



E-AGENDA MANAGER

# Duval County Public Schools

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August 16, 2016, Board Workshop & Committee Meeting

Ms. Ashley Smith Juarez, Chairman  
Ms. Paula D. Wright, Vice-Chairman  
Ms. Becki Couch  
Ms. Cheryl Grymes  
Dr. Constance S. Hall  
Mr. Scott Shine  
Dr. Nikolai Vitti, Superintendent

ATTENDANCE AT THIS MEETING OF THE DUVAL COUNTY SCHOOL BOARD: All Board Members were present. Board Member Constance Hall participated telephonically. Dr. Nikolai Vitti, Superintendent, and Ms. Karen Chastain, Chief Officer of Legal Services, were also present.

Call Meeting To Order

[CALL MEETING TO ORDER](#)

Minutes: The meeting was called to order at 9:04 a.m.

Public Comment

[PUBLIC COMMENT](#)

Minutes: There were no public comments at this meeting.

Items To Be Discussed

[DRAFT AGENDA REVIEW - SEPTEMBER 12, 2016](#)

Attachment: [Pay Scale AE Comparison.pdf](#)  
Attachment: [Middle School Gifted Hubs.pdf](#)

Minutes:

The Superintendent reviewed the August 2, 2016, Draft agenda with the Board. Discussion included the following:

Place Holder - Approval of Contract - Educational Directions

- Michelle Begley, Board Internal Auditor, stated she will need feedback from the Board to finalize the contract. The Board will reply directly to Michelle Begley no later than Friday, August 18, 2016, and she will compile the changes and send back to the Board for review.

Approval of the Appropriation for Image Learning

- Board Member Couch inquired about back-up science based research documentation, The Superintendent will send the data from the district.
- The district has been using Imagine Learning for three years.
- The Superintendent will research if Imagine Learning has been used in other Florida districts.

Minimum Qualification - Head Athletic Trainer

- The dollars to financially support the trainers will come from general revenue. The Superintendent shared with the Board the cost breakdown a year ago and will resend the information.
- Vice-Chairman Wright had concerns about approving a financial obligation for 2020-2021 or if it was possible. Karen Chastain, Chief of Legal Services, stated no, but does not feel that is the intent of the agenda item.
- The language will be modified, that it is the intent to move toward fully funded but not provide the legal obligation that the funds are committed.
- Chairman Smith Juarez expressed her excitement and support for the program.

Minimum Qualifications - Coordinator, Communications

- This is a new position and was included in the organization chart. The position will have more of a marketing background.

Approval of the Salary Schedule for AE

- The Superintendent presented the Board with a handout and gave an overview of the changes (see attached).
- Two major changes from the previous pay scale are to strengthen the salary for Alternative Principals and the performance metric was

- increased by 5% of the base salary annual performance amount.
- The free and reduced rate no longer works for the district because of the Community Eligibility Provision Program. It has been problematic for a couple years.
- If the proposed schedule is implemented, current Principals would not be negatively impacted. They will keep their current salary based on 2015-2016 at a whole harmless until they leave the school.
- The data used for the performance metrics in reading and math is from 2014-2015.
- If a Principal moves to a new school, they will take the salary representative of that school regardless if they came from a school with a higher salary.
- The proposed salary schedule does not provide additional pay for experience per year. If a Principal has 16 years or more of experience, they will receive a \$5,000 fixed component.
- Multiple Principal focus groups were held where they vetted the structure. The Principals are supportive of the recommendation. Their feedback was used to modify and adjust the recommendation.
- Board Member Shine made a recommendation to make the graph a ray to show each area and where the next threshold exists for growth.
- Chairman Smith Juarez had concerns about the language in the Gap Analysis section. The Superintendent will adjust the language.
- K-6 schools will be included as a Elementary School on the pay schedule. K-8 will be included as Middle School and 6-12 will be included in the High School.
- Principals checks who changed in July because of the SES rates for schools 2016-2017 was readjusted with a retroactive pay check for the difference. Salaries have been corrected to reflect where they were at the end of 2015-2016.
- Chairman Smith Juarez would like the wording changed from "below grade level" on the pay scale to affirm in the positive.
- If approved, the funding has been accounted for in general revenue.
- The Superintendent will send more information on the Principals involved in the focus groups.

