

1                           IN THE UNITED STATES DISTRICT COURT  
2                           FOR THE MIDDLE DISTRICT OF FLORIDA  
3                           TAMPA DIVISION

4  
5                           CASE NO.:   8:12-cv-02484-JSM-EAJ

6                           LISA HERRERA AND DENNIS HERRERA  
7                           AS CO-PERSONAL REPRESENTATIVES  
8                           OF THE ESTATE OF ISABELLA HERRERA,  
9                           DECEASED,

10                           Plaintiffs,

11                           vs.

12                           HILLSBOROUGH COUNTY SCHOOL BOARD;  
13                           AND HILLSBOROUGH COUNTY SCHOOL  
14                           DISTRICT,

15                           Defendants.

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16                           VIDEOTAPED  
17                           DEPOSITION OF:           MARYELLEN ELIA  
18                           DATE TAKEN:               October 29, 2013  
19                           TIME:                      10:01 a.m. - 12:04 p.m.  
20                           PLACE:                     Thompson, Sizemore, Gonzalez  
21   & Hearing, P.A.  
22   One Tampa City Center  
23   201 North Franklin Street  
24   Suite 1600  
25   Tampa, Florida 33602  
26                           TAKEN BY:                 The Plaintiffs  
27                           REPORTED BY:             Julie A. Allison, RPR  
28   Court Reporter and Notary Public

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ALSO PRESENT:  
LEE MCKEE, Videographer

1 THE VIDEOGRAPHER: We're now on the record in  
2 the matter of Lisa Herrera and Dennis Herrera  
3 versus Hillsborough County School Board.  
4 Today's date is October 29th, 2013. The time  
5 is 10:01. This is day one of the videotaped  
6 deposition of Maryellen Elia.  
7 Will counsel please introduce themselves.  
8 MR. COTTER: My name is Dan Cotter. And I'm  
9 with the Maher Law Firm. And we represent the  
10 plaintiffs, the Herreras, in this case.  
11 MR. GONZALEZ: Tom Gonzalez for the  
12 defendant, School Board of Hillsborough County,  
13 Florida.  
14 MR. MURMAN: Jim Murman, Barr, Murman  
15 & Tonelli for the School Board of  
16 Hillsborough County, Florida.  
17 THE COURT REPORTER: Do you solemnly swear or  
18 affirm that the testimony you are about to give is  
19 the truth, the whole truth, and nothing but the  
20 truth so help you God?  
21 THE WITNESS: I do.  
22 MARYELLEN ELIA,  
23 having first been duly sworn, was examined and testified  
24 as follows:  
25 DIRECT EXAMINATION

1 I N D E X  
2 TESTIMONY OF MARYELLEN ELIA  
3 DIRECT EXAMINATION BY MR. COTTER 4  
4 CROSS-EXAMINATION BY MR. GONZALEZ 86  
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6 CERTIFICATE OF OATH 100  
7 CERTIFICATE OF REPORTER 101  
8 ERRATA SHEET 102  
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1 E X H I B I T S  
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10 EXHIBIT 1 CURRICULUM AND INSTRUCTION ACTION ITEM 35  
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1 S T I P U L A T I O N S  
2 It is hereby stipulated and agreed by and between  
3 counsel present for the respective parties, and the  
4 deponent, that the reading and signing of the deposition  
5 are hereby RESERVED.  
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1 BY MR. COTTER:  
2 Q. So good morning, Ms. Elia.  
3 A. Good morning.  
4 Q. My name is Dan Cotter. As you know, we just  
5 met. And, as you just heard, I represent the plaintiffs  
6 in this case. And I'm here today to take your  
7 deposition.  
8 If there's any questions that I ask you that  
9 you do not understand, if I don't make myself clear, feel  
10 free to interrupt me and ask me to rephrase my question.  
11 And I will be happy to do so.  
12 A. Great.  
13 Q. And, similarly, if you give a response that  
14 I'm having difficulty following, I might ask you to do  
15 the same thing. My hope and my goal here today is that  
16 you will understand my questions and I will understand  
17 your responses unless we advise each other.  
18 Is that agreeable?  
19 A. Yes.  
20 Q. Thank you.  
21 And, therefore, if you answer my question,  
22 I'm going to assume that you understand it.  
23 Is that agreeable?  
24 A. Yes.  
25 Q. And if at any point in time you feel like you

1 would like to look at some documents that either I have  
2 or counsel has, feel free to let us know that as well.

3 A. Sure.

4 Q. During the course of the deposition this  
5 morning, we'll be talking about a child who's been  
6 identified in the pleadings as IH. There may come  
7 occasion where we -- one of us uses her name either  
8 intentionally or unintentionally. And that's fine. If  
9 we need to at a future time deal with that on the record,  
10 we will.

11 Similarly, there may come a time when I ask  
12 you about incidents involving other students. I may  
13 refer to them by name, but I certainly have no problem at  
14 a later time, if that's necessary, to protect the privacy  
15 of those individuals, we'll refer to them by some acronym  
16 or initials.

17 Is that agreeable?

18 A. Yes.

19 Q. Okay. Thank you.

20 Can you tell me if you've given a deposition  
21 before?

22 A. Ever?

23 Q. Ever. Yes. We'll start there.

24 A. I -- I think I did one other time, but it's  
25 not a common thing in my day.

1 supervisor. And then I became the magnet school  
2 supervisor.

3 At that time I was certified in educational  
4 administration. And then I became the director of  
5 nontraditional programs. I was in that job for a number  
6 of years.

7 I then became the general director for  
8 secondary education. And then I became the assistant  
9 superintendent for facilities, and then moved on from  
10 there, applied for the superintendent's job.

11 And I was selected by the board and  
12 appointed, as I said, on July 1st of 2005.

13 Q. All right. So it's been almost eight full  
14 years for you?

15 A. Over that.

16 Q. Okay.

17 A. Eight and a half.

18 Q. Oh, almost nine.

19 A. Uh-huh.

20 Q. And tell us, if you will, how many students  
21 are in the Hillsborough County school system.

22 A. This year there -- we are over 200,000  
23 students.

24 Q. And as I understand it, that's something like  
25 the seventh or eighth largest in --

1 Q. All right. In your capacity as  
2 superintendent, have you done that?

3 A. I think that's what it was. And it probably  
4 was several years ago. I've been superintendent now for  
5 about eight and a half years.

6 Q. Okay. So tell us your -- you know, your  
7 complete title at the present time, if you would, please.

8 A. I'm the superintendent of schools in  
9 Hillsborough County, public schools.

10 Q. And how long have you had that position?

11 A. I was appointed on July 1st of 2005.

12 Q. And were you appointed by the then school  
13 board?

14 A. Yes.

15 Q. Can you tell us a little bit about your  
16 professional background, please.

17 A. Yes. I began teaching in 1970 in Western  
18 New York. And I was a teacher there. And I moved to  
19 Tampa in 1986. I have an undergraduate degree in social  
20 studies education and history. And I also have a  
21 master's degree in social studies education and a second  
22 master's degree in K-12 reading. I have certification --  
23 well, I came to Florida in 1986 as a teacher. I worked  
24 several years, a few years as a teacher, a reading  
25 teacher in Hillsborough County. Then I became a reading

1 A. It's the eighth largest in the nation.

2 Q. And you have a population of students who you  
3 refer to as ESE students; is that correct?

4 A. Exceptional students. Yes, we do.

5 Q. All right. And that acronym fully stands for  
6 what?

7 A. For students who have been identified as  
8 having an IEP and are -- and require additional services  
9 to support their educational needs.

10 Q. All right. And what is the current  
11 approximate population of that group of students?

12 A. It's about 29,000.

13 Q. So roughly 11 percent of your general  
14 population?

15 A. Uh-huh.

16 Q. Something in that neighborhood?

17 A. Uh-huh.

18 Q. Yes.

19 Now, in 2011 and 2012 --

20 A. Uh-huh.

21 Q. -- prior to the death of IH, can you give me  
22 a visual description of how your department was  
23 structured, please.

24 MR. GONZALEZ: Object to the form of the  
25 question.

1 BY MR. COTTER:

2 Q. In other words, I'm -- what I mean is: If  
3 you could give me a description of your chart, which I'm  
4 visualizing in my head, you know, your organizational  
5 chart.

6 Just tell me who reported to you and how that  
7 was organized, please.

8 A. Sure.

9 So I have -- the table of organization  
10 consists of basically two deputies, a number of assistant  
11 superintendents, and then, of course, the staff under  
12 each of those divisions, each assistant superintendent  
13 runs a division. And in each division, there are levels  
14 of administrators. And each of them works with all of  
15 the people in their division. And then there certainly  
16 is crossover of divisional work.

17 Q. All right. And so how many direct reports  
18 did you have at that time?

19 A. I have two deputies. I have eight assistant  
20 superintendent -- well, let me see. Seven assistant  
21 superintendents, I believe. And those would be direct  
22 reports on my staff. And then, as I said, they have  
23 individuals working with them that -- all of the -- all  
24 of the employees within Hillsborough County schools  
25 actually are my employees and -- but my direct reports

1 whatever reason that might not always fit because there's  
2 a lot of cross-divisional work.

3 Q. If one were to look, for example, at an  
4 organizational chart, would one see a direct line from  
5 the deputy to the -- to some number of the seven or  
6 eight --

7 A. Yes.

8 Q. -- assistant superintendents?

9 A. Yes.

10 Q. Okay. And which of these deputies did the  
11 ESE program fall under?

12 A. By name?

13 Q. By title and name.

14 A. Deputy superintendent at the time would have  
15 been Ken Otero.

16 Q. Yes.

17 And so what was the highest title, if you  
18 would, or the highest employee of the county below  
19 yourself and your two deputies that had responsibility  
20 for ESE students?

21 A. Assistant superintendent.

22 Q. And what was that person's name?

23 A. Wynne Tye.

24 Q. Okay. T-y-g-e?

25 A. T-y-e.

1 were the deputies and the assistant superintendents.

2 Q. All right. And at that time frame,  
3 approximately how many employees were associated with the  
4 county?

5 A. It probably is about -- both part-time and  
6 full-time, it's close to 29,000. It was probably around  
7 26,000 full-time, but, you know, I'm not -- can't give  
8 you the exact number.

9 Q. That's fine.

10 The titles of the two deputies, what were  
11 they?

12 A. Deputy superintendents.

13 Q. And do they each have broad areas of  
14 responsibility under their watch?

15 A. Yes. One of the deputies also was in charge  
16 of HR and other areas that were part of, say, the non --  
17 the kind of backhouse organization. So each deputy --  
18 one is instructional, and one is instructional support.

19 Q. All right. And the seven to eight assistant  
20 superintendents, did they report directly to you, or did  
21 they report through one of these two deputies?

22 A. In -- we all meet. And so there's much  
23 conversation; but as issues come up, the follow-up is  
24 done through each deputy.

25 But that doesn't always -- you know, for

1 Q. T-y-e.

2 Is that a woman?

3 A. Yes.

4 Q. And did Ms. Tye -- what was her title,  
5 please?

6 A. Assistant superintendent for curriculum and  
7 instruction.

8 Q. All right. And, again, with this flow chart,  
9 who would have reported to her? Who would have reported  
10 to her that had responsibility for ESE?

11 A. A general director for exceptional student  
12 education.

13 Q. And who was that?

14 A. Joyce Wieland.

15 Q. All right. What -- again, in that time  
16 frame, this -- the 2011, 2012, what kind of interaction  
17 or structure would there be in your relationship with  
18 Ms. Wieland?

19 A. Formal?

20 Q. Formal. For example, would she be at these  
21 high-level meetings, or were most of your communications  
22 about her responsibilities through Ms. Tye or Mr. Otero  
23 or both?

