

In the Matter Of:

Lisa and Dennis Herrera

vs.

Hillsborough County School Board

CANDY OLSON

November 20, 2013



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1 UNITED STATES DISTRICT COURT
2 MIDDLE DISTRICT OF FLORIDA
3 TAMPA DIVISION
4
5 LISA HERRERA AND DENNIS
6 HERRERA AS CO-PERSONAL
7 REPRESENTATIVES OF THE
8 ESTATE OF ISABELLA HERRERA.
9 DECEASED,
10
11 Plaintiffs,
12
13 vs. Case No.: 8:12-cv-02484-JSM-EAJ
14
15 HILLSBOROUGH COUNTY
16 SCHOOL BOARD; AND HILLSBOROUGH
17 COUNTY SCHOOL DISTRICT,
18
19 Defendants.
20
21 _____/
22
23 DEPOSITION OF: CANDY OLSON
24
25 DATE: November 20, 2013
26
27 TIME: 2:01 p.m. - 3:15 p.m.
28
29 TAKEN BY: The Plaintiffs
30
31 PLACE: Thompson, Sizemore, Gonzalez & Hearing,
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37
38 REPORTED BY: LINDSEY ASHWORTH, Notary Public,
39 State of Florida
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42
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44
45

1 A P P E A R A N C E S :

2

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21

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23

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1	I N D E X	
2	TESTIMONY OF CANDY OLSON	PAGE
3	Direct Examination by Mr. Powers.....	5
4	CERTIFICATE OF OATH.....	53
5	CERTIFICATE OF REPORTER.....	54
6		
7	* * * * *	
	E X H I B I T S	
8	Plaintiff's Exhibit No. 1.....	13
9	(Safety, Health and Environmental Program.)	
10	Plaintiff's Exhibit No. 2.....	21
11	(Scoring Page, Attachment A.)	
12	Plaintiff's Exhibit No. 3.....	21
13	(Comment Section, Attachment B.)	
14	* * * * *	
	S T I P U L A T I O N S	
15		
16	It is hereby stipulated and agreed by and between	
17	counsel present for the respective parties, and the	
18	deponent, that the reading and signing of the deposition	
19	are hereby waived.	
20		
21		
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24		
25		

1 THE VIDEOGRAPHER: Here begins the video
2 taped deposition of Candy Olson taken in the matter of
3 case no. 8:12cv-02484-JSM-EAJ. Lisa Herrera, et al
4 versus Hillsborough County School Board, et al. To be
5 heard in the United States District Court, Middle
6 District of Florida, Tampa Division. This deposition
7 is being held at 201 North Franklin Street, Tampa,
8 Florida. Today's date is November 20th, 2013, and the
9 time is approximately 2:01 p.m..

10 The court reporter is Lindsey Ashworth, and the
11 video specialist is Scott E. Hay on behalf of Orange
12 Reporting.

13 Would counsel and all present please introduce
14 yourselves, after which the court reporter will swear
15 in the witness.

16 MS. POWERS: Melissa Powers on behalf of the
17 Herrera Family. Along with me is Lesly McMorris.

18 MR. GONZALEZ: And Tom Gonzalez for the
19 defendant.

20 MR. MURMAN: Jim Murman for the School Board of
21 Hillsborough County Florida.

22

23

24

25

1 P R O C E E D I N G S

2 THEREUPON,

3 CANDY OLSON,

4 having first been duly sworn, testified under
5 oath, as follows:

6 DIRECT EXAMINATION

7 BY MS. POWERS:

8 Q. Good afternoon, Ms. Olson.

9 A. Good afternoon.

10 Q. I introduced myself earlier, but just for the
11 record my name is Melissa Powers. And I'm an attorney who
12 represents the Herrera family in the action brought against
13 Hillsborough County School Board and the school district
14 with regard to their daughter Isabella Herrera.

15 Can you please state your full name for the
16 record, please?

17 A. My full name is Anne Sullivan Olson. I'm known
18 as Candy Olson on the school board.

19 Q. Okay. And what is your current residence?

20 A. 610 South Roma Avenue, Tampa.

21 Q. And how long have you lived there?

22 A. Probably four years.

23 Q. Okay. And what is your current employment?

24 A. I'm a school board member for the Hillsborough
25 County Public Schools.

1 Q. Any other employment other than --
2 A. No.
3 Q. Okay. How long have you been employed as a board
4 member for Hillsborough County School Board?
5 A. Almost 19 years.
6 Q. And I understand you've acted as the chief?
7 A. The chair --
8 Q. Chair.
9 A. -- of the school?
10 Q. Yes.
11 A. I have. I think I've done that three times.
12 Q. Okay. What was the most recent period that you
13 were the chair?
14 A. I'm going to have to count back. Probably about
15 four years ago.
16 Q. How long is the term for chair?
17 A. The term is a year, and we rotate. Each person
18 serves one year and then moves on.
19 Q. And it's my understanding you were the acting
20 chair in 2012; does that sound accurate?
21 A. That sounds fair. Likely.
22 Q. Okay. And that was the last time you were the
23 chair?
24 A. Uh-huh.
25 Q. Yes?

1 A. Yes, I'm sorry.

2 MR. GONZALEZ: I'm sorry. Was the question, was
3 she the acting chair?

4 THE WITNESS: I was serving as chair.

5 MS. POWERS: As the chair.

6 THE WITNESS: I believe 2012 is the correct year.

7 BY MS. POWERS:

8 Q. Thank you.

9 Have you ever had your deposition taken before?

10 A. I've had it taken once before.

11 Q. Was that taken as a school board member?

12 A. Yes.

13 Q. Okay. Do you recall the name of that case?

14 A. I think -- I don't. But it was David Caten
15 (phonetic) suing the school board or the school district.

16 Q. David Caten?

17 A. Uh-huh.

18 Q. Was he the plaintiff or the person who brought
19 the lawsuit or was he an attorney?

20 A. He was, I think, the person -- he's not an
21 attorney, so he was the plaintiff.

22 Q. Okay. And about -- approximately, how long ago
23 was that?

24 A. I would guess eight or nine years. Might be
25 longer.

1 Q. What was the nature of that lawsuit?

2 A. He sent a group of emails to the school board
3 members and the school board blocked them thinking they
4 were spam or some kind of attack, and that's pretty much
5 what I remember.

6 Q. Was he a parent?

7 A. No. He's a community activist.

8 Q. Okay.

9 A. I don't think he's a parent. I don't know that
10 -- I don't know him as a parent.

11 Q. Sure. Fair enough.

12 You've probably been advised as to generally what
13 to expect. I just want to quickly go through some of the
14 basic ground rules just to remind you, okay, as we're taken
15 the deposition here today.

16 As you can see, there's a court reporter sitting
17 next to you, and she's taken everything down --

18 A. Right.

19 Q -- that's being said. All of my questions, all of
20 your responses and any objections that other counsel may
21 want to put on the record. So it's important, first of
22 all, that you answer verbally. Uh-huhs, huh-uhs, shakes,
23 nods of the head --

24 A. I understand.

25 Q. As we sit here, we'll probably understand what

1 you're trying to say. It may not be so clear on the
2 written record.

3 A. Right.

4 Q. So if I stop you and say, is that a yes, for
5 example, I'm not trying to be rude. I'm just trying to
6 keep the record clear, okay?

7 A. No problem.

8 Q. If you don't hear a question that I ask or you
9 don't understand a question that I ask, please ask me to
10 reask or rephrase the question. I'd be happy to do so,
11 okay?

12 A. Okay.

13 Q. If you answer a question I'm going to assume that
14 you heard it, that you understood it, and that you're
15 answering it to the best of your ability, fair?

16 A. That's fair.

17 Q. Okay. If you need to take a break at any time,
18 just let me know.

19 A. Okay.

20 Q. Can you tell me generally what the boards --
21 school board's role is with regard to the school district?

22 A. We are the governing body. We are essentially
23 interested, but not professional people, who are elected to
24 represent the community's interest in the education of the
25 children.

1 By law we hire and fire and evaluate the
2 superintendent. And the superintendent is the person
3 responsible for the day-to-day operations of the district.

4 Q. And what role does the board have with overseeing
5 the policies and procedures of the school district?

6 A. We vote to approve the policies. As I understand
7 it, we approve rules and procedures. I'm not sure what
8 exactly that means, but if those are day-to-day things they
9 would come under the purview of the superintendent and
10 staff.

11 Q. So you would agree with me that the district
12 employees are expected to follow the school district's
13 policies and procedures and rules that are put in place,
14 correct?

15 A. Yes.

16 Q. And those policies and procedures and rules are
17 brought to the school board for review and approval; is
18 that accurate?

19 A. That is correct.

20 Q. The board itself is not making the policies,
21 generally speaking, correct?

22 A. That is correct. But we sometimes have input and
23 we'll have a board member say, I'd like to be sure we
24 include this. If we all agree, we'll do that.

25 Q. So board members can raise changes to proposed

1 policies and then vote on it?

2 A. We can.

3 Q. Okay. And is it your understanding that the
4 district is required to bring any policies and procedures
5 or rules to the board for approval before implementing
6 them?

7 MR. GONZALEZ: Melissa, I'm sorry, could I just
8 have a standing objection on form with respect to your
9 reference to district? Given the plaintiff's
10 contention that there's something different between
11 the parties.

12 MS. POWERS: Okay.

13 MR. GONZALEZ: Thank you.

14 A. The board votes on policies, which are known, I
15 think, in law as rules. We vote on all of those.

16 BY MS. POWERS:

17 Q. And before they can be implemented, it's required
18 to bring them to the attention of the board, correct?

19 A. That's my understanding. And I think there's a
20 whole legal thing we have to notice and hear it and --

21 Q. Okay. And for example -- I will just show you
22 this.

23 MS. POWERS: Did you want to see it?

24 MR. GONZALEZ: No.

25 THE WITNESS: That's a lot of paper.

1 MS. POWERS: I'm not going to ask you to read.

2 THE WITNESS: Thank you.

3 MS. POWERS: Just primarily identify.

4 BY MS POWERS:

5 Q. Can you tell me what that is?

6 A. It says it's the Safety, Health and Environmental
7 Program of the School Board, approved July 11th, 2006.

8 Q. Okay. And contained within -- in there generally
9 are policies, procedures and rules as it pertains to safety
10 issues, correct?

