



Meeting Minutes Duval County Public Schools

April 26, 2023, Special Board Meeting

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

ATTENDANCE AT THIS MEETING OF THE DUVAL COUNTY SCHOOL BOARD: All Board Members were present except Board Member Lori Hershey. 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 1:01 p.m.

Approval of Agenda

APPROVAL OF THE APRIL 26, 2023, SPECIAL BOARD MEETING AGENDA

Motion:

That the Duval County School Board approve the April 26, 2023 Agenda as submitted on April 24, 2023.

Vote Results:

Motion: Charlotte D. Joyce

Second: Warren A. Jones

PASSED 6-0

Aye:

Warren A. Jones
Charlotte D. Joyce
Darryl Willie
Kelly Coker
Cynthia Pearson
April A. Carney

Nay:

None

Public Comment

The following spoke:

- Tiffany Clark
- Ellen Glasser
- Nadine Ebri
- Katie Hathaway
- Sharmin Smith
- Elnora G. Atkins
- Alvin Wellington Barlow
- Ken Manuel
- Nancy Murrey-Settle
- Shyla Jenkins
- Pastor Johnathan Blackburn
- Former Congresswoman Corrine Brown
- Ellye Aull
- Tia M. Leathers
- Melissa Bernhardt
- Reverend Benjamin Dixon
- Brittany Beimourtrusting
- Timothy Szendel
- Ivey Suter
- Reverend Aaron Flagg
- Eunice Barnum

The following waived their speaking time:

- Jerome Hayes
- Lucy Bravo
- Former Board Member Elizabeth Andersen
- Robert LeCount
- Virginia Gray
- Terry Mosley
- Cynthia Nixon
- Jessica Willson

Topics to be Discussed

1. HIRING OF THIRD-PARTY COUNSEL AS A RESULT OF RECENT EVENTS AT DOUGLAS ANDERSON SCHOOL OF THE ARTS - UPDATE FROM OFFICE OF GENERAL COUNSEL - SCOPE OF WORK - TIMELINE/COSTS

Chairman Dr. Coker shared the following statement with everyone:

"As we begin our dialogue today, I want to make certain the community of Douglas Anderson, as well as the community at large, knows that the focus of today's meeting is solely on the hiring of third-party counsel as it relates to recent events at Douglas Anderson School of the Arts. Having worked with each member of this Board for some time now, I can ensure the public that every member of this Board is fully committed to the safety and well-being of the very students we serve. As Board Chairman, I think it is also always important

to give credit where credit is due and I want to thank Board Member Hershey for bringing forward the recommendation to hire third-party counsel at our first board meeting after the arrest of former Douglas Anderson teacher, Jeffrey Clayton."

Chairman Dr. Coker continued sharing with her colleagues on the dias, that as they started their dialogue, she wanted to let them know that she had asked the Office of General Counsel to take feedback from the meeting to create an agenda item for the Board Members to consider at the next Regular Board Meeting. Chairman Dr. Coker then turned it over to the Office of General Counsel. Ray Poole, Office of General Counsel (OGC), introduced the attorneys from OGC, which included Ariel Cook, and Jon Phillips. Mr. Phillips shared the following information with the Board concerning the scope of work:

- According to the Charter and Board rules, when hiring outside counsel, it is up to General Counsel and for the School Board any engagement that is required would only require signatures from Michelle Begley, Chief Officer, Financial, Dr. Greene, General Counsel and the firm that was hired.
- Mr. Phillips informed the Board that there is no need to take action as OGC hopes to start this investigation soon.
- The need to discuss this in public to provide transparency.
- The initial search was completed by Sean Granat, Deputy General Counsel, Tort, Employment & Regulatory Department, in which all local law firms were eliminated to ensure the firm selected would not have connections to anyone in particular.
- Weiss Serota Helfman Cole & Beirman law firm has been selected and a draft engagement letter has been created but had not been finalized due to the meeting and recent events that suggested the Board should consider whether the allegations in the recent letter should be included in the investigation due to overlap between what is alleged in the letter and what is alleged at Douglas Anderson School of the Arts.
- Completion of a thorough investigation to include what happened and the April 25, 2023 allegations.
- Suggestions to increase the budget for the investigation from \$25,000 to \$30,000 to cover the extra work than what was originally anticipated.
- The timeline is difficult to say as these investigations can take a long time but it could take months to get through the investigation.
- The history of the law firm chosen includes them not being politicized and they have represented 28 school boards in some capacity. The law firm prides itself on good, solid, unbiased, thorough and comprehensive work.

