Meeting Minutes

Duval County Public Schools

May 2, 2023, Emergency 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. 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 AGENDA

Motion:
That the Duval County School Board approve the May 2, 2023, agenda as submitted on May 2, 2023.

Vote Results:
Motion: Lori Hershey
Second: Charlotte D. Joyce

No comments.

PASSED 6-1

Aye:
Kelly Coker
April A. Carney
Lori Hershey
Charlotte D. Joyce
Cindy Pearson
Darryl Willie

Nay:

Warren A. Jones

Public Comment

Chairman Dr. Coker called on Office of General Counsel (OGC), Ray Poole, to explain the intent and purpose of an Emergency Meeting and the qualifications around having an Emergency Meeting by the School Board.

The following spoke:
Sharmin Smith
Becky Nathanson
Katie Hathaway
Melissa Bernhardt
Pastor Bernadette Williams
Michelle Tipton
LaShonda "LJ" Holloway
Michael Hawk
Benjamin Dixon

Recognition was given to City Councilperson, Brenda Priestly Jackson.

Pastor Jonathan Blackburn
City Councilperson, Brenda Priestly Jackson
Reverend Aaron Flagg
Isaiah Rumlin
Kathleen Murray
Beverly Banta

The following waived their time for public comment:
Ed Williams
Dwight Carlson
Suzanne Jenkins
Elizabeth Andersen
Tajuana Carmichael

Topics to be Discussed

1. SUPERINTENDENT'S CONTRACT

Motion:
That the Board vote to approve the recommendation by the Office of General Counsel as it relates to the Superintendent 's employment.

Vote Results:
Motion: Lori Hershey
Second: April A. Carney

Chairman Dr. Coker requested OGC Attorney, John Phillips to discuss what had occurred to lead to this moment.
Mr. Phillips stated the following:

- OGC had been in talks with the Superintendent's attorneys for days.
- OGC has a signed agreement for the Board to view and potentially approve.
- Due to timing, copies were not available prior to the meeting for the Board Members to view.
- Suggested taking a brief recess so the document could be reviewed for discussion.
- Copies of agreement were made available for Board Members to view.

Board Member Jones:

- Inquired as to the purpose of handling the matter today.
- Had not seen anything, had no time to digest anything, and no time to think about anything.
- Explained why he voted against the agenda.
- Not prepared to vote for a settlement agreement that he had not seen and only had 10 minutes to review.

Mr. Phillips:

- Expressed that he understood and regarding the emergency part, he would have to defer to the Board Counsel.
- Communication between the attorneys took some time.
- Suggested the Board take a recess to review the agreement.
- It is up to the Board if they want to move forward with the meeting.

Chairman Dr. Coker stated that counsel was present, the Board could take a 15 minute recess, a copy of the document could be provided to the Board Member and that since the Office of General Counsel is present, they could answer any questions could be asked. Motion and second is currently on the floor.

Board Member Willie stated following:

- OGC wanted the Board to have the Emergency Meeting and now they are saying this is not the case.
- Expressed concern about the timing of the Emergency Meeting and how long it would take with the Regular Board Meeting less than 3 hours away.
- Being provided a very critical document that determines the fate and direction of the district with only 15 minutes to review it.
- The Board should have enough respect for someone to take more than 15 minutes to determine that person’s fate.
- His constituents and the community have many questions about this.
- This is the first time the Board has had the opportunity to talk about the matter.
- The Board was supposed to talk about the Superintendent retiring.
- The Board is at this meeting because things are happening behind doors and back channels, and people are having conversations.
- The fact that the Board is going to take 15 minutes to discuss the agreement is troubling to him, but he would take the opportunity to look at it because it is on the floor.

Chairman Dr. Coker expressed that she appreciated his comments. She stated that she would take Board Member Hershey's comment, the Board would take a 15 minute recess, come back and ask questions because the OGC was present.

