



E-AGENDA MANAGER

Duval County Public Schools

October 22, 2015, Board Development

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

ATTENDANCE AT THIS MEETING OF THE DUVAL COUNTY SCHOOL BOARD: All Board Members were present with the exception of Board Members Jason Fischer and Scott Shine. Karen Chastain, Chief of Legal Services, was also present.

Call Meeting To Order

[CALL MEETING TO ORDER](#)

Minutes: The meeting was called to order at 11:06 a.m.

Public Comment

[PUBLIC COMMENT](#)

Minutes: There was no public comment at this meeting.

Items To Be Discussed

BOARD DEVELOPMENT

Minutes:

Board Member Hall opened with a welcome and a statement on where she stands as a Board member in relation to the workshop, on Tuesday, October 13, 2015, not addressing the content of the workshop, but addressing the manner which the Superintendent communicated with the Board members. She became uncomfortable with the conversation and felt disrespected during the meeting and felt it was best for her to leave. The manner in which the Superintendent addressed the Board, she felt was inappropriate. Board Member Hall stated this is the second time she has asked the Board to address the behavior, with the first time on June 24, 2015. Everyone was asked to read "What School Boards Can Do" and they attended the meeting conducted by Center for Reform School Systems (CRSS) with regards to training. She is concerned with the lack of respect from the Superintendent when addressing the Board members and does not want the behavior to elevate.

Board Member Hall asked for clarification from Jason Gabriel, General Counsel, with regard to Florida Statutes, where we stand as a Board and where the Superintendent stands as a Superintendent.

Jason Gabriel stated his office is a resource along with Karen Chastain, Chief of Legal Services. State Statutes is detailed and narrates the standards as a Board and the executive set-up. He reviewed the education codes, how it is set-up for the School Board, and how the rules are implemented for the Superintendent/CEO as compared to the roles of the City Council. The Statues articulates the Board as the policy maker, rule maker, approver and the Superintendent's role is to carry it out. The Superintendent can come back with recommendations to the Board to amend.

Board Member Couch asked if an agenda item can only be submitted by the Superintendent. She has received conflicting information from various attorneys. Karen Chastain stated rules are adopted in accordance with Chapter 120, Florida Statutes, with regards to who puts what on the agenda. Jason Gabriel indicated he is unaware of any restrictions unless it is written in the bylaws. In Florida, a Board is allowed to bring items forward, but there are protocols. Jason Gabriel stated if there are questions not answered he will research and get back with the Board. Chairman Grymes asked if this could be incorporated into policy. Jon Phillips, Deputy of Litigation, stated they will have to research her question.

Vice-Chairman Smith Juarez stated policy is intended to be long standing and governing. If a policy is silent on a particular issue/authority how do we reconcile? Where does the authority lie? Jason Gabriel stated it depends on the subject matter. The Superintendent may have the authority. The Board may amend or bring it to the next meeting for the Board to address. The Board has the right to address and amend.

Board Member Hall wanted to discuss the relationships and the manner in which the Superintendent addresses the Board. She has met with the Superintendent one on one concerning his communication style. She felt his behavior was inappropriate at the October 13, 2015, Board Workshop.

Board Member Couch stated she too has met with the Superintendent regarding his tone and body language. She has become frustrated and has made the effort to talk about his tone, reaction/relationship and it does not change and it has happened multiple times. She has voiced concerns privately with the Superintendent and notated this on his evaluation. She has made every effort to provide counsel to Dr. Vitti but has seen no change.

Board Member Wright has had conversations with Dr. Vitti also regarding his tone and body language. She has addressed this at the table and in writing.

Vice-Chairman Smith Juarez has had conversations privately with the Superintendent. We are models for what we want the schools to follow. We have spent 3 years trying to find a happy median. She is trying to understand and tie it back to the roles, responsibilities, and professionalism.

Board Member Hall has concerns about the Superintendent addressing the Board. She has shared over and over having "supervisory syndrome" from being in the role of Principal. She feels as a Board we need to work together and get back on track. We have to put our CEO back on track, ignoring the issue is not the answer and it has to be addressed.

Chairman Grymes agrees the Superintendent has not been as respectful as he should be and we as Board members should express the issue. The Superintendent will have a coach to work with him and it takes time to make a change.

Board Member Hall stated we as a Board must define why we are here and discuss the issue. This is an upper-level, educated position which has to work with other staff.

Board Member Wright stated Chairman Grymes made a great point. We as a Board have addressed the issue through evaluations and a coach. Four Board members have individually had conversations and collectively with evaluations. What do we do next if we have addressed individually and collectively? There is a line, the Superintendent reports to the Board.

Chairman Grymes stated the process is to start with the coach and anticipate it will help. The coaching goes along with work done with Cathy Mincberg, President and CEO of CRSS. The issue may take a mediator and more conversations.

Board Member Couch stated during the evaluation process, the Board discussed a coach and professional development. She has not seen any

professional development travel and the Board was clear about professional development. She would like to see that action taken and there has been a lot of time for this to happen and this area should show improvement, now. The Superintendent can look at his evaluation and decide what professional development is needed and it should not come from the Board.