11 MR. GONZALEZ: Object to the form.

12 A. Without reading, I couldn't tell you. But if you
13 want to --

14 BY MS. POWERS:

15 Q. If you just want to look through it and -- I'm
16 not asking for any specific policy. I'm just saying
17 generally included in there, are there policies and
18 procedures or rules that pertain to safety issues for the
19 school district?

20 A. I see the word safety used quite often. General
21 safety rules, environmental hazard, safety tags, so
22 certainly there are some references to safety in here.

23 Q. And that's something that, according to the first
24 page there, that the school board has approved, correct?

25 A. Correct.

1 MR. GONZALEZ: Are you going to introduce that?

2 MS. POWERS: Sure. We can go ahead and mark it
3 as Plaintiff's No. 1. And I'll go ahead and attach
4 it.

5 (Plaintiff's Exhibit No. 1 was marked for
6 identification purposes.)

7 BY MS. POWERS:

8 Q. And are you aware that Hillsborough County Public
9 Schools have policies and procedures with regard to
10 incident reporting?

11 A. I would assume we do.

12 Q. Do you know what those policies and procedures
13 are?

14 A. Well, I think I have to differentiate between
15 policies and procedures. I'm not sure what's in the policy
16 manual. You've got a piece of it there, it's huge. And
17 without going back and looking it up, I wouldn't want to
18 say that -- in terms of procedures we often have procedures
19 or practices or way of work that are not board approved
20 but that are what staff does to keep board members or
21 others informed.

22 Q. Okay. Let me backtrack a little bit. Can you
23 explain to me what your understanding is of the difference
24 between a policy and a procedure as it pertains to the
25 school system?

1 A. A policy, as we tend to use it, is a rule that is
2 passed by the board. We have to give public notice. We
3 have to have a certain number of days of it being
4 advertised. We then have to take public comment, and I
5 think we do that twice and then we vote to approve it.

6 A procedure would be, the superintendent or
7 principal might say, for our students I want to have -- I
8 want to review everybody's report card and make sure that
9 there aren't anything that we haven't missed. That would
10 be -- a principal might say that to her teachers, and that
11 would be a procedure. So it's less likely to be district
12 wide. And it's not noticed and heard in the -- by the
13 board.

14 Q. And when you reference rules, how is that
15 differentiated from --

16 A. Well, my understanding --

17 Q. -- other policies or procedure?

18 A. It's my understanding that a rule is what the
19 legal term is for what we call policies. It's voted on.
20 It's in the legal code.

21 Q. So to your knowledge, were there specific
22 policies in place with regard to the reporting of incidents
23 involving students?

24 A. Reporting of incidents to whom? To the board?

25 Q. Just any sort of policies with regard to how to

1 report an incident that involved a student injury in the
2 2012 school year?

3 A. I would assume there were policies in place for
4 that, but I don't know what they are specifically.

5 Q. And how about procedures?

6 A. Again, I would imagine. I'm sure there are
7 procedures in place, but I don't know specifically what
8 they are.

9 Q. And if I use the term rules, you would be
10 referring primarily back to the policies, correct?

11 A. I would, yes.

12 Q. As a board member of the school system, how often
13 do you have an opportunity to actually go to specific
14 schools?

15 A. I go pretty often. I was actually at two this
16 morning. So I'm certainly in schools every month, usually
17 every week.

18 Q. And how do you decide which schools to go to?

19 A. It's not a very organized process. I -- my
20 secretary keeps a list of where I've been. If a school
21 invites me, I try to go. If I haven't been to a school in
22 my district in a while, a while being six months, a year,
23 two years, I try to go to those schools as well.

24 Q. So how often do you try to get to each school?

25 A. I try to get there probably once a year. It's

1 probably not -- I'm probably not very good at keeping that
2 aspiration.

3 Q. When was the last time you were at Sessums
4 Elementary?

5 A. I haven't been to Sessums in quite a while. I
6 don't remember when.

7 Q. Have you been there since Bella passed away?

8 A. Not to my recollection.

9 Q. How often are elections held for board members?

10 A. Every four years. The terms are staggered so
11 that three are elected, and then two years later, four are
12 elected.

13 Q. And it's my understanding in 2012, it was the
14 year that four board members were up for reelection; does
15 that sound accurate to you?

16 A. Yes. Because I wasn't and mine is the year when
17 three people were up.

18 Q. Okay. When are you up for reelection next?

19 A. I would be up next year if I were running, but
20 I'm not.

21 Q. So in 2012 it's my understanding that board
22 members Kurdell, Edgecomb, Valdes and Lamb were up for
23 reelection; does that sound accurate to you?

24 A. Yes.

25 Q. And Mr. Lamb was not reelected, correct?

1 A. Dr. Lamb was not reelected.

2 Q. Thank you.

3 Cindy Stuart took that seat?

4 A. She did.

5 Q. And those elections are held in August, correct?

6 A. They're held in August unless someone doesn't get
7 51 percent of the vote, and then I think the final is held
8 in general election in November.

9 Q. You mentioned one of the responsibilities of the
10 board was to do the evaluation of the superintendent,
11 correct?

12 A. Yes.

13 Q. Okay. How often is that done?

14 A. Once a year. Actually, we have what we call a
15 formative and a summative. So there are two pieces to it,
16 but it's once a year.

17 Q. Can you explain the two pieces to that?

18 A. It's the same form. I think the idea behind it
19 is you tell someone that I want you to look at these things
20 for improvement, and then at the end you do the
21 assessments. This is my assessment of your performance for
22 the year.

23 Q. Is one more of an interim type of process?

24 A. Yes.

25 Q. And then the -- there's a final one at the end of

1 the year?

2 A. Right.

3 Q. Typically, when during -- during the year is that
4 done? Is that done during the school year or is it --

5 A. The final one is usually supposed to be finished
6 by August 1st, but that deadline is not always adhered to.

7 Q. And how about the initial one, typically?

8 A. I can't remember. It would probably -- I would
9 guess, early in the calendar year.

10 Q. And what's expected of you as a board member for
11 that early formative process? Is there anything you have
12 to do?

13 A. I have to complete the form to my best of my
14 ability using whatever tools I think are appropriate.

15 Q. Okay. And then it's same form you fill out again
16 at the end of the year?

17 A. Yes.

18 Q. So I take it you have done several evaluations of
19 Ms. Elia, correct?

20 A. I have done several evaluations of Mrs. Elia,
21 yes.

22 Q. What was the last one that was done?

23 A. I think it was in September or October.

24 Q. I'm going to hand you -- it's identified as, it
25 looks like attachment A and attachment B, with regard to

1 her evaluation.

2 MR. GONZALEZ: Can I just see it?

3 MS. POWERS: Sure.

4 BY MS. POWERS:

5 Q. Give you a chance to look at that, and if you
6 could just tell me what that is.

7 A. Without reading it, it looks like the summary --
8 oh, it says, Compilation Summary of Points for Standards
9 for Evaluation of Superintendent, Summative Evaluation.

10 Q. What's the date on that?

11 A. 2012 to 2013.

12 Q. So that would be the most current one that has
13 been done?

14 A. Yes.

15 Q. And that was the summary one, so that would be
16 the final?

17 A. Summative, yes. Final.

18 Q. Okay. And it looks like there's two. It says
19 attachment A and attachment B. Do you know what those were
20 attached to?

21 A. I think they were probably attached to the agenda
22 item at which we accepted the evaluation.

23 Q. Okay. And one is more of a narrative comment
24 style evaluation and one is a numerical scoring correct?

25 A. The numerical scoring is the evaluation. The

1 other is comments that each board may or may not choose to
2 make.

3 Q. So the actual evaluation is the scoring page?

4 A. I believe that's true.

5 Q. Okay.

6 A. There's -- as I remember the form, there's space
7 for comments and we can either make comments or not or make
8 them at the end of -- as a general set of statements.

9 Q. And was that evaluation accepted by the school
10 board?

11 A. Yes.

12 Q. Okay. And I see in there, in the numerical
13 scoring, there's some disparity between different board
14 members. Some scoring her very low, some scoring her in
15 the higher numbers, fours and fives. Was that something
16 that was discussed at the board meeting were it was
17 presented?

18 A. Yes. We discussed -- each of us discussed why we
19 gave the scores we gave.

20 Q. And is it essentially what you put in your
21 comments, or was it more than that?

22 A. I don't remember.

23 Q. Sure. And what was your general impression as
24 far as the reason why there was such a disparity in the
25 numbers?

1 A. Different board members see things
2 differently.

3 MS. POWERS: I will go ahead and attach the
4 scoring page, attachment A, as Plaintiff's Exhibit No.
5 2. And the comment section for attachment B as
6 Plaintiff's No. 3.

7 (Plaintiff's Exhibit Nos. 2 and 3 were marked for
8 identification purposes.)

9 BY MS. POWERS:

10 Q. All right. I want to turn and talk a little bit
11 about how communication's handled between district
12 employees and the board. In general, how is information
13 communicated to the board by the district?

14 A. It can be communicated in a lot of ways. A lot
15 of information is e-mailed, and the superintendent has said
16 if one board member asks for information, everybody should
17 get it. Sometimes it's printed out. If it's voluminous it
18 is often left in the board office for us to go through
19 whatever parts of it we want. Sometimes it's a phone call.
20 Sometimes it's seeing somebody in -- before a meeting or
21 after a meeting. There are a lot of different ways.

22 Q. Okay. And specifically with regard to incidents
23 that occur involving students, for a example, injury to
24 students. I understand currently there's a daily report
25 that's sent over to the board; is that correct?

1 A. The board is copied on every -- on whatever
2 reports schools send to the administration.

3 Q. And those are now forwarded to the board members
4 directly, correct?

5 A. The board is copied on those, yes.

6 Q. Okay. And that's something that has only
7 recently started, correct?

8 A. I couldn't say how recent but it has not been the
9 practice forever.

10 Q. How about back in 2012?

11 A. I don't think it was done that way.

12 Q. Okay. Back in 2012 if there was a student who
13 was involved in an incident that involved injury, how was
14 that, if it was, communicated to the board generally back
15 in 2012?

16 A. It was rarely communicated. You know, we have
17 200,000 children and they do get injured.

18 Q. As a board member for the Hillsborough County
19 School System, if a student has an incident while is in the
20 custody of school personnel and was sent to the hospital
21 and subsequently died the next day, is that something you
22 would expect to be communicated to the board?

