



PALM BEACH COUNTY, FLORIDA

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MEMORANDUM

TO: Michael Burke, Superintendent

FROM: Teresa Michael, Inspector General *TM*

DATE: March 14, 2022

SUBJECT: Management Advisory: "Buddy Benches" Installed at Schools

CC: Edward Tierney, Deputy Superintendent/ Chief of School
Joseph Sanches, Chief Operating Officer
Heather Frederick, Chief Financial Officer
Jay Boggess, Chief of Staff
Shawntoyia Bernard, Esq., General Counsel

In response to information received by our Office, and as part of the Office of Inspector General's contract oversight responsibilities, we evaluated the process for acquiring and installing "Buddy Benches" at schools. Our primary objective was to determine whether installation of "Buddy Benches" on school grounds was properly approved, and compliant with existing School Board Policies and department procedures.

SCOPE AND METHODOLOGY

We interviewed staff from the Purchasing, Facilities Management, Facilities Construction, Maintenance and Plant Operations, Communications and Engagement, and Risk and Benefits Management departments, as well as several elementary schools where "Buddy Benches" were installed. We also reviewed the following documents:

- ***Behavioral Health Agreement between The School Board of Palm Beach County, Florida and Mental Health Association of PBC dba Mental Health America (MHA)***
- ***School Board Policies:***
 - *3.02 - Code of Ethics*
 - *6.14 - Purchasing Department*
 - *6.04 - Donations*
 - *7.21 - Building Code*
 - *7.26 - Facilities or Grounds Modifications Funded by Internal Accounts or Donations*
 - *7.151 - Business Partnership Recognition - Fence Screens*

- Peoplesoft Employee Records
- Local newspaper articles
- Individual school records pertaining to receipt of "Buddy Benches"

We also selected four schools that installed "Buddy Benches" between 2018 and 2021, to obtain details regarding the acquisition and installation of the benches.

BACKGROUND

"Buddy Benches" have been installed at approximately 34 District elementary schools. The acquisition of "Buddy Benches" was coordinated by a former officer of the Mental Health Association of Palm Beach County (MHA) who is the owner/manager of a Florida Limited Liability company named Buddy Ambassadors LLC.¹ The owner/operator of Buddy Ambassadors is also a temporary part-time employee of the School District who arranged for outside sponsors to donate benches to elementary schools to encourage the use of the Buddy Ambassadors program. The sponsor's name appears on the bench. It appears that the first bench placed on School District property was sponsored by West Palm Beach City Commissioner Christina Lambert, and was dedicated on November 9, 2018, to South Olive Elementary School as displayed below.



¹ According to the company's website, (<https://buddyambassadors.com/about-our-founder>), the company develops campaigns to raise awareness on bullying, and other mental and social issues affecting children and adults.

CONCLUSIONS

1. No approved contract to obtain/install "Buddy Benches" on District Property

Currently, there is no written contract between the School District and the "Buddy Bench" provider and installer. The bench provider made arrangements directly with individual schools without the benefits of an approved written contract. A written contract would be beneficial in that it would specify essential contract terms and conditions such as responsibilities of both parties, contract start and end dates, fingerprinting and background screening requirements, necessary compliance with certain School Board policies, required insurance coverages and an indemnity clause to protect the District against liability. Written contracts/agreements are a good business practice that can prevent misunderstandings and reduce the risk of a disputes and liabilities.

RECOMMENDATION:

We recommend a written contract with the vendor/installer be required prior to the further acquisition and installation of any "Buddy Benches."

2. Lack of clear procedures for approving, acquiring, installing and maintaining "Buddy Benches"

Our interviews with staff, and a review of existing policies and procedures, revealed there are not clear guidelines for staff to follow for acquiring, installing, and maintaining "Buddy Benches". Without clear guidance, staff may not be aware of required approvals or potential risks.

School Board Policy 7.26 - Facilities or Grounds Modifications Funded by Internal Accounts or Donations, requires certain approvals prior to modifying school grounds. Although this policy appears to apply to the installation of donated fixed benches, such as "Buddy Benches", it is not self-evident. The policy states, in part,

"1. Approval Required

No buildings or other fixed property of the School Board may be materially altered or removed, and no additional structure may be erected on school property, without the prior written approval of the Superintendent/designee." Quoting Policy 7.26.1

*"Approval is required for any facility modification, including changes to buildings or grounds such as, but not limited to: ...installation of permanent signs; ...attaching an apparatus to, or making significant holes in the walls, ceilings, floors, parking lots, walkways or other constructed surfaces; digging holes greater than six (6) inches deep on the grounds." Quoting *id.* at 7.26.1.a*

"Proposed Donations. Facility or ground improvements that an individual, group or organization desires to donate to a school/department may be accepted if the proposed

*improvements will contribute to the operation of the school/department program and considering any additional costs as set forth in Section (4) below and any foreseeable liability to the School Board. All such facility or ground improvement requests shall be submitted in writing through the principal and appropriate Regional Superintendent/designee for approval. If approved, the request shall be submitted to the Chief Operating Officer, who shall coordinate the review and responses by other departments as necessary, and ensure the request complies with all applicable laws. Approval by the Superintendent/designee is required prior to acceptance and installation... Any persons volunteering to perform, or assist with, such installations or modifications shall be properly qualified to perform the work and shall sign a liability release form, obtained from Risk and Benefits Management and approved by the Office of General Counsel to the School Board, prior to such participation and in addition to the requirements of Policy 2.53, *Volunteers in Public Schools*." Quoting Policy at 7.26.2.b (Emphasis added.)*

We also noted that **School Board Policy 7.151 - Business Partnership Recognition - Fence Screens**, addresses a similar business/sponsor scenario as "Buddy Benches", but that policy only applies to fence screens, and not to benches with advertised sponsorships. Nonetheless, that policy requires business partnerships to be approved by the Regional Superintendent, and for the business partner to sign an *eBusiness Partnership Agreement* (PBSD 1570). It is our understanding that business partnerships typically involve the Communications and Engagement Department, but that department was not involved with "Buddy Benches", and an *eBusiness Partnership Agreement* form was not completed.

Benches were installed at schools without the approval of the Regional Superintendent and Superintendent, or the knowledge of the Chief Operating Officer, Office of General Counsel, Risk and Benefits Management department, or Communications and Engagement department. Without proper review and approval, there is less assurance that business arrangements are consistent with applicable laws and District policies including, but not limited to **Policy 7.26**. More specifically, there is also less assurance that:

- Benches are safe and properly installed by qualified persons;
- Benches, and their locations, are compliant with laws, building codes, and regulations;
- The District will be adequately protected against potential liability; and,
- Potential future costs to maintain, inspect, and/or remove benches are considered prior to acceptance.

Upon our inquiry, staff from the Facilities Management, Facilities Construction, Maintenance and Plant Operations, Office of General Counsel, and Risk and Benefits Management departments expressed their concerns related to student safety and the other aforementioned risks. Clearly written policies, procedures and guidance will help mitigate these risks.

RECOMMENDATIONS:

We recommend that either,

- *School Board Policy 7.26* be clarified with regards to its applicability to fixed benches; and/or,
- A notice/bulletin be issued to appropriate staff clarifying the applicability of *Policy 7.26* to fixed benches; and/or,
- *School Board Policy 7.151* be revised to include sponsored benches.