centers. After approximately two months waiting for a response, the Adult and Community Education department received confirmation that unspent funds can be used for this purpose.

As of May 2015, the Adult and Community Education department proceeded with preliminary discussions and planning which included a variety of key district leadership, relevant district departments, and specific project site administrators relevant to a Facility Rebuild Project for the North End Adult Education Center (Military Trail and Okeechobee Blvd) and the South End Adult Education Center (Delray Full Service Center) with both sites consisting of a state of the art facility, modern technology resources, and family literacy component. In addition, the Adult and Community Education department earmarked \$14.5 million dollars for the North Facility Rebuild Project which included costs associated with demolition. The remaining funds are earmarked for a South Adult Education Center Facility Rebuild Project and Adult and Community Education program at Suncoast Community High School. Furthermore, the North Adult Education Center Facility Rebuild Project has made significant progress due to the confirmation of the site location located at Gold Coast School.

With regard to the south end site project, the Adult and Community Education department had previous conversations with the school district and City of Boynton Beach regarding purchasing and renovating the facility formerly known as The Charter School of Boynton Beach located in the Quantum district – Gateway Boulevard. The Adult and Community Education department concluded that this site was significantly beneficial to the south end project due to its location, facility, transit system, and cost. However, follow up conversations with the City Manager and Planning Director of Boynton Beach confirmed that this site was no longer available due to a recent city commission approved Land Development Code which prohibits newly established educational programs from residing in the Quantum district. As a result, the Adult and Community Education department decided to consider renovating the current Delray Full Service Center facility.

This consideration also included the establishment of a Delray Collaborative Group consisting of Director of Adult and Community Education, other district staff, City Manager of Delray Beach, Community Engagement Director of Delray Beach, Chair of Community Redevelopment Agency (CRA) – Delray Beach, CEO of Delray Beach Housing Authority, and other city/community leaders. The goal of the collaborative group is to create multi partnerships involving all identified entities with the purpose of creating a comprehensive adult and community education center which would benefit the school district, city, and community. As of today, this collaborative is very active and have engaged in multiple concept discussions including potential funding components for the project.

With the remaining funds, the Adult and Community Education department committed monetary resources to support an additional adult and community education site located at Suncoast Community High School. Dr. Camille Coleman (Regional Superintendent) submitted an official proposal to the Adult and Community Education department which included a feasibility and needs study for the surrounding community. After a detail review of the proposal and continued dialogue, the Adult and Community Education department concluded the Suncoast High School Community Education proposal would serve as a tremendous benefit to the community and could be supported financially by the Adult and Community Education department using unspent funds. The estimated cost of this proposal is up to \$250,000. This additional site officially opened January 2016.

In conclusion, the Adult and Community Education department is confident with the successful implementation and completion of all three identified projects, more than 90% of unspent funds will be consumed. In addition, the Adult and Community Education department developed a budget allocation formula based on program performance, annual student enrollment, and instructional hours.



----- Forwarded message -----

From: Goodman, Tara <Tara.Goodman@fldoe.org>

Date: Tue, May 12, 2015 at 4:29 PM

Subject: Your question regarding the use of workforce development funds carry forward for capital outlay

To: "jane.kim@palmbeachschools.org" <jane.kim@palmbeachschools.org>

Cc: "McLarnon, Tara" <Tara.McLarnon@fldoe.org>, "Barton, Colin" <Colin.Barton@fldoe.org>

Hi, Jane:

See below for the response that I received from the finance office regarding your question.

*The statute states the funds can be used for "program expansion" and "any other use that would result in workforce education program improvement." Capital outlay is consistent with the definition.*

*1011.80 Funds for operation of workforce education programs.—*

*(7)(a) A school district or Florida College System institution that receives workforce education funds must use the money to benefit the workforce education programs it provides. The money may be used for equipment upgrades, program expansions, or any other use that would result in workforce education program improvement. The district school board or Florida College System institution board of trustees may not withhold any portion of the performance funding for indirect costs.*

*(b) State funds provided for the operation of postsecondary workforce programs may not be expended for the education of state or federal inmates.*

Please let me know if you have any questions.

Tara

*Tara G. Goodman*

Bureau Chief

Budget, Accountability and Assessment

Division of Career and Adult Education

Florida Department of Education

----- Forwarded message -----

From: Jane Kim <jane.kim@palmbeachschools.org>

Date: Mon, Jul 27, 2015 at 5:55 PM

Subject: Re: Question re: Workforce Dollars.....