23 A. In this day in age, yes, it would be. In the
24 past, no.

25 Q. When you say this day in age, what are you

1 defining as --

2 A. well, after Isabella died some board members
3 asked to get information about incidents and the practice
4 was put in place of copying us on everything. We get -- if
5 a school bus bumps a fender, we get it. Every incident
6 that involves a school bus, I think, is communicated to us.
7 And incidents that happen at school are also communicated
8 to us.

9 Q. And I understand now that's the current practice?

10 A. That's what I -- I'm sorry. That's what I was
11 trying to say.

12 Q. Sure. I'm saying prior to the current -- the
13 current practice being put in place, would that type of
14 situation be something that you would expect was
15 communicated to the board?

16 A. No.

17 Q. Okay. Why not?

18 A. I don't know why it would be.

19 Q. Who would you expect that to be communicated to?

20 A. Probably someone at a senior level of
21 administration who oversees that area. If it's
22 construction, the chief facility's officer. If it's human
23 resources, the chief human resources officer. That kind of
24 person, that level and the superintendent.

25 Q. As a board member, wouldn't you want to ensure

1 that when incidents occur there's a review to make sure
2 that whatever the situation was it was handled
3 appropriately by school staff?

4 A. Regardless of who handled the incident, I would
5 want and would expect that the appropriate staff would
6 conduct such a review, and to my knowledge that happens
7 pretty generally.

8 Q. Going back to general communication, I understand
9 there's the primary superintendent, and then there's two
10 deputy superintendents, correct?

11 A. Yes.

12 Q. And then under that there's numerous assistants,
13 superintendents, correct?

14 A. Assistants, superintendents, and then on the
15 non-instructional side you have the chief business officer
16 and chief facility's officer, et cetera.

17 Q. And those department chiefs would be equivalent
18 to an assistant superintendent --

19 A. They would.

20 Q. -- level of position?

21 A. They would.

22 Q. Okay. And would they report directly to a deputy
23 superintendent?

24 A. I don't know whether they report directly to the
25 deputy or directly to the superintendent.

1 Q. Okay. As a board member, do you have
2 communication on a regular basis with deputy
3 superintendents?

4 A. Yes.

5 Q. Approximately how often?

6 A. Well, probably once every couple of weeks. If
7 there is a situation about which I have a concern, I will
8 call a deputy superintendent more often than that if there
9 are more situations.

10 Q. And when you say situations, can you give me an
11 example of something that would be a concern to you that
12 you would reach out to a superintendent level person?

13 A. Yeah. A parent was having some problems getting
14 his child into the school, into the right program in the
15 school, and I would go to a deputy and say, can you help
16 this parent figure out how to maneuver to get his child
17 where she belongs.

18 Q. And would that be based on a parent coming to you
19 to make a complaint?

20 A. More often with a question than a complaint.
21 But, yes, it would be based on a parent or someone in the
22 school. A teacher might come to me and say, the bus seems
23 to be running late, something like that.

24 Q. And how about assistant superintendents?

25 A. I tend to work more often with the deputy

1 superintendents but I do interact with the assistant
2 superintendents as well.

3 Q. What type of situations would prompt you to have
4 -- or to communicate with assistant superintendents?

5 A. As an example, if someone wanted -- a nonprofit
6 wanted to use our playing fields for after-school sports
7 and needed to know how that would operate and what they'd
8 have to do, I would probably contact the chief facility's
9 officer and ask her to help that person with that process.

10 Q. And when you would reach out to either an
11 assistant superintendent or a deputy superintendent, would
12 you typically -- what type of communication? For example,
13 would you make a phone call, an e-mail?

14 A. Most likely I'd make a phone call. Sometimes
15 these are way too complicated for an e-mail or there's a
16 piece that I wouldn't think to tell them unless they asked
17 me a question. Sometimes I'll send them an e-mail. It
18 really varies.

19 Q. Would it be fair to say that most of your
20 communication with the superintendent staff would be by
21 phone?

22 A. I would have a hard time -- I think it's probably
23 a mix but I can't say most. A lot of it certainly is.

24 Q. And what other modes of communication do you
25 typically use other than phone?

1 A. E-mail, sometimes in person.

2 Q. Has it been your practice to use text messaging
3 with --

4 A. No. I don't text. That's not true. I think
5 I've had -- sent or received about six texts in my life.
6 I've really -- It's just not something I do very much.

7 Q. Any texts with school employees?

8 A. Not that I can think of.

9 Q. All right. I want to talk a little bit about the
10 ESE department. When I say ESE, do you know what I'm
11 referring to?

12 A. Yes, I do.

13 Q. In your tenure as a school board member and
14 observing the information that you get and people that you
15 speak with, overall, are there any criticisms of the ESE
16 department and how it's run overall that you can articulate
17 to me?

18 A. I wish we had more people. I think that the
19 complexity of exceptional student education between laws
20 and case law and regulations and the tremendous diversity
21 of needs, special-needs children bring to us is very
22 complex, and I wish we had a few more people to work in
23 that area. But then I wish we had a lot more people in a
24 lot of areas, so --

25 Q. And when you say you would like to be able to

1 have more people in ESE, work in ESE, in what types of
2 capacities do you think you would focus that effort?

3 A. When I look at our ESE people who work with
4 parents and try to find the best solutions for their
5 children, they take a tremendous amount of time to do that.
6 And they take -- they have to have a lot of knowledge to be
7 able to help parents and teachers figure out what the very
8 best placement -- the very best situation is. And they
9 work awfully hard and they work long hours, and if we had
10 more, they might not have to work as long hours. But they
11 know what's happening when they go in and they're committed
12 to their kids so they might not say that, but that would be
13 an area I'd bulk up if we had the extra resources.

14 Q. And that would include, for example, teachers,
15 ESE teachers?

16 A. It would probably include both classroom
17 teachers, teachers who provide support and other people in
18 the district.

19 But, again, that's -- you know, if we had -- in
20 an ideal world, that would be my wish. But that's -- I
21 don't know that that's really even a criticism. It's just
22 a gah-lee, I wish they had more time and a little more
23 help.

24 Q. Would that include, for example, therapy staff,
25 physical therapy, occupational therapy, speech?

1 A. That would -- it would probably include almost
2 everybody who provides services to all our kids, but
3 especially the children with special needs.

4 Q. Now, it's my understanding that after the
5 evaluation of the ESE department that was done after
6 Bella's death came to light and Jenny Cabarello, one of the
7 things that was done -- strike that.

8 There was some reorganization at the
9 administrative level; is that correct?

10 A. That's correct.

11 Q. And an assistant superintendent was added,
12 correct?

13 A. I don't think that's correct. And I assume you
14 mean moved or fired, but I don't believe -- I don't believe
15 an assistant superintendent was moved.

16 Q. I'm not talking about moved. I'm talking about
17 an additional position was created for another assistant
18 superintendent.

19 A. Oh, we created an assistant superintendent for
20 supportive services I think as -- as part of an effort to
21 really provide a wider range of services, so that position
22 was created. I'm not sure that was -- I don't know what
23 all the reasons for that were.

24 Q. Okay. What's the general salary range for an
25 assistant superintendent, if you know?

1 A. I don't know.

2 Q. What was your involvement in the approval process
3 of hiring Joyce Wieland (phonetic) to the position of
4 general director of the ESE?

5 A. I voted on the recommendation. As a school board
6 member we vote on all personnel.

7 Q. You actually brought the motion, correct?

8 A. I have no idea whether I brought the motion or
9 not. It was the superintendent's recommendation. I might
10 have.

11 Q. What was your knowledge at the time of Ms.
12 Wieland's background?

13 A. I knew her as a very effective principal in
14 several situations.

15 Q. And when you say several situations, what do you
16 mean?

17 A. She had been principal of at least two schools
18 and so she dealt with a variety of parents and
19 instructional issues.

20 Q. Do you know how many people applied for that
21 position back in 2008 that Ms. Wieland was appointed to?

22 A. I do not.

23 Q. Okay. And it's my understanding that there's a
24 -- applications come in, there's a screening process, then
25 an interview process and then the staff makes a decision on

1 who they want to recommend to the board, correct?

2 A. I think that's probably correct, yes.

3 Q. In a general since?

4 A. Very general, yes.

5 Q. Okay. And then once a decision is made, who's
6 going to be recommended, it's my understanding that
7 typically a phone call is made to the board members by the
8 assistant superintendent to let each of them know who's
9 going to be recommended; does that sound familiar to you?

10 A. That's -- that's correct.

11 Q. Okay. And do you remember getting a phone call
12 with regard to the appointment of Wynne Tye -- excuse me,
13 of Joyce Wieland?

14 A. I don't remember, but that doesn't say I didn't
15 get one.

16 Q. Sure. I'm just asking what you recall.

17 A. Yeah, I don't --

18 Q. If you do recall having that conversation.

19 A. I don't, I'm sorry.

20 Q. And do you recall raising a -- well, strike that.
21 Do you recall having any concerns about Joyce
22 Wieland being appointed -- recommended for the position of
23 the ESE director?

24 A. No.

25 Q. Do you recall whether or not any of the other

1 board members had any concerns about the recommendation to
2 put her into that position of ESE director?

3 A. No.

4 Q. What's your understanding as far as what the
5 board can and can't do with regard to accepting a
6 recommendation made by the superintendent for an
7 administrative position?

8 A. I believe that in personnel matters we can accept
9 it or we can reject it for cause.

10 Q. And when you say for cause, what does that mean
11 to you?

12 A. I would have to ask the school board attorney in
13 a situation, a particular situation.

14 Q. Do you recall ever rejecting a recommendation for
15 an administrative position recommended by the
16 superintendent where cause was raised and it was rejected.

17 A. I don't have any recollection of something like
18 that.

19 Q. And I'm not talking about just of Ms. Wieland,
20 just in general?

21 A. Right. I don't. I can't think of an example,
22 and I don't know that it's ever happened.

23 Q. What's your understanding of Ms. Wieland's
24 experience in the area of ESE?

25 A. I don't believe she has a certificate, but my

1 understanding -- knowledge, my person knowledge is that she
2 dealt with a lot of special-needs children and their
3 parents and situations like that during her time as
4 principal.

5 Q. And where do you believe you have that knowledge
6 from?

7 A. She was a principal at a school in my district
8 and I knew a lot of the parents, I often talked to them in
9 the grocery store.