Board Member Hershey stated the following:

- Appreciated why the Board was there.
- Spoke about a situation that had occurred creating the perfect storm.
- All the Board Members, except for Board Member Carney, had received the Grand Jury Report.

- Expressed that based on the information, doing her own research, having conversations with legal counsel, and having dug into things, she wished she could point a finger at past superintendents and leadership; but things happened during her time on the Board, under her watch, and she could not let this go any further without conversation. This is her urgency.
- Not just about Douglas Anderson School of the Arts (DA), it is about the Grand Jury Report.
- Ready to take the 15-minute break and come back for discussion.

Recessed at 1:56 p.m.
Reconvened at 2:12 p.m.

Mr. Phillips came back to the podium to answer questions.

Board Member Hershey:
- Inquired if the lump sum amount was severance pay.
- Mr. Phillips responded:
    - That the Superintendent's contract provides for severance pay under various scenarios.
    - The amount is for a maximum of 20 weeks per state law, and if approved, she would be entitled to payment.
    - This is a retirement and settlement agreement.
    - The circumstances, when the retirement takes effect, and what happens next are based upon the date of retirement in the docket.
- Inquiry was made about there being any negotiation on the timeframe and about giving the maximum without discussing any potential call that may suggest reducing the amount.
- Mr. Phillips responded:
    - Under the contract Dr. Greene signed, she would be entitled to more than the lump sum.
    - There was consideration for a larger severance, but OGC held at 20 weeks.

Board Member Willie:
- Expressed concern about talking about the contract right away and not about why the Board was in the meeting.
- Needed to be able to decide and understand the motivations of some of his colleagues on the Board.
- Willing to have his questions answered if folks were willing to answer and he had questions for OGC.

Chairman Dr. Coker wanted to take the people who had questions first and then switch to have a discussion amongst the Board.

Board Member Willie stated that he had a question on the floor in the midst of the discussion and if folks are willing to do that, then they can do so.

Board Member Hershey:
- Spoke about the Grand Jury Report and the arrest of the teacher at DA, which caused the perfect storm, and the 2021 incident that had not been reported.
- All this took place on her watch as a Board Member.

Board Member Joyce:
- Reiterated what Board Member Hershey said about responsibility as a Board Member.
- Read text from Florida statute 1001.42(13)(b).
- The Board is having the meeting because it has failed to comply with the statute.

- She mentioned the items she ran on during her election as a Board Member.
- Shared one of the topics from her first Board Workshop.
- Expressed that she knew the Grand Jury report was true because she is a former middle school employee of DCPS.
- Mentioned the 50 incidents that were just reported dating back for 3 years.
- Expressed that this is a lack of leadership and that this is on the Board.

Board Member Willie:
- Expressed that many of the comments were of DA, which a 3rd party investigator had been selected to investigate.
- The 50 cases that were turned in late and the incident from 2021, need to be investigated.
- There is a need to make sure that fact-checking is being done.
- The results from the 3rd party investigator hired by the Board and the results of the investigation by the Office of Safe Schools.
- The Board has put many things and policies in place.
- The need for the DA investigation to take place.
- The Board being the jury, judge, and making decisions.
- Not understanding the orders and operations in the process.
- The Board is supposed to be transparent.
- If the discussion is going to be couched under the DA investigation or pull it out and talk about the processes that the Board has taken and as the Superintendent was directed to do as such.
- The former head of the School Police was removed. That is cleaning the house.
- The Board has taken the letter from the Grand Jury and done a lot of things concerning it.
- The Board reached out to a 3rd party investigator and the Office of Safe Schools for assistance.

Board Member Pearson:
- Inquired if there was a difference between taking action and filing a report.
- A Title IX investigation that was initiated by a staff person about the November 2021 incident. It was sent to DCF and returned as not actionable. She inquired what the district does when a report is sent to the next level and is returned as not actionable.
- Made inquiry about the difference between not taking action or taking action and reporting and not reporting.

Mr. Phillips:
- Not familiar with the details of the November 2021 incident.
- Explained the difference between taking action and filing a report.
- Explained the process in general regarding reporting an incident, not necessarily the incident in question.
- Deferred other question to Mr. Poole.