To: Joseph Lee <joseph.lee@palmbeachschools.org>

Cc: Guarn Sims <guarn.sims@palmbeachschools.org>, Cheri Young <cheri.young@palmbeachschools.org>

Hello Dr. Lee,

Below is a copy of what Tara Goodman sent to me when I posed the question regarding capital outlay. You are correct that workforce development funds are to be used for the expansion of adult education projects. Please let me know if this is sufficient or if you need any additional information or clarification from FDOE.

/Jane

\*\*\*\*\*

Hi, Jane:

See below for the response that I received from the finance office regarding your question.

*The statute states the funds can be used for "program expansion" and "any other use that would result in workforce education program improvement." Capital outlay is consistent with the definition.*

*1011.80 Funds for operation of workforce education programs.—*

*(7)(a) A school district or Florida College System institution that receives workforce education funds must use the money to benefit the workforce education programs it provides. The money may be used for equipment upgrades, program expansions, or any other use that would result in workforce education program improvement. The district school board or Florida College System institution board of trustees may not withhold any portion of the performance funding for indirect costs.*

*(b) State funds provided for the operation of postsecondary workforce programs may not be expended for the education of state or federal inmates.*

Please let me know if you have any questions.

Tara

On Mon, Jul 27, 2015 at 4:31 PM, Joseph Lee <joseph.lee@palmbeachschools.org> wrote:

Good afternoon, Jane:

As we met with our Superintendent today the following discussion came up. If you are designating capital outlay funds from Workforce, these can only be used for adult education projects, correct?

I want to be able to provide the documentation that substantiates this for inclusion in information we are gathering as a result of this meeting today. Would you please provide the documentation regarding this?

Thank you, so much.



THE SCHOOL DISTRICT OF  
PALM BEACH COUNTY, FLORIDA  
OFFICE OF GENERAL COUNSEL TO THE SCHOOL BOARD  
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JULIEANN RICO, ESQ.  
GENERAL COUNSEL

CHUCK SHAW  
CHAIRMAN

FRANK A. BARBIERI, JR., ESQ.  
VICE CHAIRMAN

MARCIA ANDREWS  
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ERICA Z. WHITFIELD

## MEMORANDUM



TO: SCHOOL BOARD MEMBERS

FROM: <sup>FOR</sup> JULIEANN RICO, ESQ., GENERAL COUNSEL *Blair*

CC: ROBERT AVOSSA, ED.D, SUPERINTENDENT  
DAVID CHRISTIANSEN, ED.D., DEPUTY SUPERINTENDENT  
MARK HOWARD, CHIEF OF PERFORMANCE ACCOUNTABILITY  
MIKE BURKE, CHIEF FINANCIAL OFFICER  
KEITH OSWALD, CHIEF ACADEMIC OFFICER  
AMITY CHANDLER, CHIEF, STRATEGIC COMMUNICATIONS & ENGAGEMENT OFFICER  
SHERRI DAVIS, CHIEF OF ADMINISTRATION  
LAWRENCE LEON, CHIEF OF SCHOOL POLICE  
DR. DONALD FENNOY, CHIEF OPERATION OFFICER  
DR. GONZALO LA CAVA, CHIEF OF HUMAN RESOURCES  
DR. EDDIE RUIZ, ED.D, ASST. SUPERINTENDENT OF STUDENT SERVICES  
LUNG CHIU, INSPECTOR GENERAL

DATE: OCTOBER 27, 2016

RE: ADULT EDUCATION CAPITAL PROJECT FUNDING OPINION

The Office of General Counsel has been requested to review the proposed funding sources of the pending Adult Education project which entails the construction of a new facility on the campus of Gold Coast Community School and opine as to the propriety of using accumulated Workforce Education funds provided by the State of Florida.

### BACKGROUND

The following are the facts as they have been represented to the OGC by staff:

The School Board annually receives funds from the State of Florida through the General Appropriations Act for Workforce Education programs as defined in Section 1004.02(25), Florida Statutes. The School Board accumulated unspent Workforce Education funds between FY 2007 and FY 2014 which it now desires to expend on a capital outlay project involving the



construction of a new Adult Education facility and the demolition of the improvements at the existing Adult Education facility (the "Project").

During the planning stages of the Project, staff contacted the Department of Education and received the email attached hereto as Exhibit "A" regarding the use of the accumulated Workforce Development funds for capital outlay, the relevant portion of which reads "[t]he statute states the funds can be used for "program expansion" and "any other use that would result in workforce education program improvement." Capital outlay is consistent with the definition."