10 Q. What school is that?

11 A. Dale Mabry.

12 Q. Dale Mabry. And what's the ESE type of
13 population in that school?

14 A. I couldn't speak to it now. I can tell you that
15 there were times when parents called and said, I'm at my
16 widths end, I don't know what to do. And I'd say call the
17 principal and they would call, and in one case she called
18 -- the parent called back and said, and this may not have
19 been when Mrs. Wieland was there, I don't remember exactly
20 the time, the people there are wonderful, thank you so much
21 for encouraging me to ask for help.

22 Q. Is Dale Mabry a school that traditionally has a
23 high ESE student population?

24 A. I don't know how high it is. I know that they
25 often have special-needs kids, ESE kids.

1 Q. But you can't say how many?

2 A. No.

3 Q. What was the other school she was a principal of?

4 A. Westchase.

5 Q. And what's your knowledge as far as the ESE
6 population at school?

7 A. Don't know it at all.

8 Q. Is that in your district as well?

9 A. No.

10 Q. Okay.

11 A. I've been there but I don't have much interaction
12 with them.

13 Q. You're in District 2, correct?

14 A. Yes.

15 Q. What area does that encompass?

16 A. Essentially from, I think, Cypress Street to
17 Manoritha (phonetic), all the way down the Sea Coast to the
18 Manatee County Line and out to, depending on where you draw
19 that -- where you are at 301 or 401, roughly.

20 Q. And during your entire tenure on the school
21 board, you've represented that same district?

22 A. I have.

23 Q. Did you have any knowledge as it relates to any
24 concerns that Dr. Lamb had with regard to the
25 recommendation of Joyce Wieland?

1 A. No.

2 Q. In your tenure as a school board member, how many
3 kids within the school system have passed away, whether it
4 was an accident or something completely -- you know,
5 illness or anything like that?

6 A. I couldn't give you a number. I know there are
7 some who die every year.

8 Q. So you're aware of at least one child a year that
9 you're aware of in general?

10 A. I wouldn't want to put it in a year, but I know
11 some years we've had a lot. I know our crisis team has
12 been very busy with communities grieving, but I can't give
13 you a specific number.

14 Q. When a student dies, is that something that is
15 communicated to board members?

16 A. On occasion.

17 Q. Regardless of circumstances.

18 A. I'm trying to think. I'm sure it would be now
19 because the board members have asked for a different kind
20 of communication, but I can't speak to it in the past. I
21 know I've heard about instances but where I heard about it,
22 I can't tell you.

23 Q. Okay. With regard to Bella Herrera, when did you
24 first hear about her death?

25 A. I don't remember. I know that sometime after

1 that a reporter said, did you know about it, and I said, I
2 think so. And then I tried to figure out where I had heard
3 it, and I know -- I would assume -- let me try and -- let
4 me try and be quicker and brief. I think I heard about it
5 in the community. Where exactly or when exactly, I can't
6 tell you. I just remember thinking how sad it was.

7 Q. And in fact at the December 11th, 2012 board
8 meeting you acknowledged publicly that you had knowledge
9 about her death but you couldn't recall who told you, but
10 it was somebody -- not a staff member that told you?

11 A. I said I believe at the time I think I heard it
12 in the community.

13 Q. And as you sit here today, you still can't
14 remember?

15 A. That is correct.

16 Q. And when you heard it from someone in the
17 community, it was prior to knowledge about the lawsuit
18 being filed, correct?

19 A. I think so.

20 Q. Now, you said that you have not been to Sessums
21 in sometime and you don't believe since Bella's death, so
22 it wouldn't have been during an encounter at Sessums,
23 correct?

24 A. Probably not. It was probably in the community.
25 That's where I have most of my conversations about children

1 in the schools.

2 Q. And when you say communication, can you give me
3 some examples of what you're talking about when you refer
4 to that?

5 A. It could be in a store or a mall. It could be at
6 a meeting of friends, a library or some other community
7 group. It could be at church or a church.

8 Q. Or a community event that you're there as a
9 school board member participating?

10 A. Could be. Or I could just be there as a private
11 citizen. People know I'm on the school board, they talk to
12 me.

13 Q. Sessums is not in your district, correct?

14 A. I think that is correct.

15 Q. And that's in the Riverview area, correct?

16 A. I think so but I'm not sure.

17 Q. Okay. How often are you over in the Riverview
18 area?

19 A. A few times a year.

20 Q. When you say few, what does that mean?

21 A. Three, four, maybe five, maybe six. It really
22 depends on who invites me. It's probably more than that --
23 well, when I say south, if I think of the whole south
24 county area of my district, it's probably once or twice a
25 month but if you're limiting it to Riverview it's probably

1 three or four, maybe five times a year.

2 Q. Okay. And that was true back in 2012, correct?

3 A. Uh-huh, yes. Sorry.

4 Q. And when you heard about Bella's death, what do
5 you recall being told other than she died?

6 A. That's what I recall being told, that she had
7 died. It was very sad.

8 Q. Did they tell you where she died?

9 A. Not that I remember.

10 Q. And once you learned about -- well, strike that.
11 When you learned about the death, did they
12 provide the name of her to you or was it just a student in
13 general?

14 A. I think it was a child. I don't think I heard
15 her name.

16 Q. And this was before Jenny Cabarello's death,
17 correct?

18 A. Probably, yes.

19 Q. How did you learn about Jenny Cabarello's death?

20 A. I don't remember, but I think probably a staff
21 member called me.

22 Q. And when you heard about Bella's death, was that
23 something -- I know you said it was in the community, was
24 it in person that someone told you or was it a phone call?

25 A. Oh, I think it was probably in person.

1 Q. Okay. And once you were told that, you didn't
2 bring it to the attention of any of the other board
3 members, correct?

4 A. No. I mean, yes, you are correct.

5 Q. Would you agree with me that the school board is
6 responsible for the organization and control of the
7 district's public schools?

8 A. In an oversight basis, yes.

9 Q. And would you agree with me that the school board
10 is empowered to determine the policies necessary for the
11 effective operation and the general improvement of the
12 school system?

13 A. Sounds like you're reading from one of our
14 policies. I would have to agree with that.

15 Q. Okay. When did you see -- first see the bus
16 video that depicted the incident with Bella on the bus on
17 January 25th, 2012?

18 A. I don't remember. I think it was when a reporter
19 called me after the lawsuit had been filed and asked me to
20 look at it.

21 Q. So you had not seen it beforehand?

22 A. Not to my recollection.

23 Q. Who's Lorrie Romanello?

24 A. I don't know.

25 Q. Glen Lathers?

1 A. He's our chief safety officer.

2 Q. Do you know who he reports to?

3 A. I think he reports to Mr. Valdes in HR, but I'm
4 not a hundred percent sure.

5 Q. Does he typically participate in board meetings
6 on a regular basis?

7 A. No. He is present at some and occasionally he'll
8 make a presentation.

9 Q. David Friedberg?

10 A. He's our chief security officer.

11 Q. And who does he report to?

12 A. I don't know.

13 Q. And is he routinely at board meetings

14 A. Usually, yes.

15 Q. Cathy Valdes?

16 A. She's our chief facility's officer. Yes, she's
17 at all the board meetings -- well, unless she's -- she's at
18 almost all the board meetings.

19 Q. Does she typically make presentations to the
20 board on a regular basis or just present?

21 A. No. If a board member asks to have something
22 highlighted or has a question about facilities, she'll
23 answer it. But she doesn't -- it's not any kind of regular
24 schedule.

25 Q. And how about John Franklin?

1 A. John Franklin is our head of transportation.

2 Q. Is he typically at board meetings?

3 A. Yes, usually.

4 Q. Were you on the board in 1999?

5 A. Yes.

6 Q. Do you recall an incident involving Eric Martin?

7 A. That name doesn't sound familiar.

8 Q. A sixth grade student who was involved in an
9 incident where a bus driver dropped him off at the wrong
10 bus stop and he ended up, after leaving the bus, getting
11 hit by a car?

12 A. I have no clear memory of that. I've -- I know
13 that we have bus drivers who drop kids off at the bus -- at
14 the wrong stop on occasion. Asking me to go back to 1999,
15 I'm sorry, without checking some records, I don't know.

16 Q. Well, there was a lawsuit involved. I just
17 wondered if that rung a bell with you. And that's no,
18 correct?

19 A. That's a no.

20 Q. Okay.

21 A. Doesn't ring a bell.

22 Q. All right. In February of 2011 there was an ESE
23 student with the initials CS, her first name Chelsea, who
24 was sent home with a spiral fracture of her femur. Were
25 you aware of that incident?

1 MR. GONZALEZ: Object to the form of the
2 question.

3 You can answer, if you can.

4 THE WITNESS: Pardon me?

5 MR. GONZALEZ: You can answer it, if you can.

6 A. I have a recollection that there was a lawsuit.
7 That's all I remember about it.

8 BY MS. POWERS:

9 Q. You believe there was a lawsuit?

10 A. I believe there was a lawsuit, but that's all I
11 remember. It may have been a parent speaking about it.
12 I'm not sure there was a lot. I do remember hearing about
13 the child -- a child with that kind of injury.

14 Q. Do you know the circumstances around the injury,
15 what happened?

16 A. Not off the top of my head.

17 Q. And were you aware that at the time of the
18 accident or subsequently?

19 A. I don't remember.

20 Q. Later in 2011 there was an incident involving an
21 ESE student who was left on the bus. I believe it was on
22 December 15th of 2011, about a month before Bella's
23 incident, criminal charges were filed. Does that ring a
24 bell?

25 A. It sounds familiar. I can't tell you that it

1 happened in that year. I don't remember very many
2 specifics about it.

3 Q. Other than the date or when it happened, do you
4 recall the incident in general? Where a child was left on
5 the -- a ESE Child was left on a bus all day?

6 A. Again, it sounds familiar but as to specifics, I
7 can't -- I can't say.

8 Q. We talked a little bit about the Cabarello
9 incident. You were aware of that, I understand it?

10 A. Yes.

11 Q. Okay. And on September 28th, 2012, there was an
12 incident involving an eight-year-old autistic child who was
13 kicked off of the school bus in Hillsborough County. The
14 bus driver was Stephanie Wilkerson who was subsequently
15 charged criminally. Are you familiar with that incident?

