



E-AGENDA MANAGER

Duval County Public Schools

September 23, 2016, Special Board 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. 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 10:31 a.m.

Public Comment

[PUBLIC COMMENT](#)

Minutes:

Lisa Wehrung

Ms. Wehrung lives in Nassau County, but has children who attend school in Duval County Public Schools. Her children attend the Guiding, Remediating, and Accelerating Student Performance (GRASP) Academy to

which she is overjoyed with the school.

Angela Tiack

Ms. Tiack will be sending a letter from the GRASP parents, teachers, grandparents and students in support of the Superintendent. They are very happy that the Superintendent has provided this special school for their children. She stated Dr. Vitti, Superintendent, needs more time to work his plan. Change does not happen overnight. She also voiced concern for the financial risks.

Christine Allmand

Ms. Allmand is a parent of twins. She is here today to commend the Superintendent for opening this meeting for public comment. She is concerned that the media does not reflect the reality of what is going on in this county. Regardless of disagreements, we should find a way above the current issues. Nothing is impossible.

Nancy Ricker

Ms. Ricker is speaking today in support of the Superintendent and to ask the Board to continue to support the Superintendent. Restorative Justice was a pilot project in only two schools before Dr. Vitti, Superintendent, arrived. We now have Restorative Justice in 144 schools. The process brings about behavior changes in students. This is a mediation process that brings the offender, the victim and the community together. The offender is made accountable to pay restoration, if it applies. She is very impressed with this program and the change in the Code of Student Conduct. It is important to stop using arrests for students with minor violations.

Senator Audrey Gibson

Ms. Gibson stated she would like the Board and the Superintendent to work together. She appreciated the data provided by the Board Chair, especially for African American students and the achievement gap. She suggested the Board go back and talk about what the goals should look like, how they can get there and what strategies have been used to get us to the achievements that have been done. If there is something that the legislators can do, please let us know.

Dr. Allison Cado Jackson

Dr. Jackson is a parent of two students who attend public school and lives in the San Marco neighborhood. She spoke in support of the Superintendent and has a few thoughts about measurements. One area measurements often get it wrong is when there is diversity. The Superintendent is a champion of diversity. We cannot measure apples to oranges. The information that was passed out to everyone today explains the achievement gap and how it is relative to the big seven school districts. It makes us look pretty good.

Monique Tookes

Ms. Tookes has two students that attend the Young Men's and Young Women's Leadership Academy at Eugene Butler. The school has moved from an "F" to a "C". Students are excited about school. She wanted to thank the Board and the Superintendent for the program. If it's the parents responsibility to teach them, bring us to the table. We are here to help.

Trey Csar, President, JPEF

Mr. Csar works closely with the Board and the Superintendent. Our focus needs to continue to be the children. Working through challenges and differences makes us strong. The eyes of the city are on the Board today. He hopes we can all work to improve outcomes for all children.

Cindy Edelman

Ms. Edelman is a concerned citizen. She knows that the Board and the Superintendent want the best for all children. Resolve to find a fresh start together and a school system we can all be proud of.

Sabrina Zinamon

Ms. Zinamon is a Duval County School employee. She made the following statement: The district received a "B". This was accomplished with unity. Her grandparents taught her "when you go to a job you are not there to make friends, but to get the work done, and you must respect each other". We must be unified for the common goal. It is not looking good for this.

Elnora Atkins, Chairman of the Education Committee of the National Association for the Advancement of Colored People.

Ms. Atkins indicated that for the past week, the Florida Times Union, and local television stations have focused on the Board Chair's conversation regarding the Superintendent and targets for our lower performing schools. The Florida Times Union has dedicated their editorial page to highlight the Duval County Public Schools accomplishments under the Superintendent's leadership and made reference that the School Board needs a cultural change, and the need to focus their energy on policy making. They have failed to communicate to this community that the Duval County Public Schools have the largest low performing schools in the state. We have moved from 22 schools to 59 low performing schools. The Superintendent has made some positive changes but we have not seen any sustained academic improvement in spite of curriculum and staff changes. We need a Superintendent who believes that all students can and will rise to these high academic goals and targets, if he sets them and creates an infrastructure to ensure that all students are successful.