Chairman Dr. Coker stated that there were 3 reporting requirements: DCF, Professional Practices Commission, and possible School Environment Safety Incident Reporting(SESIR). Since the incident was founded, it needed to be reported to all 3. Mr. Phillips confirmed.

Mr. Poole shared additional information:
- Chapter 39 – a HOTLINE is used to call DCF when there is possible abuse or neglect of a child.
- SESIR is used when misconduct takes place on the school campus or at an outing.
- Professional Practices Commission is contacted for certificated employee misconduct.
- Shared that all reports have some type of action. If a report is filed, that is an action, but not all

reports require an action.
- Not familiar with the specifics from the November 2021 incident.

Mr. Phillips stated that he knows there has been reference to the 50 files but is not familiar with the contents. He sent a letter on behalf of the district to get copies of the 50 files but has not received a response as of yet as it is still early.

Board Member Carney:
- Was not on the Board but was a community member who participated very heavily with DCPS.
- Believed changes were being made and that steps were being taken to keep the students safe as per the Grand Jury Report.
- Expressed that student safety was part of her campaign when she ran for office.
- Expressed disappointment.
- Determined to ensure that the Board protects the children.
- Concerned that appropriate disciplinary action is being taken against those with misconduct.
- Expressed that drastic changes would need to take place within the district in order to move forward.
- Children must be protected.

Board Member Hershey:
- Shared that Dr. Greene had expressed her intent to retire during a conversation they had.
- In a conversation with OGC and Board Counsel, learned that Dr. Green had decided to retire in 2023.
- Under the impression that there had been conversation between counsel for a period of time and the Board now has the terms she agreed to.

Mr. Poole stipulated to the Board not to reveal any conversations that is held with Counsel as they are privileged and highly confidential.

Chairman Dr. Coker:
- While DA is a factor in this, she met with Dr. Greene on April 17, 2023, at 6:15 p.m.
- Spoke about her retirement.
- Expressed that Dr. Greene had done good work.
- Dr. Greene wanted to finish through commencement, to see the students walk across the stage.
- No firm date of retirement was known at the time of the conversation.
- DA is a part of the equation, but it is not the only piece of the puzzle.

Board Member Jones moved to table the item until time certain.

Mr. Poole confirmed that this meant a straight up vote was needed.
Vice Chairman Pearson requested for clarification.

Chairman Dr. Coker explained that it was Item #1.

Mr. Phillips stated that the Superintendent had signed the document and Chairman Dr. Coker thanked him for the clarification.

Vice Chairman Pearson requested for point of information. Chairman Dr. Coker stipulated that she needed to clarify with OGC if there could be any type of discussion on point of clarification. She was not opposed to it, just wanted to clarify. Mr. Poole stated that a request for clarification was fine.

Vice Chairman Pearson inquired if the Board were to table to a time certain, how would it affect Dr. Greene's signing a retirement contract and what would it do to the contract.

Mr. Phillips:

- The Superintendent had signed the contract but had not delivered it yet. She has 8 days to change her mind.
- The agreement will only go into effect if the Board approves and accepts it.
- If tabled, would be in the same spot as prior to the meeting. No obligation on either side to do anything.
- Could go forward in the future if the Superintendent does not revoke her signature or if approved at the meeting or do nothing and see what happens.
- In this type of matter, according to the law, there is an 8-day period in which the retiree can change her mind. If the Board approved at the meeting, it would trigger the 8-day waiting period.

Board Member Jones stated that he needed to amend the motion to a time certain being a meeting on Monday, May 8, 2023, at 2:00 p.m.

Chairman Dr. Coker requested the Administrative Staff to read exactly what the Board would be voting on so that everybody would be clear.

Administrative Assistant to the Board Connie Ricks-Henley read: A motion to table to time certain for Monday, May 8, 2023, at 2:00 p.m. for Item #1, Superintendent's Contract.