16 A. I'm familiar that it happened.

17 Q. Do you know whether any -- whether the school did
18 any investigation?

19 A. I don't know whether it was the school or
20 district.

21 Q. And when you say the school or the district, what
22 are you referring to?

23 A. You asked me if I knew whether the school did any
24 investigation. I don't know who did the investigation. I
25 know there was an investigation.

1 Q. Okay. When you say there was an investigation,
2 who would have handled that on behalf of the school system?
3 I'm talking -- Not including sheriff's department, DCF,
4 anything like that. Within the school system itself was it
5 investigated?

6 A. Well, the human resources officer -- office we
7 have people who do investigations, so I would have to
8 guess, assume, think that they, one or more of those people
9 would do an investigation. Now, how much further they go
10 beyond law enforcement, I can't speak to.

11 Q. When you say human resources, are you talking
12 about Offices of the Professional Standards?

13 A. Offices of Professional Standards is part of
14 human resources.

15 Q. Okay. And going back to the accident involving
16 bus driver Stephanie Wilkerson, that we were just talking
17 about, you said you assume there was an investigation done
18 but you don't have personal knowledge of that, correct?

19 A. Correct.

20 Q. You're just assuming based on --

21 A. I can't -- I can't tell you. You know, I
22 don't --

23 Q. Well, those were your words. I'm just trying to
24 confirm.

25 A. Yeah, I'm --

1 MR. GONZALEZ: Object to the form of the
2 question.

3 A. I -- I don't have personal knowledge, to my
4 recollection.

5 I remember being upset that it happened, but I
6 don't remember beyond that.

7 BY MS. POWERS:

8 Q. The school board has the authority to ask for an
9 investigation, don't they?

10 A. I suppose we can take a vote and ask for it. But
11 generally when something happens that is damaging to the
12 student it doesn't require a school board vote. The staff
13 investigates to try to figure out what happened and make it
14 not happen again or fix the problem.

15 Q. And that's because that's what the policies and
16 procedures are for the school system --

17 A. That's our practice. I don't know if it's in the
18 policy. I would assume. Yeah, I would assume it is but --

19 Q. Going back to the video. I think I asked you
20 when you first saw it, and you said it was after a reporter
21 called you -- the lawsuit was filed with regard to
22 Isabella's death correct?

23 A. I believe that's correct. I believe that's
24 correct.

25 Q. Where did you obtain the video to watch it?

1 A. I certainly wasn't given a copy, and I don't
2 remember where I watched it.

3 Q. Were you given a disc to watch it off of?

4 A. No, I wasn't given anything physical. I watched
5 it some place, I just don't remember where.

6 Q. Who was with you when you watched it?

7 A. I don't remember.

8 Q. And you said you don't remember where?

9 A. That's what I said.

10 Q. Did you watch it on like a TV screen or was it
11 on a computer?

12 A. I don't remember.

13 Q. What reporter was it that you spoke with?

14 A. I don't remember. It was somebody from the
15 media. I spoke to several at that time.

16 Q. Do you recall whether on October 31st of 2012 you
17 received an e-mail for Mr. Egrity (phonetic) that a lawsuit
18 was going to be filed?

19 A. I don't recall.

20 Q. Would that have prompted you to track down the
21 video?

22 A. It might have. I don't remember.

23 Q. Were you aware that right after the incident
24 happened in January of 2012 that John Franklin demanded
25 that the sheriff provide a subpoena to get the video that

1 they were asking for?

2 A. I have no knowledge of that.

3 Q. What was your reaction to the video?

4 A. Sadness. Deep sadness.

5 Q. Do you know how long the video was? How much
6 time you spent watching it?

7 A. I -- I don't remember it being to terribly long,
8 but I don't know how long it was.

9 Q. Do you know whether you've watched the full video
10 or maybe just clips that were posted on media web sites?

11 A. I can tell you I didn't watch clips on media web
12 sites. Whether -- I think I watched the whole video, but I
13 really can't -- I don't remember.

14 Q. Do you recall at what point the video ended?
15 What point in the process in the incident, what was
16 happening?

17 A. I don't remember.

18 Q. Do you recall whether paramedics had gotten there
19 yet?

20 A. I don't remember.

21 Q. Do you recall whether Mrs. Herrera had arrived at
22 the bus?

23 A. I don't remember.

24 Q. Do you remember watching her get on the bus?

25 A. I don't remember.

1 Q. Did you have sound with the video as well?

2 A. I don't remember. Bear in mind that I saw it
3 several times and heard a lot of people talking about it so
4 I'm trying to give you answers based on your questions.

5 Q. I appreciate that. And I'm just trying to find
6 out what you recall about it. You said it was very sad.

7 A. Yes, I did.

8 Q. What about it made you describe it as sad?

9 A. Well, gah-lee, we have a child in distress, we
10 have school employees in distress, and I now -- and I knew
11 when I watched the video, that the child had later died.

12 Q. But you can't tell me whether or not you saw Mrs.
13 Herrera on the bus with her or not on the video?

14 A. I can't. I don't remember. I have a lot of
15 information now. I can't tell you what it was that I saw
16 at the time.

17 Q. We know that you watched the video on -- around
18 or shortly after the law -- around the time that the
19 lawsuit was filed. Have you ever gone back to watch it
20 again after that?

21 A. After that period of time of several days or
22 weeks, I have not gone back to watch it again, no.

23 Q. And when you say you're trying to establish what
24 you recall or what you saw versus what you've heard, can
25 you explain what you mean by that when you say what you

1 heard?

2 A. Well, people talked about it. Reporters asked me
3 questions, people on the staff talked about it, we talked
4 about it at board meetings, and I also saw the video. I
5 can't separate those pieces.

6 Q. What's your understanding of Bella's cause of
7 death? I understand you're not a doctor, just what your
8 understanding is.

9 A. I have a very limited understanding of it. But
10 my recollection, and this is based probably as much on talk
11 as on video, is that she was a child with special needs,
12 she had a seizure and she died at the hospital.

13 Q. So you think she had a seizure?

14 MR. GONZALEZ: Object to the form.

15 A. That is my recollection from what I've heard.
16 I'm doing the best I can, but I don't really know. And
17 really my concern was she died and that was a tragedy. Any
18 time we lose a child it's a tragedy

19 BY MS. POWERS:

20 Q. It certainly is.

21 MR. GONZALEZ: I'm sorry?

22 MS. POWERS: I said it certainly is.

23 BY MS. POWERS:

24 Q. So with regard to cause of death, you would refer
25 to medical doctors to explain that?

1 A. I would.

2 Q. Has the board collectively sat down to watch the
3 video together?

4 A. No.

5 Q. To your knowledge, has each board member viewed
6 the video?

7 A. I have no knowledge of that.

8 Q. Have you ever listened to the 911 call?

9 A. I don't remember. Again, it's just there's this
10 clump of knowledge.

11 Q. Sure. On January 26th, 2012, so the day after
12 the incident and the day that Bella died, there was an
13 event called Battle of the Belts; were you aware of that?

14 A. I know that the Battle of the Belts is held every
15 year.

16 Q. Okay. Is that something you routinely go to?

17 A. No. I go on occasion but not routinely.

18 Q. What is it?

19 A. It's an event to publicize wearing seat belts for
20 students. To encourage them to wear seat belts.

21 Q. And what's the involvement of the -- of the
22 school system?

23 A. I think -- well, I think it's run by the parents.
24 Generally I think board members or some board members are
25 invited, and I believe the superintendent is invited.

1 Beyond that I couldn't say.

2 Q. Do you remember going to the event in 2012?

3 A. I don't.

4 Q. Superintendent you believe was there as well?

5 MR. GONZALEZ: Object to the form of the
6 question.

7 A. I don't remember. I don't remember being there
8 so I wouldn't know if she was there. I believe -- well, I
9 don't remember.

10 BY MS. POWERS:

11 Q. When was the last time you went to a Battle of
12 the Belts event?

13 A. I don't remember. We would have to check my
14 calendar.

15 Q. Is that something you keep track of?

16 A. I don't. My secretary does, I believe, keeps our
17 calendars.

18 Q. After watching the video of the bus incident
19 involving Bella on January 25th of 2012, did you have any
20 criticisms of how the school personally handled the
21 situation?

22 A. No.

23 MS. POWERS: I think I'm just about done. Let's
24 just take a quick break and then we'll finish up.

25 THE WITNESS: Okay.

1 THE VIDEOGRAPHER: We're going off the record at
2 3:13.

3 The time is 3:15. We are back on the record.

4 MS. POWERS: I have no further questions. I
5 appreciate your time today.

6 THE WITNESS: Thank you very much.

7 MR. GONZALEZ: Thank you.

8 THE WITNESS: Thank you.

9 THE COURT REPORTER: Is it going to be read or
10 waive?

11 MR. GONZALEZ: We will waive.

12 THE COURT REPORTER: And are you going to order?

13 MS. POWERS: Yes, please.

14 THE COURT REPORTER: Do you want a copy?

15 MR. GONZALEZ: Yeah, please.

16 THE VIDEOGRAPHER: This completes this
17 deposition. We are going off the record at 3:15.

18 (Deposition concluded at 3:15 p.m.)

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CERTIFICATE OF OATH

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, Lindsey Ashworth, Shorthand Reporter and Notary
Public, State of Florida, certify that CANDY OLSON
personally appeared before me and was duly sworn.

Witness my hand and official seal this 20th day
of November, 2013.

Lindsey Ashworth

Lindsey Ashworth, Notary Public
State of Florida, My Commission:
EE862359, Expires: Jan.02, 2017

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CERTIFICATE OF REPORTER

STATE OF FLORIDA
COUNTY OF HILLSBOROUGH

I, LINDSEY ASHWORTH, Shorthand Reporter and Notary Public, State of Florida, Certify that I was authorized to and did stenographically report the deposition of CANDY OLSON; that a review of the transcript was not requested; and the foregoing transcript, pages 4 through page 52, is a true and accurate record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, attorney, or counsel to any of the parties, nor am I a relative or employee of any of the parties' attorney or counsel connected with the action, nor am I financially interested in the action.

Dated this 5th day of December, 2013.

