



E-AGENDA MANAGER

Duval County Public Schools

May 12, 2015, Special Board Meeting - Hester

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

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

CALL MEETING TO ORDER

[Call Meeting To Order](#)

Minutes:

The meeting was called to order at 1:17 p.m.

Topics To Be Discussed

[APPROVAL OF THE MAY 12, 2015 AGENDA](#)

Minutes:

Motions:

That the Duval County School Board approve the May 12, 2015 agenda. - PASS

Vote Results

Motion: Scott Shine

Second: Jason Fischer

Rebecca Couch - Not Present

Jason Fischer - Aye

Cheryl Grymes - Aye

Connie Hall - Not Present

Ashley Juarez - Aye

Scott Shine - Aye

Paula Wright - Not Present

[FINAL ORDER RE: DUVAL COUNTY SCHOOL BOARD V. DENNIS HESTER](#)

Minutes:

Grievance Committee Members

Chairman Grymes

Vice-Chairman Ashley Smith Juarez

Mr. Jason Fischer

Mr. Scott Shine

Present on behalf of Staff:

Dr. Nikolai Vitti

Mr. Henry M. Coxe, III, Attorney

Ms. Sonita Young, Assistant Superintendent, Human Resources

Ms. Wendy LeHockey, Chief of Staff

Present on behalf of Respondent:

Mr. Hester, Grievant

Mr. Kenneth B. Wright, Attorney

Others Present:

Ms. Karen Chastain

Mr. Brian McDuffie, Executive Director, Policy and Compliance

After Chairman Grymes read the recommendation, Ms. Chastain reviewed the procedures that would be followed during this hearing.

Mr. Wright, Counsel for Mr. Hester, argued that Mr. Hester's termination was not warranted. The most serious offense is that he falsified documents by marking teachers who were not there as present during independent studies. The accusation is baseless because it is the procedure the School Board established and used by others, yet only Mr. Hester is the one charged. The Administrative Law Judge (ALJ) Lawrence P. Stevenson determined the Board did not prove Mr. Hester intended to falsify records and that Mr. Hester believed, unreasonably but honestly, that he had the authority to award English for Speakers of Other Languages (ESOL) credits to five teachers based on his alternative delivery method. He is being terminated for an honest mistake which is morally wrong. The ESOL program is not new but is changing. The certification staff is overwhelmed. After reviewing Mr. Hester's qualifications and expertise, the ALJ determined he was qualified to award ESOL credits. Mr. Wright argued that Mr. Hester should be reinstated and should be awarded back pay.

Mr. Coxe, General Counsel for the District, argued that the courts mandate the training for ESOL teachers and that lying during the process destroys its integrity. He also likened the case to a situation where a very good student doesn't show for a test, then gets marked as present along with a passing grade. It undermines the whole process. Documentation was falsified that others relied on. It was not done by accident, resulting in tough decisions being made.

During Mr. Wright's rebuttal, he argued that Mr. Hester followed the procedure established by the School Board. The procedure preserved a very good math teacher who otherwise would not have been able to teach. Mr. Hester was singled out in terms of misconduct. He is a gay man accused of hanging around little boys. He suffered defamatory allegations that the School Board should not have been party to. Once Mr. Hester received an email from the District telling him not to continue the ESOL certification practices he engaged in, he stopped and never did them again. The School Board later changed its policy to discontinue the practice but the new policy should not be used against Mr. Hester.

During Mr. Coxe's rebuttal, he stated for the record that the evidence of Mr. Hester being gay and hanging around little boys came from Mr. Hester.

During the Board's deliberations, Board Member Shine reviewed the history of the case, recommending that the Board reject the exceptions filed by both parties, adopt the ALJ's Findings of Fact and Conclusions of Law and reject the ALJ's recommended penalty.

Motions:

That the School Board of Duval County, Florida, render a Final Order in the case of Duval County School Board vs.

Dennis Hester which adopts, rejects or modifies all or part of the Recommended Order issued by Lawrence P. Stevenson, Administrative Law Judge, dated January 7, 2015. - PASS

Vote Results

Motion: Scott Shine

Second: Jason Fischer

Rebecca Couch	- Not Present
Jason Fischer	- Aye
Cheryl Grymes	- Aye
Connie Hall	- Not Present
Ashley Juarez	- Aye
Scott Shine	- Aye
Paula Wright	- Not Present

Motions:

That the Duval County School Board amend to:

1. Reject the exceptions filed by both parties
2. Adopt the Findings of Fact and Conclusions of Law in the recommended order issued by Administrative Law Judge Lawrence P. Stevenson;
3. Reject Judge Stevenson's recommended penalty in his recommended order and instead revise that Dennis Hester's employment with Duval County Public Schools be terminated for cause;
4. Issue a Final Order consistent with the findings

Vote Results

Motion: Scott Shine
Second: Jason Fischer

Motions:

That the Duval County School Board amend to divide the amendment to separate the exceptions from the Findings of Fact, Conclusions of Law and the recommended penalty. - PASS

Vote Results

Motion: Ashley Juarez

Second: Jason Fischer

Rebecca Couch	- Not Present
Jason Fischer	- Aye
Cheryl Grymes	- Aye
Connie Hall	- Not Present
Ashley Juarez	- Aye
Scott Shine	- Aye
Paula Wright	- Not Present

Motions:

That the Duval County School Board reject the exceptions filed by both parties - PASS

Vote Results

Motion:

Second:

Rebecca Couch	- Not Present
Jason Fischer	- Aye
Cheryl Grymes	- Aye
Connie Hall	- Not Present

Ashley Juarez	- Aye
Scott Shine	- Aye
Paula Wright	- Not Present

Motions:

That the Duval County School Board:

1. Adopt the Administrative Law Judge's Findings of Fact and Conclusions of Law;
2. Reject the Administrative Law Judge's recommended penalty and instead be termination for cause; - PASS
3. Issue a final order consistent with the findings

Vote Results

Motion:

Second:

Rebecca Couch	- Not Present
Jason Fischer	- Aye
Cheryl Grymes	- Aye
Connie Hall	- Not Present
Ashley Juarez	- Nay
Scott Shine	- Aye
Paula Wright	- Not Present

Adjournment

[Adjournment](#)

Minutes:

The meeting was adjourned at 2:06 p.m.

LBL

Superintendent

Chairman