



Duval County Public Schools

September 8, 2014, Special Board Meeting

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

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

Call Meeting to Order

[CALL MEETING TO ORDER - SPECIAL MEETING](#)

Minutes: Chairman Becki Couch called the meeting to order at 2:05 p.m.

[APPROVAL OF THE SEPTEMBER 8, 2014, AGENDA](#)

Minutes:

Motions:

That the Duval County School Board
approve the September 8, 2014, Agenda - PASS
as submitted on September 4, 2014.

Vote Results

Motion: Cheryl Grymes	
Second: Ashley Juarez	
Rebecca Couch	- Aye
Jason Fischer	- Aye
Cheryl Grymes	- Aye
Connie Hall	- Aye
Ashley Juarez	- Aye
Fred Lee	- Aye
Paula Wright	- Aye

Human Resource Services

[1. FINAL ORDER RE: DUVAL COUNTY SCHOOL BOARD V. MICHAEL A. GREEN](#)

Minutes:

Ms. Karen Chastain, Chief of Legal Services

In Ms. Chastain's opening remarks, she explained the administrative law judge's recommendation to terminate Mr. Green. The purpose of today's meeting was to allow the Board to issue a final order to adopt, reject or modify the judge's order. She also explained the parameters the Board was to use in determining that final order.

Ms. Gaby Young
Office of General Counsel for Duval County School Board

She requested that the Board uphold the judge's recommendation. She gave a review of the incident including several witnesses. Officers testified to the student's injuries and surveillance video gave proof of the incident happening as reported, including two punches to the face of a female student. She asked that the Board adopt the conclusions of law that progressive discipline was followed and in spite of "mouthy" behavior on the part of the student and a lack of training, it did not justify Mr. Green's actions.

Ms. Tishia Dunham
Attorney for Michael Dunham

Mr. Green admits that he was wrong but he is asking that he be given a second chance. He has ten years in with the school system with no blemish on his record. The student has a history of aggressive behavior with both other students and faculty. She asks that the Board rejects the judge's recommendation.

Board Member Fred "Fel" Lee moved that the following Recommended Order agenda item be placed on the floor:

That the Duval County School Board render a Final Order in the case of Duval County School Board vs. Michael Green (DOAH Case No. 13-3859TTS), which adopts, rejects, or modifies all or part of the Recommended Order issued by Lawrence P. Stevenson, Administrative Law Judge, dated June 27, 2014.

Board Member Cheryl Grymes seconded to motion.

Cheryl Grymes moved that the Board amend the agenda item to accept the Recommended Order. Board Member Ashley Smith Juarez seconded the amended motion.

Ms. Chastain clarified that voting affirmative on this Final Order would accept the recommendation by the administrative law judge resulting in termination of Mr. Green.

Board Member Lee asked the Superintendent if the video matches the finding of facts of the incident. Dr. Vitti affirmed that they do.

Motions:

That the School Board of Duval County, Florida, render a Final Order in the case of Duval County School Board vs. Michael A. Green which adopts all of the Recommended Order issued by Lawrence P. Stevenson, Administrative Law Judge, dated June 27, 2014. - PASS

Vote Results

Motion: Fred Lee

Second: Cheryl Grymes

Rebecca Couch - Aye

Jason Fischer	- Aye
Cheryl Grymes	- Aye
Connie Hall	- Aye
Ashley Juarez	- Aye
Fred Lee	- Aye
Paula Wright	- Aye

2. FINAL ORDER RE: DUVAL COUNTY SCHOOL BOARD V. JOYCE QUILLER

Minutes:

In Ms. Chastain's opening remarks, she stated the Administrative Law Judge's recommendation is to suspend Ms. Quiller for a period of time without pay and reassign her to a less-challenging position. She explained that the purpose of today's meeting was to allow the Board to issue a final order to adopt, reject or modify the judge's order. She also explained the parameters the Board was to use in determining that final order.

Ms. Byndloss, Attorney
Office of General Counsel

Ms. Byndloss stated the position of the District was to terminate Ms. Quiller. The Administrative Law Judge's recommendation to suspend without pay and reassign her position was based on:

1. alleged infrequency of profanity
2. his characterization of the profanity being harmless
3. her conduct is understandable considering the challenges she allegedly faced in her position.

The District feels Ms. Quiller's behavior shows a pattern, not an isolated incident. Such behavior is detrimental to a student's self esteem and is never acceptable. She has been disciplined multiple times for similar behavior before teaching at the Bridge for Success program. Her denial of said behavior shows an unwillingness to modify it or be accountable for it.

Ms. Schaap, General Council
Duval Teachers United

The Administrative Law Judge had the advantage of hearing witnesses and weighing their credibility which the Board is not able to do. The students

issuing complaints against Ms. Quiller have questionable behavior records. The student who said he heard her use profanity had good grades and felt she was a good teacher. The other teacher who said she heard her curse said there were no students around. She asked that the Board accept the recommendation of the administrative law judge.

Ms. Chastain answered questions raised by board members related to procedural matters and progressive discipline as set forth in the teachers' contract.

Motion: Board Member Fred "Fel" Lee

That the Duval County School Board render a Final Order in the case of Duval County School Board vs. Joyce Quiller (DOAH Case No. 14-1341TTS), which adopts, rejects, or modifies all or part of the Recommended Order issued by R. Bruce McKibben, Administrative Law Judge, dated July 16, 2014.

