



## Duval County Public Schools

June 16, 2009, Special Board Meeting - Student Expulsion Hearings

Ms. Betty Burney  
Mr. Tommy Hazouri, Chairman  
Mr. Stan Jordan  
Mr. W. C. Gentry  
Ms. Nancy Broner  
Ms. Vicki Drake  
Ms. Brenda Priestly Jackson, Vice Chairman  
Mr. Ed Pratt-Dannals, Superintendent

ATTENDANCE AT THIS SPECIAL MEETING OF THE DUVAL COUNTY SCHOOL BOARD with Mr. Ed Pratt-Dannals, Superintendent of Schools, Mr. Tommy Hazouri, Board Chairman, Ms. Brenda Priestly Jackson, Vice Chairman, and Board members: Ms. Nancy Broner, Ms. Betty Burney, Ms. Vicki Drake, Mr. W. C. Gentry and Mr. Stan Jordan, present.

Call Meeting To Order

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

Minutes: The Chairman called the Special Student Expulsion meeting to order at 10:07 a.m.

Academic Services - Special Services

### [1. EXPULSION OF D. W.](#)

Minutes:

Present:

Ms. Patricia Willis, Deputy Superintendent

Ms. Sonita Young, Office of Policy and Compliance  
Ms. Bea Lewis, Hearing Officer  
Ms. Gloria Lockley, General Director, Alternative Ed/Behavioral Support  
Mr. Royce Turner, Principal, Ribault High School  
Ms. Sabrina Hamilton, Assistant Principal, Ribault High School  
Mr. Jerry Waxman, Assistant Principal, Ribault High School  
Mr. Harold Porter, Coach, Ribault High School  
Mr. William Griffin, Coach, Ribault High School  
Mr. Snyder Joseph, Teacher and Coach, Ribault High School  
Mr. Elroy Green, Coach and Security, Ribault High School  
Ms. Sheila Wells, Parent  
D.W., Student

Mr. Jordan asked for a "*point of procedure*". D.W. and his family have obtained legal counsel for this hearing. Counsel is not present...where are we?

Ms. Sonita Young explained that D.W. was scheduled for a hearing on May 12, 2009 and we received notice the day before from counsel to reschedule and we reset this date. The State Attorney has not made a decision on this case and thought it would have been done so before today. This past Thursday (June 11), counsel requested another postponement. The Board has the authority to move forward if they desire. The State Attorney's Office has not made a final decision. They will be meeting with Ms. Corey on June 19, 2009. The attorney is Becky Barlow.

Ms. Priestly Jackson asked Ms. Wells if she was comfortable to proceed without her attorney being present. Ms. Wells replied that she just wants it over and to get D.W. back in school. Our attorney has other obligations and D.W. has been out of school for a long time. It's OK with me to continue.

Ms. Lewis, Hearing Officer distributed pertinent information and gave the following facts:

D.W., a student at Ribault High School (15 years old at the time of the incident) was charged with a 4.08 - Possession of a Firearm.

On March 10, 2009, during a fight involving numerous students, a shot was fired into the air. The crowd began to run for safety. During questioning by the police, D.W. admitted he was given a gun by another student.

Florida Statute 1006.13, Policy of Zero Tolerance for Crime and Victimization, states that each district school board shall adopt a policy of Zero Tolerance. The Zero Tolerance Policy shall require students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full year, and to be referred to the criminal justice or juvenile justice system.

(a) Bringing a firearm or weapon, as defined in Chapter 790,, to school, to any school function, or possessing a firearm at school.

The Duval County Code of Student Conduct establishes the School Board's policy on

Zero Tolerance offenses. Code 4.08, Possession of Firearms, states that any student is determined to have brought a firearm as defined in 18 U.S.C. 921, to school, to any school function, or on any school-sponsored transportation will be expelled, with or without continuing education services, from the student's regular school for a period not less than one (1) full year. (The expulsion requirement is subject to modification, on a case-by-case basis, as allowed by law.) A student who is determined to have brought a firearm to school will be referred for criminal prosecution.

A hearing was conducted on April 6, 2009 by the district Hearing Officer. D.W. and his mother were in attendance. Due to the seriousness of D.W.'s offense and the requirements of 18 U.S.C. 921, to expel students who possess a firearm at school, it is recommended that D.W. be expelled for the remainder of the 2008-09 school year and all of the 2009-10 school year.

Speakers:

Ms. Sheila Wells, Parent

Ms. Brenda Priestly Jackson, Vice Chairman

D.W., Student

Mr. Stan Jordan, Board Member

Ms. Gloria Lockley, General Director, Alternative Ed/Behavioral Support

Mr. W. C. Gentry, Board Member

Ms. Betty Burney, Board Member

Mr. Tommy Hazouri, Board Chairman

Mr. Elroy Green, Coach and Security, Ribault High School

Ms. Nancy Broner, Board Member

Ms. Sabrina Hamilton, Assistant Principal, Ribault High School

Mr. Royce Turner, Principal, Ribault High School

Ms. Broner said, "I move that in light of what we've heard today and what we've understood for the case that D.W. not be expelled and be allowed to return to Ribault with a plan for appropriate messaging to the student body. This is a highly publicized issue. I have written down some of the consequences that he has already suffered and served and has learned that with three months out of school and the other consequences are not minimal in terms of punishment. This could be an opportunity for other students to understand more about thinking through what their next actions are in a moment. D.W. seems to be a model student that the administration relies upon, so I would make the motion that D.W. return to Ribault and consider that his already served punishment be our rationale for rejecting the recommendation to expel D.W."