#### Approval of Salary Schedule for 2016-2017

- Vice-Chairman Wright will forward her questions in an e-mail to the Superintendent.
- There are no changes to the agenda item, it is only implementation.

#### School District Facilities Five Year Capital Plan 2016/2017 -2020/2021

- The difference between the Capital Workshop and the current agenda item is the removal of the Facility Cost Index (FCI) line item.
- The Capital Fund balance would be used for the boundary changes.
- Chairman Smith Juarez asked the Board to defer this item until there can be deeper conversation during the September workshop.
- The consensus of the Board was to defer the item.

Districtwide Road Paving and Repairs, Various Schools; Change Order No. One to Construction Contract Agreement with Besch & Smith Civil Group, Inc./DCSB Project No. M-83580

- The added driveway entrance for buses at West Jacksonville was done after the initial analysis at a cost of \$40,000.
- Chairman Smith Juarez had concerns about when the analysis done and it should have been anticipated.
- The Superintendent will follow up on why it is a change order instead of a new project.

Student Transportation Services, Geographic Service Area (GSA 5) Renewal

- Geographic Service area 5 is located on the Westside.
- Board Member Couch had concerns about the problems with the buses on the Westside. The students cannot use the buses before 9:30 a.m. or after 1:30 p.m. This limits the time students have for field trips. There have been occasions where no bus shows up or one bus shows up instead of two.
- The services need to improve for this bus company.
- Karen Chastain will check with the transportation department about the contract with the vendor.
- The Superintendent will look into the issue of field trips with the vendor.
- The recommendation from the Superintendent is to renew the contract. If the item goes out to bid it would increase the cost by \$2,000,000.
- The Superintendent has started running analysis and contacting contractors this school year in the event they are asked to pick up additional bus routes.
- Included in the contract documents, there is a provision if the district has to have emergency coverage, any excess cost is charged back to the vendor who failed to provide services.

Board Member Grymes arrived at 10:23 a.m.

- The Superintendent will follow-up and send the Board the opportunities that were offered to local vendors since his administration.
- Theoretically students could be without transportation for a week to two weeks depending on how much notice is given by Birnie Bus Service.
- Karen Chastain stated a financial review has been done by staff. Monthly financial reporting is not listed in their contract and if it is not in the contract it could be difficult to enforce. Karen Chastain will have conversations with their counsel to see what can be done.

Approval of the 2016-17 ESE and Gifted Plan

- The Superintendent presented the Board with a handout and gave an

- overview (see attached).
- Board Member Shine expresses concerns on the ratio of students to school psychologist in the district of 1 to every 2,500 students. The Superintendent stated that conversations have been had over the years. There has been analysis done on the cost but we have not moved forward to fund in the budget due to it eliminating something else.
  - Board Member Shine suggested taking a look at the programs being offered throughout the district and if they are having an impact on students. Additional school psychologists could be funded by eliminating some of those programs.
  - The Superintendent stated eliminating programs is minimal in terms of the cost of personnel.
  - Board Member Couch would like the Superintendent to provide the Board a three-year chart on the total number of students who are Exceptional Student Education (ESE) excluding gifted students.
  - The Superintendent will change and remove some of the language in reference to the Self-Contained Model.
  - The requirement to serve your own site is 65 students per school at the elementary level.
  - The Superintendent will change the population of 22 students eligible for gifted program services to 23 students at the sixth grade level to be considered for full-time gifted services.
  - Chairman Smith Juarez stated the consensus of the Board was to have staff do some more research and bring back recommendations that satisfies the concerns of the Board. Some of the concerns are more geographic diversity, best practice and the review of information that was forwarded by Board Member Hall.
  - The Board presented the Superintendent with a list of non-negotiables for the ESE plan that included the following: learning needs of students with the gifted designation be prioritized, access across the district and identification of lead teachers by the Principal.
  - The proposed positions included in the plan have been budgeted.
  - Starting with the current school year all 2nd graders will be screened for gifted. The Superintendent will follow up with adding screening for 6th grade students.
  - Chairman Smith Juarez requested the evidence of best practice models being incorporated into the plan.