Second: Board Member Cheryl Grymes

Board Member Ashley Smith Juarez reviewed the matter and related her observations from the review. She will move that the Board accept the judge's Findings of Fact and Conclusions of Law. However, she feels the Board's prior decision to terminate Ms. Quiller is grounded on the gravity of her actions. She feels the judge has failed to supply sufficient meaningful reason for reducing the penalty against Ms. Quiller.

Motion by Board Member Ashley Smith Juarez:

I move that this Board adopt the Findings of Fact and Conclusions of Law of Administrative Law Judge McKibben, but reject Judge McKibben's recommended penalty, and instead recommend that Joyce Quiller's employment with Duval County Public Schools be TERMINATED for cause and that a Final Order be issued consistent with the findings I have previously stated.

Second: Board Member Jason Fischer

Board Member Cheryl Grymes asked Ms. Quiller if she still maintains that she did not use profanity with or around the students. Ms. Quiller affirmed that she did not.

Chairman Becki Couch asked Ms. Quiller, then later directed the question to her attorney, why she didn't file an exception to the Finding of Facts.

Reginald Luster, Esquire
Attorney for Joyce Quiller

The Finding of Facts by the judge indicate the allegations were not credible.

Board Member Cheryl Grymes is concerned over the fact that in spite of the judge finding the use of profanity, which he feels is innocuous, that Ms. Quiller still maintains she never used profanity.

Board Member Fred "Fel" Lee asked Mr. Luster to affirm that administrators heard Ms. Quiller use profanity, which he did.

Board Member Cheryl Grymes asked Ms. Quiller to affirm that her transfer to the Bridge was voluntary, which she did. Ms. Quiller said she was not surprised by the difficulty of the students but was surprised by the lack of resources available to her for use with the students.

Board Member Cheryl Grymes asked Mr. Luster why he supports the suspension without pay if Ms. Quiller denies the allegations. Mr. Luster said he supports the judges findings that Ms. Quiller was unprofessional, but they were not immoral nor was there a crime involved. Therefore, under the progressive discipline plan, she would be suspended without pay.

Board Member Wright expressed concern about an incident happening in September without being addressed, then another incident happening again in March. Why were they not addressed back then? She then asked Ms. Chastain to further clarify the procedure they, as a board, are to use in arriving at a Final Order.

Board Member Paula Wright detects a conflict in testimony between Ms. Quaintance and others. Ms. Chastain said there in no indication of the judge using Ms. Quaintance's testimony.

Board Member Fred "Fel" Lee clarified that the motion on the floor accepts the Finding of Facts, accepts the Conclusions of Law, but rejects the disciplinary part of the recommendation. That rejections needs to be justified.

Board Member Ashley Smith Juarez explained that the judge state Ms. Quiller's language was understandable and fairly innocuous or restrained in nature. The Findings of Fact supports that Ms. Quiller demonstrated unprofessional behavior.

Board Member Fischer noted the judge stated the testimonies of the witnesses did not come across as being rehearsed or planned.

Board Member Fred "Fel" Lee clarified with Ms. Chastain that, student testimony aside, were there testimonies by administrators of hearing the language? Ms. Chastain confirmed there were.

Board Member Paula Wright moved that the board amend the motion by following the judge's recommendation and suspend without pay for 30 days.

Board Member Fred "Fel" Lee seconded.

Board Member Jason Fischer reiterated that the language used is totally unacceptable in our district and could be viewed as psychological bullying which the students at the Bridge, especially, don't deserve.

Board Member Fred "Fel" Lee asked the Superintendent if moving from Step 2 to Step 4 is consistent with our bargaining agreement. Dr. Vitti said it is. Because of the psychologically abusive nature of the language in question and prior documented incidents, a termination is warranted. He stands by the recommendation to terminate.

Board Member Hall reflected on the board being bound by a code of ethics. She acknowledged the challenging work that all educators have but in this case she has a concern about classroom management by Ms. Quiller. She made the point that Ms. Quaintance was not always in the room.

Board Member Smith Juarez noted the amendment to the motion addresses the suspension without pay but not the reassignment portion of the judges recommendation. Discussion about that followed.

Chairman Couch pointed out that the Board could set precedent with it's decision on this case and she would want to know what would be the threshold for use of profanity with students. Superintendent Vitti noted that use of profanity among faculty can be classified at different levels. The frequency, track record, extent and it's direction at students plays a role in determining that.

Board Member Wright has a concern for the safety and well being for our children but for our employees as well and wants to be fair to all involved. Do we have a situation where we can help an employee without doing any harm to our children? Have we done what could have been done to prevent the situation from getting to this point?

Motions:

That this Board adopt the Findings of Fact and Conclusions of Law of Administrative Law Judge McKibben, but reject Judge McKibben's recommended penalty and instead recommend that Joyce Quiller's employment with Duval County Public Schools be TERMINATED for cause and that a Final Order be issued consistent with the findings I have previously stated. - PASS

Vote Results

Motion: Ashley Juarez

Second: Jason Fischer

Rebecca Couch - Aye

Jason Fischer - Aye

Cheryl Grymes - Aye

Connie Hall - Aye

Ashley Juarez - Aye

Fred Lee - Aye

Paula Wright - Aye

Motions:

Amend to suspend Ms. Quiller without pay for 30 days. - FAIL

Vote Results

Motion: Paula Wright

Second: Fred Lee

Rebecca Couch - Nay

Jason Fischer - Nay

Cheryl Grymes - Nay

Connie Hall - Nay

Ashley Juarez - Nay

Fred Lee	- Nay
Paula Wright	- Aye

Adjournment

[ADJOURNMENT](#)

Minutes:

Chairman Couch adjourned the meeting at 3:42 p.m.

LBL

Superintendent

Chairman