



Duval County Public Schools

April 19, 2011, Special Board Meeting - HRS

Ms. W. C. Gentry, Chairman
Ms. Betty Burney, Vice-Chairman
Ms. Martha Barrett
Ms. Ms. Becki Couch
Ms. Mr. Tommy Hazouri
Mr. Mr. Fred "Fel" Lee
Mr. Ms. Paula D. Wright
Mr. Ed Pratt-Dannals, Superintendent

ATTENDANCE AT THIS SPECIAL MEETING OF THE DUVAL COUNTY SCHOOL BOARD: All Board Members were present. Mr. Ed Pratt-Dannals, Superintendent, and Ms. Karen Chastain, Assistant General Counsel, Office of General Counsel, were also present.

Call Meeting to Order

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

Minutes:

The Chairman called the Special Meeting to order at 9:32 a.m.

[2. APPROVAL OF THE APRIL 19, 2011, AGENDA](#)

Motions:

That the Duval County School Board approve the April 19, 2011, Agenda as - PASS submitted on April 15, 2011.

Vote Results

Motion: Martha Barrett	
Second: Rebecca Couch	
Martha Barrett	- Aye
Betty Burney	- Not Present
Rebecca Couch	- Aye
William Gentry	- Aye
Thomas Hazouri	- Not Present
Fred Lee	- Aye
Paula Wright	- Aye

General

[1. PLACEMENT: FINAL ORDER RE: DUVAL COUNTY SCHOOL BOARD VS. RHONA SILVER](#)

Minutes:

The Chairman welcomed everyone present, and explained the item before the Board today in the case of Duval County School Board cs. Rhona Silver. The issue before the Board today is for reimbursement of attorney fees for Ms. Silver. Each side will have 8 minutes.

Mr. Bill Shepard, attorney at law, presented on behalf of Ms. Silver. He believes that it is wrong for her to have to use all of the back pay she is receiving to pay for attorney fees. He spoke to the charges and that she had been exonerated from all of the charges. Mr. Shepard indicated that he had tried to mediate with the school system attorneys for granting this request, but had not been successful. He indicated that he will take the case to the First District Court of Appeals if we do not agree. Mr. Shepard believes that since his client was found innocent, that she should be entitled to attorney fees, and quoted Florida Statutes that says if an employee successfully defends themselves in a legal action, they are entitled to attorney fees.

Mr. Mike Weidner, Assistant General Counsel, Office of General Counsel, presented on behalf of the school system. Mr. Weidner pointed out that the Florida Statute referred to by Mr. Shepard does not apply to this proceeding, and only refers to officers of the school system, and Ms. Silver is not an officer of the school system. *Workman vs. Seminole County* is binding and there have been no findings to the contrary. The Administrative Law Judge specifically addresses this matter on pages 97-98 of his Final Order.

After some discussion, the Chairman read an excerpt where the Administrative Law Judge stated in his final order that these legal fees were incurred in an administrative proceeding and not a criminal or civil proceeding, and, therefore, it would

be inappropriate to award attorney fees. In order to find contrary to that opinion, the Board would have to find that he is incorrect in his findings of law.

Speakers:

Mr. W. C. Gentry, Board Chairman
Mr. Bill Shepard, Attorney at Law
Mr. Mike Weidner, Assistant General Counsel
Mr. Fred "Fel" Lee, Board Member
Ms. Martha Barrett, Board Member
Ms. Paula D. Wright, Board Member
Ms. Becki Couch, Board Member

Motions:

That, having already adopted the Administrative Law Judge's recommendation to reinstate Ms. Rhona Silver with back pay and benefits in the matter of Duval County School, that the Duval County School Board reject Ms. Silver's *Exceptions to the Recommended Order* pertaining to reimbursement of attorney's fees, costs, and expenses. - PASS

Vote Results

Motion: Fred Lee

Second: Martha Barrett

Martha Barrett	- Aye
Betty Burney	- Not Present
Rebecca Couch	- Aye
William Gentry	- Aye
Thomas Hazouri	- Not Present
Fred Lee	- Aye
Paula Wright	- Aye

Motions:

That the Duval County School Board deny Ms. Silver's request for attorney's fees, costs, and - PASS expenses.

Vote Results

Motion: Rebecca Couch

Second: Paula Wright

Martha Barrett	- Aye
Betty Burney	- Not Present
Rebecca Couch	- Aye
William Gentry	- Aye
Thomas Hazouri	- Not Present
Fred Lee	- Aye
Paula Wright	- Aye

Motions:

That the Duval County School Board agrees to pay to Ms. Silver \$146,682.89, which represents the value of her back pay and benefits, as follows:

- \$115,109.92 in back pay
- \$10, 848.97 in back benefits relating to health insurance premiums and costs
- \$15,004.00 relating to additional tax burden Ms. Silver incurred
- \$5,720.00 relating to lost supplemental - PASS work assignments
- For a total of \$146,682.89

That the Duval County School Board shall enter a Final written order reflecting the foregoing and memorializing its March 7, 2011, decision to adopt the Administrative Law Judge's Findings of Fact, Conclusions of Law, and his recommendation to reinstate Ms. Silver with back pay and benefits.

Vote Results

Motion: Paula Wright	
Second: Martha Barrett	
Martha Barrett	- Aye
Betty Burney	- Not Present
Rebecca Couch	- Aye
William Gentry	- Aye
Thomas Hazouri	- Not Present
Fred Lee	- Aye
Paula Wright	- Aye

Adjournment

[ADJOURNMENT](#)

Minutes:

The Chairman adjourned the Special Meeting at 10:34 a.m.

BSC

Superintendent

Chairman