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02 12 2016 Special School Board Meeting 5 00 PM

For ADA assistance, contact the Office of Equity and Compliance, 534-0781, at least 3 business days before the meeting. A voluntary invocation may be offered the opening of the School Board meeting by a private citizen. The views or beliefs expressed in the invocation have not been reviewed nor approved by the School Board, and the Board is not allowed, by law, to endorse the religious beliefs or view of this, or any other speaker.

Pledge of Allegiance

Call Meeting to Order

Acceptance of Agenda

1. [Accept the Agenda of the February 12, 2016 Special School Board Meeting as amended](#)

Minutes:

Attorney Wes Bridges announced that a revision to the agenda was made to include the Resignation and Severance Agreement and Mutual Release that had been negotiated with Superintendent Kathryn LeRoy.

The agreement includes her resignation, severance pay, annuity pay, terminal pay and reimbursement of attorneys' fees and costs.

Motions:

Recommend acceptance of the Agenda for the February 12, 2016 Special School Board Meeting. - PASS

Vote Results

Motion: Tim Harris

Second: Lynn Wilson

Hazel Sellers	- Aye
Lynn Wilson	- Aye
Hunt Berryman	- Aye
Lori Cunningham	- Aye
Kay Fields	- Aye
Tim Harris	- Aye
Dick Mullenax	- Aye

Special Recognitions

Public Comments on Agenda Items

2. [SPEAKERS](#)

Minutes:

Edwina Hall, Executive Assistant to Superintendent Kathryn LeRoy, stated working with Superintendent LeRoy had been a very positive experience, full of encouragement and respect and that the Superintendent had nothing but the best intentions for the students in Polk County to try to give them the best possible opportunities. The recent accreditation and increase in school scores are evidence of this.

Yvette Vega, Executive Secretary to Deputy Superintendent Jacqueline Byrd, stated Mrs. LeRoy was very respectful and appreciative of any work efforts and the recent change of her Executive Assistant had resulted in a well developed cooperative team atmosphere in the office.

Bishop Anthony Lawrence, local preacher, stated Polk County has been very good to him and they look out for one another. He thanked the School Board for all their efforts. He reminded everyone they could disagree without being disagreeable.

Larry Milhorn, President of the local Association of Federal, State, County, and Municipal Employees (AFSCME), stated Superintendent LeRoy had respect for every employee and there would be a loss if she were gone. He stated she met with him anytime he had concerns and she was the best Superintendent he has worked with in Polk County.

Kevin Cayden commended the School Board for making the tough decisions. He discussed the need to explain to his daughter why wealthy people get involved in scandals and that it is due to a lack of desire to follow rules.

Truman McGill began by thanking Board Chair Kay Fields for her integrity and her work in the community. He discussed the legal policy of being innocent until proven guilty and felt

the opposite is what is happening to Superintendent LeRoy. He stated he cannot understand how a competent leader such as herself can be forced to step down because of allegations she was cleared of.

Oscar Mohamed, Vice President of the Concerned Citizens of Polk County, stated Superintendent LeRoy should be given the opportunity to gain the trust and respect of the community, schools and employees. He discussed the principle of convicting someone based on gossip or with a political agenda and the need to adhere to the fundamentals of truth. He stated Superintendent LeRoy has been a beacon of light to the students of Polk County compared to the administration that existed for the past fifty years. He stated what is being done to Mrs. LeRoy gives the appearance of a lynch mob.

John Ruffin, President of the Concerned Citizens of Polk County, thanked Mrs. Fields for reaching out to him and his organization. He explained that Mrs. LeRoy had been open and communicative with his group, even agreeing to meet with them quarterly to hear concerns. He stated Polk County has a very rich history of exclusionary practices and he is disappointed to report that no media sources or Board Members, with the exception of Mrs. Fields, have reached out to any local minority groups. He commented that the Board and community need to work together collectively and this event should provide that lesson.

Melody Giles, Director of Operations for Integrity Care Residential Group Home, gave kudos to Mr. Harris and Mrs. Fields for offering an alternative to termination and looking at the human aspect of what is happening. She discussed employees that exhibit poor judgment are not dismissed when a single infraction occurs, but they are counseled and disciplined but because they are human, therefore, they are imperfect. She stated it is wrong to judge the Superintendent without any evidence of previous reprimand and that she should be offered the opportunity to go through the same disciplinary process others must go through.

Tuwanna Gootney discussed her years as a student many years ago when Mr. Mullenax was her teacher and taught her class not to pass judgment on others. She stated the School Board hired outside sources to perform the investigation and therefore trusted them to do it and they should trust their findings as well. She stated it appears the Superintendent is being forced out because she has leveled the playing field.

Bill Woolwine, unofficially appeared as a representative of the citizens and teachers of Polk County. He was a teacher for 40+ years. He stated teachers that are accused of impropriety of any sort are immediately terminated. He stated the School Board is at fault for now following through with discipline against the administrators.

Billy Townsend, author of the Lakeland Local Blog, stated it feels the students are being treated poorly because the teachers are forced to follow directives they do not believe in. He has also started a community interest group who are opposed to the events transpiring in the Polk County School District.