Chairman Dr. Coker thanked Mr. Phillips, Mr. Granat, and Jason Teal, Attorney, OGC and all who assisted, for the work that they have done then she inquired of any Board Members that had questions about the selection of the firm. Discussion included the following:

- Board Member Joyce shared when the discussion about who would potentially do the investigation there was a firm from Manatee County suggested by Dr. Greene and she recalled how she requested during that discussion to have a couple of firms so that research could be completed before being voted on. She thanked Mr. Phillips for explaining that the Board does not have that option and that is the job of OGC. She inquired where Jamie Cole, Attorney, Partner, Fort Lauderdale Office, Managing Director, Weiss Serota Helfman Cole & Bierman's office was located. Per Mr. Phillip, the office is located in Ft. Lauderdale, Florida and the firm gives government entities very favorable rates.
- Board Member Joyce continued sharing if the Board engages in a firm whether it is within the county or outside of the county a check has to be done to see if there is a conflict of interest with the Board. She was concerned that going outside of the county, could incur more cost due to travel costs.
- Board Member Willie shared that he appreciates that the Board could not pick the law firm as it creates a shield for bias and he asked for an explanation as to how the selection law firm process

went to get the Board the firm that can do the best job. Per Mr. Phillips the general counsel and Mr. Granat went through a number of potential firms to hire and considered issues to ensure the investigation and the appearance of the investigation is unbiased. Mr. Phillips continued sharing that after they went through a number of potential firms then the decision was made choosing the best law firm, taking into consideration there are not very many firms that specialize in school boards.

- Mr. Poole recalled to Board Member Joyce that a law firm in Tampa along with a local law firm was recommended in which General Counsel, Mr. Teal and Mr. Poole discussed the 2 recommendations sharing it was difficult to find a law firm that does employment law in the field of public education, in which a discussion was held about the 2 law firms. He continued letting her know that Mr. Phillips was not a part of that discussion.
- Mr. Phillips shared that is not the only option to have the new allegations investigated but if there is overlap, it would be more efficient to have one firm do the entire investigation as the goal is not only to get to the bottom of what happened, but it is also to fix the problem and get feedback on exactly what can and should be done to ensure this never happens again.
- Board Member Jones shared he would not prefer a local firm and with OGC selecting the firm it provides more neutrality. He was glad the most recent letter received on April 26, 2023 was included. He continued inquiring what role OGC would have in supporting the investigation. Per Mr. Phillips they would provide logistical support and the firm would share how the investigation is going and what is being found, reminding Board Member Jones of the imminent threat of litigation for several people and the need to ensure no one is interfering with the investigation.
- Mr. Phillips shared that OGC would need to know what is going on with the investigation just in case there are a list of people recommended for discipline due to not reporting facts in which they knew about.
- OGC needs to know what happens so they can get the best possible resolution for whatever claims may be made within the boundaries of fiscal responsibility and fairness to the claims.
- Board Member Jones shared his concerns about having transparency as we all want to have it and the impact on any pending lawsuits. Per Mr. Phillips once the report is final and the problems have been fixed, it becomes public record allowing anyone to know what happened. All of the investigation will be transparent keeping in mind, not to interfere with pending investigations.

Board Member Questions and/or Comments on Scope of Work:

- Board Member Carney thanked Mr. Teal and Mr. Granat for all of their hard work. She inquired about the overlap in regards to the current situation at Douglas Anderson and the letter that was received on April 25, 2023, if there was a timeline on whether the incidences at Douglas Anderson would take precedence first or will the Douglas Anderson investigation be combined with the District investigation. Per Mr. Phillips, it would depend upon the availability of information that can be reviewed. He continued sharing there is a need to determine what was sent to the State to see if the reports sent to the state are from events at Douglas Anderson.
- Board Member Carney continued inquiring about the communications of the report becoming public record and will there be opportunities for the firm to come to the Board sharing their findings to make the public aware. Per Mr. Phillips, the law firm will not discuss publicly while the investigation is going on but possibly after the investigation is complete.
- Vice-Chairman Pearson inquired about the time students have left in school and will the summer break impact the investigation. Per Mr. Phillips, if the investigation is not finished before the last day of school there will probably be some impact which is why they want to get started soon taking into consideration students' testing times.
- Board Member Joyce shared she feels initially they were looking into the allegation of events that happened at Douglas Anderson but now reporting requirements to the state have been added to the scope. She continued sharing each one of them is extremely important as there is a need to make

sure this does not happen again. She shared the students have been asked if you see something, say something, they have said something but they have not been heard so she would like this to be prioritized so the Board can get the information back on where the systems have failed. She requested that every person involved be identified and this be a priority so the problem is resolved before the beginning of school. Per Mr. Phillips, if it is possible to get done, it will be done that way and if Mr. Clayton's criminal case is finished it will become public record which will help the investigation.