Bettye Miller

Ms. Miller stated that those of us in the black community that have children who attend school are not happy. Why are we allowing Dr. Vitti, Superintendent to remain since he stated he can do no better. If we can have money to hire a coach for a grown man, then we can find money to help our students.

James Holt

Mr. Holt is a private investor in Duval County. He knows Mr. and Mrs. Vitti personally. Let's support the system. We need to stand together. What can we do to help the Board?

Jeanne Miller, President, Jacksonville Civic Council

Ms. Miller is here today from the Jacksonville Civil Council. We all believe that we need a world class education system. These issues with the achievement gap cannot be solved in three years or seven years. At this point, you do not have a full Board. Wait until all Board Member seats are filled. Work with us to work with you and the Superintendent.

Holly Finchem, Teach for America

Ms. Finchem stated we still have much to do. We need to communicate to everyone where the focus needs to be made. We are all committed. Teach for America is a very small piece. We are supportive of the Superintendent and his efforts. We love and support your work.

Michelle Braun, President, United Way of Northeast Florida

Ms. Braun asked the Board and the Superintendent to work together and move forward.

Roxane Cuccia

Ms. Cuccia has students who attend the GRASP Academy, Loretto Elementary and Douglas Anderson School of the Arts. She is thankful for the choices she has for all her children and wants to thank the Board and Superintendent for all they are doing.

Willie Lee Kohn

Mr. Kohn was a part of the Duval County Public School system. He was an average student and successful in school. He indicated the district should cut the resources and give the students time to play.

Timothy Sloan

Mr. Sloan is a retired veteran. He attended a workshop where the Superintendent was told to come back to the Board with a revised plan for the achievement gap. The Board did not provide feedback but stated it is your job to come up with a revised plan. The Board did not want to set

targets for the achievement gaps at this meeting.

Items To Be Discussed

GOVERNANCE AND ADMINISTRATION

Minutes:

Chairman Smith Juarez asked each of the Board Members be given a few minutes to review the information that was passed out during the meeting concerning achievement gaps. After thanking everyone for coming, she wanted to clarify because so much has been said in the media. She wanted the press and the public to understand that after one of us releases information to the media concerning a potential vote, others cannot respond due to Florida Sunshine Laws. We are now in an open meeting. As she said previously, if she intended to vote on the Superintendent's contract, it would be on the publicized agenda. The conversation today was intended to be the governance team through our work and the work of district administration. She is unsatisfied with the current results that the Superintendent has brought to the Board.

She spoke to the Superintendent in private concerning his employment. It is my responsibility to significantly increase student achievement. This was a difficult conversation and she did it privately with compassion for our Superintendent, for his family, for our district and for his career. It was not in an effort to coerce or unilaterally decide anything. As a Board Member, she would not do this. It was out of commitment to children. "When the Superintendent did not respond to that conversation with a more effective plan or a plan for a plan, she called this meeting for a purpose and cause to find a path forward."

Jason Gabriel, General Counsel, Office of General Counsel, is here to clarify the Superintendent's contract. The contract is well written and very clear. He clarified that in the event of a termination, the Superintendent could be terminated for cause or without. The Superintendent would be entitled to his base salary to the effective date of termination. A one-time severance payment of eighteen weeks or the Superintendent's base salary for the remainder of the agreement, whichever is less, plus any unused vacation and sick leave. Reimbursement for unpaid expenses and other benefits required by Board Policy or law. The eighteen weeks severance applies if the Board terminates the contract. It would be qualified with the Superintendent signing a waiver to which he

would have twenty-one days to sign.

Jason Gabriel provided his legal opinion concerning the follow question: Did Board Member Shine violate Florida Sunshine Law when he provided information to the press? Typically, you would try to avoid bilateral conversations with each other including the use of a liaison. At times, there is an opportunity for a Board Member to issue a piece of information for informational purposes only. Since there was no response to the information he would not view this as a violation of the Florida Sunshine Law. A Board Member can issue unilateral information for the digestion of the public without any response.