24 A. She would not have been at my superintendent  
25 staff meetings, no. And most of the communications would

1 have been through her assistant superintendent, Ms. Tye.  
2 **Q. Okay. Since that time there is a new person**  
3 **in Ms. Wieland's job; is that correct?**  
4 A. Yes.  
5 **Q. What is that person's name?**  
6 A. Maryann Parks.  
7 **Q. All right. Does the title of the job still**  
8 **remain the same, general director?**  
9 A. Yes.  
10 **Q. All right. And when did Ms. Parks take that**  
11 **job?**  
12 A. I would have -- I would say probably in  
13 maybe -- it was in 1913 -- or in 2013. So I would say  
14 probably the beginning of the school year, beginning of  
15 the calendar year.  
16 **Q. All right. Beginning of this year --**  
17 A. Uh-huh.  
18 **Q. -- 2013?**  
19 **And --**  
20 A. I could have been -- I could be off on that  
21 date, but --  
22 **Q. That's fine.**  
23 A. -- I think that's what it is.  
24 **Q. As with any answer here, if you're unsure or**  
25 **giving an estimate, that's perfectly fine. Just let us**

1 **know that.**  
2 **Has your relationship with that position, not**  
3 **the person, but the position of general director of ESE**  
4 **students changed in any way in terms of how you described**  
5 **Ms. Wieland's involvement, your involvement with her?**  
6 A. No.  
7 **Q. Okay. Still through the assistant**  
8 **superintendent, Tye?**  
9 A. Actually, I reorganized my staff --  
10 **Q. Yes.**  
11 A. -- and made a number of changes. And in that  
12 reorganization, there is an assistant superintendent for  
13 supportive services. And that person is in charge of  
14 exceptional ed. and a number of other departments.  
15 **Q. When you say "exceptional ed.," you're**  
16 **referring to --**  
17 A. ESE.  
18 **Q. So if I'm understanding you correctly then,**  
19 **the responsibility for the ESE program and students has**  
20 **now been elevated to a position of assistant**  
21 **superintendent?**  
22 A. No.  
23 MR. GONZALEZ: Object to the form of the  
24 question. Go ahead.  
25 BY MR. COTTER:

1 **Q. Explain to me what I missed there.**  
2 A. No. The exceptional ed. department is still  
3 run by a general director.  
4 **Q. Yes.**  
5 A. That person's name, as I gave you, is Maryann  
6 Parks.  
7 **Q. Right.**  
8 A. Maryann Parks now reports to a different  
9 assistant superintendent. And that assistant  
10 superintendent's title is assistant superintendent for  
11 supportive services.  
12 **Q. Yes.**  
13 A. And that's where ESE is. It's no longer  
14 under curriculum and instruction.  
15 **Q. All right. I guess I didn't make myself**  
16 **clear, which is very likely to happen in this deposition.**  
17 **So I appreciate you clarifying that.**  
18 **The position of assistant superintendent for**  
19 **supportive services, that -- is that a new position?**  
20 A. Yes.  
21 **Q. And that position is focused on the ESE**  
22 **population?**  
23 A. No, not -- they have a number of departments  
24 that they work with.  
25 **Q. What others?**

1 A. They work with guidance where we have,  
2 obviously, staff at all district level. They work with  
3 health services.  
4 **Q. Yes.**  
5 A. They work with social work services. And I'm  
6 probably forgetting a couple of others, athletics and --  
7 I'll remember it in a minute.  
8 **Q. That's fine.**  
9 **And who is the person in that position**  
10 **currently?**  
11 A. Mr. George Gaffney.  
12 **Q. And did -- is he a new hire, or was he an**  
13 **assistant superintendent in '11 and '12?**  
14 A. No, he wasn't an assistant superintendent --  
15 excuse me. He wasn't an assistant superintendent. He  
16 worked as an area leadership director --  
17 **Q. Okay.**  
18 A. -- and was in the administrative division at  
19 that time.  
20 **Q. And currently with this reorganization that**  
21 **you've described, how many assistant superintendents do**  
22 **you have? Is it still seven, slash, eight or --**  
23 A. It -- I just added the one and then dispersed  
24 a number of programs. One of the other programs that's  
25 with Mr. Gaffney is professional development.

1 Q. All right. When you say you just added the  
2 one, you mean this one?  
3 A. I added one division and added one additional  
4 assistant superintendent. And that's Mr. Gaffney.  
5 Q. Did you add any additional deputies?  
6 A. No.  
7 Q. Still two deputies?  
8 A. Right.  
9 Q. Now eight or nine assistant superintendents?  
10 A. Right.  
11 Q. Does Ms. Tye's position still exist?  
12 A. Yes.  
13 Q. Is she still in that job?  
14 A. Yes.  
15 Q. And Mr. Otero, is he still in his position?  
16 A. No. He's retired.  
17 Q. Who has taken his responsibility?  
18 A. Mr. Jeff Akins.  
19 Q. Okay. And what was the reason or reasons  
20 behind the restructure that you described?  
21 A. Well, when we had gone through a number of  
22 cutbacks -- in fact, Florida education has taken a number  
23 of hits in this most recent -- excuse me -- most recent  
24 recession period.  
25 We had really tightened up everything, for a

1 belt that we moved over as well. So as we were doing  
2 this, we were looking at the span of control across the  
3 district and appropriately placing people, departments  
4 within that new division.  
5 Q. All right. The -- if I'm understanding you  
6 correctly, is it fair to conclude then that Wynne Tye was  
7 Joyce Wieland's direct supervisor?  
8 A. Prior to the reorganization?  
9 Q. Yes.  
10 A. Yes.  
11 Q. Okay. Was Ms. Wieland still employed at --  
12 in that position as the general director of ESE after the  
13 reorganization?  
14 A. No.  
15 Q. Okay. And we'll talk about that in more  
16 detail.  
17 But, just so I understand, while she was the  
18 general director of ESE students, her direct supervisor  
19 was Wynne Tye?  
20 A. That's right.  
21 Q. Okay. All right. I want to ask you about  
22 that -- there's apparently been an interrogatory answer  
23 filed in this case by the school board in which it has  
24 been listed that Lewis Brinson was Joyce Wieland's  
25 immediate supervisor.

1 large district that's relatively small, organization of  
2 key leaders. And we had -- professional development was  
3 a huge part of that change. Professional development in  
4 the work that we're doing on teacher evaluation is  
5 particularly important.  
6 And it was getting too much for the person,  
7 Wynne Tye, who had that and had a number -- she had  
8 athletics, she had exceptional student education, she had  
9 guidance. She had a job that the span of which was  
10 becoming unwieldy.  
11 And so we took that one division, which prior  
12 to some of the difficulties that we had had with  
13 finances, we had had a division all of its own that kind  
14 of was out there on the side. That was our career and  
15 technical programs.  
16 So we had shrunk that down, saved an enormous  
17 amount of money by doing that; and then realized that we  
18 had so many demands on that one particular assistant  
19 superintendent's position that we needed to decide and  
20 break it up. And so we did that.  
21 Q. Okay. So were her responsibilities  
22 essentially broken into two assistant superintendents?  
23 A. Yes, but there were also some other changes  
24 that came. So we have an assistant superintendent that  
25 does federal programs. And we had some things under her

1 Do you know who Lewis Brinson is?  
2 A. He is one of my assistant superintendents.  
3 When Ms. Wieland was the general director for exceptional  
4 student education, she reported to Ms. Tye. I moved her  
5 out of that position and moved her into an administrative  
6 position where she reports to Lewis Brinson now.  
7 Q. Okay. So her direct -- strike that.  
8 Joyce Wieland's direct supervisor, once she  
9 was moved out of the position of general director of ESE  
10 students, became Lewis Brinson; is that --  
11 A. That's --  
12 Q. -- right?  
13 A. -- right.  
14 Q. Now, I want to talk -- since we're discussing  
15 Joyce Wieland, I would like to talk for a few moments and  
16 ask you some questions about what role you played as  
17 superintendent in selecting the general director of ESE  
18 when Joyce Wieland was selected for that position.  
19 A. All -- all of the positions that are above  
20 principal in -- which would include general directors,  
21 are selected after an interview with myself and my staff.  
22 Q. All right. In particular for the position of  
23 general director of ESE, was that position advertised?  
24 A. Yes.  
25 Q. Okay. So the position that Ms. Wieland was

1 ultimately hired for as general director was a position  
2 that was advertised?

3 A. Yes.

4 Q. And tell me a little bit about where you go  
5 about doing advertising for a position like that.

6 A. Well, we have an administrative bulletin.  
7 And it appears in the administrative bulletin. People  
8 from inside the district, obviously, are aware of that,  
9 but we have people from outside of the district who are  
10 also aware of it.

11 Q. All right. The administrative bulletin, what  
12 is it that you're referring to? Is that an electronic  
13 bulletin?

14 A. It -- I can't remember when we switched. It  
15 used to be electronic and paper, but we transitioned.  
16 And so it now is electronic, however, anybody can go on.  
17 Each division usually has their own paper copy.

18 Q. All right. And, so that I understand  
19 correctly: This electronic bulletin or this bulletin  
20 that you're referring to, is it limited in who it's  
21 distributed to? To just employees of  
22 Hillsborough County?

23 A. No.

24 Q. Who else would have access to it?

25 A. People from outside the county could go

1 Q. And are we referring to Mr. Otero?

2 A. No. I'm referring to the assistant  
3 superintendent who at that time would have been  
4 Wynne Tye.

5 Q. I apologize.

6 Wynne Tye would have been the one responsible  
7 for the screening process that you just described?

8 A. Uh-huh.

9 Q. And what would you expect the result of such  
10 a screening process to be? Would it be a recommendation  
11 of one person to interview or multiple persons to  
12 interview? How might that work?

13 A. Well, generally, it's three or four, you  
14 know. It just depends. It depends on the pool of  
15 people, just depends.

16 Q. And who would be expected to participate in  
17 that screening process?

18 A. When it got to mine, or when she was  
19 doing it?

20 Q. Let's start with her, please.

21 A. I can't name the exact positions, but it  
22 would be people that were on her staff. So other general  
23 directors and/or people from the department that was  
24 being interviewed for. And it might be -- in some cases  
25 it might have been the deputy superintendent, but might

1 online and see what openings we had that would have been  
2 listed.

3 Q. There would be a site on the web --

4 A. Uh-huh.

5 Q. -- a site that would allow positions to be  
6 posted and listed?

7 A. Sure.

8 Q. And in this case you're saying that position  
9 was posted and listed in that manner?

10 A. Uh-huh.

11 Q. That's a yes?

12 A. I'm sorry.

13 Q. That's okay.

14 A. Yes.

15 Q. So, now, in terms of a candidate for a  
16 position at that level, general director of ESE, would  
17 you expect that there would be some kind of a screening  
18 process for those candidates?

19 A. Yes.

20 Q. How would that work?

21 A. Well, for any of the general directors'  
22 positions, the assistant superintendent would have  
23 received the applications, would have done a paper  
24 screening probably and then interviewed and probably  
25 moved forward candidates for the position.

1 not.

2 Q. All right. Am I understanding then that  
3 there's somewhat of a protocol that's followed in terms  
4 of assembling a team to participate in the interviews,  
5 and it could involve any number of the people as you  
6 described?

7 A. Yes. It could have involved a number of  
8 people, and it could be a small group, it could be a  
9 larger group. It depends.

10 Q. Do you know in Ms. Wieland's case who  
11 participated in those initial interviews?

12 A. No, I don't.

13 Q. Did there come a time when you interviewed  
14 Ms. Wieland?

15 A. Absolutely.

16 Q. And what do you recall about that?

17 A. I can't -- I can't recall the exact  
18 interview. However, the process is that my staff would  
19 have interviewed the names that came from the assistant  
20 superintendent who was in charge of that department. And  
21 we would have interviewed the people who she or he had  
22 brought forth for that interview.

23 Q. All right. In that position -- in particular  
24 respect to that position and that vacancy, do you know  
25 whether you interviewed other candidates other than

1 Ms. Wieland?

2 A. I'm sure we would have.

3 Q. Okay. When you say "we," you're including  
4 yourself?

5 A. Oh, absolutely. My superintendent staff,  
6 which is myself and my assistant superintendents and  
7 deputies, would have interviewed her.

8 Q. Would you have done that together --

9 A. Yes.

10 Q. -- collectively?

11 A. Collectively.

12 Q. All right. Would you have ever had a  
13 one-on-one interview with Ms. Wieland?

14 A. It would be very unusual for me to have done  
15 that, no.

16 Q. Do you recall such an interview?

17 A. I don't recall it.

18 Q. Do you recall, again for that position and  
19 that vacancy, the one that Ms. Wieland was ultimately  
20 hired for, whether you and your staff, as you described,  
21 interviewed other candidates?

22 A. Every circumstance where we would have a  
23 general director, we would interview this -- the names  
24 that came down. And we never interview only one. So I  
25 can't tell you the other people we interviewed for that

1 particular job, but I can tell you that the practice is  
2 that we always interview multiple people.

3 Q. Okay. And the reason why you can't tell me  
4 is because you don't remember?

5 A. Yeah. I don't -- I -- that's yes. That's  
6 true. I don't remember --

7 Q. Okay.

8 A. -- exactly who would have been on the list.

9 Q. But it's your firm belief that there would  
10 have been other candidates for whom you participated in  
11 an interview?

12 A. Yes.

13 Q. All right. Do you know if there's any  
14 documentation about that process?

15 A. The process?

16 Q. Yes.

17 A. It's in our -- I believe it's in our HRMD,  
18 our human resources management protocol. And, yes,  
19 there's documentation about the process.

20 Q. Do you know if there's documentation about  
21 the other candidates who would have been interviewed?

22 A. I don't know. I mean, I've never looked at  
23 it, so I can't tell you for sure.

24 Q. Okay. And, however, in such an interview, as  
25 you've described with your staff --

1 A. Uh-huh.

2 Q. -- would you and your staff members make some  
3 kind of notes or have an evaluation form that you work  
4 off of in terms of your evaluation?