## OVERSIGHT CALENDAR

Attachment: [Managed Oversight Proposed Plan Changes.pdf](#)

Minutes:

The Superintendent presented the Board with a handout and gave an overview (see attached). Discussion included the following:

- The Board will continue to receive the Developmental Responsiveness Plan, Operations Plan, Middle School Reform Plan, District Audit Plan

and the Academic Services Plan. Strategic Plan updates have been incorporated into the Oversight Calendar.

- The plans are printed for the Board and distributed in a notebook. They are also on the share drive but are not on the district website. The Superintendent will look into putting it on the district website.
- The Superintendent will create a template of a three-year running plan and submit to the Board for feedback before the September 13, 2016, Board Workshop.
- Board Member Couch suggested moving the Academic Services plan to earlier in the year.
- The Superintendent will add an overview quarterly on the D and F schools at the Board meetings and an update on The New Teacher Project.

## HUMAN RESOURCES AND PERSONNEL

Minutes:

The meeting reconvened at 12:47 p.m.

The Board entertained a procedural motion of Policy 2.26, to allow Board Member Hall to participate via telephone. The motion was moved by Board Member Shine and second by Vice-Chairman Wright. All Board Members present were in favor.

Vice-Chairman Wright wanted clarification about the memo that was on a news segment.

Chief Edwards, Director, School Police, wanted to make sure he was taking all the steps necessary before following through on an actual arrest. He also wanted to make sure all the facts related to a possible case and student arrest are thorough before the arrest is processed. The memo related to battery on an employee.

The Superintendent stated there have been thirteen student arrests after the memo was issued. There have been a total of twenty-four student arrests for 2015-2016.

Vice-Chairman stated in a memo dated July 2, 2016, she wanted to make certain this was not a signal that we are not thorough and if so why the need for a memo to be sent by Chief Edwards to ensure we are being thorough with arrest. The Superintendent stated there were examples that surfaced where more questions could have been asked. With the seriousness of arresting a student and what that means for their future, we wanted to make sure we are as thorough as possible. Chief Edwards wanted to put a system and protocol in place to make sure everyone was clear on the expectations moving forward regarding a student arrest.

Karen Chastain, Chief of Legal Services, stated she is working with General Counsel to finish a memo, that there is no breach in statute. She is working with General Counsel to provide a formal written response to Vice-Chairman Wright's questions.

Board Member Shine asked if the School Resource Officer's (SRO) directive is to investigate further and charge later but if there is a violent situation or potential of violence to continue, what options do they have. The Superintendent stated the first strategy is to cease the violence, defuse the scenario, contain the perpetrator and gain an understanding of what happened.

Board member Couch asked what happens if a student gets into a physical confrontation with a teacher, are they placed backed into the classroom with the teacher until the investigation is complete. The Superintendent stated, no, they may have In School or Out of School Suspension. A teacher does have the right to go to the Jacksonville Sherriff Office. The Superintendent will investigate the time frame it takes for the district to investigate.

Board Member Couch wanted to clarify this is not a Board policy and the Board was not informed of a policy regarding this protocol.

The Superintendent stated SRO's may feel like that can not pursue but that is why there are checks and balances, there are Supervisors and reviews to ensure accuracy. He would rather be cautious when talking about a student arrest and creating a scenario where there was not a review and then having to backtrack and make-up for a decision that could have been avoided with the right thoroughness.

The Superintendent stated the main concern should be safety whether the policy exists or not. It doesn't change the immediate responsibility of the SRO to protect the welfare of students and teachers. The memo only changed the review process before an arrest is made. There is no evidence that arresting a student immediately or waiting for a review deters violence. This ensures when we arrest the facts are clear and the arrest is justified.

The Sargent is solely part of the review process. It is rare that it would reach the Superintendent level unless it is an extreme example or there is a point of discomfort and someone higher would have to review, such as Chief Edwards.

