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OFFICE OF PROFESSIONAL STANDARDS REBUTTAL TO BOARD REPORT DATED MAY 20, 2011

In response to the recent Report issued by the Office of Professional Standards and the Staff Attorney's office, I feel it is important that I respond to the issue under investigation. I have been an employee of the School Board of Pinellas County for 31 years and have established myself as a committed and dedicated administrator with consistent exemplary evaluations. I was dismayed when I was told I was being investigated for dishonesty and unethical conduct as a senior level staff member. I hope this rebuttal will show that the circumstances leading to this Report have been taken out of context and the alleged misconduct did not occur as reported.

As a Regional Superintendent, one of my major responsibilities is to explore ways to improve teaching and learning in our schools. With the recent demands for greater teacher accountability, pay for performance and more in-depth teacher assessment, I attempted to develop a new method to enhance the "walk-through" and teacher appraisal process. As I began formulating the concept, I spoke with Dr. Janssen, the Superintendent and discussed the potential for the concept. At the time, Dr. Janssen felt the concept had merit and allowed me to move ahead with developing a pilot program that could be tested in schools interested in working with the new methodology. Pinellas County uses a prototype process that allows a new program to be implemented on a trial basis in select schools, receive feedback from participants and to improve the process based on that feedback. This is the process I used with the Superintendent's approval.

Consistent with that protocol, I communicated regularly in regard to the development of this product with the Superintendent and Deputy Superintendent. This communication included e-mails, informal updates, phone conversations, one-on-one conversations with the Superintendent and in January a formal presentation of the product to the Superintendent, Deputy Superintendent, and a Curriculum and Instruction administrator. At the conclusion of the meeting it was determined that the product would best serve Pinellas if it was web-based. In February I shared with the Superintendent that, through an investor, the product would indeed be web-based and we discussed how it could be rolled out to administrators. In addition, the Superintendent contacted me in March from the Florida Association of District School Superintendents (FADSS) meeting to discuss how the product could be shared at this meeting with fellow superintendents. The report fails to chronicle the direct contact I had with the Superintendent regarding the implementation of the pilot project. In April I talked again with the Superintendent regarding the aggressive marketing that the company was doing and expressed my concern about the appearance of a conflict of interest. The superintendent directed me to talk with the General Counsel, Jim Robinson to review any potential legal issues. This reports fails to state any of my good faith communication efforts with the Superintendent, Deputy Superintendent and General Counsel regarding this project.

The district protocol was the same process I used with the methodology in dispute. It was Mr. Robinson, General Counsel for Pinellas County Schools, who suggested we develop an agenda item to send to the School Board that would show that we were complying with the intent of Board Policy regarding the creation of new instructional methods. Mr. Robinson then prepared and submitted the agenda item for Board consideration. That same agenda item was

reviewed by the entire Cabinet, including Mr. Madden, the Deputy Superintendent, as part of the normal agenda preparation process and was cleared for submittal to the Board by the Superintendent.

It was always my intent to develop this new concept solely for use by Pinellas County Schools. During Board discussion of the agenda item, I made it clear that I am not now, nor have I ever been an officer in ETIP Now, LLC. In fact, I had informed the owners of the enterprise that I could not be listed as a partner or co-founder of the corporation specifically because of the potential for a conflict of interest. Unfortunately, a statement was included on the corporation's website that was listed as a quote from me. When I became aware of the statement, I contacted the owners and asked that the statement be removed.

Allegations that I used School Board human resources and electronic communications are accurate. Once I received approval from the Superintendent to pursue the new concept as an "Inquiry/Action Research Project" I attempted to follow the same protocol our district has used in the past when an employee was authorized to develop a learning project. It should be noted that "Inquiry/Action Research" has been identified as a cornerstone of professional development in Pinellas County by the Superintendent. The involvement of investors who later expressed an interest in the potential for the concept in other districts complicated matters. At no time was I ever a member of ETIP Now, LLC nor did I ever market the product that was being developed in Pinellas County. To the contrary, ETIP told me that our concept was too specific to Pinellas County to be marketable in its current format. The report states that the product was marketed in numerous states and counties. However the list of individuals interviewed for this investigation only includes Pinellas County Florida residents. I repeatedly communicated to the company that I would not market this product. I was not part of the marketing plan, a fact confirmed by the ETIP company.

Although the Florida State Division of Corporation papers were cited as a reviewed document, the Board's report fails to state that my name did not appear on any company records and when the company director was questioned she was adamant that I had no role in the company, no membership on any the board of directors nor was I employed by the company. In addition, the report maintains that I will gain financially from the ownership of the copyright. There is no copyright. Because I am not affiliated with the company I am due no direct or indirect compensation. The reports states that I am the founder of ETIP. According to state records, the company was established in February 2011 and the registered agent was ALC. My agreement with the company was they would develop and then give the product to Pinellas free of charge. That was the extent of my involvement with the company. It was my expressed intent to place Pinellas County solely in a position to use the concept free of charge indefinitely.

I have been a loyal and dedicated administrator in Pinellas County for my entire professional career. I fully understand our Board Policies and would never jeopardize my standing in the district this close to the end of my tenure in Pinellas. I feel that there may have been some confusion on my part regarding the intent of the proposed agenda item and never would have intentionally or maliciously mislead the Board for personal gain. The item was authored by the Office of the General Counsel based on his understanding of the concept we were developing. I am disappointed with Dr. Janssen's refusal to consider my outstanding career

history in Pinellas County and allow me to finish my professional work in the district. It was my hope that what we were developing would ultimately help schools and their staff develop a more acceptable method of improving teacher performance.

None of the documentation used in this investigation has established me as a “co-founder” of ETIP Now, LLC or any other corporation designed to do business with the School Board. If anything, I was the “co-founder” in conjunction with other former and current staff of Pinellas County Schools of a new methodology that would ultimately help schools improve. It was my intent to develop a simple product that could be used to demonstrate that Pinellas was forward-thinking and a leader in the state in regard to addressing teacher appraisal. This example of professional collaboration was once an important way of work in our district.

Realizing that some of this problem may have been a result of my own misunderstanding, I requested to be reassigned to a position as a principal in one of our struggling schools, to continue working for the improvement of Pinellas County Schools. In light of Dr. Janssen’s rejection of that offer, I have elected to retire from my current position with the district. I regret that my career ended on such a negative note. I have always been a champion for this district and will continue to be one despite the circumstances of my departure.