5 A. No. We probably would not have.

6 Q. There would not be an HR type --

7 A. There's no --

8 Q. -- template that might allow you to rate  
9 areas that were explored in the interview?

10 A. No.

11 Q. All right. Would you have a meeting with  
12 your staff, those that participated in the interview,  
13 either immediately or sometime after the interview to  
14 come to some discussion about what your various  
15 impressions were about a candidate?

16 A. We would have had it right at that time.

17 Now, the normal case would have been: We have the  
18 interview, and we spend 15 to 30 minutes afterwards  
19 talking through the various candidates and getting -- I  
20 get input from the staff on the selection of the person.

21 So that would be the normal thing.

22 Obviously, there's times when my schedule doesn't allow  
23 me to stay. And so we might at our staff meeting on  
24 Thursday morning, which is a set time, we may bring it up  
25 there since everybody at my staff are also the same

1 people that would have done the interview.

2 Q. All right. So if I'm understanding you  
3 correctly, you're describing a process that in an ideal  
4 world would allow you to interview however many number of  
5 candidates have been screened and recommended for  
6 interview relatively around the same time frame and then  
7 have a discussion following the last interview --

8 A. Yes.

9 Q. -- about who seemed best suited?

10 A. Yes.

11 Q. In Ms. Wieland's case, who ultimately made  
12 the decision to offer her the position?

13 A. I do.

14 Q. And do you recall the reasons why you made  
15 that selection?

16 A. Yes. Ms. Wieland has been -- had been a very  
17 successful administrator in the district. She had had  
18 experiences at multiple sites, school sites. And at  
19 those school sites, she had large populations of  
20 exceptional ed. students with, you know, complicated  
21 situations and had dealt very well with parents and had  
22 been a great manager.

23 Q. Anything else?

24 A. You know, she had the requirements for the  
25 job. She wouldn't have -- in the system you wouldn't



1 have been able to even interview with the assistant  
2 superintendent if you didn't have the required  
3 qualification for the job. So she had those. And our  
4 experience had been that she was just an excellent  
5 administrator and manager.

6 Q. Now, am I correct that she was actually  
7 replacing Wynne Tye in that position?

8 A. Yes.

9 Q. You talked about a procedure that has to be  
10 complied with with human resources. And I've come across  
11 an acronym that is referred to as HRMD. Are --

12 A. Yes.

13 Q. -- you familiar with that?

14 A. Yes.

15 Q. What does that mean?

16 A. Human resources management -- "D" --  
17 directory -- no, not directory. I can't remember the  
18 last word.

19 Q. That's fine. What is that?

20 A. It is the process that we go through for  
21 hiring and for identifying peoples [sic] who are eligible  
22 for positions to be hired and what the process would be.

23 Q. Okay. You have told us the reasons why that  
24 you recall today you felt that Joyce Wieland was the  
25 right person for the job.

1 Can you tell me the names of any other  
2 candidates who you interviewed?

3 A. I really can't.

4 Q. Because you don't remember?

5 A. That's right.

6 Q. Can you tell me anything about their  
7 background that although you can't remember their name  
8 you might remember this particular person came from  
9 another district and, We liked him or her, but there was  
10 some -- is there anything anecdotal you can remember  
11 about the other candidates?

12 A. I -- you know, when this -- when that  
13 particular interview was held, I do remember that we --  
14 and we don't often have a lot of people coming from out  
15 of town, but I do remember that there might have been a  
16 staff -- there might have been one or two people that had  
17 applied for the job from outside of Hillsborough County.

18 Q. All right. And that's about all you  
19 remember --

20 A. Yeah. I don't remember names or anything.

21 Q. Did you have any kind of a relationship with  
22 Ms. Wieland before this process began? In other words, I  
23 know she was an employee of the school district. And I  
24 understand that. But were you social friends with her?  
25 Did you see her socially? Did you ever work with her

1 over the years in the same school or anything of that  
2 nature?

3 A. No.

4 Q. In the same department?

5 A. No. I mean, I knew her as a principal. I  
6 knew her -- she had been a principal at several schools,  
7 as I mentioned. She was at Dale Mabry at one point. She  
8 also was at West Chase. And, you know, a very competent,  
9 skilled administrator.

10 Q. And were -- to your recollection -- or strike  
11 that.

12 Once you complete these interviews and you  
13 make a decision as to who you'd like to offer that  
14 position to, and in particular in Ms. Wieland's case, how  
15 does that process work?

16 A. Well, we make the decision. The assistant  
17 superintendent for that department would -- we would  
18 determine when it was going to go to the school board.  
19 The assistant superintendent for that position would have  
20 called the school board members, indicated to them we had  
21 done the interviews and that we were going to be placing  
22 or suggesting Ms. Wieland on the school board agenda for  
23 that next meeting.

24 Q. All right. How frequently at that point in  
25 time was the school board meeting to handle these types

1 of requests for this type of business?

2 A. Our school board meets every two weeks.

3 Q. And so that's the protocol, if you get an  
4 item on the agenda, is to call ahead and let them know  
5 that this area needs to be addressed?

6 A. No. So let me clarify. We would have  
7 advertised the positions, right? And people would  
8 have -- so the advertisement is out there in the public.  
9 People would have applied. We would have had the  
10 screenings with the assistant superintendent. The names  
11 would have come to the superintendent. And then we would  
12 have scheduled an interview with my staff. They would  
13 have interviewed with us. We would have had a discussion  
14 about what person we felt was the best match for this  
15 position. We then would have scheduled and said, It's  
16 going to go at the next board meeting.

17 And, typically, those interviews are done  
18 within a week of the board meeting scheduled. And then  
19 the assistant superintendent would have called the board  
20 members and indicated we've had our interviews and this  
21 is the name the superintendent's bringing forward.

22 Q. All right. Is it fair to say that  
23 Ms. Wieland had no ESE certifications?

24 A. She was a manager and had been a principal.  
25 She did not have ESE certifications to my knowledge.

1 Q. So the answer to my question is yes?  
2 A. Give me a --  
3 Q. She had no ESE certifications?  
4 A. That's right.  
5 Q. Were any concerns that you recall raised by  
6 the school board about Ms. Wieland's lack of experience  
7 in the ESE area?  
8 MR. GONZALEZ: Object to the form of the  
9 question. You can answer.  
10 THE WITNESS: Honestly, I -- you know, it's  
11 possible that there were. I can tell you that  
12 Dr. Jack Lamb --  
13 BY MR. COTTER:  
14 Q. Yes.  
15 A. -- who was on our school board at the time  
16 had been an ESE teacher and an administrator. And it's  
17 possible that he would have said something. I'm trying  
18 to go back in my memory.  
19 He may have -- you know, that's where -- and  
20 I think perhaps that's the reason that I have the  
21 recollection that somebody applied from out of town. I  
22 think he had somebody that he knew from out of town that  
23 applied for the job as well.  
24 Q. All right. And when you say he may have said  
25 something, is what he may have said, would that have been

1 communicated at a public meeting or in some kind of a  
2 private forum?  
3 A. He probably would have told me and/or told  
4 Ms. Tye.  
5 Q. Privately?  
6 A. Yeah.  
7 Q. Via phone call or an e-mail, or how might  
8 that work?  
9 A. Probably -- I have regular meetings with the  
10 school board members. And so he probably would have  
11 shared it there.  
12 Q. When you say regular meetings, you're  
13 referring to meetings other than the ones that are --  
14 A. Public.  
15 Q. -- every two weeks and are public?  
16 A. Right. That's right.  
17 Q. Any other concerns raised by either school --  
18 school board members or members of your own staff about  
19 Ms. Wieland's lack of experience and certification in the  
20 ESE area?  
21 A. I have no recollection of anything else.  
22 Q. All right. I want to show you what's been  
23 marked as Plaintiffs' Exhibit No. 1 and ask you a few  
24 questions about it, please.  
25 (Plaintiffs' Composite Exhibit No. 1 was

1 marked for identification.)  
2 BY MR. COTTER:  
3 Q. Why don't you take a minute to look at that  
4 and let me -- when you have had an opportunity to do so,  
5 let me know, and we'll go ahead and move forward.  
6 A. Are they all questions or just about the  
7 administrative appointments?  
8 Q. I'm going to have a number of specific  
9 questions, but I want --  
10 A. Because there's a number of things on here  
11 that are -- "Recognition of a Partnership Through Dance  
12 School Success."  
13 Q. Yeah, we're not going to be talking about  
14 those.  
15 A. Okay.  
16 Q. My questions are going to be related, again,  
17 to Ms. Wieland's hire.  
18 A. Okay. So -- I didn't read through this. So  
19 let me get to the one section --  
20 Q. Sure.  
21 A. -- in here on Joyce Wieland.  
22 Okay.  
23 Q. All set?  
24 A. Yes.  
25 MR. GONZALEZ: You want me to make a copy of

1 that?  
2 MR. COTTER: Sure.  
3 THE VIDEOGRAPHER: Going off the record.  
4 Time is 10:30 -- we're going off record? Going off  
5 record?  
6 MR. GONZALEZ: Sure.  
7 THE VIDEOGRAPHER: Sorry.  
8 MR. COTTER: Whatever's easier for you is  
9 fine.  
10 THE VIDEOGRAPHER: The time is 10:38. We're  
11 now off the record.  
12 (Pause in proceedings.)  
13 THE VIDEOGRAPHER: The time is 10:43. We're  
14 back on record.  
15 MR. COTTER: Thank you.  
16 BY MR. COTTER:  
17 Q. So looking at Exhibit 1, let's start with  
18 page 1 if we could, and just describe for me what that  
19 document is, please.  
20 By the way, I think it bears Bates stamps at  
21 the bottom of 015538. Is that what you have, too?  
22 A. That's true, yeah.  
23 Q. Okay. Go ahead. Thank you.  
24 A. So this is the cover sheet for the school  
25 board agenda item that would approve the administrative

1 appointment of the general director for exceptional  
2 student education.  
3 **Q. All right. What does that mean, the word**  
4 **"administrative appointment"?**  
5 **A. It's an administrator in our district.**  
6 General director is an administrative position. And the  
7 administrative appointment for the general director of  
8 exceptional student education is an administrative  
9 position.

10 **Q. And when those words are used,**  
11 **"administrative appointment," does that convey some**  
12 **special significance to the school board? Do they know**  
13 **that this is a position that you're entitled to make the**  
14 **hire on, or what special significance, if any, does that**  
15 **convey?**

16 **A. That -- so clarify your question. When you**  
17 **say that they're entitled to make a "hire on" --**

18 **Q. What I'm asking is: Are the words**  
19 **"administrative appointment," are they terms of art that**  
20 **would convey to the school board that this position falls**  
21 **within a certain category of positions of which you are**  
22 **entitled to make the hire?**

23 **MR. GONZALEZ: Object to the form.**

24 **THE WITNESS: Yes. An administrator in the**  
25 **district. But, as I said, I make the hire on all**

1 positions in the district, right?

2 **But, yes, this goes to the board as an**  
3 **administrator that's being appointed, and I'm**  
4 **seeking their approval.**

5 **BY MR. COTTER:**

6 **Q. Thank you.**

7 **Let's look at page 2 of that exhibit,**  
8 **Bates 015539. What is that document?**

9 **A. This is -- gives the status on what occurred**  
10 **at the board meeting. And it was approved. And**  
11 **Joyce Wieland was appointed effective August 11.**

12 **Q. All right. Looking at the third page, which**  
13 **appears to be Bates 015540, third page of Exhibit 1, if**  
14 **we go down to Section D, Administrative Appointments, now**  
15 **are these minutes from the school board meeting?**

16 **A. That's what it looks like, yes.**

17 **Q. Does your staff prepare those, or does a**  
18 **staff member from the school board do that?**

19 **MR. GONZALEZ: Object to the form of the**  
20 **question. You can answer.**

21 **THE WITNESS: The -- there's an audio.**

22 **BY MR. COTTER:**

23 **Q. Yes.**

24 **A. A video. And we have a secretary at the dais**  
25 **who takes notes. And then they're responsible to get**

1 these transcribed. And then it goes to -- for approval  
2 at the next board meeting.