Reginald Harness, President of Lakeland NAACP, asked the Board to take a moment and reflect on their own life experiences and make a human decision instead of an emotional or political decision. He stated he feels it is wrong of the Board to take the position that Superintendent LeRoy is unable to recover from what has occurred. He commented that

good works have been done under her administration and he does not want to see that legacy destroyed.

Keith Ward, First Vice President of Lakeland NAACP, stated more people are concerned with the money that will be paid to Mrs. LeRoy than the fact that her administration has been one of the most progressive in Polk County. He commented on the increases in school and district grades as well as district accreditation that has been enjoyed under her leadership and the new Superintendent will be the one that reaps the benefits of her hard work. He also read a statement Eddie Lake of New Bethel Church in Jacksonville, that reflected on the good works, positive influence, and advocate for diversity Superintendent LeRoy has been. He stated the law has proceeded with the presumption of innocence, and he would hope the Board can carry on likewise in the spirit of forgiveness and restorative justice.

Bill Simpkins has worked in law enforcement and education and came to speak as a private citizen. He encouraged the Board to look more closely at applicants already in Polk County instead of hiring from outside. He stated bringing people from other counties to serve as Superintendent has cost millions of dollars.

Marianne Capozziello, President of the Polk Education Association, stated a recent survey of teachers indicated that 71% of teachers are considering leaving or retiring early. She said she understands some of the credit for this is driven by the state and the push for increases in measurable success. She also said she hopes anyone who accepts an interim position is prepared to tackle these challenges.

Recess 6:01pm

Reconvene 6:12pm

LD Wilcox commented that he is a regular attendee of the School Board Meetings and it is the first time he has had to relocate to the overflow room. He commented that the public response to this meeting is the way it should be for all meetings if the staff and public want to see any changes. The students should be put first because they represent the future of Polk County. Superintendent LeRoy's leadership was responsible for increased school performance as well as the recent accreditation. He stated she was not given a chance to recover from the allegations and many others have done things much worse yet they continue to walk around proudly.

Laura Webster, Bartow High School, stated she has been classroom teacher for 11 years and has worked for four superintendents during that time. She said she and her colleagues feel they are held to a stricter set of ethical standards than administrators and this is an example of that.

Addison Brown discussed the collateral damage that has been incurred. He asked the Board to consider how best to proceed to recover and move forward. He reminded everyone that they are all here for the common good of the children.

David Thornton, George Jenkins teacher, discussed his anger at having to test students incessantly. He also felt that the Superintendent was interested in grades without any consideration of the students. He commented the teacher morale is very low.

Trish Pfeiffer, Bartow City Commissioner, stated the Superintendent may have had good motives but they were not communicated adequately and there was no connection with the teachers.

Annette Collier, is a former staff member. She said she believes this is destroying Superintendent LeRoy and this is not the first time this has happened to an employee in this school district. The Superintendent's career and reputation are destroyed. She reminded everyone that Superintendent LeRoy is human and she deserves protection. She asked why there is only one side of the story being told. She added that this is a case of if you do not like someone, or their actions, you just get rid of them. She commented someone needs to look into the rest of the story.

Terry Ashley, Retired Principal, stated his wife Rhonda, also retired, and many others had expressed to him that they felt disrespected and were afraid to voice opinions about their opposition to district administration.

Jay Galman, Southwest Middle School Teacher, said education has become a game to get better scores under the current administration. He explained example is not being able to just teach and being directed to spend more time on the improvement of "Bubble Kids" that are on the verge of moving up to the next proficiency level.

Approval of Minutes

Approval of Consent Agenda

New Administrator Announcements

Consent

Regular

Administration - School Board

3. [Accept the Resignation of Superintendent](#)

Attachment: [RESIGNATION AGREEMENT AND RELEASE \(Modified 02-12-2016\)\(1411\)\(Redlined\)\(DC\) \(2\).pdf](#)

Attachment: [Contract.pdf](#)

Attachment: [Findings.pdf](#)

Minutes:

Mr. Berryman commented on the annuity amount and asked for clarification from Counsel as to options available to the Board if they do not accept the Superintendent's resignation.

Mr. Bridges discussed specific indemnification language in the Superintendent's contract and there is an open question as to whether or not the contract language was intended to cover instances such as what has transpired. If the Board does not accept the resignation and opts to terminate the Superintendent without cause, the Board may incur not only the Superintendent's current legal fees, her future legal fees, their own legal fees, and court expenses. Whereas, if the Board accepts the agreement as presented that is the end of it.

Mr. Mullenax asked counsel if the Board elects to deny the resignation and instead terminate the Superintendent without cause, what sort of a time frame would the Board be looking at for litigation. Mr. Bridges said it is possible that the second coming might occur before an agreement was ever reached. He stated it would certainly take a year or more.

Mrs. Sellers commented on releases that are included in the resignation that protects the Board from further action.

