

August 25, 2022, Board Workshop

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 except Board Member Elizabeth Andersen. Dr. Diana Greene, Superintendent, and Mr. Ray Poole, Office of General Counsel, were also present.

Call Meeting to Order

The meeting was called to order at 9:12 a.m.

Items to be Discussed

1. GRAND JURY REPORT

Chairman Willie congratulated Board Member Charlotte Joyce on winning the election.

Board Member Jones requested a moment of silence on behalf of a teacher from James Weldon Johnson who had passed away in her vehicle on Wednesday, August 24th.

The Grand Jury Report was explained by Office of General Counsel Attorney, Ray Poole and Chief of Staff, Sonita Young.

Mr. Poole explained the history of the Grand Jury Report and its status to date:

- The state-wide Grand Jury issued a Presentment and Final Report - January 2021.
- What is in the reports is critical of the School District.
- Events in question took place from 2016 - 2020.
- The reason for just discussing this matter is that the Presentment and Final Order were sealed. The Grand Jury proceedings are highly confidential. The District did not have them until Friday, August 19, 2022.
- Explained the background behind the Grand Jury proceedings.
- There was a need to examine compliance with school safety legislation.

- There were four areas of inquiry:
 1. Whether a refusal or a failure to follow the mandate of school related safety laws, Marjory Stoneman Douglas High School Public Safety Act; whether there was a refusal or failure to follow those mandates that resulted in unnecessary avoidable risk to students across the state?
 2. Whether public entities committed or continue to commit fraud and deceit by accepting state money condition on implementation of safety measures and mandates all the while knowingly failing to implement the mandates?
 3. Address whether school officials committed or continue to commit fraud and deceit by diverting funds that were intended for school safety initiatives?
 4. Whether school officials violated state law by systematically underreporting instances of criminal activity to the Department of Education?
- The focus of the conversation was specifically on #4. Whether school officials violated state law by systematically underreporting instances of criminal activity to the Department of Education?
- The following information regarding the Grand Jury Report was explained (see attached):
 - Process
 - Legal Restrictions
 - Timeline
 - Reported Concerns - DCPS
 - Grand

Ms. Young shared information regarding the following:

- Prior to the Grand Jury, the Marjory Stoneman Douglas Commission had convened and was meeting regularly. In the interim reports and the final reports, there is a connection between the Marjory Stoneman Douglas Commission and the Grand Jury. In their report, the Grand Jury oftentimes stated that they concurred with the recommendations or wanted to expand on the recommendations. The reports were issued at certain dates, but the District's actions preceded the dates because of the information that was available to them through the Marjory Stoneman Douglas Commission.
- The fault of the concerns that were expressed that were specific to Duval County Public Schools (DCPS), came from language in the 2nd and 3rd interim reports as well as the final report. Even though Duval was not mentioned specifically in the 2nd interim report, some of the concerns expressed were applicable to DCPS, so the District took action prior to all the reports.
- At no point was there an allegation that misconduct was not being reported to the Florida Department of Education (FLDOE). The concern was the way it was being reported that was of concern to the Grand Jury.
- The District's School Police Agency is not the local Sheriff, but is their own law enforcement agency. A recommendation that has been made is that the Chief of the Law Enforcement Agency should report to the local sheriff, not to the school administration.
- Reviewed the 2nd and 3rd interim reports.
- The Presentment changed the focus. The focus was no longer school official reporting and the reporting of the School Environment Safety Incident Reporting (SESIR) incidents to the FLDOE, but the focus is now on Law Enforcement reporting. This was unique to Duval County only.
- Ms. Young gave an example of what type of defense is reported to FLDOE and the process that is taken.
- 2016-2019 - Criminal incidents were memorialized as information reports and not as offense reports.
- Information reports are not submitted to DOE and reported as criminal activity.
- Data that the Law Enforcement Agency submits to DOE does not include those incidents.
- Special attention to the District's handling of battery on school officials or employees was mentioned.

To be investigated by School Police; if determined that the elements of a crime exist that offense in addition to being a SEIR reportable offense is also a criminal act, a felony offense. This should be reported to DOE as an offense report, not an information report. Attention was called to the way the District recorded battery on school officials. They were recorded as an information report instead of offense report. This practice has been changed.