Lindsey Ashworth

Lindsey Ashworth

1	5	after-school 26:6	15:3 29:13 36:3 44:8,17 45:18	belongs 25:17
1 13:3,5	51 17:7	afternoon 5:8,9	assuming 44:20	belts 50:13,14,19,20 51:12
11th 36:7	6	age 22:23,25	attach 21:3	bit 13:22 21:10 27:9 43:8
15th 42:22	8	agenda 19:21	attached 19:20,21	blocked 8:3
19 6:5	610 5:20	agree 10:11,24 39:5, 9,14	attachment 18:25 19:19 21:4,5	board 4:4,20 5:13, 18,24 6:3,4 7:11,15 8:2,3 10:4,17,20,23, 25 11:5,14,18 12:7, 24 13:19,20 14:2,13, 24 15:12 16:9,14,21 18:10 20:1,10,13,16 21:1,12,13,16,18,25 22:1,3,5,14,18,22 23:2,15,25 25:1 27:13 30:5 31:1,7 32:1,5,12 34:21 35:2,15,19 36:7 37:9,11 39:2,5,9 40:5,13,17,18,20,21 41:2,4 45:8,12 49:4 50:2,5,24
1999 41:4,14	9	ahead 13:2, 21:3	attack 8:4	board's 9:21
1st 18:6	8:12cv-02484-jsm- ejaj 4:3	amount 28:5	attention 11:18 39:2	boards 9:20
2	A	Anne 5:17	attorney 5:11 7:19, 21 32:12	body 9:22
2 21:5,7 34:13	ability 9:15 18:14	answering 9:15	August 17:5, 18:6	break 9:17 51:24
200,000 22:17	accept 32:8	answers 48:4	authority 45:8	bring 11:4,18 27:21 39:2
2006 12:7	accepted 19:22 20:9	applications 30:24	aware 35:8,9 41:25 42:17 43:9 46:23 50:13	brought 5:12 7:18 10:17 30:7,8
2008 30:21	accepting 32:5	applied 30:20	Avenue 5:20	bulk 28:13
201 4:7	accident 35:4 42:18 44:15	appointed 30:21 31:22	back 6:14 13:17 22:10,12,14 24:8 30:21 33:18 38:2 41:14 44:15 48:19, 22 52:3	bumps 23:5
2011 41:22 42:20,22	accurate 6:20 10:18 16:15,23	appointment 31:12	background 30:12	bus 23:5,6 25:22 39:15,16 41:9,10,13 42:21 43:5,13,14 44:16 47:22,24 48:13 51:18
2012 6:20 7:6 15:2 16:13,21 19:11 22:10,12,15 36:7 38:2 39:17 43:11 46:16,24 50:11 51:2, 19	acknowledged 36:8	appropriately 24:3	backtrack 13:22	business 24:15
2013 4:8 19:11	acted 6:6	approval 10:17 11:5 30:2	based 25:18,21 44:20 48:4 49:10	busy 35:12
20th 4:8	acting 6:19 7:3	approve 10:6,7 14:5	basic 8:14	C
25th 39:17 51:19	action 5:12	approved 12:7,24 13:19	basis 25:2 39:8 40:6, 20	Cabarello 29:6 43:8
26th 50:11	activist 8:7	approved 12:7,24 13:19	Battle 50:13,14 51:11	Cabarello's 38:16, 19
28th 43:11	actual 20:3	approximately 4:9 7:22 25:5	Bear 48:2	
2:01 4:9	added 29:11	area 23:21 27:23 28:13 32:24 37:15, 18,24	begins 4:1	
3	additional 29:17	areas 27:24	behalf 4:11,16 44:2	
3 21:6,7	adhered 18:6	arrived 47:21	bell 41:17,21 42:24	
301 34:19	administration 22:2 23:21	articulate 27:16	Bella 16:7 35:23 39:16 50:12 51:19	
31st 46:16	administrative 29:9 32:7,15	Ashworth 4:10	Bella's 29:6 36:21 38:4, 42:22 49:6	
3:13 52:2	advertised 14:4	asks 21:16 40:21		
3:15 52:3,17,18	advised 8:12	aspiration 16:2		
4		assessment 17:21		
401 34:19		assessments 17:21		
		assistant 24:18 25:24 26:1,4, 29:11, 15,17,19,25 31:8		
		assistants 24:12,14		
		assume 9:13 13:11		

calendar 18:9 51:14	circumstances 35:17 42:14	concluded 52:18	19:12 23:9,12,13	determine 39:10
calendars 51:17	citizen 37:11	conduct 24:6	custody 22:20	die 35:7
call 14:19 17:14	classroom 28:16	confirm 44:24	Cypress 34:16	died 22:21 23:2 38:5, 7,8 48:11 49:12,17 50:12
21:19 25:8 26:13,14	clear 9:1,6 41:12	construction 23:22	D	dies 35:14
31:7,11 33:16,17	clips 47:10,11	contact 26:8	daily 21:24	difference 13:23
38:24 50:8	clump 50:10	contained 12:8	Dale 33:11,12,22	differentiate 13:14
called 33:15,17,18	Coast 34:17	contention 11:10	damaging 45:11	differentiated 14:15
38:21 39:19 45:21	code 14:20	control 39:6	date 4:8 19:10 43:3	differently 21:2
50:13	collectively 50:2	conversation 31:18	daughter 5:14	DIRECT 5:6
can' 32:21	comment 14:4	conversations 36:25	David 7:14,16 40:9	directly 22:4 24:22, 24,25
Candy 4:2 5:3,18	19:23 21:5	copied 22:1,5	day 22:21,23,25 43:5 50:11,12	director 30:4 31:23 32:2
capacities 28:2	comments 20:1,7,21	copy 46:1 52:14	day-to-day 10:3,8	disc 46:3
car 41:11	committed 28:11	copying 23:4	days 14:3 48:21	discussed 20:16,18
card 14:8	communicate 26:4	correct 7:6 10:14, 19,21,22 11:18	DCF 44:3	disparity 20:13,24
case 4:3 7:13 27:20	communicated 21:13, 22:14,16,22	12:10,24,25 15:10	deadline 18:6	distress 48:9,10
33:17	23:6,7,15,19 35:15	16:25 17:5,11 18:19	dealt 30:18 33:2	district 4:5,6 5:13
Caten 7:14,16	communication 24:8 25:2 26:12,20, 24 35:20 37:2	19:24 21:25 22:4,7	death 29:6 35:24	7:15 9:21 10:3,5,11
Cathy 40:15	communication's 21:11	24:10,13 29:9,10,12, 13 30:7 31:1,2,10	36:9,21 38:4,11,16, 19, 45:22 49:7,24	11:4,9 12:19 14:11
certificate 32:25	communities 35:12	34:13 36:15,18,23	December 36:7	15:22 21:11,13
cetera 24:16	community 8:7	37:13,14,15 38:2,17	42:22	28:18 33:7 34:8,13, 21 37:13,24 43:20, 21
chair 6:7,8,13,16,20, 23 7:3,4,5	36:5,12,17,24 37:6,8 38:23	39:3,4 44:18,19 45:22,23,24	decide 15:18	district's 10:12 39:7
chance 19:5	community's 9:24	counsel 4:13 8:20	decision 30:25 31:5	diversity 27:20
charged 43:15	Compilation 19:8	count 6:14	Deep 47:4	Division 4:6
charges 42:23	complaint 25:19,20	county 4:4,21 5:13, 25 6:4 13:8 34:18 37:24 43:13	defendant 4:19	doctor 49:7
check 51:13	complete 18:13	couple 25:6	defining 23:1	doctors 49:25
checking 41:15	completely 35:4	court 4:5,10,14 8:16 52:9,12,14	demand 46:24	draw 34:18
Chelsea 41:23	completes 52:16	created 29:17,19,22	department 24:17 27:10,16 29:5 44:3	driver 41:9 43:14 44:16
chief 6:6 23:22,23	complex 27:22	criminal 42:23	depending 34:18	drivers 41:13
24:15,16 26:8 40:1, 10,16	complexity 27:19	criminally 43:15	depends 37:22	drop 41:13
chiefs 24:17	complicated 26:15	crisis 35:11	depicted 39:16	dropped 41:9
child 25:14,16 35:8	computer 46:11	criticism 28:21	deposition 4:2,6 7:9 8:15 52:17,18	duly 5:4
38:14 42:13 43:4,5, 12 48:9, 49:11,18	concern 25:7,11 49:17	criticisms 27:15 51:20	deputy 24:10,22,25 25:2,8,15,25 26:11	
children 9:25 22:17	concerns 31:21 32:1 34:24	CS 41:23	describe 48:8	
27:21 28:5 29:3 33:2 36:25		current 5:19,23		
choose 20:1				
church 37:7				
Cindy 17:3				