3 **Q. All right.**

4 **A. So they're the minutes.**

5 **Q. So if we go down to Section D and we read**  
6 **from the second paragraph, it indicates, "Motion by**  
7 **member Olsen, second by Member Lamb to appoint**  
8 **Joyce Wieland, currently principal" -- "motion" --**  
9 **skipping ahead -- "motion carries, five votes,**  
10 **Member April Griffin not present."**

11 **Does the fact that school board member**  
12 **Dr. Lamb seconded the motion change your thinking at all**  
13 **that he may possibly have been the one that had raised**  
14 **some concerns about her appointment?**

15 **A. Well, let me clarify. When I have a**  
16 **discussion with a board member about an appointment, I**  
17 **don't know that it necessarily always is a concern,**  
18 **right? They want to talk about it.**

19 **And so I remember that Dr. Lamb, obviously,**  
20 **because of his background in exceptional student**  
21 **education, I remember that he talked to me about this**  
22 **position. I don't necessarily remember that it was a**  
23 **concern. I remember that he talked about the position to**  
24 **me. That doesn't always happen. Sometimes there's no**  
25 **discussion with board members. They don't have any**

1 questions. And when the assistant superintendent calls  
2 them, they say, "Oh, great." But, obviously, he seconded  
3 it, so, I mean, he must have approved of it.

4 **Q. All right. If we go over to the next page,**  
5 **page 4, of this Exhibit 1, Bates stamped 015541 --**

6 **A. Uh-huh.**

7 **Q. -- this appears to be titled, "Script for**  
8 **superintendent."**

9 **A. Uh-huh.**

10 **Q. What is this document?**

11 **A. During the board meeting, at the time of the**  
12 **administrative appointments, I -- we come to D.01.**

13 **Q. Yes.**

14 **A. Okay. And when we come to D.01, I tell the**  
15 **board about the person that I am bringing forth for that**  
16 **position. And so if you look, it's the four positions**  
17 **that I was taking, right?**

18 **Q. Yes.**

19 **A. I mentioned the HRMD plan. And then I go**  
20 **into 01, which is the first D.01.**

21 **Q. Yes.**

22 **A. I would have had D.02, 3, and 4. And I give**  
23 **the background of the person, some of their experiences,**  
24 **et cetera that they've had.**

25 **Q. All right. And is that then when the motion**

1 is made and the vote is taken, following those comments?

2 A. Yes.

3 Q. And who prepares the script for  
4 superintendent?

5 A. Someone in my -- in my office. Generally, it  
6 is the general director for communications.

7 Q. All right. You literally read or paraphrase  
8 something like this at the appropriate time in the  
9 meeting?

10 A. I read it exactly.

11 Q. Okay. All right. All right. I want to turn  
12 our attention to another issue, if we could, please. And  
13 that is generally the role of reporting and investigation  
14 of student injury incidents.

15 And I want to begin by asking you if you  
16 would agree with me that the investigation of accidents,  
17 including those that involve students in the  
18 Hillsborough County School District, is a necessary and  
19 effective technique for preventing recurring or future  
20 accidents?

21 MR. GONZALEZ: Object to the form of the  
22 question. You can answer.

23 THE WITNESS: Would you say that again?

24 MR. COTTER: Sure.

25 BY MR. COTTER:

1 Q. I want to ask you if you generally agree that  
2 the investigation of accidents involving your students is  
3 a good, effective technique for helping to prevent future  
4 or reoccurring accidents?

5 A. Yes.

6 Q. And, similarly, would you agree with me that  
7 through the investigation of accidents of your students,  
8 on occasion specific causes or broad problem areas can be  
9 identified?

10 MR. GONZALEZ: Object to the form of the  
11 question. You can answer.

12 THE WITNESS: Sure. I think, you know, it  
13 illuminates the situation. Sure.

14 BY MR. COTTER:

15 Q. All right. So you would agree with me, too,  
16 that if you were to begin to see a pattern of a specific  
17 type of problem, that you could fashion a remedy that  
18 hopefully addresses that type of problem?

19 MR. GONZALEZ: Object to the form of the  
20 question.

21 THE WITNESS: Uh-huh.

22 BY MR. COTTER:

23 Q. Yes?

24 A. Yes.

25 Q. And you would agree that eliminating the

1 cause or correcting the problems identified through  
2 accident reporting and investigation generally can result  
3 in a safer school environment?

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

6 THE WITNESS: Yes.

7 BY MR. COTTER:

8 Q. Would you agree with me that district-wide  
9 policies, as well as safe practice protocols in effect in  
10 Hillsborough County schools, require the investigation  
11 and documentation for all accidents, including those that  
12 involve students?

13 A. Yes, I would, but, you know, I think it's  
14 important to clarify that we have an accident -- there's  
15 many types of accidents, right? So you could have a  
16 student that hits their head on the floor during a gym  
17 class. And they might call 911 and have emergency  
18 services come. And different situations require  
19 different things.

20 Q. All right. And isn't that why the district  
21 attempts to define major accidents as one where emergency  
22 or extended medical attention is required and/or results  
23 in property damage in excess of \$500?

24 A. Well, let me say; medical emergencies, just  
25 to give you an example, we have medical emergencies all

1 over the district every day, multiple medical  
2 emergencies.

3 So what a person might say who was unfamiliar  
4 with a district our size with the number of students that  
5 we have, a medical emergency might be a singular event.  
6 In our district we have emergency services at our schools  
7 every day multiple times.

8 Q. I'm just trying to see if you agree with the  
9 definition that the district uses to define a major  
10 accident as one in which emergency or extended medical  
11 attention is required and/or results in property damage  
12 in excess of \$500?

13 A. Okay.

14 Q. You agree that's what the policy is?

15 A. I don't have the policy in front of me. So  
16 you're reading it to me? Is that our policy you're  
17 reading?

18 Q. No. I'm reading from my notes.

19 A. Okay. Then I'd have to have my policy to  
20 make sure. I mean, we have policies on a lot of things.  
21 I'd have to have -- you're asking very specific things.  
22 So if that's one of the policies that you're saying is in  
23 our policy book; is that what you're indicating?

24 Q. That's what I'm indicating.

25 A. Okay. Then I'd like to have the policy in

1 front of me before I say yes.  
2 Q. Okay. So you're unable, as you sit here  
3 today, to agree with me that your district defines a  
4 major accident that requires investigation as one which  
5 involves emergency or extended medical attention?  
6 MR. GONZALEZ: Object to the form of the  
7 question.  
8 THE WITNESS: Yeah, I'd like the policy in  
9 front of me.  
10 BY MR. COTTER:  
11 Q. And my question to you is: You're unwilling  
12 to agree to that, that you understand that to be the  
13 policy of your district here today in this deposition?  
14 A. Right. Well, what I'm -- you're saying it's  
15 a policy. I'm just clarifying. I'd like to have it in  
16 front of me. You gave me this. And so that's all.  
17 Q. Okay. How does the district define a major  
18 accident, one which requires investigation?  
19 A. Well, as I said, there's -- there are major  
20 accidents. And then there could be a time where a  
21 student might fall on a step. I don't know that  
22 that's -- necessarily would be considered a major  
23 accident. However, it could require that we find out --  
24 that we call emergency medical care.  
25 When it -- when we call emergency medical

1 care, at that point in time, yes, it becomes something  
2 that's more serious. But if I have somebody that trips  
3 on a step, I wouldn't necessarily think that's a major  
4 medical accident. So, you know, the policy is what the  
5 policy is. And we follow the policies.  
6 Q. You said all that.  
7 My question to you is: What is the  
8 district's policy in defining what a major accident is  
9 that requires investigation?  
10 A. I would have to have the policy book in front  
11 of me to give you exact specifics on what it is.  
12 Q. So you don't know?  
13 A. No.  
14 Q. Would you agree with me that when one fails  
15 to report a major accident or incident that involves  
16 students, that that failure to report may result in  
17 future similar incidents occurring within the school  
18 district?  
19 MR. GONZALEZ: Object to the form of the  
20 question.  
21 THE WITNESS: So if it weren't reported at  
22 all and so that we hadn't called -- you know, there  
23 was an incident where no one was called and we just  
24 ignored something?  
25 BY MR. COTTER:

1 Q. No. If it wasn't reported and investigated,  
2 you lose the opportunity to learn from what occurred and  
3 use it as a method to prevent the same from occurring in  
4 the future?  
5 MR. GONZALEZ: Object to the form of the  
6 question.  
7 THE WITNESS: Would I say that that, in fact,  
8 that's the case?  
9 MR. COTTER: Yes.  
10 THE WITNESS: Clarify it again for me. I'm  
11 sorry.  
12 MR. COTTER: Sure.  
13 BY MR. COTTER:  
14 Q. Do you agree that failing to investigate a  
15 major accident or incident involving students can result  
16 in a future similar incident occurring within the school  
17 district?  
18 A. It -- I guess it's possible, yes.  
19 Q. Do you also agree that if multiple incidents  
20 involving ESE students are not adequately reported and  
21 investigated, the risk of injury to other ES students  
22 increases?  
23 MR. GONZALEZ: Object to the form of the  
24 question.  
25 THE WITNESS: Well, I guess you're indicating

1 that you think that things aren't investigated; is  
2 that right?  
3 MR. COTTER: No.  
4 THE WITNESS: No?  
5 BY MR. COTTER:  
6 Q. I'm asking you if you agree that in a  
7 scenario where multiple incidents involving ESE students  
8 are not adequately reported and/or investigated, do you  
9 agree that the failure to report and investigate those  
10 incidents can risk injury to other ESE students?  
11 A. It could.  
12 MR. GONZALEZ: Object to the form of the  
13 question.  
14 BY MR. COTTER:  
15 Q. Yes, you agree?  
16 A. It could, yes.  
17 Q. Can you explain to me what the process of  
18 reporting major incidents or accidents to the school  
19 board is?  
20 A. When you say school board, are you talking  
21 about the seven members of the school board?  
22 Q. Yes, I am.  
23 A. Well, I will tell you that since we have so  
24 many incidences that occur where we have emergency  
25 medical support going in to support a student, we do not

1 have, at least at -- right now we do have, but we didn't  
2 prior to this point, have a system that every time that  
3 occurred, the school board members were aware of it.

4 **Q. But now you have such a system?**

5 A. Yes.

6 **Q. All right. Tell me how the system works  
7 today, please.**

8 A. We -- every one of our schools which  
9 previously had reported to their area leadership director  
10 any circumstances that were an emergency, we now are  
11 forwarding those to our school board members.

12 **Q. And how are you doing that?**

13 A. Electronically.

14 **Q. And so is that done in realtime, or is it  
15 done at the end of each school week? How does that  
16 process work?**

17 A. It's usually in the -- you know, in the day.  
18 And it would go in probably pretty quickly. It depends  
19 if the emergency's at a school site. They send it to the  
20 ALD. And immediately it gets forwarded.

21 **Q. "ALD" is area leadership director?**

22 A. That's right.

23 **Q. And, as I understand that position, that  
24 person may have responsibility for one or more clusters  
25 of schools?**

1 A. That's correct.

2 **Q. All right. So when the ALD director becomes  
3 aware of an incident that involves medical attention --**

4 A. Well, it might not --

5 **Q. -- what is the criteria?**

6 A. Might not -- it might not involve medical  
7 attention. It could be an incident in a school that  
8 involved the police. It could be a number of different  
9 incidents.

10 **Q. All right. So they then -- do they generate  
11 a report, or do they send just an e-mail summarizing as  
12 they understand it or what--**

13 A. Well, we have a specific form.

14 **Q. And what is that form called?**

15 A. An incident report.

16 **Q. All right. So they complete the incident  
17 report, the ALD director, or would the --**

18 A. No.

19 **Q. -- the principal at the school?**

20 A. At the school site.

21 **Q. The highest person at the school site?**

22 A. Right.

23 **Q. The school site produces an incident report.  
24 It gets forwarded on to the ALD director?**

25 A. ALD, right.

1 **Q. And then I am understanding there perhaps is  
2 now a new mailing list that does include the school  
3 board.**

4 A. That they get -- they get the automatic on  
5 it, yeah.

6 **Q. Okay. And what is that system called?**

7 A. I don't know that we have a formal title  
8 for it.

9 **Q. When did it go into place?**

10 A. Certainly in -- I would say in 2013.

11 **Q. Was it a result of IH's death?**

12 A. As a result? Yes, I think it was.

13 **Q. And was it brought about as a result of  
14 school board members expressing concern that they weren't  
15 made aware of IH's death?**

16 A. But it was much later than actually the time  
17 that the child passed away, because the situation at the  
18 time was not something that -- that when an ambulance is  
19 called to a bus for a child who has a medical emergency.

20 At that time that would go probably to the  
21 ALD, but it wouldn't have gone anywhere else. It's  
22 possible it didn't go anywhere else. The ambulance went  
23 to the bus. The child was taken to the hospital.

24 Certainly, the school was very involved.

25 They were with the family and all, but it's possible that

1 it -- you know, that it stayed with the ALD.

2 **Q. I understand that. But my question to you  
3 was: Is this new system a result of school board members  
4 contending that they were not --**

5 A. Yes.

6 **Q. -- timely made aware of IH's death?**

7 A. Yes. It -- yeah.

8 **Q. What gave rise to this new system? What, was  
9 there a planning meeting? Was there just an  
10 administrative decision by you? How did it come about?**

11 A. I think it -- I think actually the way that  
12 it came about was that the board discussed it at a board  
13 meeting. But I had a prior discussion with a couple of  
14 the school board members.