- Grand Jury recommendations that were specific to the concerns expressed for Duval County were reviewed.
- Reviewed the steps that the District had taken.

Board Member Joyce:

- Regarding younger students committing battery on a teacher, who determines if charges are pressed or not? The age of the student or the teacher? Ms. Young stated that it depends. It is not a single indicator that will determine whether or not an arrest will be made. That determination is that of Law Enforcement. The teacher or employee provides input with Law Enforcement as to whether they want to pursue charges or not. The age of the child is also a factor in the investigation, but it is a Law Enforcement determination.
- Does an Individual Education Plan (IEP) have any part of the determining factor whether a student is arrested or not? Ms. Young responded that the mental capacity of a child is a factor. That's not the same as an IEP. Battery is an intentional crime, so the Law Enforcement has to consider many factors including whether the child had the capacity to understand the act and if the act was intentional. A specific action can be determined by a child's exceptionality. There is no blanket rule that an Exceptional Student Education (ESE) student cannot be arrested. That is a Law Enforcement determination.
- Board Member Joyce inquired if all the decisions are made by the School Police. Ms. Young stated they make the decisions with appropriate input as a part of the investigation.

Board Member Hershey:

- Referred to the rule for determining capacity and inquired if it is defined in state statute or Duval County? Dr. Greene responded that there were 2 sections:
 - The school district, there is federal and state guidelines which governs, and it is called manifestation determination.
 - Law Enforcement has their own set of rules.

Vice-Chairman Dr. Coker:

- Spoke on the manifestation determination used to determine placement of students to Mattie V. Rutherford or Grand Park and there being a certain timeframe. Dr. Greene mentioned that it is 10 days and Chief of Schools, Scott Schneider confirmed.

Board Member Jones:

- Inquired if manifestation is the disability of the student and if it is reported as information or offense? Ms. Young explained that it is reported as an offense and why.

Board Member Joyce:

- Inquired when the change of determination happened. Ms. Young could not point to a specific date, but that under the current Chief of Police, that training and that practice is in place.

Chairman Willie:

- Brief recap of what was already discussed.
- Inquired if battery of a school employee could be as simple as, "I put my hands on you?" Ms. Young mentioned that battery is an intentional crime, there has to be an intent. It is not an accident. The

elements of the crime include that the action was intentional and determined by the Law Enforcement investigation.

Ms. Young continued with the review of the District's actions. She shared that the District is in the process of evaluating the scope of concerns and conducting internal reviews of their own records relating to Law Enforcement reporting. An appointment will be scheduled to meet with the Jacksonville Sheriff's Office (JSO) leaders and well as the Florida Department of Law Enforcement (FDLE) leaders. The purpose is to request a formal Memorandum of Understanding (MOU) between all the agencies: School Police, FDLE and JSO, which would summarize a process for reviewing and monitoring the District's reporting of Law Enforcement data to DOE. The District is in the infancy stages of working through what it will look like and will be able to share the update with the board as soon as there is more information to provide.

Chairman Willie mentioned about this being a snapshot from years ago and that corrective actions have already taken place with more to come.

Board Member Joyce:

- Inquired about the change in practice, where School Police Chief would not report to administrators but to JSO. Ms. Young stated that it was a recommendation of the Grand Jury.
- Inquired where the District lands on that recommendation? Dr. Greene responded that she needed to go through the recommendations and then make a determination. She encouraged Board Member Joyce to watch the portion of the last Marjory Stoneman Douglas Commission so that she could hear for herself what Sheriff Bob Gualtieri had to say about Duval's School Police.

Chairman Willie commented that if you have a police force for your district, we recommend that the reporting structure be this way.

Ms. Young stated that the wording of the recommendation would need to be legislatively based or otherwise. Recommendations were not just to agencies, they were regarding statutory changes and agency rule changes.

Vice-Chairman Dr. Coker expounded on what Ms. Young mentioned.

Board Member Joyce stated that she was interested on how things were going to turn out. She mentioned how the former Chief was called out and about his reporting to the District. She expressed about making sure to be on board with transparency and there being no issue with the community not being able to trust the District.