Mr. Bridges explained that regardless of how the contract is dissolved, the Board is released from any obligation including liability for actions performed by its employees. The Superintendent is also protected from any further legal action from the Board.

Mr. Harris commented that pursuing a dismissal other than the resignation that

is being offered would create a greater expense that is not monetary to the public at large.

Mrs. Cunningham stated this process has been ongoing for too long. The two sets of attorneys have spent a great deal of time negotiating the terms in the resignation and it is time to move on because the School District needs to begin the healing process.

Mrs. Fields commented it is time to stop the bleeding, move forward and do what is best for the children.

Mr. Berryman commented to the audience that the resignation as presented was not received until 3:00pm today. Normally issues of this magnitude would be considered for a period of time instead of acted on immediately.

Mr. Bridges reported that the Deputy Superintendent, Jacqueline Byrd, will act as the Interim Superintendent until the Board has decided their next step.

Mr. Wilson asked Counsel if it would be appropriate to make a motion to grant the School Board Chairman permission to negotiate a contract with the Deputy Superintendent to act as Interim Superintendent until a permanent replacement has been determined.

Mr. Harris asked for clarification between the terms Acting and Interim Superintendent and if this is a motion to appoint an acting until an interim Superintendent is appointed.

Mr. Bridges explained an Interim Superintendent takes over until a permanent Superintendent has been determined. An Acting Superintendent bridges the gap until either an Interim or permanent Superintendent is appointed.

Mr. Berryman stated the Board should give some consideration and discussion to other possible candidates that might be able to serve in the Interim Superintendent capacity.

Mr. Harris commented that in the past, individuals who served in the Interim capacity have been exempt from consideration for the permanent position and he would like to clarify that so that it does not hinder Mrs. Byrd from applying if she chooses.

Mrs. Fields explained that in an earlier conversation, Mrs. Byrd expressed she was not interested in being Superintendent of Schools.

Mrs. Byrd agreed that she is interested only in bridging the gap until a permanent replacement is found.

Motions:

Motion to accept the Resignation and Severance Agreement of Kathryn LeRoy as presented. - PASS

Vote Results

Motion: Lynn Wilson

Second: Lori Cunningham

Hunt Berryman - Aye

Lori Cunningham - Aye

Kay Fields - Aye

Tim Harris - Aye

Dick Mullenax - Aye

Hazel Sellers - Aye

Lynn Wilson - Aye

Motion Minutes:

4. ~~Whistleblower Investigation Report~~

Attachment: ~~01-Final-Investigative-Report.pdf~~

5. ~~School Board Action To Address the Whistleblower Investigative Report~~

Attachment: ~~LeRoy Contract \_Renewed 2014.pdf~~

6. [Authorize Board Chair to Negotiate with Deputy Superintendent to be the Interim Superintendent](#)

Minutes:

Mr. Berryman reported that, while attending the Legislative Days in Tallahassee last week, he had conversations with Andrea Messina (Executive Director of Florida School Boards Association) about a superintendent search and asked Mrs. Fields if she would reach out to FSBA.

Mrs. Fields announced that she, too, has been talking with Ms. Messina and she will join the Board at the meeting on February 23.

Mr. Harris encouraged everyone attending to be actively involved in the Superintendent search.



Mr. Wilson thanked those that voiced their appreciation of Mrs. LeRoy; his concern was her leadership skill that created challenges within the schools and communities.

Mrs. Cunningham thanked everyone for attending, speaking respectfully and listening to others. Its unfortunate that it came to this, but District needs to move forward now. The moral standards have been re-set for our students. The District and Community must now focus on what is best for all children, and work collectively, as a team.

Mr. Berryman reported that the School Board Members are available for the students and will work to improve academic achievements. The test scores that were released today should be celebrated; 43 schools improved at least one grade; Polk County has improved from 59th to 52nd in the state. The District is more fiscally sound than it was five years ago. The District must focus on what must be done and move forward.

Mr. Mullenax said this has been a long process, for all involved. The focus needs to be returned to the students of Polk County. Education takes place when the teacher closes the class room door. Stop the bleeding and move forward.

Mrs. Fields voiced appreciation to Bartow City Commissioner Trish Pfeiffer for her words of encouragement and reminder to be more kind and caring. She also reminded everyone that social media is very unforgiving. To date, the comments have been very distasteful and she encouraged everyone to think before they post something that cannot be undone.

Motions:

Motion to Authorize Mrs. Fields to negotiate with Mrs. Byrd - PASS

Vote Results

Motion: Lynn Wilson

Second: Lori Cunningham

Hunt Berryman - Aye

Lori Cunningham - Aye

Kay Fields - Aye

Tim Harris - Aye

Dick Mullenax - Aye

Hazel Sellers - Aye

Lynn Wilson - Aye

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Public Hearing

Superintendent's Report

Attorney's Report

Auditor's Report

Board Members' Report

Public Comments Addressing Items Not on Agenda

Adjournment

Meeting adjourned at 7:20 PM. Minutes were attested this 15th day of March, 2016.

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Kay Fields, Board Chair

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Jacqueline M. Byrd, Superintendent