Ms. Burney seconded the motion.

Ms. Priestly Jackson offered a *friendly amendment*. When you send messaging at Ribault, I think this message needs to go around the district. It's broader than Ribault. There's nobody better than a young man like this to talk to other young people in every school in the district. I would like the Superintendent and his staff to utilize D.W. There's nothing better than real life testimony.

Ms. Burney seconded the *friendly amendment*.

Vote on amendment: PASS

Motion: Brenda Priestly Jackson

Second: Betty Burney

Nancy Broner - Aye

Betty Burney - Aye

Vicki Drake - Aye

W. C. Gentry - Aye

Tommy Hazouri - Aye

Stan Jordan - Aye

Brenda Priestly Jackson - Aye

Mr. Gentry said, "I think we all want to get to the same place. I am concerned about the message that goes back to the school as to whether or not some people perceive that D.W. should not be permitted to come back and having questions. I think we all expect him to do well when he goes back. I think it would be appropriate to follow the requirements, as I understand it, of the law and to expel the student to Grand Park but withhold that determination. I think we ought to be able to do that pending his conduct for this year and set out a plan for what is expected of him for this year and if he completes it, then the expulsion would be rescinded as opposed to not, at least, recognizing the severity of the violation and also recognizing there are circumstances here that justify his not being removed, but I prefer to have a penalty imposed but withheld. If he does what we all expect that he will do this next year, and that a plan be established for what he will do at school, then if he satisfactorily performs that, there will be no adjudication."

Speaker:

Mr. Tommy Hazouri, Board Chairman

Ms. Sonita Young said the expulsion would not be final until memorialized by the Board, by signature of the Final Order. Without the signatures, nothing would be reflected on the student's record.

Speakers:

Ms. Brenda Priestly Jackson, Vice Chairman

Mr. Tommy Hazouri, Board Chairman

Mr. Stan Jordan, Board Member

Mr. W. C. Gentry, Board Member

The Superintendent said, "We struggled with this one and Ms. Priestly Jackson is correct that it is unusual to have school officials...usually they're the ones coming to basically prosecute, if you will, and not the defense attorneys. On the other hand, we struggled with the issue of what message this sends and what we do with the next student who also has a good record but does something that isn't smart...we struggle with all of the issues that have been discussed here. So, as you know, there is no choice of the Superintendent but to bring an original recommendation for expulsion. That's at the statute; that's required. The Board then has options to honor that expulsion, expulsion with services or some other modification. I would recommend

something probably in between of what Ms. Broner and Mr. Gentry are recommending and that would be to move to a contract that would require stellar behavior that would require some counseling although in this case, I don't think this is an ongoing issue or extensive, but there probably does need to be at least a little bit of that, and a requirement that D.W. be available for both video and personal presentations to numerous schools with the expectation of several times per month during this year. D.W. would be making presentations on how to make choices and how they choices impact your life. If those three are not fulfilled and task the Superintendent to come up with that plan, and have the parent sign off on that, as well, as the school district. Contingent if those were not, then D.W. would be placed at Grand Park for up to a semester but not with an expulsion tag. So, it's a little different than what Mr. Gentry and Ms. Broner said, but if it doesn't happen, then there is a placement and, in part, that's because that's part of the messaging back to the students in the community."

Ms. Broner offered a *substitute motion* to be, as follows:

"That we do not expel D.W. and that he will return to Ribault High School on a behavior contract to be constructed by the Superintendent and approved by the Board, which would include messaging throughout the school district. Beyond that, the Superintendent then has the latitude to develop the contract (we don't have to submit the language today) and send it to the Board. The consequences of not following the contract would be included in the contract."

Mr. Gentry seconded the motion.

Speaker:

Mr. Stan Jordan, Board Member

Vote on Substitute Motion: PASS

Motion: Nancy Broner

Second: W. C. Gentry

Nancy Broner - Aye

Betty Burney - Aye

Vicki Drake - Aye

W. C. Gentry - Aye

Tommy Hazouri - Aye

Stan Jordan - Aye

Brenda Priestly Jackson - Aye

Speakers:

Ms. Nancy Broner, Board Member

Mr. Harold Porter, Coach, Ribault High School

Mr. William Griffin, Coach and Teacher at Ribault High School

Mr. Snyder Joseph, , Coach and Teacher at Ribault High School

Ms. Brenda Priestly Jackson, Vice Chairman

Mr. Jerry Waxman, Assistant Principal, Ribault High School

Mr. Stan Jordan, Board Member

Ms. Vicki Drake, Board Member

Mr. Tommy Hazouri, Board Chairman  
Mr. W. C. Gentry, Board Member  
Ms. Betty Burney, Board Member

D.W. said, "I would like to thank all of you for reconsidering and hearing me out about my being kicked out of school. I will go back and work hard...that's it. Thank you."

