



12 13 2016 SPECIAL SCHOOL BOARD MEETING 10 00 AM

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 before 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 for the December 13 2016 Special School Board Meeting](#)

Motions:

Accept the agenda for the Special School Board Meeting of December 13, 2016. - PASS

Vote Results

Motion: Lori Cunningham

Second: Hazel Sellers

Lori Cunningham - Aye

Kay Fields - Aye

Tim Harris - Aye

Sara Beth Reynolds - Aye

Hazel Sellers - Aye

Billy Townsend - Aye

Special Recognitions

Public Comments on Agenda Items

2. [SPEAKERS](#)

Approval of Minutes

Approval of Consent Agenda

New Administrator Announcements

Consent

Regular

Human Resource Services General Items

3. [Kristen Turner Hearing - Exceptions to Final Order of Termination](#)

Attachment: [12-13-16 Superintendent's Executive Summary - Kristen Turner Instructional.pdf](#)

Attachment: [12-13 Turner, Kristen DOAH ALJ Rec Order for Termination 13p.pdf](#)

Attachment: [12-13 Turner, Kristen Exceptions to ALJ Rec Order 25p.pdf](#)

Attachment: 12-13 CONF Turner, Kristen 6-14-16 DOAH Hearing Transcript not redacted 85p.pdf (Confidential Item)

Minutes:

Attorney Mark Herdman represented Kristen Turner. He requested the School Board Members send this matter back to the Administrative Law Judge for a determination to be made before a final order is voted on.

Attorney Donald Wilson spoke on behalf of the Superintendent. He commented that Ms. Turner, a teacher at Sleepy Hill Elementary, had previously received progressive disciplinary action for various issues that violated the rules of professional conduct.

Mr. Townsend asked for clarification of an Administrative Law Judge's (ALJ)

role.

Attorney Donald Wilson commented the appointment of an ALJ is requested from Tallahassee. The process is concluded when the judge makes a final determination with a recommended order. At that time, the respondent has an opportunity to file an exception to the ruling. The School Board Members then have the option to adopt the recommended order as the final order of the Board. The respondent can then appeal.

Attorney Mark Herdman commented the ALJ makes recommended findings of fact as defined in the Superintendent's charging document which he feels has not been accomplished. The School Board Members can then make their determination.

Mrs. Sellers asked if a judge is factually required by law to explain their decision to each question, either verbally or in writing.

Wes Bridges, Counsel for the Board, commented an Administrative Law Judge is required to make findings of fact, conclusions of law, and make a recommendation which the ALJ has done. He said there are instances when an ALJ recommendation is binding but that is not the case in this instance.

Mr. Lynn Wilson and Attorney Don Wilson discussed the number of student's that were affected by this teachers actions. It was an entire class, approximately twenty students.

Mr. Lynn Wilson asked for an example of "finding of fact" in this case. Mr. Herdman explained an example would be that the teacher knowingly and intentionally falsified the grades. It is not disputed that the grades were entered erroneously but the intent has not been determined by the ALJ.

Mrs. Fields commented entering grades inaccurately for an entire class is neglectful and is not good for the students or the schools.

Mrs. Sellers reiterated a passage from the documentation provided that stated the respondent did not accept the responsibility for entering the grades falsely.

Motions:	
Motion to uphold the Division of Administrative Hearing (DOAH) Administrative Law Judge Parrish's Recommendation for Final Order of Termination of Kristen Turner's employment.	- PASS
Vote Results	
Motion: Tim Harris	
Second: Hazel Sellers	
Lori Cunningham	- Aye
Kay Fields	- Aye
Tim Harris	- Aye
Sara Beth Reynolds	- Aye
Hazel Sellers	- Aye
Billy Townsend	- Aye
Lynn Wilson	- Aye

4. [Brenda Young Hearing - Exceptions to Final Order of Termination](#)

Attachment: [12-13-16 Superintendent's Executive Summary - Brenda Young NonInstructional.pdf](#)

Attachment: [12-13 Brenda Young 9-15-16 Hearing Officer Recommendation for Term 7p.pdf](#)

Attachment: [12-13 Brenda Young 10-11-16 Exceptions to Hearing Officer Rec Order.pdf](#)

Attachment: CONFIDENTIAL Brenda Young Termination Hearing Audio.pdf (Confidential Item)

Minutes:

Brenda Young represented herself. She commented on her years of employment in the Polk County School District without any disciplinary action. She explained a sequence of events that began in February 2016 involving the Kirk family and student transportation.

Mrs. Fields commented that the School Board Members cannot accept any new information or evidence regarding this case.

Attorney Donald Wilson stated Ms. Young's actions demonstrate a pattern of dishonest behavior.

Mrs. Fields commented on the importance of being straightforward and honest.

Mr. Townsend asked for clarification on Ms. Young's authority to alter transportation information. Attorney Don Wilson explained Ms. Young had the authority and there are many bus stops and assignments that take place daily. He also commented the consequences of the change are what is in question.

Ms. Young stated she made the change in the computer system to ensure no other students would be put in danger.

Mrs. Sellers referred to the documentation provided that indicated no one was notified that the changes were made.

Mr. Townsend asked if there are options available to the School Board besides termination or no action in this case. Wes Bridges, Counsel for the Board, commented the options are to adopt the recommended order of the hearing officer or not.

Mr. Lynn Wilson commented the legality of this situation could negatively affect the District.

Motions:

Recommendation to uphold the Non-Instructional
Hearing Officer Heather Christman's - PASS

Recommendation for Final Order of Termination.

Vote Results

Motion: Lori Cunningham

Second: Hazel Sellers

Lori Cunningham - Aye

Kay Fields - Aye

Tim Harris - Aye

Sara Beth Reynolds - Aye

Hazel Sellers - Aye

Billy Townsend - Aye

Lynn Wilson - Aye

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 10:52 am. Minutes were approved and attested this 24th day of January, 2017.

Kay Fields, Board Chair

Jacqueline M. Byrd, Superintendent