After further investigation by District Staff, we were advised that the School Board of Indian River County is currently planning to utilize approximately \$1.5 million in accumulated Workforce Education funds to construct a new adult education building.

#### ANALYSIS

Section 1011.80(7)(a), Florida Statutes (2016), governs the use of Workforce Development funds and provides as follows:

A school district or Florida College System institution that receives workforce education funds must use the money to benefit the workforce education programs it provides. The money may be used for equipment upgrades, *program expansions, or any other use that would result in workforce education program improvement.* The district school board or Florida College System institution board of trustees may not withhold any portion of the performance funding for indirect costs. *(Emphasis added)*

There are no cases or other guidance available interpreting the phrase "*program expansions, or any other use that would result in workforce education program improvement*" and with the exception of the School Board of Indian River's planned project, there are no other known examples that can be relied upon, so this is a case of first impression.

#### CONCLUSION

Given that this is a matter of first impression, and our research has not revealed any case, guidance or completed project that can be relied upon as dispositive on the issue, we are not in a position to provide an unqualified opinion that the use of the accumulated Workforce Education funds can be used to fund a capital outlay project, however it is the opinion of the Office of General Counsel that there is nothing that was revealed in our research that explicitly prohibits their use. Additionally, based on the letter, DOE staff appears to hold the position that their fund for this purpose is consistent with statutory definition.

Should you have any questions or concerns regarding the foregoing, please do not hesitate to contact our office.

JAR:BL:tpg:dwf

TITLE: *ACADEMIC PROGRAMS AUDIT/COMPLIANCE SPECIALIST***QUALIFICATIONS:**

1. Bachelor's Degree in human resources, social work, business administration, accounting or related field.
2. Five (5) or more years of successful experience in accounting. Experience in accounting for curriculum and instructional programs (preferred).
3. Demonstrated knowledge of Federal and State laws and appropriate District policies related to Federally and State funded programs.
4. Demonstrated ability to work with diverse groups, and effectively communicate, both orally and in writing.
5. Knowledge of current computing technologies and software applications appropriate to the position's job responsibilities.

**PERFORMANCE RESPONSIBILITIES:****Essential Functions:**

1. Assists in preparing, monitoring and maintaining curriculum and instructional budget.
2. Maintains audit records and appropriate files for all academic programs budgetary transactions.
3. Coordinates the expenditure of funds for academic programs budgets.
4. Provides support in developing program objectives and evaluation design.
5. Prepares appropriate budget and project amendments.
6. Responds to grant proposals and applications for Federal and State funding.
7. Develops and disseminates information pertinent to academic programs to assure compliance with goals, objectives, activities and budget limitations as specified in the grant applications.
8. Responds to changes in the law and develops appropriate changes to financial data.
9. Follows adopted policies and procedures in accordance with School Board priorities.

**Additional Job Functions:**

1. Follows adopted policies and procedures in accordance with School Board priorities.
2. Conducts oneself in the best interest of students, in accordance with the highest traditions of public education and in support of the District's Mission Statement.
3. Performs other duties as assigned.

New: 12/00  
 Salary Level: 2  
 Employee Unit: S  
 Responsible to: Executive Director

Capable of lifting/carrying 20 lbs. and occasionally up to 50 lbs.; some physical activity required.



SCHOOL DISTRICT  
PALM BEACH COUNTY, FLORIDA

GUARIN SIMS  
DIRECTOR

JOSEPH M. LEE, Ed.D.  
ASSISTANT SUPERINTENDENT

THE DEPARTMENT OF ADULT AND COMMUNITY EDUCATION  
C.O. TAYLOR/KIRKLANE ELEMENTARY SCHOOL  
4200 PURDY LANE, BUILDING 60-103  
PALM SPRINGS, FL 33461

Ph: 561-649-6010 Fax: 561-649-6028  
[www.palmbeachschools.org/aca](http://www.palmbeachschools.org/aca)



June 2, 2016

Dr. Susie King – Incoming Principal  
Boca Raton Community High School

Dr. King:

I appreciate the opportunity to dialogue with you recently regarding your Adult and Community Education program. I look forward to working with you and your staff for the upcoming 2017 fiscal year. As discussed during our meeting, I have decided to revise the management structure of all Adult Education satellite sites which includes First Baptist Church – Boca Raton. Effective July 1, 2016, my management team will assume the responsibility of managing the adult education satellite program located at First Baptist Church. Your current Adult Education Assistant Principal (Deborah Nash-Utterback) will no longer be required to manage and supervise this satellite site. In addition, starting July 1, 2016, my management team will be visiting the First Baptist Church satellite site to meet with current staff and begin planning for the FY 17 Fall term.