Board Member Hall would like to receive the time frame of the arrest review process. There was concern expressed about ensuring the teacher feels safe and the student is removed from the class. The Superintendent stated the student may be placed in Out of School Suspension or in some cases the student's schedule is changed. A student statement could be taken by multiple sources depending on the incident. The student may give a statement to the Dean, Principal, Assistant Principal and the SRO.

Chairman Smith Juarez asked if there are any other police forces across the state that do not leave the discretion of the officer on-site to make an arrest. Miami Dade has a review process in place prior to an arrest being made. The Superintendent will research and follow-up with the Board on any other districts.

The Superintendent clarified he is rarely involved nor is his office when an arrest occurs. There may be in incident where there is a review of information and there is discussion about the facts and the State Attorney and Chief Edwards have a difference of opinion and he may be briefed on the situation. The Superintendent can only recall one situation where there was a difference of opinion between him, the State Attorney and Chief Edwards that reached his level. He stated he did not feel an arrest was justified but an arrest was made and later rescinded after the review of the facts.

The Superintendent stated he has full faith in Chief Edwards and has not had to contradict him on an arrest. He has been briefed on issues but Chief Edwards has not called to ask for the Superintendent's opinion. The Superintendent stated they needed to be more thorough before executing an arrest and was aware of the memo being issued and supported Chief Edwards.

Board Member Shine asked School Resource Officer Cummings what happens if an aggravated assault, which is a 3rd degree felony, is committed in a school. SRO Cummings stated it is on a case by case basis but, without having being empowered to speak on the discussion and permission from his supervisor, he could not speak on the situation.

Depending on the arrest of a student, they could be handcuffed, placed in a vehicle and could be detrimental to the student.

Vice-Chairman Wright wanted to gain clarity on the news story referencing five complaints. The Superintendent stated there are no grievances or complaints as it relates to the memo from Jacksonville Sheriff Office, School Resource Officers or Duval Teachers United.

Vice-Chairman Wright asked about the delay in responding to her request about receiving the memo after the request was made on July 2, August 2 and then a third request. It was not until Chairman Smith Juarez requested the memo that it was sent to the Board. The Superintendent stated it was an oversight. When the email was received, he did personally see a request for the memo. He stated there was no reason.

Vice-Chairman Wright asked Karen Chastain, Chief of Legal Services, what is the delay in receiving the responses to the questions asked. Karen Chastain stated it is more complicated than it appears. The office is working with other parties including the Office of General Counsel. They are putting something together that is fully responsive, thorough and accurate.

A Baker Act is a medical intervention that has to be approved by a



psychologist, a trained medical personnel. There has been no mandate by the Superintendent and, to his knowledge, to have Chief Edwards use the Baker Act in lieu of arrests. The number of Baker Acts and the number of arrests are down from last year to this year. The district would use the Mental Health department for the Baker Act process.

Board Member Couch asked if the Superintendent can cite the research for best practice and include the districts that use this method.

Board Member Hall asked if training was provided, an opportunity for questions and answers, or follow-up in regards to the memo going out. The Superintendent stated there have been conversations and training with the SRO's. There has been training overall for the investigative process for deans but unsure if there has been training as it relates to this memo with deans.

The Superintendent stated this is an example of culture change and a shift to a more child-centric environment when it relates to discipline as a whole.

Board Member Shine suggested the Board and Superintendent take a look in the future of a General Accountability Office with an internal Ethics Office. Chairman Smith Juarez stated she will look for an opportunity for review through an existing office.

Video Recording stopped at 1:40 p.m., due to a system update.

Board Member Couch requested follow-up to an incident that happened at Lake Shore Middle School. The Superintendent will follow-up with the Board on the average length of time for an investigation and the incident at Lake Shore Middle School.

## [GOVERNANCE](#)

Minutes:

Full Service Program at West Jacksonville Elementary

Board Members expressed their concern for the Full Service Program not being placed at West Jacksonville Elementary. Instead it was placed at the Young Men Leadership Academy (YMLA) and Young Women Leadership

Academy (YMLA) at Eugene Butler Middle School. The agenda item concerning the moving of this program to West Jacksonville Elementary was listed in the Gap Analysis which was voted on at the May 3, 2016, Regular Board Meeting. Changes were made by the Superintendent after the Regular Board Meeting without conversation with the Board.