Motion:
To table to time certain for Monday, May 8, 2023, at 2:00 p.m. for Item #1, Superintendent's Contract.

Vote Results:
Warren A. Jones

FAILED 3-4

Aye:
Cynthia Pearson
Warren A. Jones
Darryl Willie

Nay:
April A. Carney
Kelly Coker
Lori Hershey
Charlotte D. Joyce

Chairman Dr. Coker stated that the Board was now back to the original motion which was on the floor, the agenda item as read.

Board Member Joyce inquired if they were discussing or if they were asking questions. Chairman Dr. Coker stated that Board Member Willie went straight to discussion, but General Counsel was still there and that was something that could be done.

Board Member Joyce inquired of Mr. Phillips to explain what additional benefits that have been requested. He responded that it meant the Superintendent would continue to get paid until her employment is formally terminated on the retirement date. It has to do with all her leave and if approved today, the agreement would be that the Chair could sign on behalf of the Board which would then create a binding contract subject of the waiting period that he had described. The payments that are discussed in the agreement aren't a replacement for her normal salary.

Board Member Joyce then inquired about Dr. Greene's sick leave pay out since she is currently in drop and wanted to know how the sick leave pay out works with the year that she is in. Mr. Phillips stated the drop process, as according to Board Policy 6.78, changes the amount you could get in sick leave and because the Superintendent is in her 3rd year of drop, gets 33 1/3 %. If she were to be in her 4th year, it would be 50%.

Board Member Jones inquired about the effective date being the 8th day, and if that is because she had 8 days to reconsider? Mr. Phillips confirmed.

Board Member Jones then inquired as to why the retirement date was different. Mr. Phillips explained that the agreement contemplated that the Superintendent would continue to perform her duties until June 2nd, go on annual leave, and then retire at the expiration of the annual leave to which she is entitled. The original date was calculated as July 21st, but he was informed by the people who ran the numbers that the actual correct date was actually July 24th.

Board Member Jones:

- Explained why he motioned to table the item.
- There must be transparency, openness, and honesty.
- An Emergency Meeting was called with a few hours' notice.
- Expressed that it was as if the Board were trying to do something undercover and trying to rush the judgement.
- If truly about children, truly about finding out what happened, not just at DA but throughout the system, wait until the investigation has been done.
- He said that some of the Board Members had done their research and have already made their conclusion and that was why the Board was at this meeting. He added that it was because the governor wanted the Superintendent removed.
- Mentioned superintendents being removed statewide because of the narrative that public education needs to be changed.
- All the answers to inquiries regarding the Grand Jury had the governor as a response.
- In the county and the state, superintendents are being removed who don't do what the governor wants done.
- The legislation took action to remove Critical Race Theory.
- The governor said sexual orientation was being taught and people believed it.
- Talked about it not being fair, about not taking the time to find the real facts, and having the independent investigation uncover what really happened, and not knowing if it was true if someone deliberately did not report the item. One person is being blamed and being held accountable.
- Mentioned the incident of the attempt to sell JEA.
- Mentioned that the real reason behind all this is that you are operating out of fear that we are going to be removed as Board Members, so they voted to remove Dr. Greene and accept her retirement.
- That the Board is fearful of a governor, not governing, and not doing what's right and best for our city, and most importantly, not doing what's right and best for our students that we represent.

Chairman Dr. Coker stated that as a point of context for herself, as someone who has been targeted, her actions have nothing to do with what had been said. She votes for children and does what she believes is right for children and will continue to do that.

Board Member Carney:

- Stated that she was not afraid for her job. That her fear everyday was that if things continue to be done the same way that they've been done, more children's safety is being put at risk.
- If she must lose her job as a Board Member, then she is willing to die on that hill.
- At the end of the day, the most important thing is that students' safety comes first.
- Talked about the administration in Tallahassee finally holding people accountable.
- Does not think the governor is running around and saying to fire superintendents.
- It is about student safety, following state statutes, and following the law.