- Board Member Willie appreciated the conversation and the courage of the families of Douglas Anderson to tell their stories. He shared he has a lot of questions about the letters and what's included in the letters as he feels the Board must do their due diligence to fact check and do what is right. He inquired about the letter and the different pieces in the letter and whether there are other pieces? What in the letter is being picked out or is it the entire letter? Per Mr. Phillips he does not know all of the facts at this point and he shared what could happen and the questions that may arise. There are not just reporting issues but there is an employment law issue for the employer. Board Member Willie continued sharing there is a focused investigation on Douglas Anderson and that is what the Board should be focused on so he inquired of Mr. Phillips what their posture as a Board should be during the investigation. Mr. Phillips agreed that the focus should be on the investigation and shared with the Board that his role was to give the Board advice and not his personal opinion.
- Chairman Dr. Coker inquired if each Board Members would have the opportunity to meet with the lawyer to share concerns that they have. She continued sharing that there are Douglas Anderson Alumni, current and past parents, who are hurting, and she wanted to know if there was a way for them to communicate as well. Per Mr. Phillips yes, as he can't imagine why the investigators would not want to speak with the Board Members and he also shared anyone that wants to send factual information to the investigators can send the information to Ariel Cook in the Office Of General Counsel and she will make sure the information is forwarded to the investigators. Chairman Dr. Coker inquired whether the law firm understands that this is not just about the current events but that this is about the history at this school that has been there. Mr. Phillips shared with Dr. Coker that the scope is not just about Douglas Anderson but if someone brings up something else about sexual misconduct at another school it will not be ignored.
- Vice-Chairman Pearson shared that she would like to look at all streams such as is the policy the way it should be, are processes and systems the way it should be, does the system need to be updated from paper to digital, can a red flag system be put into place when it comes to employee records, progressive discipline and procedures, and the impact of progressive discipline on evaluation to ensure everything is being done to catch someone flying under the radar. Mr. Phillips suggested that they sit down together to make a list so everyone understands what is expected of them as this is important in this sort of investigation. He also shared that system wide improvement recommendations will be made in the report.
- Board Member Joyce recalled the 2 current situations at Douglas Anderson and asked that everything is prioritized.
- Mr. Phillips shared that as the evidence progresses, if enough evidence is developed that shows a hypothetical vice-principal should be demoted, suspended or terminated, the employment team at OGC can take action on that instead of waiting for the full investigation to be completed. OGC will help the district with day to day routine discipline matters that we always have unless a conflict is discovered.
- Board Member Willie inquired about what the focus would be for the scope of work in which it was confirmed that mandatory reporting requirements would be the focus.

Board Member Questions and/or Comments on Timeline/Costs:

- Chairman Dr. Coker asked for clarity on the budget to ensure all of the Board Members were aware of what they were getting into. Per Mr. Phillips, it is difficult to estimate since the investigation has not begun yet but the firm has done investigations before, therefore he suggested that there be an amendment included in the provisions to increase the budget if needed.
- Board Member Carney shared she is curious if the work can be done within an 80 hour time frame. Mr. Phillips shared that is the reason why he suggested an amendment to be included in the provision just in case.
- Board Member Willie inquired about what would be discussed at Friday's meeting as he was concerned about having a meeting with no information from the investigation. Per Chairman Dr. Coker, Friday's meeting will be an opportunity to solely focus on Douglas Anderson items and in fairness give them their time.
- Chairman Dr. Coker thanked Mr. Phillips and everyone at OGC that is helping them with the work and providing support.
- Board Member Jones inquired if OGC could go ahead and start on the work. Per Dr. Coker, legally they can get started.
- Dr. Coker inquired if something could be put in writing to ensure the Douglas Anderson community that things are being worked on.

Adjournment

1. ADJOURNMENT

Motion:

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

Vote Results:

Motion: Charlotte D. Joyce

Second: Darryl Willie

PASSED 6-0

Aye:

Charlotte D. Joyce

Warren A. Jones

Darryl Willie

Kelly Coker

April A. Carney

Cindy Pearson

Nay:

None

MA

Superintendent

Chairman