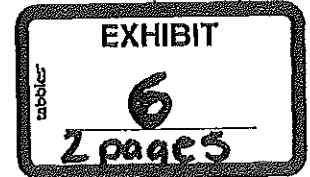
In closing, if you should need further information, please do not hesitate to contact me. Your continued support of our Adult and Community Education program is appreciated.

Respectfully,



Guarn A. Sims  
Director

Cc: Dr. Geoff Mekee, Principal  
Deborah Nash-Utterback, Assistant Principal  
Dr. Joseph Lee, Assistant Superintendent  
Eric Lundman, Assistant Superintendent  
Dr. Ian Saltzman, Area 1 Superintendent



**TITLE: DIRECTOR – ADULT AND COMMUNITY EDUCATION**

**QUALIFICATIONS:**

1. Master degree with certification in elementary education or a secondary subject area and educational leadership/administration and supervision, or curriculum-related field.
2. Experience in current adult education programming, adult student social services, or any equivalent combination of education and experience preferred.
3. Successful experience in curriculum development and/or implementation in one or more academic areas.
4. Successful administrative and teaching experience.
5. Knowledge of the educational and achievement needs of regular and special program students.
6. Demonstrated knowledge of applicable Federal, State and local laws and regulations.
7. Demonstrated ability to work with diverse groups, and effectively communicate, both orally and in writing.
8. Knowledge of current computing technologies and software applications appropriate to the position's job responsibilities.

**PERFORMANCE RESPONSIBILITIES:**

**Essential Functions:**

1. Coordinates and implements curriculum and instructional program development for community and adult education students to meet the needs of a diverse population.
2. Develops grant proposals and administers contracts/agreements regarding instructional services for community and adult education students.
3. Coordinates special instructional program development as well as federal, state and local programs/activities.
4. Administers and supervises departmental budgets, program compliance and Florida Department of Education requirements.
5. Supervises the selection, development and evaluation of departmental personnel.
6. Collaborates with other departments, areas and schools on projects related to community and adult education school curriculum, instruction and staff development.
7. Keeps informed on the latest research, trends and developments in community and adult education and interprets these matters for appropriate personnel as necessary.

**Performance Effectiveness Criteria:**

In addition to the employee being responsible for each of the performance responsibilities listed herein, periodic and special reports to the Board and other entities will be provided regarding the impact of this position with respect to progress toward annually established District and department goals and objectives for, but not necessarily limited to, the following areas: 1) Student Performance, 2) Customer Service, 3) Fiscal Accountability and Responsibility, 4) Process Efficiencies and Improvements, and 5) Employee Learning and Growth.

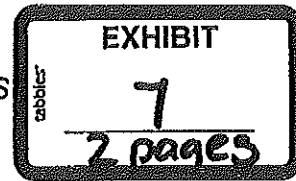
**Additional Job Functions:**

1. Follows adopted policies and procedures in accordance with School Board priorities.

2. Conducts oneself in the best interest of students, in accordance with the highest traditions of public education and in support of the District's Mission Statement.
3. Performs other duties as assigned.

New: 08/06  
Revised: 12/14  
Salary Level: S8  
FLSA Status: Exempt

Capable of lifting/carrying 20 lbs. and occasionally up to 50 lbs.; some physical activity required.



CODE: 74450

TITLE: **MANAGER – COMPLIANCE/SPECIAL PROJECTS**

**QUALIFICATIONS:**

1. Bachelor degree in public administration, or business administration and additional related education and/or training as related to the position, with 5 years successful experience in an educational environment.
2. Successful experience supporting senior level management activities.
3. Highly responsible and must meet the demands of diversified duties at various levels of complexity.
4. Demonstrated experience in project management with confidential and time sensitive issues.
5. Evidence of successful leadership as indicated by timely completion of projects and highly professional productivity.
6. Ability to work effectively with administrators and office personnel.
7. Evidence of effective oral and written communication skills and the ability to successfully combine artistic and technical skills.
8. Proven experience and the ability to be handed a rough concept and build it into a final product.
9. Expert knowledge in computer technologies and software applications such as Microsoft - Word, Excel, Access, PowerPoint, and Visio, Corel Draw, Adobe - In design, Photoshop, Illustrator and Acrobat. Macromedia – Dream Weaver and Fireworks with a working knowledge of HTML, and digital photography.