Board Member Jones:

- Shared information about matters started back in 2012, when Dr. Nikolai Vitti was the Superintendent.
 - There was a contentious issue in the community over the issuance of Civil Citations over arrests.
 - There were several controversial meetings.
 - Board Member Jones and Dr. Vitti tried to get former Florida State Attorney, Angela Corey to issue Civil Citations instead of having students arrested. City Council even got involved. A city council member introduced a resolution because there was a concern with the school to prison pipeline. The resolution was to reduce the number of students being arrested for misdemeanors, not students who committed felonies. Ms. Corey refused. The District was under a lot of pressure from a number of sources to not arrest so many of the students for misdemeanors and the community preferred civil citations to be issued.

Board Member Joyce expressed that when she was an employee, she experienced things and that the information in the report was accurate. Board Member Jones emphasized that the issue was misdemeanors not underreported felonies.

Board Member Hershey:

- Filled in some background information pertaining to the case.
- She spoke about how she and Board Member Jones served under three superintendents while on the board.
- While she was the Chair in 2019, the first action taken by the governor was to create a Grand Jury investigation.
- She stated that it was important to note that Dr. Greene took immediate action as soon as she found out about what was going on. Things happened and began under former Superintendent, Dr. Vitti. Dr. Greene had not long been in her position, but took immediate action.
- Board Member Hershey spoke with Sheriff Gualtieri and assured him that the District was going to take action.
- Requested Ms. Young to share the scope and definition of consultation between admin and law enforcement, based on page 16 of report. Ms. Young explained the prior and current practices.
- Mentioned about the cheat sheet and if it was possible to see one-on-one the admin cheat sheet, the validation of the items of the cheat sheet, and to make sure they are compliant with the law. Ms. Young stated that the cheat sheet did exist, but it does not exist anymore. She explained that it was a tool that had been created by a school that's responsible. The information was shared with other schools throughout the District but was not validated and had inaccuracies. At present, schools are being trained to use the source document which is the Student Code of Conduct.
- Inquired if there is a need to report anything to outside law enforcement related to accusations related identified in the report. Mr. Poole stated that in the 16-page report, it had already happened.

Vice-Chairman Dr. Coker inquired what is the Board's plan and action moving forward? She stated that the Board is required to do certain statutory obligations and that they need to discuss what needs to be done.

Board Member Hershey made the recommendation to wait on the report and audit that was mentioned by Ms. Young and if appropriate, have a workshop to be made aware of the report and what actions need to be taken. Her other recommendation was to look back at policy that addresses this situation. She added that things are legislatively done and the need to make sure policy aligns with the recommendations.

Chairman Willie mentioned about waiting on the information from the Safe Schools review. He mentioned about comparing the information to see where the policies are, what has been recommended to see where they align. He reiterated about Dr. Greene taking immediate action as soon as she was informed and that the Board can do the same.

Board Member Joyce recommended that the Board look at the Student Code of Conduct. She mentioned about when she originally started on the Board, that she ran on student discipline and strengthening the Student Code of Conduct. She had attended the discipline data meeting, requested data for middle and high school. Board Member Joyce expressed concern about how coding is done and wants to make sure it is done accurately.

Chairman Willie requested for the Code of Conduct review process to be explained. Ms. Young provided an explanation of the process and mentioned those involved in the process.

Board Member Joyce inquired if any law enforcement agency was a part of the review of the Student Code of Conduct and shared the example of JSO. Ms. Young stated that JSO was not involved, but the School

Police was. Board Member Joyce recommended to add another professional organization to join the committee to work with the guidelines, someone who is licensed to do this work.

Chairman Willie said they would look into that. He added that one of the recommendations was to have FDLE and JSO review information.

Board Member Pearson mentioned about the upcoming Policy Review meeting and inquired if it would be too soon to review the things of concern. Ms. Young confirmed that it would not be too soon and the process.

Vice-Chairman Dr. Coker requested to look at having policy align to the statutory obligations of the Board.

Chairman Willie did a recap of the meeting.

Board Member Joyce requested for data from the last school year on students arrested in school per county.

Adjournment

1. ADJOURNMENT

The meeting was adjourned at 10:47 a.m.

Motion: Warren A. Jones

Second: Kelly Coker

GC

Superintendent

Chairman