



Meeting Minutes Duval County Public Schools

May 24, 2023, Special Board Meeting - Final Order

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 Members Warren A. Jones, Charlotte D. Joyce, and Darryl Willie. Dr. Diana Greene, Superintendent was not present. Mr. Ray Poole, Office of General Counsel, was also present.

Call Meeting to Order

The meeting was called to order at 12:29 p.m.

Approval of Agenda

APPROVAL OF THE MAY 24, 2023, AGENDA

Motion:

That the Duval County School Board approve the May 24, 2023 agenda as submitted on May 12, 2023.

Vote Results:

Motion: Cindy Pearson

Second: Lori Hershey

No discussion.

PASSED 4-0

Aye:

Kelly Coker

April A. Carney

Lori Hershey

Cindy Pearson

Nay:
None

Topics to be Discussed

1. FINAL ORDER RE: DUVAL COUNTY SCHOOL BOARD VS. OSCAR HARRIS

Ray Poole, Office of General Counsel, explained why there would be no public comment during this meeting.

- In his opening remarks, he explained that Mr. Oscar Harris was charged with violations of both the Florida Administrative Code and the School Board Policy as a result of his conduct on January 25, 2022 and February 2, 2022 at Terry Parker High School.
- Reviewed the Rules and Board Policy that Mr. Harris violated.
- Reviewed the Administrative Law Judge's Recommended Order of April 10, 2023:
 - "The Duval County School Board enter a final order imposing a written reprimand and a 15-day suspension without pay against respondent Oscar Harris."
- Explained that the purpose of the meeting today was to issue a final order which adopts, rejects, or modifies all or part of the Administrative Law Judge's Recommended Order. He also explained the parameters the Board was to use in determining the final order. Neither party had filed exceptions and that each side would have up to 10 minutes to present their case. After that, the Board Members could then ask questions, begin deliberations, and then render a final decision on the matter.

Derrel Q. Chatmon, Esquire, Office of General Counsel presented comments on the Board's behalf:

- Reminded the Board of the Board approved discipline for Mr. Harris on June 7, 2022, Step 3 - Suspension without pay due to 2 incidents that occurred at Terry Parker High School.
- Reviewed and commented on the incident of January 25, 2022 and the incident of February 3, 2022.

James C. Pointdexter, Esquire, Law Offices of Delegal & Poindexter, P.A. presented comments on Oscar Harris' behalf:

- Read a quote from the Recommended Order regarding Terry Parker High School that the Administrative Judge had found.
- Spoke on the problems with fighting at Terry Parker High School.
- Reviewed and commented on the incident of January 25, 2022 and the incident of February 3, 2022.

Questions:

- Clarification was requested as to what the Administrative Law Judge recommended as a consequence and what the District recommended as a consequence.
- Mr. Poole and Mr. Chatmon both responded that the Administrative Law Judge had recommended a written reprimand and 15-day suspension without pay and that the Board adopt this recommendation.

Motion:

That the School Board of Duval County, Florida approves a Final Order in the case of Duval County School Board v. Oscar Harris, DOAH Case No. 22-1819, which adopts the Recommended Order issued by Garnett W. Chisenhall, Administrative Law Judge, Division of Administrative Hearings, dated April 10, 2023.

Vote Results:

Motion: Lori Hershey

Second: April A. Carney

Deliberations:

Board Member Hershey stated that both sides were heard and informed that the Board could not modify the finding of facts. The story varies a bit, but the Administrative Law Judge made a decision and a recommendation, and that is worthy of holding.

Mr. Poole explained that the Board can change or reject findings of fact by the Administrative Law Judge if there is not competent substantial evidence. If there is competent substantial evidence that exists in the records, then the Board is bound to that.

Board Member Hershey stated that the Administrative Law Judge made the recommendation and even though there are inconsistencies, she could support the recommendation.

Chairman Dr. Coker stated that she agreed with the judge, she did not find any competent substantial evidence to go any different than the judge. She expressed her concern that the District takes personnel like Oscar Harris and places them in some of the hardest schools in the city. It is well known that there are certain personnel in the District that are placed in those types of schools routinely, and it increases the likelihood that these situations might occur. The incident involving Mr. Harris should never have happened. She agrees with the judge's findings. Chairman Dr. Coker finds it problematic that the district continues to take the same personnel and put them in the same types of schools because it does increase the likelihood that incidents such as this could possibly occur, and the Board needs to consider this at a later date.

PASSED 4-0

Aye:

Cindy Pearson

Lori Hershey

April A. Carney

Kelly Coker

Nay:

None

Adjournment

1. ADJOURNMENT

Motion:

That the Duval County School Board move to adjourn the meeting at 1:01 p.m.

Vote Result:

Motion: Cindy Pearson

Second: Lori Hershey

Passed: 4-0

Aye:

Kelly Coker

Lori Hershey

Cindy Pearson

April A. Carney

Nay:

None

GC

Superintendent

Chairman