**PERFORMANCE RESPONSIBILITIES:**

**Essential Functions:**

1. Assists in planning, implementing, and administering individual projects.
2. Assists in the development of the Academic Annual Report as well as other long-range comprehensive plans.
3. Maintains the Academic Web site and coordinates with other district staff in developing and maintaining web sites.
4. Utilizes communication skills for the delivery of projects to provide final products using creative problem solving, combining words, graphs, charts, and images resulting in strong conceptual work demonstrating advanced technical and aesthetic applications of print and digital publishing.
5. Coordinates with other departments on a broad range of projects from the beginning through problem resolution activities and implementation.
6. Effectively manages diverse large-scale projects.
7. Assists in the selection of computer hardware and software using long-range planning to meet future technological demands.
8. Analyzes management reports as needed and participates in the development of project proposals for implementation.
9. Initiates, implements, or by request, recommends solutions to user problems and develops improved methods to alleviate user issues.
10. Performs other related duties as necessary to facilitate departmental goals.

**Performance Effectiveness Criteria:**

In addition to the employee being responsible for each of the performance responsibilities listed herein, periodic and special reports to the Board and other entities will be provided regarding the impact of this position with respect to progress toward annually established District and Divisional goals and objectives for, but not necessarily limited to, the following areas: 1) Student Performance, 2) Customer Service, 3) Fiscal Accountability and Responsibility, 4) Process Efficiencies and Improvements, and 5) Employee Learning and Growth.

**Additional Job Functions:**

1. Follows adopted policies and procedures in accordance with School Board priorities.
2. Conducts oneself in the best interest of students, in accordance with the highest traditions of public education and in support of the District's Mission Statement.
3. Performs other duties as assigned.

New: 10/06  
Salary Level: S4  
FLSA Status: Exempt

Capable of lifting/carrying 20 lbs. and occasionally up to 50 lbs.; some physical activity required.



THE SCHOOL DISTRICT OF PALM BEACH COUNTY  
DEPARTMENT OF ADULT AND COMMUNITY EDUCATION  
**End-of-Term Data Verification**

EXHIBIT  
8  
1 page

This form is to be completed by the Assistant Principal to acknowledge and verify that their data is accurate and correct each term.

Employee ID #	Employee First Name	Middle Name	Last Name	Today's Date 10/11/2016
School Name			School Year	Term Select One <input type="checkbox"/> Y

Verify the following information for the **current term** by checking YES or NO after each statement below:

- I reviewed the Master Schedule to ensure sufficient instructional hours were provided for each course for proper academic instruction and testing.  Yes  No  
EDW Master Schedule Report for times and instructional hours  
TERMS 2035 Master Schedule Detail Report
- I reviewed my site's student demographic information and have ensured that all required fields have been collected and reported.  Yes  No  
TERMS 1622 Employment Status Report
- I reviewed my site's pre and post-test scores and verified that the test scores are current, in range, and entered for every student enrolled.  Yes  No  
TERMS 2608 Report for test scores and dates
- I verified students were placed in courses appropriately based on individual program requirements.  Yes  No  
TERMS 2608 Report and program matrices to confirm student placement and verify EFLs
- I verified that LCPs were determined accurately following individual program requirements.  Yes  No  
TERMS 2608 Report to confirm LCPs were entered  
TERMS C2A screens to confirm the post test field was flagged "Y" for students that have post-tested
- I ensured that my site's attendance records are accurate by verifying:
  - Teachers took daily attendance.  Yes  No
  - Students were withdrawn after 6 consecutive absences, being promoted, or leaving for other reasons.  Yes  No
  - Students who registered and were enrolled in one or more classes, but never attended any classes, were withdrawn through the DNE process and their schedules were purged.  Yes  No
  - Student start dates in TERMS match attendance records. *Note: Start date is the first day the student was present in class.*  Yes  No
- My adult education programs were scheduled based on the approved calendar and open all designated days except the approved holidays.  Yes  No

<i>Signature of Assistant Principal</i>	<i>Signature of Principal</i>	<i>Signature of Director Adult &amp; Community Ed</i>
Signature of Assistant Principal	Signature of Principal	Signature of Director Adult & Community Ed