15 And the time that it actually was announced  
16 by, I guess, your firm that there was a case against the  
17 school district, that was when it became kind of public  
18 knowledge. And the board members indicated that -- why  
19 didn't they know about it?

20 And at that point in time, we had a  
21 discussion. And we were requested -- it was requested  
22 from a number of board members that we establish a system  
23 to put out that would allow them to be aware of  
24 circumstances where we were calling in emergency services  
25 or situations that were occurring at schools.

1 Q. Thank you.  
2 Now, I know that you started in your current  
3 position in 2005; is that right?  
4 A. Right.  
5 Q. And you've been with the system --  
6 A. Since '86.  
7 Q. -- in that capacity since '86.  
8 So you were with the system in 1999.  
9 When you came into the position of  
10 superintendent, did you become aware of an incident  
11 involving a sixth grader named Eric Martin that occurred  
12 in 1999?  
13 A. Did I become aware of it? Not really.  
14 Q. As you sit here today, are you familiar with  
15 the Eric Martin case that occurred in 1999?  
16 A. Right. And in 1999 I was a member of the --  
17 obviously, I was on the staff of the school board. And I  
18 knew that that had -- there had been an accident with a  
19 child who was exiting a bus.  
20 Q. What do you recall specifically about  
21 Eric Martin's case?  
22 A. That he was a student who had been provided  
23 services in the extended learning program and that he  
24 exited the bus and -- at a place where he didn't have  
25 anyone picking him up and that there was an accident with

1 a -- that involved a car other than a bus. So that's  
2 really pretty much what I know.  
3 Q. Were you aware that the bus driver who took  
4 him home did not know him and let him off at the wrong  
5 bus stop?  
6 A. That specific detail I did not know.  
7 Q. And are you learning that for the first time  
8 here today as superintendent, that detail?  
9 A. That specific detail, yes.  
10 Q. No one made you aware of that?  
11 A. No. What I knew was that there was an  
12 accident with a student who was not being -- was not  
13 picked up at a specific point. I didn't know that, in  
14 fact, the child was let off somewhere else.  
15 Q. Did you know that he was an ESE student?  
16 A. I knew that he was an ESE student. He was a  
17 specific learning disabled student, I believe. At the  
18 time we didn't have an extended learning program. There  
19 were not a large number of exceptional students who would  
20 have been on the bus because that program was not  
21 generally used -- the extended learning program wasn't  
22 generally used by ESE students.  
23 Q. Now, did you become aware of an incident that  
24 happened on February 3rd, 2001 involving an ESE student  
25 we'll refer to as CS?

1 MR. COTTER: Off the record.  
2 (Discussion off the record.)  
3 BY MR. COTTER:  
4 Q. Are you familiar with that incident?  
5 A. At Gaither High School?  
6 Q. Yes.  
7 A. Yes.  
8 Q. Tell me what you know about that incident.  
9 A. I know that there was a report that there had  
10 been injury to a child, to CF, at Gaither High School and  
11 that immediately child protective services was called in.  
12 And the sheriff's office did a report. And at that time  
13 had no findings.  
14 Q. All right. Do you know what the injury was?  
15 MR. GONZALEZ: Object to the form of the  
16 question. You can answer.  
17 THE WITNESS: I believe -- you know, I know  
18 that it involved either a very, very badly bruised  
19 or a physical injury.  
20 BY MR. COTTER:  
21 Q. You don't know what part of her body?  
22 A. I think it was -- I think it may have been  
23 her leg.  
24 Q. Did you do any report of that incident?  
25 MR. GONZALEZ: Object to the --

1 MR. COTTER: Strike that.  
2 MR. GONZALEZ: -- form of the question.  
3 MR. COTTER: Strike that. I'm sorry.  
4 BY MR. COTTER:  
5 Q. Did you do any investigation into that  
6 incident?  
7 A. When there's an incident at a school site and  
8 there's anything like that that would involve the charge  
9 that a teacher or the school staff had something to do  
10 with the -- causing the injury, we immediately call the  
11 sheriff's office. And the CPI people come in and do  
12 their investigation.  
13 Q. Did the school system do an investigation?  
14 A. I don't believe we did, when that one was  
15 done by the sheriff's office.  
16 Q. Do you know if an investigation was done with  
17 regard to the Eric Martin case?  
18 A. I don't know.  
19 Q. Were you aware of an incident in 2011 where a  
20 young ESE student was left on a bus for the entire day?  
21 A. I am.  
22 Q. Tell me what you know about that, please.  
23 A. A student -- a young child was on the bus.  
24 And the bus driver at the end of his run did not walk  
25 through the bus to check that all the students were off

1 the bus. And she fell asleep at the back of the bus.  
2 Q. And were you aware that no incident was  
3 done -- I'm sorry. Were -- strike that.  
4 Were you aware that no incident report was  
5 done on that incident?  
6 A. That no incident report was done?  
7 Q. Yes.  
8 A. Well, there was an investigation of it.  
9 Q. Were you aware that there was no  
10 investigation done by the school district in that case?  
11 A. CPI was called.  
12 Q. What is CPI?  
13 A. It is an arm of the sheriff's office. And  
14 they investigate whenever there's a child involved in  
15 something.  
16 Q. Okay.  
17 A. And so when that occurs, we step back. And  
18 they have to take full responsibility at that point. And  
19 they want that.  
20 Q. Okay. And you have told us that before. But  
21 my question to you is very specific.  
22 Isn't it true that the school system did no  
23 investigation of this particular case?  
24 MR. GONZALEZ: Object to the form of the  
25 question.

1 THE WITNESS: Well, that certainly is  
2 possible if CPI does the investigation.  
3 BY MR. COTTER:  
4 Q. I understand you want to tell us that the CPI  
5 did an investigation. I grant you that. I just ask you  
6 to answer my question, which is whether the school system  
7 did its own investigation. The answer to that is no,  
8 correct?  
9 A. I don't believe we did.  
10 Q. Same thing is true with the CSS case -- CS  
11 case, correct --  
12 MR. GONZALEZ: Object to the form of the  
13 question.  
14 BY MR. COTTER:  
15 Q. -- no investigation?  
16 A. That's true.  
17 Q. Same with the Eric Martin case as well,  
18 correct?  
19 A. I told you at that point I don't know.  
20 Q. Now, turning our attention to the IH case, no  
21 investigation was done by the school system with respect  
22 to the IH case, correct?  
23 A. That's correct.  
24 Q. Now, since IH's death, there have been other  
25 incidents that I want to ask you about, in particular the

1 Cabarella case. Are you familiar with that?  
2 A. Caballero?  
3 Q. Yes.  
4 A. Yes.  
5 Q. Tell me what you recall about that, please.  
6 A. A student at Rogers Middle School, an  
7 exceptional ed. student, ran away from her class in a  
8 gymnasium.  
9 She went out onto the backside of the school  
10 site. And she was later found by the sheriff's office  
11 after an extensive search. She had climbed over a fence.  
12 And she drowned.  
13 Q. And there was a significant amount of  
14 publicity related to the reporting of her death, correct?  
15 A. Yes.  
16 Q. And that publicity was very close in time to  
17 her death, correct?  
18 A. Yes.  
19 Q. And in that case, an investigation was done  
20 by the school system; is that correct?  
21 (Interruption in proceedings.)  
22 A. After CPI was there? After the sheriff's  
23 protective -- Children's Protective Services was there  
24 and they did their investigation. The sheriff's office  
25 did a very extensive evaluation at that point, what

1 occurred at that time and all. It involved not only CPI,  
2 but also the full sheriff's investigative unit.  
3 Q. Your system did an investigation by the  
4 Office of Professional Standards, correct?  
5 A. After the fact, yes.  
6 Q. And what was the results of that?  
7 A. Recommendations on disciplinary action  
8 against a number of employees.  
9 Q. Several employees were fired?  
10 A. Yes.  
11 Q. Do you know who they were?  
12 A. They were a number of staff members who were  
13 responsible for the student when she was working in the  
14 gymnasium and in gym class.  
15 Q. Now, do you remember the time of that case,  
16 the month?  
17 A. It was in the fall of 2012.  
18 Q. Now, are you familiar with an incident that  
19 occurred on September 28th, 2012 in which an  
20 eight-year-old autistic child was kicked by a bus driver?  
21 A. Yes, I'm familiar with the incident.  
22 Q. What do you recall about that?  
23 A. A bus driver that had been recently hired did  
24 that to a child. We immediately called the police  
25 department. And she was fired. And she was charged.



1 Q. No investigation was done by the school  
2 system?

3 A. No. The police did the investigation.

4 Q. Now, when did you first become aware of the  
5 incident involving IH?

6 A. When your law firm announced that there was a  
7 lawsuit against the school district on the side of our  
8 building.

9 Q. So in November of 2012 was the first time you  
10 heard of IH's death?

11 A. I have no recollection of hearing of IH's  
12 death prior to that time, no.

13 Q. All right. The -- just so I'm clear: Your  
14 contention here today is the first time you learned of  
15 IH's death was on the day that a press conference was  
16 held by my law firm in November of 2012?

17 A. Yeah. And so what I said to you was: I  
18 don't have a recollection. It is possible that -- that I  
19 might have received some information that a school was  
20 dealing with a child who had had -- who had died. And we  
21 had the crisis team at the school or whatever. That is  
22 possible since the student died in the hospital and she  
23 was a complicated -- complicated physical exceptional ed.  
24 student, it's possible I might have heard that, but not  
25 that I made an association that there was anything before

1 that time. I can't remember it.

2 Q. Do you remember where you were on  
3 January 26th, 2012, the night that Bella died?

4 A. No, I don't.

5 Q. You don't recall being with Candy Olsen  
6 together at an event with the sheriff?

7 A. No, I don't remember that at all.

8 Q. All right.

9 A. With the sheriff?

10 Q. Yeah.

11 A. What event was it?

12 Q. Pardon me?

13 A. What event was it?

14 Q. Unfortunately, my e-mail's not opening up  
15 here, but there's a news article about you and Ms. Olsen  
16 being at an event with the sheriff. And it's videotaped  
17 apparently. And there's audio and --

18 A. It would be -- I -- very seldom do I end up  
19 being at the same place as the sheriff. So I don't know  
20 what it would be.

21 Q. I can't vouch for it. I'm just asking you  
22 about it.

23 A. No. I have no recollection of it at all.

24 Q. All right. I take it, then, that you weren't  
25 aware that the sheriff's office requested the bus video

1 shortly after the incident.

2 A. I only became aware of that when I read the  
3 sheriff's report after the announcement of the lawsuit.

4 Q. All right. Now, by the way, have you ever  
5 watched the videotape?

6 A. I've watched -- major portions of it, not  
7 just what was on TV.

8 Q. When did you do that?

9 A. After the announcement.

10 Q. Okay. When have you last done it?

11 A. Pardon me?

12 Q. When have you last watched it?

13 A. At the time.

14 Q. Have you had any conversations yourself with  
15 the sheriff about this case?

16 A. No.

17 MR. GONZALEZ: Stickers?

18 MR. COTTER: No.

19 (Discussion off the record.)

20 BY MR. COTTER:

21 Q. Were you aware that on February 27th, 2012,  
22 just one -- approximately one month after IH's death that  
23 my law firm sent a letter to the school board announcing  
24 our representation of IH's family and requesting that  
25 various documents and things be preserved?

1 A. I don't have a recollection of seeing that  
2 letter. It's possible it would have come into the -- my  
3 office or to the district office and immediately gone to  
4 our risk management department and Mr. Gonzalez.

5 Q. Okay. 901 East Kennedy Boulevard, Tampa,  
6 Florida --

7 A. Right.

8 Q. -- sent by certified mail, return receipt  
9 requested.

10 You were the superintendent in February of  
11 2012; is that right?

12 A. Oh, absolutely, right.

13 Q. No one made you aware of the letter that we  
14 sent about our representation of IH?

15 A. No, but --

16 Q. Were you aware that on February 28th we sent  
17 a second letter, the following day, to the Hillsborough  
18 County School Board, 901 East Kennedy Boulevard, again,  
19 in reference to the previous letter and specifically  
20 requesting the district's insurance information?

21 A. As I said, a letter could have come into my  
22 office. There's a procedure when anything comes in  
23 related to lawsuits. And it would have specifically gone  
24 to our risk management department and to Mr. Gonzalez.