Karen Chastain, Chief of Legal Services, indicated that the Board voted on the recommendation which was the boundary reallocation. The Gap Analysis was just background information. Board Member Couch stated that she would be happy to bring the item back to amend on the floor to include the Gap Analysis in the recommendation. Karen Chastain will research Roberts Rules of Order as to how this can be done.

Dr. Vitti, Superintendent, stated the students who live in the West Jacksonville Elementary School district would still have access to the program but at a higher level. It is an ideal location because of space and parking. Board Member Hall felt it is not convenient for the students. The Board should have been notified. She stated can we trust what the Superintendent says he will do? The Superintendent agreed with Board Member Hall that the Board should have been notified.

Chairman Smith Juarez was very concerned that the Board cannot have an expectation that our Superintendent is going to stand by what the Board has agreed upon. The Board indicated that, in the future, if any changes are made, including in the description, it needs to be discussed with the Board. These changes happened without discussion or input from the Board.

Board Member Couch asked to go on record that she supports the students going to these schools. The issue is having the understanding that when we say we are moving a program it is the entire program not just seats and students.

The Superintendent indicated that, if everything is to be set in stone based on the analysis, it is discomfoting not to allow for problem solving. There are only two options either the Board will be updated from this point on, if there are any changes or we maybe have to scale back the overall details that we put in the plan because it does not allow for as must flexible on the implementation side. There are always opportunities to define, adjust and improve from planning to implementation.

Chairman Smith Juarez stated the Board acted based on those ideas and what was presented to the Board.

#### Parent Phone Calls

Board Member Shine praised Cathy Maycott, Administrative Assistant, to the Board for her expertise in working with our parents. She has helped to reduce the Constituent Services issues by communicating to parents who they need to contact to resolve issues.

#### Length of Meetings

Board Member Shine stated when the meetings go longer and longer we get more general in our discussion. We need to try not to repeat the same things or talk about unrelated topics.

#### Former Chief of Staff Contract

Board Member Couch requested Michelle Begley, Board Internal Auditor, look into the system concerning cabinet add-ons. Some positions were cut before school started and emails to justify the cuts were attached to some items that showed Wendy Le hockey, former Chief of Staff, is still making decisions for our schools. She has concerns about paying someone who previously held a position even though the position has been filled. It seems like we did not succession plan well enough. Her other concern is our former Chief of Staff is working for a partner who is somewhat a competitor while she is making decisions on the budget when she is no longer part of our organization. Are we contracting for this?

The Superintendent indicated that Wendy Le hockey was essential to making class-size and reviewing recommendations from Regional Superintendents. He was not comfortable moving this responsibility to Dana Kriznar, Chief of Staff. The idea was to use Ms. Le hockey this year for class-size and possibly for the budget development process and have Dana Kriznar see the work.

The Superintendent stated he did not know if the district has a contract with Wendy Le hockey. Ms. Le hockey was only afforded review access. Karen Chastain indicated there is no signed contract for Wendy Le hockey. Karen Chastain will work with Sonita Young, Assistant Superintendent, Human Resource Services, and Michelle Begley to review the process concerning this issue. Karen Chastain agreed to provide an update by the close of the day on Friday August 19, 2016, and a follow-up by Friday, August 26, 2016.

#### Recess Issue

Chairman Smith Juarez asked the following questions: Are we following State Statute as far as physical activity? If the 150 minutes of activity are not being afforded to students weekly, how are we going to do this in short order? The Superintendent stated the current master schedule for elementary is set to Statute regarding recess and physical activity. There are schools that are implementing with fidelity. We will problem solve at individual schools. The Superintendent will provide this information to the Board so it can be communicated to the public.

Adjournment

[ADJOURNMENT](#)

Minutes:

The meeting adjourned at 3:17 p.m.

NS

We Agree on this

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Superintendent

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Chairman