Board Member Couch asked if a Board Member were to share information with another individual and that individual goes to another Board Member and shares how they intend to vote is it a violation with Florida Sunshine Law? It is always on a case by case basis. You may get into intent. In general you can give your position on manners. It is a manner of whether there is intent to use someone to then go to tell another person.

Board Member Grymes voiced her concern about the length of today's meeting and the topics on the agenda. She felt the agenda should have been more detailed. In the future, she requested the Chairman work with the Board on dates and times for meetings. Ms. Grymes feels the Board is broken as a team.

Motion: That the Duval County School Board retain a mediator within thirty days.

Motion - Scott Shine
Second - Cheryl Grymes

Becki Couch - Aye
Cheryl Grymes - Aye
Constance Hall - Nay
Ashley Smith Juarez - Nay
Scott Shine - Aye
Paula Wright - Nay

FAILED 3-3

Pursuant to Section 1001.365, Florida Statutes, in the event of a tie vote of the district school board chair and district school board members acting in any capacity, the side on which the district school board chair voted shall be deemed to prevail. This Section applies only to those counties organized by charter that have a population of between 800,000 and 900,000 according to the last federal decennial census. Since Duval County has been organized as a charter county since 1968 and the results of the last decennial (2010) census indicates Duval County's population as 864,263, this statute affects tie votes by the Duval County School Board.

Vice-Chairman Wright thanked the public for coming today. She expressed

concern that the Chairman was under attack. She believes everyone knows what governance is. The Board must speak with a collective voice which is in the best interest of the Board. Ms. Wright also discussed a former meeting at which the previous chairman called for a vote without input from the Board. This is not what the public has come for.

Board Member Hall believes, as a Board and a team, that we participate and model the importance of training and professional development. This has been somewhat absent. Increasing Boards face challenges. It is no longer possible for the Board to be passive. Over the past several months as we received the achievement gap, she was in a state of shock. As you look at the data, we see we need to help all students. We are not focusing on student achievement. We have to have a systematic way of thinking beyond our own personnel though. Thanks to our teachers and staff and leadership, our students are serviced. It is very concerning that the urgency is not felt. We have discussed student data without all Board Members present. We are not at odds with each other. Access in receiving information needs to be strengthened. When we have access to information, there are few questions.

Board Member Couch made the following comments: Recently there has been much discussion regarding the Board and Superintendent and the future of this district. Allegations have been made that were based off of an emotionally charged, knee jerk reaction from my fellow Board Member, fueled by an interpretation of a private meeting between the Superintendent and Board Member Smith-Juarez. Several members of the community who have been avid supporters of the superintendent have portrayed the action of female Board Members as "emotional" or "personality conflicts". I have to ask, would this be said to my male counterpart who very unprofessionally made public, unfounded allegations about board members to the media? My fellow Board Member said comments like, "I heard the rumors", "ASJ has been using coercive tactics to intimidate Dr. Vitti into resigning his position", "personal issues... unrelated to his actual work performance. He said Monday he doesn't know what those issues are", the list goes on and on. Is this not a glaring example of acting out of emotion and not facts?

Nevertheless, if the leadership in this community has to resort to feeding the public a narrative about my actions of reviewing data and setting goals to improve the lives of children as "emotional," if caring about the children of this district is deemed as "emotional," then I guess I can wear the label with pride.

I can assure you in my six years on this Board, I have always tried to exhibit a level of professionalism that the children of this district deserve from their elected officials. This could be why the public claims any criticism of the progress or lack thereof is simply out of "emotion". Unlike Mr. Shine and the Superintendent, I have not gone to the media with my concerns. I have tried to handle them privately and during noticed workshops. I understand the public may not know all of the issues because they, unfortunately, get the story from the latest headline or TV