25 Q. No one brought it to your attention?

1 A. No, not -- I have no recollection of it at  
2 all.  
3 Q. February 28th, same day, an additional letter  
4 to Hillsborough public schools. This one to the  
5 transportation department, 901 East Kennedy Boulevard,  
6 requesting insurance information. No one brought that to  
7 your attention either?  
8 A. No. I have no recollection of that.  
9 Q. Same letter went out to Sessums Elementary  
10 School, same day. No one brought that to your attention?  
11 A. I have no recollection of that.  
12 Q. Were you aware that on July 3rd, several  
13 months before this press conference that you say was the  
14 first time that you recall hearing about Bella's death,  
15 we sent a letter to Mr. Murman right here, outlining our  
16 concerns and our theories about the case and inviting the  
17 school district to participate in a mediation before the  
18 lawsuit was filed? Did anyone ever bring that to your  
19 attention?  
20 A. I will tell you, once again, that if we get  
21 letters from attorneys concerning lawsuits, which is not  
22 an uncommon thing in the school district, then it  
23 automatically goes to the risk management department.  
24 Mr. Murman would receive a copy. And Mr. Gonzalez would  
25 receive a copy.

1 I don't have a recollection, specifically, of  
2 the items that you brought up to me. It is possible that  
3 someone could have said something to me, but I don't have  
4 a recollection of it at all.  
5 Q. This is not just any claim. This involves  
6 the death of a young girl who died because staff on the  
7 bus didn't have the common sense to call 911.  
8 MR. GONZALEZ: Object to the form of the  
9 question.  
10 BY MR. COTTER:  
11 Q. You're saying this was not brought to your  
12 attention back in July when we invited the district to  
13 participate in a mediation before filing a lawsuit?  
14 A. What I'm --  
15 MR. GONZALEZ: Objection -- hold on one  
16 second. Object to the form of the question.  
17 THE WITNESS: What I'm saying to you is that  
18 I don't have a recollection. We have a number of  
19 lawsuits that come to us. We have students that  
20 have, in fact, had accidents. And those things are  
21 brought through an attorney to our office.  
22 It is possible that I would have -- someone  
23 would have mentioned that to me, but I will tell  
24 you that it would have normally gone to Mr. Murman  
25 and/or Mr. Gonzalez and our risk management

1 department.  
2 BY MR. COTTER:  
3 Q. And, as you sit here today, you have no  
4 recollection of anyone ever bringing to your attention  
5 these efforts that we initiated to reach out to you to  
6 discuss the resolution of this case?  
7 A. Once again, it is handled through our  
8 attorneys and through risk management. It is possible  
9 that someone may have said something to me, but I will  
10 tell you, it was not anything that I had in the front of  
11 my mind that I -- that we had a lawsuit about IH and that  
12 we had a big issue that we needed to address, no.  
13 Q. There was no lawsuit pending then.  
14 MR. GONZALEZ: Was -- is that a question?  
15 BY MR. COTTER:  
16 Q. When was this lawsuit filed?  
17 A. My knowledge of the lawsuit was when it was  
18 announced outside of our building. I'm just --  
19 Q. In November, correct?  
20 MR. GONZALEZ: Wait a minute. Let her finish  
21 the question [sic]. Go ahead.  
22 THE WITNESS: That's when I received  
23 information that there was a lawsuit filed. If  
24 something was mentioned to me before, it would have  
25 come in. And, as you pointed out, those went to

1 this -- they went to 901 East Kennedy, but they  
2 automatically go through the process of risk  
3 management, our attorney, and in -- then the case  
4 of risk management, Mr. Murman.  
5 BY MR. COTTER:  
6 Q. And, as you sit here today, your testimony is  
7 that you have no recollection of being advised of a claim  
8 being asserted by IH's family until November of 2012?  
9 A. I don't have a recollection of it, sir.  
10 Q. And you have no recollection of either seeing  
11 or being advised by anyone on your staff or your lawyers  
12 of the multiple pieces of correspondence we sent to your  
13 office?  
14 A. As I pointed out to you, we get multiple  
15 pieces of information and letters coming from attorneys  
16 pretty regularly. And the process would be that it went  
17 through risk management to Mr. Gonzalez and to  
18 Mr. Murman.  
19 Q. Okay. You told us that.  
20 A. I'm just saying --  
21 Q. My question to you --  
22 A. And so I said that to you.  
23 Q. -- is you have no recollection of being  
24 advised of the existence of these --  
25 A. I don't have --

1 Q. -- letters?  
2 A. I don't have a recollection. I said to you:  
3 It is possible that it occurred, but I do not have a  
4 recollection of it because we have a number of things  
5 that come forward like that.  
6 Q. If it did occur, don't you think there would  
7 be some kind of an ah-hah moment in November when this  
8 lawsuit is filed that you would be able to relate back to  
9 February, March, April, May, June, and July to being  
10 advised about the existence of these communications?  
11 MR. GONZALEZ: Object to the form of the  
12 question.  
13 THE WITNESS: So I'm projecting now whether  
14 or not I would have had that recollection?  
15 BY MR. COTTER:  
16 Q. Yeah.  
17 A. Is that what your question is?  
18 I'm telling you what I can recall.  
19 Q. All right.  
20 A. That's all.  
21 Q. Thank you.  
22 So who within the district and the board knew  
23 about the incident with IH prior to November of 2012?  
24 A. It would have been our risk management  
25 department, Mr. Murman, and Mr. Gonzalez.

1 Q. Now, do you have any -- strike that.  
2 In what you've learned about what happened to  
3 IH, do you have any criticisms of her parents in any way?  
4 A. I can only tell you that all of the  
5 involvement of IH's physical and medical needs would be  
6 really the responsibility of the parents. I can't say --  
7 I don't know her parents. And I was not at the school.  
8 And so I can't say to you in any circumstance that I can  
9 pinpoint anything that the parents had done wrong.  
10 I can only tell you that the responsibility  
11 for the child's physical well-being is certainly her  
12 parents.  
13 Q. So, therefore, the answer to my question is,  
14 no, you are not critical of IH's parents in any way for  
15 what happened to her on the day of her death?  
16 A. I don't know if -- I don't know of anything.  
17 So I can't say yes or no.  
18 Q. So, as you sit here today, you do not contend  
19 that anything that IH's parents did or didn't do  
20 contributed to her death?  
21 A. I don't know that.  
22 MR. GONZALEZ: Object to the form of the  
23 question.  
24 THE WITNESS: I don't know. I wasn't in the  
25 bus. I wasn't in the hospital. I did read the

1 doctor's report at that time. And the doctor's  
2 report certainly indicated that the child had  
3 neuromuscular problems and that she had had -- my  
4 recollection is that she had had upper respiratory  
5 problems.  
6 BY MR. COTTER:  
7 Q. Now, have you read IH's IEPs?  
8 A. No.  
9 Q. You're not aware of the fact that her  
10 specific medical needs, as documented in the IEPs, were  
11 not communicated to the transportation staff?  
12 MR. GONZALEZ: Object to the form of the  
13 question.  
14 THE WITNESS: I -- would you say that again?  
15 MR. COTTER: Sure.  
16 BY MR. COTTER:  
17 Q. Have you ever been made aware that IH's  
18 particular medical needs, as identified in her IEPs, were  
19 not communicated to the transportation staff?  
20 MR. GONZALEZ: Object to the form of the  
21 question.  
22 THE WITNESS: No, I'm absolutely not aware of  
23 that.  
24 BY MR. COTTER:  
25 Q. Have you read the deposition of the driver

1 and the aide?  
2 A. No.  
3 Q. Now, I want to turn my attention to the  
4 development of what I understand is referred to as the  
5 advisory council for education of students with  
6 disabilities. What is that council?  
7 A. The superintendent's advisory council?  
8 Q. Yes.  
9 A. Well, it's a group of, you know, various  
10 stakeholders that -- actually, this was developed prior  
11 to my being superintendent.  
12 And it makes recommendations to the  
13 superintendent and the staff about particular things that  
14 need to be addressed.  
15 The first circumstance I remember coming out  
16 of the advisory council was strategies that we could use  
17 to try to recruit teachers in specific exceptional ed.  
18 areas.  
19 Q. The -- there has been, has there not, since  
20 IH's death a review of sorts of the ESE department?  
21 A. Yes.  
22 Q. Tell me about that, please.  
23 A. Okay. With both -- well, primarily, I would  
24 say the Jennifer Caballero case. With that we did  
25 review -- as I said, the sheriff's office did a full

1 extensive investigation of the case at Rogers. And then  
2 we did go in, et cetera. And so we wanted to open up  
3 what was happening in exceptional ed. to input from a  
4 number of different groups, including parents.

5 We put on our website an opportunity to  
6 put -- pull together groups of people from parents and  
7 other people, experts from the field, et cetera. And  
8 they came up with some recommendations. We put those on  
9 a website. We got feedback from the public.

10 And we took some of those recommendations and  
11 translated those into actionable items that looked at our  
12 exceptional ed. programs and areas that we needed to make  
13 sure we had additional training for.

14 Q. And what was that process referred to as?

15 A. A review of exceptional ed. maybe. I don't  
16 know that we had a formal name.

17 Q. When did that begin?

18 A. As I said, I think it was after the Rogers  
19 case.

20 MR. COTTER: I'm being advised that we need  
21 to change tapes.

22 Just to let you know, I probably have about  
23 15 more minutes. And then we'll be finished.

24 THE VIDEOGRAPHER: The time is 11:30. This  
25 ends media one. We're now off the record.

1 (Discussion off the record.)

2 THE VIDEOGRAPHER: The time is 11:35. This  
3 begins media two. We're back on record.

4 BY MR. COTTER:

5 Q. Let me just backpedal for a minute and ask  
6 two follow-up questions before we talk more about this  
7 ESE review.

8 But can you -- strike that.

9 If we were wanting to find out what other  
10 candidates were interviewed for Ms. Wieland's position,  
11 would we be able to go back to your schedule and identify  
12 the names of those individuals, or what other  
13 documentations would you imagine that might exist that  
14 would reveal that information?

15 A. It -- the memo or the -- just the listing.  
16 It wouldn't even be a formalized memo. The listing of  
17 the individuals that we were interviewing would have come  
18 from the assistant superintendent for instruction at that  
19 time.

20 Q. Yes.

21 A. It would have been Wynne Tye.

22 Q. Wynne Tye?

23 A. Uh-huh.

24 Q. So you think that she may have some  
25 information that would be responsive to that inquiry?

1 A. Yeah. That's the only place it would be.

2 Q. I'm assuming there would be some kind of a  
3 file that would have been kept on applicants?

4 A. I don't -- I'm not sure. In the interim  
5 there's been a couple of changes in clerical support for  
6 her. So I don't know that, but that's where it came  
7 from.

8 Q. She would be the one to check with about  
9 that?

10 A. Yeah.

11 Q. We talked about how you learned about what  
12 happened to IH. And I want to ask you: Back in that  
13 time frame, January of 2012, what policies were in effect  
14 or, alternatively, what was your expectation about  
15 information that would normally be elevated to your level  
16 just for you to be on a knowledge awareness basis of an  
17 incident that happens in the school system?

18 A. Would you repeat that?

19 Q. Sure. So if the president was briefed every  
20 day by his national security team and he learns about  
21 what's happening in the world, did you have some similar  
22 system in place that you would be briefed on incidents  
23 that occur in the school system that may be considered  
24 ordinary medical emergencies, but you would still want to  
25 know about them just so that you would be aware that such

1 a situation occurred? And if so, what was the criteria  
2 for such a situation to make it to that list?

3 A. Well, let me say if you take the example of  
4 Jennifer Caballero, when we have a missing child, it's  
5 very possible that the call has gone into the PIO office,  
6 Public Information Office. And they would come to me and  
7 say, you know, We have a missing child at this school, or  
8 whatever.

9 And on the particular case of  
10 Jennifer Caballero, I remember that afternoon I got a  
11 notice that a child was missing and they were looking for  
12 her at Rogers. And kind of I got an update that -- every  
13 15 or 20 minutes the police are there now, you know,  
14 they've got helicopters. And I actually went down to the  
15 school.

16 Q. All right. Again, those -- were there some  
17 set of criteria, such as missing child --

18 A. Well --

19 Q. -- death?

20 A. -- you know, when -- and let me say, as I  
21 pointed out earlier, it's very -- it's a regular thing  
22 for us to have in a district our large -- our size to  
23 have a number of medical emergencies occurring at schools  
24 across the district every day. You know, that can vary  
25 somewhere between, you know, maybe two or three, up to

1 eight or ten.