Board Member Joyce:

- Read the state law and the law is very clear.
- Request for Mr. Poole to explain to the public and the Board why a statewide Grand Jury convened, what the purposes were, and if it can be political. Mr. Poole deferred to Mr. Phillips who responded to Board Member Joyce's request. He added that he met with the law firm that has been retained to do the investigation and they have assigned 3 very first-rate lawyers to do the investigation. They are going to dig far into it and completely understand that they are not limited to DA and the whole idea is to accomplish what Board Member Carney was talking about, to fix the problem.

  Mr. Poole explained why he had deferred to Mr. Phillips.

  Mr. Phillips also shared his experience with conducting grand jury investigations.

Board Member Joyce stated that she had read the report multiple times and as a former employee who worked in a middle school, that what was written was accurate. She spoke about a situation that took place at the school in which she worked.

Board Member Willie:

- Expressed about being mindful to take personal experiences and remember to put them into context with everything that's happening in this sick system.
- There is a different person in charge of the School Police and that needs to be considered when stories are brought up.
- Has 3 daughters of his own and this situation is very serious.
- Commend the Superintendent because under her, the person is gone.
- Need to ensure there is due process for everyone, especially the Superintendent.
- Four months ago, talked about a good evaluation and extended her contract.
- Inquired why the Board is in this meeting.
- If the Superintendent had a conversation about leaving and exiting early, that does not constitute an Emergency Meeting.
- Will support Dr. Greene if she wants to leave and these are the terms.
- Concerned about the way things are happening underneath and not in front of the public.
- The Board is going to make a decision without a thorough review.
- Considering the information from articles and the letters that were sent, but Board investigation not done.
- Does not feel as though due process is being allowed.

Board Member Hershey called to question.

Chairman Dr. Coker looked to OGC for a response. The call to question means no more questions.

Board Member Hershey requested for clarification as to what was being voted on. Chairman Dr. Coker responded that it was the original agenda item.

Again, Mr. Phillips reminded the Board that by approving the agreement, they are authorizing the Chair to sign on behalf of the Board so that it is signed by both parties.

Vice Chairman Pearson brought attention to '16 Close debate' on the Robert's Rules cheat sheet. Mr. Poole confirmed.

Board Member Joyce wanted clarification of what they were voting on. Chairman Dr. Coker verified that they were voting on the motion to call to question.

Chairman Dr. Coker requested for clarification: Motion to call to question, a second, so that it comes forward for a vote, 2/3 would close this discussion and allow us to go back to the original item on the agenda to vote.

Board Member Hershey mentioned what needed to be done if the Board Members wanted to continue to talk.

Motion:
Call the question on Item #1

Vote Results:
Lori Hershey
Charlotte D. Joyce

Passed 5-2

Aye:
Lori Hershey
Warren A. Jones
Kelly Coker
Cindy Pearson
April A. Carney

Nay:
Charlotte D. Joyce
Darryl Willie

Chairman Dr. Coker stated that they now go back to the original item and vote.

Motion:
That the Board vote to approve the recommendation by the Office of General Counsel as it relates to the Superintendent 's employment.

Vote Results:
Lori Hershey
April A. Carney

Passed 4-3

Aye:
Lori Hershey
Kelly Coker
Cindy Pearson
April A. Carney

Nay:
Warren A. Jones
Charlotte D. Joyce
Darryl Willie

2. NEW SUPERINTENDENT (CONTINGENT ON AGENDA ITEM #1)

Motion:
That the Board nominate and approve a new Superintendent for a term of up to six months~~. W~~with contractual specifics to be negotiated by the Office of General Counsel.

Vote Results:
Motion: Cynthia Pearson
Second: Lori Hershey

Board Member Hershey stated that based on the agreement they just voted on, the Superintendent is in place through the end of the current school year, June 4th. This is not necessarily an action that the Board needs to take immediately, because Dr. Greene is in place until June 4th, and then, taking some time, she has accrued and going through the end of July. Do we have to identify what the next steps are today or can it be done at the next workshop?