## 2. EXPULSION OF C. G.

Minutes:

### Present:

Ms. Patricia Willis, Deputy Superintendent  
Ms. Sonita Young, Office of Policy and Compliance  
Ms. Gloria Lockley, General Director, Alternative Ed/Behavioral Support  
Ms. Bea Lewis, Hearing Officer  
Mr. Royce Turner, Principal, Ribault High School  
Ms. Brenda Hamilton, Assistant Principal, Ribault High School  
Mr. Jerry Waxman, Assistant Principal, Ribault High School  
Mr. John Stafford, Assistant Principal, Ribault High School  
Ms. Nicole Gillyard, Parent

*NOTE: C.G. was not present as he remained incarcerated.*

Ms. Lewis gave the following pertinent information:

C.G., a 15 year old student at Ribault High School, was charged with a 4.08 - Possession of a Firearm.

On March 25, 2009, following a random search of lockers, C.G. admitted that a book bag which contained a gun belonged to him.

Due to the seriousness of C.G.'s offense and the requirements of 18 U.S.C. 921, to expel students who possess a firearm at school, it is recommended that C. G. be expelled for the remainder of the 2008-09 school year and all of the 2009-10 school year.

Florida Statute 1006.13, Policy of Zero Tolerance for Crime and Victimization, states that each district school board shall adopt a policy of Zero Tolerance. The Zero Tolerance policy shall require students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full year, and to be referred to the Criminal Justice or Juvenile Justice system.

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function, or possessing a firearm at school.

The Duval County Code of Student conduct establishes the School Board's policy on Zero Tolerance offenses. Code 4.08, Possession of Firearms, states that any student who is determined to have brought a firearm as defined in 18 U.S.C. 921, to school, to any school function, or on any school-sponsored transportation will be expelled, with or without continuing education services, from the student's regular school for a period not less than one (1) full year. (The expulsion requirement is subject to modification, on a case-by-case basis, as allowed by law.) A student who is determined to have brought a firearm to school will be referred for criminal prosecution.

Speaker:

Mr. Tommy Hazouri, Board Chairman

Ms. Priestly Jackson asked Ms. Gillyard if she was comfortable to move forward without her son present?

Ms. Gillyard said, "I don't know if it would help with him being here. He may have some things but I just wanted to come here and say sometimes bad things happen to good people and you don't have any control over that. I'm not saying what he did was not wrong, but sometimes you just have to go through what you have to go through until it gets better. So, if he could come here and express himself, that will be fine but I don't know how long he'll be down there. According to his lawyer, he'll try to get him out on Thursday....subpoena and I don't know how long that's going to take...I don't know."

Ms. Priestly Jackson continued, "Well, I'll share with you if his bond was revoked yesterday and he was rearrested, it has always proven beneficial to us for a disposition to have him, personally, talk about it...to find out what went on. I'm uncomfortable with moving forward with his bond being revoked yesterday without his being able to present his long term plans and view what background information as to what happened that day. I'd be inclined to continue it until he's released so that he could have a chance to appear. He's not absent for willful neglect. He's absent since he's locked back up. That's just my...that he have an opportunity to share with us. I was concerned when I read in terms that you shared that we were going to do what we do....No, we make decisions basically on what young people say....there are issues of expulsion, expulsion with services and there are other things that happen, but we make those determinations based on the information presented before us. That's how we come to the verdict. We don't just rubber stamp anything...."

Ms. Gillyard said, "My son wants to be in school...either alternative or virtual."

Mr. Jordan said, "I think one of the basic cornerstones of our process that we have is the person has the right to be heard and in this event, he's not...because of the circumstances, he's not here. I don't see how we can make a decision on someone's future when he did have a right to appear. So, I just think we should reschedule and let him be present... it's just not right."

Speakers:

Mr. Tommy Hazouri, Board Chairman

Mr. John Stafford, Assistant Principal, Ribault High School

Ms. Nichole Gillyard, Parent

Ms. Priestly Jackson moved to cancel today's proceedings and direct Ms. Gillyard to contact staff when C.G. is released in order to reschedule the hearing.

Mr. Jordan seconded the motion.

Vote: PASS

Motion: Brenda Priestly Jackson

Second: Stan Jordan

Nancy Broner - Aye

Betty Burney - Aye

Vicki Drake - Aye

W. C. Gentry - Aye

Tommy Hazouri - Aye

Brenda Priestly Jackson - Aye

Adjournment

ADJOURNMENT

Minutes:

The Special meeting adjourned at 12:00 p.m.

Isd

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Superintendent

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Chairman