<p style="text-align: center;">E</p> <hr/> <p>e-mail 26:13,15,17 27:1 46:17</p> <p>e-mailed 21:15</p> <p>earlier 5:10</p> <p>early 18:9,11</p> <p>Edgecomb 16:22</p> <p>education 9:24 27:19</p> <p>effective 30:13 39:11</p> <p>effort 28:2 29:20</p> <p>Egrity 46:17</p> <p>eight-year-old 43:12</p> <p>elected 9:23 16:11, 12</p> <p>election 17:8</p> <p>elections 16:9 17:5</p> <p>Elementary 16:4</p> <p>Elia 18:19,20</p> <p>emails 8:2</p> <p>employed 6:3</p> <p>employees 21:12 27:7 48:10</p> <p>employment 5:23 6:1</p> <p>empowered 39:10</p> <p>encompass 34:15</p> <p>encounter 36:22</p> <p>encourage 50:20</p> <p>encouraging 33:21</p> <p>end 17:20,25 18:16 20:8 33:16</p> <p>ended 41:10 47:14</p> <p>enforcement 44:10</p> <p>ensure 23:25</p> <p>entire 34:20</p>	<p>environmental 12:6,21</p> <p>equivalent 24:17</p> <p>Eric 41:6</p> <p>ESE 27:10,15 28:1,3, 15 29:5 30:4 31:23 32:2,24 33:12,23,25 34:5 41:22 42:21 43:5</p> <p>essentially 9:22 20:20 34:16</p> <p>establish 48:23</p> <p>et al 4:3,4</p> <p>evaluate 10:1</p> <p>evaluation 17:10 19:1,9,22,24,25 20:3,9 29:5</p> <p>evaluations 18:18, 20</p> <p>event 37:8 50:13,19 51:2,12</p> <p>everybody's 14:8</p> <p>EXAMINATION 5:6</p> <p>examples 37:3</p> <p>exceptional 27:19</p> <p>excuse 31:12</p> <p>Exhibit 13:5 21:4,7</p> <p>expect 8:13 22:22 23:14,19 24:5</p> <p>expected 10:12 18:10</p> <p>experience 32:24</p> <p>explain 13:23 17:17 49:25</p> <p>extra 28:13</p> <hr/> <p style="text-align: center;">F</p> <hr/> <p>facilities 40:22</p> <p>facility's 23:22 24:16 26:8 40:16</p> <p>fact 36:7</p>	<p>fair 6:21 8:11 9:15, 16 26:19</p> <p>familiar 31:9 41:7 42:25 43:6,15,16</p> <p>family 4:17 5:12</p> <p>February 41:22</p> <p>femur 41:24</p> <p>fender 23:5</p> <p>fields 26:6</p> <p>figure 25:16 28:7 36:2 45:13</p> <p>filed 36:18 39:19 42:23 45:21 46:18 48:19</p> <p>fill 18:15</p> <p>final 17:7,25 18:5 19:16,17</p> <p>find 28:4 48:5</p> <p>finish 51:24</p> <p>finished 18:5</p> <p>fire 10:1</p> <p>fired 29:14</p> <p>fives 20:15</p> <p>fix 45:14</p> <p>Florida 4:6,8,21</p> <p>focus 28:2</p> <p>follow 10:12</p> <p>forever 22:9</p> <p>form 11:8 12:11 17:18 18:13,15 20:6 45:1 49:14 51:5</p> <p>formative 17:15 18:11</p> <p>forwarded 22:3</p> <p>fours 20:15</p> <p>fracture 41:24</p> <p>Franklin 4:7 40:25 41:1 46:24</p> <p>Friedberg 40:9</p> <p>friends 37:6</p>	<p>full 5:15,17 47:9</p> <hr/> <p style="text-align: center;">G</p> <hr/> <p>gah-lee 28:22 48:9</p> <p>gave 20:19</p> <p>general 12:20 20:8, 23 21:12 24:8 29:24 30:4 31:3,4 32:20 35:9 38:13 39:11 43:4</p> <p>generally 8:12 9:20 10:21 12:8,17 22:14 24:7 45:11 50:24</p> <p>give 14:2 19:5 25:10 35:6,12 37:2 48:4</p> <p>Glen 39:25</p> <p>Gonzalez 4:18 7:2 11:7,13,24 12:11 13:1 19:2 42:1,5 45:1 49:14,21 51:5 52:7,11,15</p> <p>good 5:8,9 16:1</p> <p>governing 9:22</p> <p>grade 41:8</p> <p>grieving 35:12</p> <p>grocery 33:9</p> <p>ground 8:14</p> <p>group 8:2 37:7</p> <p>guess 7:24 18:9 44:8</p> <hr/> <p style="text-align: center;">H</p> <hr/> <p>hand 18:24</p> <p>handled 21:11 24:2, 4 44:2 51:20</p> <p>happen 23:7 45:14</p> <p>happened 32:22 42:15 43:1,3,16 45:5,13 46:24</p> <p>happening 28:11 47:16</p> <p>happy 9:10</p> <p>hard 26:22 28:9</p>	<p>Hay 4:11</p> <p>hazard 12:21</p> <p>he'll 40:7</p> <p>head 8:23 41:1 42:16</p> <p>Health 12:6</p> <p>hear 11:20 35:24</p> <p>heard 4:5 9:14 14:12 35:21 36:2,4,11,16 38:4,14,22 48:3,24 49:1,15</p> <p>hearing 42:12</p> <p>held 4:7 16:9 17:5,6, 7 50:14</p> <p>Herrera 4:3,17 5:12,14 35:23 47:21 48:13</p> <p>high 33:23,24</p> <p>higher 20:15</p> <p>highlighted 40:22</p> <p>Hillsborough 4:4, 21 5:13,24 6:4 13:8 22:18 43:13</p> <p>hire 10:1</p> <p>hiring 30:3</p> <p>hit 41:11</p> <p>home 41:24</p> <p>hospital 22:20 49:12</p> <p>hours 28:9,10</p> <p>HR 40:3</p> <p>huge 13:16</p> <p>huh-uhs 8:22</p> <p>human 23:22,23 44:6,11,14</p> <p>hundred 40:4</p> <hr/> <p style="text-align: center;">I</p> <hr/> <p>idea 17:18 30:8</p> <p>ideal 28:20</p> <p>identification 13:6 21:8</p>
---	---	---	--	---

<p>noticed 14:12</p> <p>November 17:8</p> <p>number 14:3 35:6, 13</p> <p>numbers 20:15,25</p> <p>numerical 19:24,25 20:12</p> <p>numerous 24:12</p> <hr/> <p style="text-align: center;">O</p> <hr/> <p>oath 5:5</p> <p>Object 12:11 45:1 49:14 51:5</p> <p>objection 11:8</p> <p>objections 8:20</p> <p>observing 27:14</p> <p>obtain 45:25</p> <p>occasion 35:16 41:14 50:17</p> <p>occasionally 40:7</p> <p>occupational 28:25</p> <p>occur 21:23 24:1</p> <p>October 18:23 46:16</p> <p>office 21:18 44:6</p> <p>officer 23:22,23 24:15,16 26:9 40:1, 10,16 44:6</p> <p>Offices 44:12,13</p> <p>Olson 4:2 5:3,8,17, 18</p> <p>operate 26:7</p> <p>operation 39:11</p> <p>operations 10:3</p> <p>opportunity 15:13</p> <p>Orange 4:11</p> <p>order 52:12</p> <p>organization 39:6</p> <p>organized 15:19</p>	<p>overseeing 10:4</p> <p>oversees 23:21</p> <p>oversight 39:8</p> <hr/> <p style="text-align: center;">P</p> <hr/> <p>p.m 4:9</p> <p>p.m. 52:18</p> <p>paper 11:25</p> <p>paramedics 47:18</p> <p>Pardon 42:4</p> <p>parent 8:6,9,10 25:13,16,18,21 33:18 42:11</p> <p>parents 28:4,7 30:18 33:3,8,15 50:23</p> <p>part 29:20 44:13</p> <p>participate 40:5</p> <p>participating 37:9</p> <p>parties 11:11</p> <p>parts 21:19</p> <p>passed 14:2 16:7 35:3</p> <p>past 22:24 35:20</p> <p>people 9:23 16:17 27:14,18,22,23 28:1, 3,17 33:20 37:11 44:7,8 48:3 49:2,3</p> <p>percent 17:7 40:4</p> <p>performance 17:21</p> <p>period 6:12 48:21</p> <p>person 6:17 7:18,20 10:2 23:24 25:12 26:9 33:1 38:24,25</p> <p>personal 44:18 45:3</p> <p>personally 51:20</p> <p>personnel 22:20 30:6 32:8</p> <p>pertain 12:18</p> <p>pertains 12:9 13:24</p> <p>phone 21:19 26:13, 14,21,25 31:7,11</p>	<p>38:24</p> <p>phonetic 7:15 30:3 46:17</p> <p>physical 28:25 46:4</p> <p>piece 26:16</p> <p>pieces 17:15,17 49:5</p> <p>place 10:13 14:22 15:3,7 23:4,13 46:5</p> <p>placement 28:8</p> <p>plaintiff 7:18,21</p> <p>plaintiff's 11:9 13:3,5 21:4,6,7</p> <p>playing 26:6</p> <p>point 47:14,15</p> <p>Points 19:8</p> <p>policies 10:5,6,13, 16,20 11:1,4,14 12:9,17 13:9,12,15 14:17,19,22,25 15:3, 39:10,14 45:15</p> <p>policy 12:16 13:15, 24 14:1 45:18</p> <p>population 33:13,23 34:6</p> <p>position 24:20 29:17,21 30:3,21 31:22 32:2,7,15</p> <p>posted 47:10</p> <p>Powers 4:16 5:7,11 7:5,7 11:12,16,23 12:1,3,4,14 13:2,7 19:3,4 21:3,9 42:8 45:7 49:19,22,23 51:10,23 52:4,13</p> <p>practice 22:9 23:3,9, 13 27:2 45:17</p> <p>practices 13:19</p> <p>present 4:13 40:7,20</p> <p>presentation 40:8</p> <p>presentations 40:19</p> <p>presented 20:17</p> <p>pretty 8:4 15:15 24:7</p>	<p>primarily 12:3 15:10</p> <p>primary 24:9</p> <p>principal 14:7,10 30:13,17 33:4,7,17 34:3</p> <p>printed 21:17</p> <p>prior 23:12 36:17</p> <p>private 37:10</p> <p>problem 9:7 45:14</p> <p>problems 25:13</p> <p>procedure 13:24 14:6,11,17</p> <p>procedures 10:5,7, 13,16 11:4 12:9,18 13:9,12,15,18 15:5,7 45:16</p> <p>process 15:19 17:23 18:11 26:9 30:2,24, 25 47:15</p> <p>professional 9:23 44:12,13</p> <p>program 12:7 25:14</p> <p>prompt 26:3</p> <p>prompted 46:20</p> <p>proposed 10:25</p> <p>provide 28:17 29:21 38:12 46:25</p> <p>public 5:25 13:8 14:2,4 39:7</p> <p>publicize 50:19</p> <p>publicly 36:8</p> <p>purposes 13:6 21:8</p> <p>purview 10:9</p> <p>put 8:21 10:13 20:20 23:4,13 32:2 35:10</p> <hr/> <p style="text-align: center;">Q</p> <hr/> <p>question 7:2 9:8,9, 10,13 25:20 26:17 40:22 45:2 51:6</p> <p>questions 8:19 48:4</p>	<p>49:3 52:4</p> <p>quick 51:24</p> <p>quicker 36:4</p> <p>quickly 8:13</p> <hr/> <p style="text-align: center;">R</p> <hr/> <p>raise 10:25</p> <p>raised 32:16</p> <p>raising 31:20</p> <p>range 29:21,24</p> <p>rarely 22:16</p> <p>reach 25:12 26:10</p> <p>reaction 47:3</p> <p>read 12:1 52:9</p> <p>reading 12:12 19:7 39:13</p> <p>reask 9:10</p> <p>reason 20:24</p> <p>reasons 29:23</p> <p>recall 7:13 31:16,18, 20,21,25 32:14 36:9 38:5, 41:6 43:4 46:16,19 47:14,18, 21 48:6,24</p> <p>received 27:5 46:17</p> <p>recent 6:12 22:8</p> <p>recently 22:7</p> <p>recollection 16:8 32:17 39:22 42:6 45:4 49:10,15</p> <p>recommend 31:1</p> <p>recommendation 30:5,9 32:1,6,14 34:25</p> <p>recommended 31:6,9,22 32:15</p> <p>record 5:11,16 8:21 9:2,6 52:1,3,17</p> <p>records 41:15</p> <p>reelected 16:25 17:1</p>
---	---	---	--	---