Mr. Poole, stated that it does not have to happen today. It could be done at a later time if the Board so chooses.

Board Member Hershey inquired what the will of the Board is. Do they want to identify someone who will take the position in June now or is it a conversation for another time?

Vice Chairman Pearson mentioned when Dr. Greene took very little vacation and had to take off for various reasons, that the Deputy Superintendent had been the acting superintendent. She inquired why that would not happen at lease for the period of time that Dr. Greene would be on leave until she retires.

Chairman, Dr. Coker inquired about Dr. Greene being put on surplus after the June 2nd date. She added that she was in concurrent with the comment about the Deputy Superintendent stepping in routinely, but that is for when the Superintendent is on medical/annual leave. If she is being placed in surplus, which is what the contract stipulates, does it change that in any way or not. Mr. Poole expressed that he had just heard the term for the first time and is not familiar with the process. He is not familiar with the concept of an administrator who is one of a kind. Mr. Phillips stated that once the Superintendent is assigned to surplus, he does not know of any legal impediment to simply have an acting superintendent at that time, it is up to the Board. He offered to do research to be sure when there must be a superintendent.

Board Member Willie stated that due to where the Board is, there is no way to select someone right now. They just received the information and need to figure out the short list, and confirm their willingness.

Motion:
Table until the May 16, 2023

Vote Results:
Lori Hershey
Charlotte D. Joyce

PASSED 7-0

Aye:
Lori Hershey
Warren A. Jones
Charlotte D. Joyce
Darryl Willie
Kelly Coker
Cindy Pearson
April A. Carney

Nay:
None

3. EMERGENCY BOARD RULES

Motion:
That the Board through emergency action reduce the contractual threshold of $75,000 to $50,000 per Board Policy 7.14 for a time period of six months starting June 1, 2023.

Vote Results:
Motion: Charlotte D. Joyce
Second: Lori Hershey

Board Member Hershey briefly shared what happened when former Superintendent Dr. Vitti had departed.

PASSED 7-0

Aye:
Lori Hershey
Warren A. Jones
Charlotte D. Joyce
Darryl Willie
Kelly Coker
Cynthia Pearson
April A. Carney

Nay:
None

4. OTHER ITEMS AS IT RELATES TO DOUGLAS ANDERSON SCHOOL OF THE ARTS AND MANDATORY REPORTING ITEMS FOR CONSIDERATION

Chairman Dr. Coker explained the purpose of this item.
Sending a letter to the DA Foundation Board to make them aware that DCSB has hired a 3rd party investigator.

Board Member Hershey inquired if the letter could include a request to provide full cooperation with the investigation if needed.

Board Member Jones agreed.

Chairman Dr. Coker stated that one of the Board Members had suggested a Day of Listening. The Board has listened to alumni, read emails from people who had allegations, but have not had an opportunity to listen to the students and teachers from DA yet. A one hour session to listen to the current students and teachers of DA because they feel as though their voices are not being heard.

Vice Chairman Pearson stated she would like to participate.

Board Member Jones stated he wanted to participate also and that the Board should look into providing assistance to those students who have been harmed as a suggestion to Dr. Greene.

Board Member Willie mentioned about it being a legal matter and being under investigation and whether this would compromise the investigation. Request to hear more about how this could be done.

Chairman Dr. Coker mentioned having OGC at the next Board Workshop to weigh in on the idea.

Vice Chairman Pearson shared her senior has testing every day from now until May 15th and what those test mean for her. Vice Chairman Pearson suggested that the parameters of the suggestion not interfere with anything that the seniors have to do to complete their school year.

Adjournment

1. ADJOURNMENT

Motion:
That the Duval County School Board adjourn the meeting at 3:26 p.m..

Vote Results:
Motion: Charlotte D. Joyce
Second: Lori Hershey

PASSED 7-0

Aye:
Lori Hershey

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

Nay:
None

GC

Superintendent	Chairman