blurb. The public wouldn't know that I have grave concerns about the seemingly lack of concern by some of the leadership team that children of color are significantly behind their peers. That we have made significant changes to the curriculum, staffing of schools, resources allocated to schools and professional development and have yielded very mixed results. We have had three conversations as a Board, and Superintendent on targets, two of which some Board Members did not attend. While I will acknowledge we have had some successes, I am expecting true transformation. The graduation rate has been in a steady incline since 2012 but of the 8.9 % increase in the graduation rate over the last 4 years, over half of the increase occurred during the year of transition between the previous superintendent's leadership. Recently, a constituent said we have always been plagued with an achievement gap and it is not all of the blame of this superintendent for the gap. I can agree that the achievement gap is nothing new but, we hired Dr. Vitti to make significant progress in a short amount of time to challenge the status quo. We made a bold move to hire someone who said in his interview, "In one and a half years we will see dynamic improvement in student achievement". Well, it has been twice as long and we have seen the same incremental growth as years past, particularly in literacy. How much longer do these children have to wait for someone to believe in them? We have the responsibility today to make these decisions. It is always...wait. These communities have been waiting too long, these families have been waiting too long, these children have been waiting too long and deserve someone who believes in them, today.

The community wouldn't know, during this media frenzy that was created by my colleague there was something else taking place that drew little attention, the budget was deferred. This was the first time ever the budget was deferred due to concerns from the Board. Recently, the Board discovered the budget had \$20 million in unfunded cabinet add-on positions, a matter of concern I have brought forward over the last three years. In years past, there were a large number of cabinet add-ons but the budget had an unrestricted funding source. This year there was nothing. This is a dangerous budget practice and the Board was once again backed into a corner to make a decision that they were uncomfortable making because as we were told by our attorney, we would be penalized by the state withholding FTE if we did not approve the budget on Monday. Thus, we were required to use 2% of the 5% fund balance we set aside and "borrow" \$8.3 million from the maintenance budget. This money will have to be paid back through lapse salary which the Board has given direction before that they wanted to avoid this practice. It is not good budget practice to approve positions at the beginning of the year based on what you hope to get back in lapse salary. This can lead to the appearance of not filling school based positions in order to pay for the cabinet add on positions approved at the beginning of the year (after the Board approved the tentative budget). The board requested a one page document during the budget process which included cabinet add on positions. While we received a document, it did not reflect this exorbitant amount.

Finally, the community wouldn't know that with the current narrative the public may have also missed the concern that has been addressed in workshops about the instability of personnel in the district. In the last three years we have had nine Executive Staff leave the district. Most of these employees were people the Superintendent brought with him. Several other key staff have also left the district. The argument that was recently made as to why losing the Superintendent would be "tragic" was the need for stability, yet this amount of instability has created a significant gap in long range planning and succession planning to the extent that the Superintendent has had to dole out two contracts to previous executive staff just to keep the flow of work from falling behind. This has also been discussed in the last three evaluations of the Superintendent. All that I have shared with you this morning is evidence that my concerns are not based on "personality conflicts" and they have been communicated for three years. It is easier to go to the media and cry foul in order to divert attention from the key issues and instead make it about the relationships of the Board. Make no mistake, it is the avoidance of these key issues that has caused the strained relationships.

For the last three years, every time I have left meetings with the Superintendent, I left with hope that things will get better. I am starting to lose faith, when the focus continually gets placed on relationships and not on factual information that needs to be addressed. The Superintendent and Board have made significant changes to the district in the name of reform. We have had some success but in my opinion we have to acknowledge both success and failure and work diligently to resolve the failure. I desire a Board and Superintendent team that functions out of respect and honors all of the communities that elected each member. I welcome the opportunity to work together on behalf of children but I will not compromise my beliefs that we have to move our most vulnerable students forward in a transformational way nor will I stop questioning budget practices on behalf of the taxpayer. We must do better for the children of Jacksonville.

Vice-Chairman Wright made the following statement: She agrees with the statements made by Board Members Hall and Couch. The Duval County School Board, according to State statute and the Board's policy, can only act in an official capacity as a collective body. As elected officials we have the responsibility to conduct ourselves accordingly and to honor our oath of office and when we step outside those guidelines we get the chaos that has included assumptions in the ugly words that attack the character and the character of this Board that has surrounded this Board meeting today. More importantly, it undercuts the foundation of collaboration and collegiality that must exist in order for this Board and Superintendent team to focus on its mission of providing educational excellence for in every school in every classroom for every student every day as we inspire students to be prepared for success in college or a career or in life. She has been embarrassed by the media frenzy this week so much so she has not read the newspaper or turned on the local news since Monday. Her focus was on why she was elected to serve and that was to ensure that all students receive a quality education in every school

in every building.