reelection 16:14,18, 23	represented 34:21	sat 50:2	shakes 8:22	spiral 41:24
refer 37:3 49:24	represents 5:12	schedule 40:24	she'll 40:22	spoke 46:13,15
reference 11:9 14:14	require 45:12	school 4:4,20 5:13, 18,24 6:4,9 7:11,15 8:2,3 9:21 10:5,12, 17 12:7,19,24 13:25 15:2,12,20,21,24 18:4 20:9 22:19,20 23:5,6,7 24:3 25:14, 15,22 27:7,13 30:5 32:12 33:7,10,13,22 34:3,6,20 35:2,3 37:9,11 39:5,9,12 43:13,17,19,21,23 44:2,4 45:8,12,16 48:10 50:22 51:20	sheriff 46:25	sports 26:6
references 12:22	required 11:4,17		sheriff's 44:3	staff 10:10 13:20 24:3,5 26:20 28:24 30:25 36:10 38:20 45:12 49:3
referring 15:10 27:11 43:22	residence 5:19		shortly 48:18	staggered 16:10
regard 5:14 9:21 13:9 14:22, 18:25 21:22 31:12 32:5 34:24 35:23 45:21 49:24	resources 23:23 28:13 44:6,11,14		show 11:21	Standards 19:8 44:12,13
regular 25:2 40:6, 20,23	respect 11:8		side 24:15	standing 11:8
regulations 27:20	responses 8:20		sit 8:25 36:13	started 22:7
reject 32:9	responsibilities 17:9		sites 47:10,12	state 5:15
rejected 32:16	responsible 10:3 39:6	schools 5:25 13:9 15:14,16,18,23 22:2 30:17 37:1 39:7	sitting 8:16	statements 20:8
rejecting 32:14	review 10:17 14:8 24:1,6	scoring 19:24,25 20:3,13,14 21:4	situation 23:14 24:2 25:7 28:8 32:13 51:21	States 4:5
relates 34:23	ring 41:21 42:23	scores 20:19	situations 25:9,10 26:3 30:14,15 33:3	Stephanie 43:14 44:16
remember 8:5 16:6 18:8 20:6,22 31:11, 14 33:19 35:25 36:6, 14 38:9,20 39:18 42:7,11,12,19 43:1 45:5,6 46:2,5,7,8,12, 14,22 47:7,13,17,20, 23,24,25 48:2,14 50:9 51:2,7,9,13	Riverview 37:15,17, 25	Scott 4:11	sixth 41:8	stop 9:4 41:10,14
remind 8:14	role 9:21 10:4	screen 46:10	solutions 28:4	store 33:9 37:5
reorganization 29:8	Roma 5:20	screening 30:24	sort 14:25	Street 4:7 34:16
rephrase 9:10	Romanello 39:23	Sea 34:17	sound 6:20 16:15,23 31:9 41:7 48:1	strike 29:7 31:20 38:10
report 14:8 15:1 21:24 24:22,24 40:11	rotate 6:17	seat 17:3 50:19,20	sounds 6:21 39:13 42:25 43:6	Stuart 17:3
reporter 4:10,14 8:16 36:1 39:18 45:20 46:13 52:9,12, 14	roughly 34:19	secretary 15:20 51:16	south 5:20 37:23	student 15:1 22:12, 27:19 33:23 35:14 38:12 41:8,23 42:21 45:12
Reporters 49:2	routinely 40:13 50:16,17	section 21:5	space 20:6	students 14:7, 21:23,24 50:20
reporting 4:12 13:10 14:22,24	rude 9:5	security 40:10	spam 8:4	style 19:24
reports 40:2,3	rule 14:1,18	seizure 49:12,13	speak 27:15 33:14 35:20 44:10	subpoena 46:25
represent 9:24	rules 8:14 10:7,13,16 11:5,15 12:9,18,21 14:14 15:9	send 22:2 26:17	speaking 10:21 42:11	subsequently 22:21 42:18 43:14
	run 27:16 50:23	senior 23:20	special 29:3 49:11	suing 7:15
	rung 41:17	separate 49:5	special-needs 27:21 33:2,25	Sullivan 5:17
	running 16:19 25:23	September 18:23 43:11	specialist 4:11	summary 19:7,8,15
	S	seizure 49:12,13	specific 12:16 14:21 35:13	summative 17:15 19:9,17
	sad 36:6 38:7 48:6,8	send 22:2 26:17	specifically 15:4,7 21:22	superintendent 10:2,9 14:6 17:10 19:9 21:15 23:24 24:9,18,23,25 25:8,
	sadness 47:4	senior 23:20	speech 28:25	
	safety 12:6,9,18,20, 21,22 40:1	separate 49:5	spent 47:6	
	salary 29:24	September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		
		senior 23:20		
		separate 49:5		
		September 18:23 43:11		
		seizure 49:12,13		
		send 22:2 26:17		

<p>12 26:11,20 29:11, 15,18,19,25 31:8 32:6,16 50:25 51:4</p> <p>superintendent's 30:9</p> <p>superintendents 24:10,13,14 25:3,24 26:1,2,4</p> <p>support 28:17</p> <p>supportive 29:20</p> <p>suppose 45:10</p> <p>supposed 18:5</p> <p>swear 4:14</p> <p>sworn 5:4</p> <p>system 13:25 15:12 22:19 35:3 39:12 44:2,4 45:16 50:22</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>tags 12:21</p> <p>talk 21:10 27:9 37:11 49:10</p> <p>talked 43:8 49:2,3</p> <p>talking 29:16 32:19 44:3,11,16 48:3</p> <p>Tampa 4:6,7 5:20</p> <p>taped 4:2</p> <p>teacher 25:22</p> <p>teachers 14:10 28:7, 14,15,17</p> <p>team 35:11</p> <p>tend 14:1 25:25</p> <p>tenure 27:13 34:20 35:2</p> <p>term 6:16,17 14:19 15:9</p> <p>terms 13:18 16:10</p> <p>terribly 47:7</p> <p>testified 5:4</p> <p>text 27:2,4</p> <p>texts 27:5,7</p>	<p>therapy 28:24,25</p> <p>thing 11:20</p> <p>things 10:8 17:19 21:1 29:7</p> <p>thinking 8:3 36:6</p> <p>time 4:9 6:22 9:17 16:3 26:22 28:5,22 30:11 33:3,20 36:11 42:17 46:15 47:6 48:16,18,21 49:18 51:11 52:3,5</p> <p>times 6:11 33:15 37:19 38:1 48:3</p> <p>today 8:15 36:13 52:5</p> <p>Today's 4:8</p> <p>told 36:9,10 38:5,6, 24 39:1</p> <p>Tom 4:18</p> <p>tools 18:14</p> <p>top 42:16</p> <p>track 46:20 51:15</p> <p>traditionally 33:22</p> <p>tragedy 49:17,18</p> <p>transportation 41:1</p> <p>tremendous 27:20 28:5</p> <p>true 27:4 38:2</p> <p>turn 21:10</p> <p>TV 46:10</p> <p>Tye 31:12</p> <p>type 17:23 23:13 26:3, 33:12</p> <p>types 28:1</p> <p>typically 18:3,7 26:12,25 31:7 40:5, 19 41:2</p> <hr/> <p style="text-align: center;">U</p> <hr/> <p>Uh-huh 6:24 7:17 38:3</p>	<p>Uh-huhs 8:22</p> <p>understand 6:6 8:24,25 9:9 10:6 21:24 23:9 24:8 43:9 49:7</p> <p>understanding 6:19 11:3,19 13:23 14:16,18 16:13,21 29:4 30:23 31:6 32:4,23 33:1 49:6,8, 9</p> <p>understood 9:14</p> <p>United 4:5</p> <p>upset 45:5</p> <hr/> <p style="text-align: center;">V</p> <hr/> <p>Valdes 16:22 40:3, 15</p> <p>varies 26:18</p> <p>variety 30:18</p> <p>verbally 8:22</p> <p>versus 4:4 48:24</p> <p>video 4:1,11 39:16 45:19,25 46:21,25 47:3,5,9,12,14 48:1, 11,13,17 49:4,11 50:3,6 51:18</p> <p>viewed 50:5</p> <p>voluminous 21:17</p> <p>vote 10:6 11:1,15 14:5 17:7 30:6 45:10,12</p> <p>voted 14:19 30:5</p> <p>votes 11:14</p> <hr/> <p style="text-align: center;">W</p> <hr/> <p>waive 52:10,11</p> <p>wanted 26:5,6</p> <p>watch 45:25 46:3,10 47:11 48:19,22 50:2</p> <p>watched 46:2,4,6 47:9,12 48:11,17</p>	<p>watching 47:6,24 51:18</p> <p>ways 21:14,21</p> <p>wear 50:20</p> <p>wearing 50:19</p> <p>web 47:10,11</p> <p>week 15:17</p> <p>weeks 25:6 48:22</p> <p>Westchase 34:4</p> <p>wide 14:12</p> <p>wider 29:21</p> <p>widths 33:16</p> <p>Wieland 30:3,21 31:13,22 33:19 34:25</p> <p>Wieland's 30:12 32:23</p> <p>Wilkerson 43:14 44:16</p> <p>wondered 41:17</p> <p>wonderful 33:20</p> <p>word 12:20</p> <p>words 44:23</p> <p>work 13:19 25:25 27:22 28:1,3,9,10</p> <p>world 28:20</p> <p>written 9:2</p> <p>wrong 41:9,14</p> <p>Wynne 31:12</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>year 6:17,18 7:6 15:2,22,25 16:14,16, 19 17:14,16,22 18:1, 3,4,9,16 35:7,8,10 37:19 43:1 50:15</p> <p>years 5:22 6:5,15 7:24 15:23 16:10, 35:11</p>
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