2 **Q. All right.**

3 **A. So, you know, I very seldom would know about**  
4 **all of those.**

5 **Q. All right. Now, with respect to this review**  
6 **panel of ESE department that we spoke of, who was on the**  
7 **panel?**

8 **A. There were -- are you talking about the panel**  
9 **that -- that we had that put together some**  
10 **recommendations and things?**

11 **Q. Yes.**

12 **A. Okay. That would have been school site**  
13 **people, so principals and/or exceptional ed. experts. It**  
14 **would have been parents. It would have been other people**  
15 **from the community who are involved. It could have been**  
16 **members of the advisory council.**

17 **Q. All right. Do you remember the names of any**  
18 **of these individuals?**

19 **A. Well, at the time I know that Jeff Akins who**  
20 **works -- he's now my deputy. When Mr. Otero left, he was**  
21 **very involved in it. I know we had staff members from**  
22 **the instructional division. And they were very involved.**  
23 **So I can't remember specific names. I mentioned**  
24 **Mr. Akins, but, you know, probably I would know by name**  
25 **probably 30 to 40 percent of the committee, maybe more.**

1 **Q. All right. Who selected those individuals?**

2 **A. The names came in from various people, from**  
3 **outside staff members. We may have had some board**  
4 **members who decided to give names to the committee. We**  
5 **would have had staff members who would have said, you**  
6 **know, this person has been very involved, they have a**  
7 **high population of ESE students at their school site,**  
8 **they should be on it. So it could have been a number of**  
9 **different ways that we get the names of people that are**  
10 **on those committees.**

11 **Q. Were you on it?**

12 **A. No.**

13 **Q. Who was the chair of it?**

14 **A. So I think -- I'm pretty sure that at the**  
15 **time Maryann Parks and Jeff Akins. And it might have**  
16 **been somebody else who was working with them from --**  
17 **from outside the school district.**

18 **Q. And that's why I wanted to ask you. Did you**  
19 **retain a company that assisted in -- consulting group**  
20 **that assisted --**

21 **A. We did --**

22 **Q. -- and facilitated this process?**

23 **A. Well, thank you. Yes, we did -- actually,**  
24 **prior to the group of people from the district and the**  
25 **community, we did have a group of people that came in**

1 from the Great City Schools. And there were three or  
2 four people there who facilitated discussions and came in  
3 and reviewed things. And that was, you know, one part of  
4 the review that we did.

5 **Q. What is Great City Schools?**

6 **A. It's an organization that's made up of a**  
7 **number of school districts, generally, large districts**  
8 **across the country. I think they probably have maybe 75**  
9 **or 80 district members. And they've been -- you know,**  
10 **they have the capacity to pull in people from various**  
11 **districts to give input.**

12 **Q. Is there a cost associated with that kind of**  
13 **a process?**

14 **A. Pretty much just the cost of the expenses for**  
15 **the people to come here.**

16 **Q. All right. And they come in and do what I --**  
17 **for lack of a better word -- would be a peer review of**  
18 **sorts?**

19 **A. Kind of an overview, yeah.**

20 **Q. All right. And tell us what you understand**  
21 **the findings of that group were.**

22 **A. They identified some areas that we -- that we**  
23 **should be -- we should be looking at and things that we**  
24 **could do -- could look at to bring improvements.**

25 **Q. All right. Can you be specific and share**

1 **what you recall specific findings were?**

2 **A. I can't give you the specific findings. I**  
3 **can't remember them specifically -- exactly what came out**  
4 **of it. But the bottom line was we took from that report**  
5 **from the committee that we had working. And we came up**  
6 **with recommendations. Those recommendations then, as I**  
7 **mentioned to you, were put online. And we got feedback**  
8 **from teachers and parents. And then we did -- we did**  
9 **communications out to all exceptional ed. parents and**  
10 **asked them to go online and give us feedback. And so**  
11 **that was an extensive process.**

12 **Q. What happened as a result of the feedback**  
13 **that you received?**

14 **A. Well, one of the things that we did -- and**  
15 **recently this was approved by the board -- we put a**  
16 **career ladder in place for some of our exceptional ed.**  
17 **aides. That was one of the things.**

18 **Q. Are these parents --**

19 **A. I --**

20 **Q. Do you help parents become teachers?**

21 **A. Yes, we do have a program for that. But this**  
22 **was a specific career ladder. So you could have ESE aide**  
23 **I, II, and III. And so based on the skills and the**  
24 **training that they had done, they'll be moving through**  
25 **that. We looked at the salaries and did some shifts in**

1 the salaries upwards. So that was one of the things that  
2 came out of it.  
3 **Q. All right. The process that you've described**  
4 **in which you've circulated these ideas and**  
5 **recommendations, did it ultimately evolve into a core**  
6 **group of principles for which you were going to lead as**  
7 **the goals and objectives for ESE?**  
8 **A. Yes. It was more reviewing kinds of the**  
9 **things that we were doing and seeing whether or not there**  
10 **was anything we could do better, kind of a continuous**  
11 **improvement approach to it. But, yes, I would say that**  
12 **those were important things that we wanted to address.**  
13 **Q. All right. The decision for Joyce Wieland to**  
14 **resign as general director of ESE, how did that come**  
15 **about?**  
16 **A. Joyce was very emotionally spent. And --**  
17 **Q. Is this as a result of these deaths that**  
18 **occurred while she was as general director of the ESE**  
19 **department?**  
20 **A. It was primarily the -- the stress around the**  
21 **death, particularly of Jennifer Caballero. And, you**  
22 **know, that was really -- that led to she and I talking**  
23 **through that. And I indicated to her, Joyce, you know,**  
24 **you -- she had done a good job. I really believe she had**  
25 **done a good job. But she was very stressed. And she was**

1 a person who was just having a very difficult time. And  
2 so I made the decision at that time to move her into an  
3 administrative position. And that was what I did.  
4 **Q. And you say she did a good job. Can you rate**  
5 **her performance in terms of the safety of the ESE**  
6 **students during the period of time that she was the**  
7 **general director?**  
8 **A. Yes. I thought she did a good job. And let**  
9 **me point out to you: As we talked about the number of**  
10 **ESE students we have in this district, we have 29,000**  
11 **students in the district who were identified -- who are**  
12 **identified as exceptional ed. And so the process -- her**  
13 **role as manager of the program in compliance and**  
14 **following rules, et cetera, I thought she did a good job.**  
15 **Q. Did you participate in her performance**  
16 **evaluations?**  
17 **A. No.**  
18 **Q. Have you had the opportunity to review them?**  
19 **A. No.**  
20 **Q. Was one of the recommendations of this review**  
21 **committee that there be different leadership for the ESE**  
22 **department?**  
23 **A. No.**  
24 **Q. Were you aware -- strike that.**  
25 **Have you been made aware prior to today that**

1 in IH's case no one from the school that she was at, the  
2 IEP committee, or anyone connected to that program or the  
3 school ever communicated to the drivers and the aides  
4 what her particular medical needs were with respect to  
5 her being transported?  
6 **MR. GONZALEZ: Object to the form of the**  
7 **question.**  
8 **THE WITNESS: Well, so, it's -- what I know**  
9 **of this case I can tell you that, obviously, the**  
10 **driver was very connected to the parents, knew the**  
11 **parents very well, and the child had been**  
12 **transported for a number of months with our**  
13 **transportation system.**  
14 **So what you're saying to me; no, I don't have**  
15 **knowledge of that.**  
16 **BY MR. COTTER:**  
17 **Q. To your understanding the driver knew Bella**  
18 **very well?**  
19 **A. The aide knew Bella very well, I believe.**  
20 **Q. You just said the driver. Were you mistaken?**  
21 **A. I'm sorry. I'm sorry. I know that the aide**  
22 **is the one who called the mother. And so to have a**  
23 **mother's number in her phone, I would think she knew her**  
24 **pretty well.**  
25 **Q. That's just an assumption on your part?**

1 **A. Yeah.**  
2 **Q. Do you know how many days the driver had been**  
3 **working?**  
4 **A. No.**  
5 **Q. Is that of interest to you?**  
6 **A. To know how many days the driver worked? We**  
7 **have certified drivers. And we have support staff on the**  
8 **bus for them so --**  
9 **Q. My question to you is --**  
10 **A. I don't know the number --**  
11 **Q. -- is it of interest to you --**  
12 **A. I don't know the number of days that the**  
13 **driver worked.**  
14 **Q. Are you aware that this case has been ordered**  
15 **to mediation?**  
16 **A. Has been ordered to mediation --**  
17 **Q. Yes, ma'am.**  
18 **A. -- right now?**  
19 **Q. Not right now here today.**  
20 **A. In conversations.**  
21 **Q. I'm not asking you about conversations you've**  
22 **had with your lawyers. I'm just asking you if you're**  
23 **aware that the case has been ordered to mediation?**  
24 **A. Not the formal, if that's court ordered or**  
25 **whatever, no.**

1 MR. COTTER: Those are all the questions I  
2 have for you today.  
3 MS. GONZALEZ: Ms. Elia --  
4 MR. COTTER: Thank you very much for your  
5 time.  
6 MR. GONZALEZ: Ms. Elia, let me ask you a  
7 couple of questions. Do you still have Exhibit  
8 No. 1 with you?  
9 THE WITNESS: Is that this one? Yes.  
10 CROSS-EXAMINATION  
11 BY MR. GONZALEZ:  
12 Q. Now, as I understand it, this is part of an  
13 agenda package, I guess?  
14 A. Yes.  
15 Q. And, particularly, the first page is marked  
16 D, as in Delta, 01. Is there some significance to the  
17 letter "D"?  
18 A. The section on the school board agenda for  
19 administrative appointments is D section. So a "D" would  
20 designate it would go into the school board agenda that  
21 way. And "01" is that this was the first of the  
22 administrative appointments under the D section.  
23 Q. So this would not be the entire agenda  
24 package; is that correct?  
25 A. Oh, no.

1 Q. And there would be other items under  
2 Section D, Administrative Appointments?  
3 A. Yes.  
4 Q. So what you've got is essentially a portion  
5 of the package?  
6 A. Right.  
7 Q. And I think you touched on this, but with  
8 respect to the Florida law and the authority of the  
9 superintendent, do you have a role in the employment of  
10 all employees of the School Board of Hillsborough County,  
11 Florida?  
12 A. Yes.  
13 Q. And what is that role?  
14 A. Well, they work for the superintendent.  
15 Q. With respect to their hiring and retention  
16 and promotion and termination, do you have a role either  
17 in making a recommendation or a decision?  
18 A. Yes. I make a recommendation to the school  
19 board on hiring and terminations.  
20 Q. And with respect to the particular person  
21 that you recommend, do you know whether there's a  
22 provision of Florida law that requires the school board  
23 to have cause in order to reject your recommendation?  
24 A. Yes. They have to have just cause to reject  
25 the recommendation of the superintendent for the hiring

1 of staff members.  
2 Q. And with respect to your authority over staff  
3 members in making that recommendation, that applies not  
4 just to administrative appointments, but to all  
5 employment?  
6 A. Yes, that's true.  
7 Q. Now, the last couple of pages on Exhibit  
8 No. 1, you referred to it as -- or it refers to itself as  
9 a script --  
10 A. Uh-huh.  
11 Q. -- of the superintendent?  
12 A. Right.  
13 Q. And if you look at the bottom right-hand  
14 corner of 15541 --  
15 A. Right.  
16 Q. -- it looks like there are a number of items,  
17 01 and then 02?  
18 A. Yeah. And from the top of that same  
19 script -- remember, this is not part of the board agenda.  
20 This is mine -- my notes that I get and I say in that  
21 time -- in the whole school board meeting. But it points  
22 out that there were four administrative appointments. So  
23 you only see one and part of two.  
24 Q. And then go to the next page.  
25 A. Oh, and then you go to three and four. Yeah,

1 they're all here.  
2 Q. And then I want to talk to you about 03.  
3 A. Okay.  
4 Q. Read 03, if you would. "It is the  
5 superintendent's recommendation to appoint Maryann Parks,  
6 currently district resource teacher for exceptional  
7 student education, to the supervisor of exceptional  
8 student education with an effective date of August 11th,  
9 2008."  
10 A. Right.  
11 Q. Do you remember that appointment?  
12 A. Yes.  
13 Q. And Maryann Parks is the same Maryann Parks  
14 that currently is the general director --  
15 A. Yes.  
16 Q. -- for exceptional education?  
17 A. That's right.  
18 Q. And August 11, 2008 is the same effective  
19 date as Ms. Wieland?  
20 A. Yes.  
21 Q. And for whom did Ms. Parks work as the  
22 supervisor of exceptional student education?  
23 A. She worked for Joyce Wieland.  
24 Q. Directly for her?  
25 A. Yes.

1 Q. And is that the only supervisor of  
2 exceptional student education at the time?  
3 A. Oh, no.  
4 Q. There are others?  
5 A. Oh, there -- yeah, many others.  
6 Q. All of whom worked directly for Ms. Wieland  
7 or whoever else was the general director of exceptional  
8 education?  
9 A. Right. They're like the subject specialists,  
10 right? And they have experience and background in that.  
11 Q. Now, you were asked a couple of questions.  
12 And in particular there was one question that we can find  
13 in the record down the road, but there was a question  
14 that -- by the lawyer for the plaintiffs that included a  
15 statement as to the cause of death of IH.  
16 Ms. Elia, are you aware of any information  
17 whatsoever that the plaintiffs or their counsel have ever  
18 presented to the school board that indicates the cause of  
19 death of IH?  
20 MR. COTTER: Object to the form.  
21 MR. GONZALEZ: What's the objection?  
22 MR. COTTER: Form.  
23 MR. GONZALEZ: What's the form?  
24 MR. COTTER: Leading.  
25 MR. GONZALEZ: Yeah, okay.