On Wednesday, we had a joint meeting between the School Board and the City Council. We discussed the value of neighborhood schools. The tomorrow is today for our students, not for us. There is too much work to be done and incremental growth is not enough for them.

It is the Board's reasonability to ensure academic progress of the students within Duval County Schools by providing the resources, the initiatives and the support to the Superintendent to achieve those goals. We the Board must look beyond the collective "B" and examine the subgroups. It is in the subgroups academic growth that prepares our students to be productive citizens and be able to walk directly into the world of work or into college.

The Board and Superintendent agreed that literacy was our challenge thus literacy became our focus. When she sees the data, she sees the eyes of little kids who are eager to learn. She hears the chatter among students that lead to better comprehension, or students futures, and this desire that she has for a better prepared literate student population, rests on the very foundation of closing the achievement gap for all subgroups.

This hope for our children's futures fuels me to work every day to ensure a better educational path that provides every student the opportunity to fulfill their God given potential.

Dr. Vitti, Superintendent, stated that there is always another side to the story. Even the information that was passed out today was known by the Board. The information was passed out because, in conversation with staff, there seems to be a lack of awareness. His commitment goes beyond the job. This job is a calling. His commitment goes far beyond a job. The Superintendent is committing himself to work differently with each Board Member as far as communication and collaboration. He is ready to accept this responsibility. He said he apologies if he has said or done things out of passion and intensity for the work. He also apologies professionally and personally for that and for any mistrust that he has contributed to. If we are going to tackle this achievement gap, which he is glad has come up, he hopes the conversation moving forward can be our way of coming together as a leadership team. The conversation needs to be what will we do.

Chairman Smith Juarez indicated that she appreciated the Superintendent's apology. She also apologized to the Superintendent and the Board if she has ever acted out of turn or contributed to tension or distrust. This is not personal. We can all not get along and get the results, then she would be happy sitting in this seat. How do we do differently and have a confidence in the future.

Board Member Shine suggested we adjourn and take this up at the next workshop.

Board Member Grymes voiced her concern with the length of the meeting.

This is a journey, not script. She disagrees with the statement that we do not have to like each other but we do need to respect each other and the Superintendent.

Chairman Smith Juarez suggested we have a meeting on Monday, September 26, 2016, at 9:00 a.m. Board Member Couch will bring information concerning previous targets to the meeting. What we are missing is the Board setting the goals and high expectations and then the Superintendent works on the strategy. The role of the Board is to set the goals.

Board Member Grymes left the meeting at 1:13 p.m. and did not return.

Chairman Smith Juarez asked the Superintendent to communicate with the Board by giving us the information we need and speak to us rather than speaking through the media or distributing information that the Board may not have. The Superintendent agreed to commit to do this.

The Chairman requested a weekly report that would give the Board a little more understanding and information around things that the Board has expressed discomfort. She would like to see an update on the budget and where we are with those funds that have been adjusted and vacancy data. She would also like to know what the two primary projects are that he is working on and what is he seeking to accomplish in that week. It does not need to be detailed. The Superintendent will define what they are along with updates.

The Superintendent indicated that if the Board has other suggestions for information to be added to the weekly report, please let him know.

Board Member Shine stated that when he hears this school district is in jeopardy, he will contact the media and he will let them know what is happening. Today this room was filled with the public to tell you about how they wanted you to do your job. He will never withhold information from the public about what is going on in this Board room that affects their interest. Think you and members of the Board to stop because he will not.

The Chairman will work on a more detailed agenda for the Board Workshop on Monday, September 26, 2016, at 9:00 a.m.

An agenda item can be added to the October 4, 2016, agenda concerning retaining a mediator, if needed.

Adjournment

ADJOURNMENT

Minutes:

The meeting was adjourned at 1:29 p.m.

CSM

We Agree on this

Superintendent

Chairman