



Meeting Minutes Duval County Public Schools

January 11, 2022, Special Board Meeting - Final Order

Mr. Darryl Willie, Chairman
Dr. Kelly Coker, Vice-Chairman
Ms. Elizabeth Andersen
Ms. Lori Hershey
Mr. Warren A. Jones
Ms. Charlotte D. Joyce
Ms. Cindy Pearson
Dr. Diana Greene, Superintendent

ATTENDANCE AT THIS MEETING OF THE DUVAL COUNTY SCHOOL BOARD: All Board Members were present. Dr. Diana Greene, Superintendent, and Ms. Rita Mairs, Office of General Counsel, were also present.

Call Meeting to Order

The meeting was called to order at 1:06 p.m.

Approval of Agenda

APPROVAL OF THE JANUARY 11, 2022, AGENDA

Motion:

That the Duval County School Board approve the January 11, 2022 as submitted on January 7, 2022.

Vote Results:

Motion: Elizabeth Andersen

Second: Warren A. Jones

PASSED - 6-0

Aye:

Elizabeth Andersen
Kelly Coker
Warren A. Jones
Charlotte Joyce
Cindy Pearson
Darryl Willie

Nay:

None

Topics to be Discussed

1. FINAL ORDER RE: DUVAL COUNTY SCHOOL BOARD V. THOMAS CAGGIANO

Ms. Rita Mairs, Office of General Counsel

In Ms. Mairs' opening remarks, she reviewed the case and explained the administrative law judge's recommendation to sustain the Step III written reprimand and suspension without pay disciplinary action and completion of a Culture Diversity course imposed against the Respondent, Thomas Caggiano, as an instructional employee of the School Board. The purpose of today's meeting was to allow the Board to issue a final order to adopt, reject or modify the judge's order. She also explained the parameters the Board was to use in determining the final order. Neither party has filed exceptions. Each side would have up to 10 minutes to present their case.

Mr. Kelly B. Mathis, Attorney, Law Offices of Kelly B. Mathis

Mr. Mathis shared when dealing with the case that stems from the Respondent's personal Facebook account, the administrative law judge found 2 of those posts offensive. Mr. Mathis stated the Board can interpret the post to see if they violate any board policies. He said the posts are political commentary and should review the interpretation to see if it violates board policy. The respondent does not deny the posts. The question was did the Respondent have his Facebook account public or private. The posts were not connected to the classroom and school board technology was not used to post them. Mr. Mathis states that no students testified against the respondent and there is no connection to the classroom. Therefore, he asked the Board to use their de novo power to review the post and put the Respondent back into the classroom.

Mr. Derrel Chatmon, Office of General Counsel

Mr. Chatmon reviewed the case and explained to the Board the issue behind the discipline was the impact on the educational operations at Sandalwood High School. He shared things that were reviewed, including whether the school's operation was slowed down, did students have to leave class and how the actions of the respondent affected the students. The discipline was based upon the effects and impact the words had on the students. The Hearing Officer determined the respondent violated the policies and the administrative rules overall. Mr. Chatmon shared with the Board that the administrative law judge identified 16 witnesses, along with reviewing a number of the district's policies pertaining to the case. On behalf of the Superintendent, she asked the Board to make a motion to enter a final order to suspend the Respondent without pay for 3 days and to complete a Culture Diversity course.

The Respondent shared background on the issue and shared with the Board his post reflected someone else's words and not his personal words.

Board Member Questions/Comments:

- Board Members requested to be reminded of the specifics of their duties as it was related to the case. Ms. Mairs shared with the Board that their duty was to determine what the final order would be. If the Board decided to adopt parts of the final order, then it would have required justification. She also informed the Board that they should review the penalty and decide what the final order should be.
- Board Members requested a copy of the final order to review.

*The Board recessed at 1:54 p.m. and returned at 2:10 p.m.
Board Member Andersen left at 2:06 p.m.*

Ms. Mairs shared information with the Board about the Respondent's violations based upon the administrative judge's final order. She also reviewed school board policy with the Board Members.

Deliberations:

- Did the Respondent know the Facebook account was private/public.
- Posting of thoughts and opinions.
- The Respondent did not use district time or laptop.
- The Respondent was not acting on behalf of the district.
- Many district educators have public Facebook accounts where they post opinions.
- Ethics and Professional Training and account of teacher acknowledgement for receiving the training.
- The original content of the posting was someone else's words.
- The effect on the students.
- Objective measure for schools with regards to the student impact.
- Connection of Facebook post to student
- Clarity on the Administrative Judge's order

Motion:

That the School Board of Duval County, Florida approve a Final Order in the case of Duval County School Board v. Thomas Caggiano, DOAH Case No. 20-5259TTS, which adopts the Recommended Order issued by Robert J. Telfer III, Administrative Law Judge, Division of Administrative Hearings, dated November 15, 2021.

Vote Results:

Motion: Warren A. Jones

Second: Lori Hershey

PASSED - 4-2

Aye:

Kelly Coker

Lori Hershey

Warren A. Jones

Darryl Jones

Nay:

Cindy Pearson

Charlotte Joyce

For the Record:

Board Member Joyce voted nay for the following reasons:

- Facebook posts are private and should not be used to discipline.
- The posts that the Judge stated the Respondent was in violation of were reposted.

Adjournment

1. ADJOURNMENT

Motion:

That the Duval County School Board move to adjourn the meeting.

Vote Results:

Motion: Charlotte Joyce

Second: Lori Hershey

PASSED- 6-0

Aye:

Kelly Coker

Lori Hershey

Warren A. Jones

Charlotte Joyce

Cindy Pearson

Darryl Willie

Nay:

None

MA

Superintendent

Chairman