Vice-Chairman Smith Juarez stated you cannot dictate behavior. The Board has collectively encouraged him to participate with other Superintendents around the state. From a policy standpoint, where does policy come into this discussion, or is this something outside of rule making.

Jason Gabriel stated, you as a Board are doing what you should do by having healthy dialogue. You are in the process, the Superintendent has a contract that mirrors the Statutes, and I will have Karen Chastain verify. Collectively as a Board you should have a conversation with the Superintendent so he can have the ability to register the issues. Jason Gabriel does not feel a rule needs to be developed but a conversation.

Chairman Grymes stated she has been disrespectful at times but we deal with issues that are emotional. She encourages others to have a conversation with her and ensure we are being respectful.

Board Member Hall has an expectation with behaviors, and would not allow that behavior with her staff. She believes that if it is not in writing it did not happen.

Chairman Grymes would like to start with Cathy Mincberg's visit to discuss the roles. She feels sometimes people are not aware of their behavior.

Board Member Hall feels the conversation would have to be direct and honest, not politically correct.

Vice-Chairman Smith Juarez is not opposed to having conversation with Cathy Mincberg but feels Theory of Action should be the priority of her visit. The Superintendent's behavior on October 13, 2015, was unacceptable and there is a difference with the supervisor role when it is 1 to 7 and there is a process with unacceptable behavior.

Chairman Grymes stated we need to listen to each other and the Superintendent and define respect. We need to encourage conversations and understanding our perceptions of each other and get to that place where we are a professional Board and Superintendent as a team.

Board Member Wright indicated this has been a process. As a Board we have to take ownership, discipline and reprimand. We need to respond in writing individually or collectively. The Superintendent is missing the step that he reports to the Board. There have been conversations happening for a couple of years.

Chairman Grymes would like to know how the reprimand would look.

Board Member Wright feels the Board should express our discontent with conduct at the table. Formulate a letter with the content of the behavior, with specific examples. This is not a slap on the hand but an opportunity to help the Superintendent grow. She feels as a Board it is our fault, we have not done anything.

Chairman Grymes stated we need to listen to the Superintendent and he may feel disrespected.

Vice-Chairman Smith Juarez understands the difficulty of 7 bosses, but the Board is charged with collectively making it work. Now is the time for the Superintendent's informal evaluation and policy does not require us to put anything in writing, but maybe the Board should consider having something in writing.

Board Member Hall indicated sometimes as a Board we try to appease and it gets us nowhere. We need to have a deeper conversation and address the behavior on October 13, 2015. There needs to be an understanding of the role and place as a Board and Superintendent. The book "What School Boards Can do", placed it in perspective. Board Member Couch purchased the book for the Superintendent and the Board but not sure if it has been read by the Superintendent. If action it is not done as a Board it diminishes and taking action cannot be delayed.

Board Member Couch fully supports Board Member Hall. She has exhausted all options and has done the things to handle the issue. The Superintendent is a Board employee and we as a Board evaluate. If a letter is drafted where does it go collectively or individually?

Jason Gabriel stated it could be a letter of concern, the contract spells out termination rights, if it raises to that level, and this sounds like something of a concern. There can be a meeting to put something in writing but it has to be done in a public meeting and done collectively.

You have the right as an individual or citizen to send a letter of your own voicing your concerns but it cannot be circulated, or you can bring it up in a meeting and see if anyone wants to sign the letter.

Chairman Grymes asked if a letter is written, what is the expectation. Board Member Hall stated the letter gives supportive documentation.

Vice-Chairman Smith Juarez asked Board Member Hall if she were willing to draft a letter and present it to the Board. Board members can then decide if they are comfortable with the drafted letter or can create a letter individually. Chairman Grymes stated if a Board member does not want to be included on the letter, does not mean that there are not any concerns. Board Member Hall replied she will draft a letter.

Vice-Chairman Smith Juarez would like to get clarification from Karen Chastain regarding when policy has been quiet. Vice-Chairman Smith Juarez stated in order to change policy there are steps and sometimes you cannot wait 28 days and would like gain clarity on where authority comes up. Jason Gabriel stated this maybe something the Board can change or it

may fall with the Superintendent. He will get more information to clarify.

Vice-Chairman Smith Juarez stated there was tone and behavior. Board Member Couch felt the Superintendent not being present today was beneficial. She feels as a Board we cannot talk freely without it becoming a spat or combative and she can no longer operate that way. Chairman Grymes mentioned it is sad it has gotten to that point. We need to be open, direct, and honest.

Conclusion

- There needs to be follow up with the Superintendent's plans regarding professional development.
- Board Member Hall will write draft a letter.
- Dr. Moses, Executive Coach, is scheduled to visit.
- Superintendent's mid-year evaluation.
- Read Chapter 2 in "What School Boards Can do".
- Meeting with Cathy Minckberg has been scheduled for Theory of Action. If time permits, roles of the Board and Superintendent will be discussed.

Adjournment

[ADJOURNMENT](#)

Minutes:

The meeting was adjourned at 12:35 p.m.

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We Agree on this

Superintendent

Chairman