1 BY MR. GONZALEZ:  
2 Q. Are you aware of any -- of any information  
3 provided by the plaintiffs or their counsel as to the  
4 cause of death of IH?  
5 A. No.  
6 Q. Are you, in fact, aware of an interrogatory  
7 that was asked of the plaintiffs that specifically asked  
8 them to state the cause of death of IH?  
9 MR. COTTER: Same objection.  
10 THE WITNESS: No.  
11 BY MR. GONZALEZ:  
12 Q. And are you aware that the plaintiffs  
13 objected and also indicated that they did not know the  
14 cause of death of IH?  
15 A. No.  
16 Q. Did you know that they said that the  
17 information about the cause of death would only be  
18 provided by an expert?  
19 MR. COTTER: Object to form.  
20 THE WITNESS: No.  
21 BY MR. GONZALEZ:  
22 Q. And do you know whether or not any such  
23 expert has ever been identified by the plaintiffs?  
24 A. No.  
25 MR. COTTER: Object to form.

1 BY MR. GONZALEZ:  
2 Q. And you were asked a couple of questions  
3 about investigations conducted by the school board.  
4 Let me back up and go from general to  
5 specific.  
6 Are you aware of the school board of  
7 Hillsborough County, Florida maintaining a self-insurance  
8 fund?  
9 A. Yes.  
10 Q. And are you aware of a program associated  
11 with that fund that includes risk management handling of  
12 those claims?  
13 A. Yes.  
14 Q. Are you aware of whether there is not a  
15 third-party administrator involved in that process?  
16 A. There is a third-party administrator.  
17 Q. Named Broadspire?  
18 A. Yes.  
19 Q. And are you aware of counsel who represent  
20 the school board in connection with that program?  
21 A. Yes.  
22 Q. Now, from the time that you became  
23 superintendent up until the present, has there been a  
24 change in terms of how claims against the school board  
25 have been handled in respect to that self-insurance fund?

1 A. No.  
2 Q. And the way in which claims are handled by  
3 the self-insurance fund and the risk management  
4 department and the third-party administrator and counsel  
5 for the school board, are you aware of whether any change  
6 was made when you became superintendent from what had  
7 been done before under previous superintendents?  
8 A. I'm not aware of any change.  
9 Q. And with respect to the particular -- the  
10 particular representations that were made in some of the  
11 questions here, for whatever reason they were asked, are  
12 you aware of whether or not there was, in fact, a  
13 response to the plaintiffs' request for mediation prior  
14 to the filing of their lawsuit?  
15 A. Well, Mr. Murman indicated to me that he had  
16 responded.  
17 Q. Okay. So with respect to the request for  
18 mediation, is it your understanding that there was,  
19 in fact, a response to the plaintiffs, that there was a  
20 willingness to mediate?  
21 A. Yes.  
22 Q. And with respect to how the matter was  
23 handled, are you aware of any difference in the way the  
24 claim of IH was handled as opposed to any other claim  
25 that's been lodged against the school board involving a



1 legal matter?  
2 A. No. They're always handled the same way.  
3 Q. And with respect to the way of work or  
4 however you describe it in terms of how those legal  
5 issues were handled, in specific regard to what  
6 information was or was not presented to the school board,  
7 has that way of work or process been the same at all  
8 times that you've been the superintendent?  
9 A. Yes.  
10 Q. And to your knowledge, was there any change  
11 when you became superintendent from how it was done  
12 before?  
13 A. No. No. I have no knowledge of any changes.  
14 Q. And you also were asked about some  
15 investigations that were or were not done.  
16 Who conducts investigations on behalf of the  
17 school board into matters such as accidents and other  
18 incidents?  
19 A. Risk management and Mr. Murman and his firm.  
20 Q. Okay. How about the Office of Professional  
21 Standards?  
22 MR. COTTER: Object to the form.  
23 THE WITNESS: Well, the Office of  
24 Professional Standards certainly does if an  
25 employee's involved and we think that there's

1 any -- there's been any issues with that.  
2 BY MR. GONZALEZ:  
3 Q. Okay. And are you aware of all the  
4 investigations that were or were not done with respect to  
5 the incident, I think, in 1996?  
6 MR. COTTER: Form.  
7 THE WITNESS: I am not.  
8 MR. GONZALEZ: The objection's leading?  
9 MR. COTTER: Yes.  
10 MR. GONZALEZ: Okay.  
11 BY MR. GONZALEZ:  
12 Q. And are you familiar with what, if any -- and  
13 I'm going to go back. I think the plaintiffs beginning  
14 with their interrogatory persist in referring to a case  
15 that's known by the initials of CS, as in Sierra. And,  
16 in fact, there is no such case. It's CF?  
17 A. Uh-huh.  
18 Q. So it would be Charlie Fox.  
19 And are you familiar with any investigation  
20 that was or was not done by the risk management or the  
21 Office of Professional Standards in connection with that  
22 matter?  
23 A. I know -- on that particular case, I know  
24 that we had CPI in a number of times, more than once.  
25 And there was never any findings at all.

1 Q. And, in fact, are you aware that the  
2 sheriff's office was asked to and, in fact, did  
3 investigate it twice?  
4 MR. COTTER: Form.  
5 THE WITNESS: Yes.  
6 BY MR. GONZALEZ:  
7 Q. And are you aware of any finding that was  
8 made as to the cause of whatever injury this child  
9 sustained?  
10 MR. COTTER: Form.  
11 THE WITNESS: I don't know that there was any  
12 finding. It certainly was not a reflection on  
13 negative things done at the school site.  
14 BY MR. GONZALEZ:  
15 Q. Okay. Or whether it occurred at the school  
16 site?  
17 A. Right. Well, that was the whole question.  
18 Q. The bus driver that you were asked about that  
19 did not look at the bus and as a consequence thereof the  
20 child stayed on the bus for a long period of time, are  
21 you aware of what happened to that bus driver?  
22 A. Yes. He was removed from that position, no  
23 longer involved with children.  
24 Q. How soon thereafter?  
25 A. Immediately.

1 Q. And with respect to the facts of the case,  
2 are you familiar with any facts other than the bus driver  
3 failed to look through the bus and, therefore, didn't  
4 find the child?  
5 MR. COTTER: Form.  
6 THE WITNESS: That was the only thing I knew  
7 that occurred.  
8 BY MR. GONZALEZ:  
9 Q. Are you familiar whether or not bus drivers  
10 are required to check their bus?  
11 MR. COTTER: Form.  
12 THE WITNESS: Yes, they should -- they're  
13 supposed to check their bus.  
14 BY MR. GONZALEZ:  
15 Q. As part of their pre --  
16 A. As part -- as part of their post-duty at the  
17 end of a bus ride, they're supposed to check their bus  
18 that all children are off.  
19 Q. And with respect to the child that was  
20 ejected from the school bus, that bus driver was also  
21 removed?  
22 MR. COTTER: Form.  
23 THE WITNESS: Oh, immediately. In fact, we  
24 called the sheriff's office. And investigations  
25 occurred, but immediately she was terminated.

1 BY MR. GONZALEZ:  
 2 Q. And then one more question -- one more set of  
 3 questions.  
 4 You were asked a couple of times about the  
 5 medical needs of IH with respect to transportation. And  
 6 I don't know if you're familiar with it or not.  
 7 But with respect to a child's needs in  
 8 connection with exceptional education, with respect to  
 9 medical needs that require an accommodation, how is that  
 10 information brought to an IEP team?  
 11 MR. COTTER: Form.  
 12 THE WITNESS: That's really the -- that's  
 13 really the responsibility of parents, because  
 14 we're -- we are in charge of the educational  
 15 requirements and settings and what we need to do to  
 16 have that child learn. But the parents are in  
 17 charge of the medical. And they bring that  
 18 information to the IEP team. So that's the way the  
 19 determination's made.  
 20 BY MR. GONZALEZ:  
 21 Q. And if the -- if the -- IH's parents have  
 22 testified that they did not bring any medical information  
 23 to the attention of the IEP team with respect to any  
 24 medical needs relative to her transportation, would you  
 25 have any reason to dispute that?

1 MR. COTTER: Form, foundation.  
 2 THE WITNESS: No.  
 3 MR. GONZALEZ: The foundation is the  
 4 deposition testimony.  
 5 That's all I have. Thank you.  
 6 THE WITNESS: Okay.  
 7 MR. COTTER: Thank you very much.  
 8 THE WITNESS: Thank you.  
 9 MR. COTTER: Appreciate your time today.  
 10 THE WITNESS: Thank you.  
 11 THE VIDEOGRAPHER: The time is 12:04. This  
 12 ends the deposition. We're now off the record.  
 13 MR. COTTER: I'll take the original. No  
 14 hurry.  
 15 (The deposition concluded at 12:04 p.m.)  
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1 CERTIFICATE OF OATH  
 2  
 3 STATE OF FLORIDA  
 4 COUNTY OF HILLSBOROUGH  
 5  
 6 I, JULIE A. ALLISON, RPR, Shorthand Reporter and  
 7 Notary Public, State of Florida, certify that  
 8 MARYELLEN ELIA personally appeared before me and was duly  
 9 sworn and was personally known to me.  
 10 WITNESS my hand and official seal this 6th day of  
 11 November, 2013.  
 12  
 13  
 14  
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 16  
 17  
 18 *Julie Allison*  
 19 \_\_\_\_\_  
 20 Julie A. Allison, RPR, Notary Public  
 21 State of Florida  
 22 My Commission: FF 44090  
 23 Expires: 08/14/2017  
 24  
 25

1 CERTIFICATE OF REPORTER  
 2  
 3 STATE OF FLORIDA  
 4 COUNTY OF HILLSBOROUGH  
 5  
 6 I, JULIE A. ALLISON, RPR, Shorthand Reporter  
 7 and Notary Public, State of Florida, CERTIFY I was  
 8 authorized to and did stenographically report the  
 9 deposition of MARYELLEN ELIA; that a review of the  
 10 transcript was requested; and the foregoing transcript,  
 11 pages 4 through 99, is a true and accurate record of my  
 12 stenographic notes.  
 13 I FURTHER CERTIFY that I am not a relative,  
 14 employee, attorney, or counsel of any of the parties, nor  
 15 am I a relative or employee of any of the parties'  
 16 attorney or counsel connected with the action, nor am I  
 17 financially interested in the action.  
 18 Dated this 6th day of November, 2013.  
 19  
 20  
 21 *Julie Allison*  
 22 \_\_\_\_\_  
 23 JULIE A. ALLISON, RPR  
 24  
 25

1 ERRATA SHEET  
 2 IN RE: HERRERA vs. HILLSBOROUGH COUNTY SCHOOL BOARD  
 CASE NO: 8:12-cv-02484-JSM-EAJ  
 3 DEPONENT: MARYELLEN ELIA  
 4 PAGE LINE CORRECTION  
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22 Under penalties of perjury, I declare that I have read  
 the foregoing document and that the facts stated are  
 23 true.

DATE DEPONENT

November 7, 2013  
 MARYELLEN ELIA  
 c/o THOMAS M. GONZALEZ, ESQUIRE  
 Thompson, Sizemore, Gonzalez & Hearing, P.A.  
 201 North Franklin Street  
 Suite 1600  
 Tampa, Florida 33602  
 IN RE: DEPOSITION OF MARYELLEN ELIA TAKEN ON OCTOBER 29,  
 2013 IN THE CASE OF HERRERA versus HILLSBOROUGH COUNTY  
 SCHOOL BOARD

Dear Sir/Madame:  
 This letter is to advise you that transcript taken in the  
 above-referenced deposition has been transcribed. Please  
 contact our office at (800)275-7991 to make arrangements  
 to read and sign or sign below to waive review of this  
 transcript.  
 It is suggested that the review of this transcript be  
 completed within 30 days of your receipt of this letter,  
 as considered reasonable under Federal Rules\*; however,  
 there is no Florida Statute to this regard.  
 The original of this transcript has been forwarded to the  
 ordering party. And your errata, once received, will be  
 forwarded to all ordering parties for inclusion in the  
 transcript.  
 Sincerely,

JULIE A. ALLISON, RPR  
 Orange Legal, Inc.  
 Cc: DANIEL W. COTTER, ESQUIRE  
 Waiver:

I, \_\_\_\_\_, hereby waive the reading and  
 signing of my deposition transcript.

DEPONENT DATE  
 \*Federal Civil Procedure Rule 30(e)/Florida Civil  
 Procedure Rule 1.310(e)