



State of Florida
Department of Education

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Commissioner

Office of Inspector General

Enhancing Public Trust in Government

Investigative Report

2023-0003

January 25, 2024



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FLORIDA DEPARTMENT OF EDUCATION OFFICE OF INSPECTOR GENERAL



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INVESTIGATIVE REPORT

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2023-0003

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Reginald Johnson, Former Supervisor
Office of Professional Standards, DCPS

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INTRODUCTION

On April 27, 2023, the Florida Department of Education (FDOE) Office of Inspector General (OIG) received an email from Duval County School Board (DCSB) member Charlotte Joyce (Joyce) (*Exhibit 1*). Joyce's email was in response to a letter sent from FDOE Commissioner Manny Diaz, Jr., to Duval County Public Schools (DCPS) Superintendent Dr. Diana Greene (Greene) on April 25, 2023 (*Exhibit 2*). In Commissioner Diaz's letter, he voiced concerns with DCPS' failure to report teacher misconduct incidents to the FDOE Office of Professional Practices Services (PPS) in accordance with Sections 1001.51 and 1012.796(1)(d)1, Florida Statutes (FS), as well as Rule 6A-10.082, Florida Administrative Code (FAC). Specifically, Commissioner Diaz wrote, "On April 21, 2023, DCPS reported fifty (50) cases to PPS. These cases date back as far as 2020, span three different school years, and were not previously reported to PPS." Joyce informed the OIG that DCPS had recently been the subject of an operational audit conducted by the State of Florida Auditor General (AG). The AG's report, published in January of 2023, included an evaluation of the district's policies and procedures related to ensuring employee misconduct is reported pursuant to statute; however, the audit did not identify any concerns or recommendations pertaining to the district's policies and procedures for reporting alleged misconduct. Joyce requested that the OIG "initiate an investigation to determine how and why the belated reporting described in Commissioner Diaz' letter was not identified in the January 2023 Operational Report." In response to Joyce's request, Inspector General Mike Blackburn informed her that the audit's objective was to ensure that the district's policies and procedures complied with relevant rules and statutes; the AG did not provide any opinion regarding whether or not the district reported every incident in accordance with those policies and procedures. As such, the OIG initiated an investigation to determine how and why DCPS failed to properly report the instances of teacher misconduct to FDOE, as opposed to investigating how and why the issue was not identified in the AG's report. Based on preliminary interviews and document reviews, the OIG determined that former DCPS Office of Professional Standards Supervisor Reginald Johnson was primarily responsible for reporting teacher misconduct to the FDOE PPS. The OIG also discovered that, in addition to the 50 delinquent cases received on April 21, 2023, the FDOE PPS subsequently received 23 additional delinquent cases to bring the total number of delinquent cases to 73.

BACKGROUND

Duval County Public Schools¹

DCPS is the 20th largest school district in the nation with over 12,000 employees serving more than 129,000 students throughout 197 schools. DCPS boasts an 85.6% graduation rate in District-operated schools.

DCPS Office of Professional Standards²

The DCPS Office of Professional Standards (OPS) is designated by the Superintendent to conduct investigations into possible violations of district policies, the Principles of Professional Conduct of the Education Profession in Florida, and the Civil Service and Personnel Rules and Regulations. The OPS is responsible for conducting thorough and impartial investigations and providing guidance to support both district and school-based administrators in matters of employee behavior.

FDOE Office of Professional Practices Services³

The FDOE PPS administers a state-level grievance process and plays an integral part in ensuring that appropriate disciplinary actions are taken against the certificate of an educator certified to teach in Florida. The PPS investigates alleged misconduct by educators in Florida who hold an educator's certificate and pursues disciplinary actions against the certificates of educators found to have committed acts of misconduct. The PPS investigates when facts are presented which show a violation has occurred as provided in Section 1012.796, FS, and defined by rules of the State Board of Education.

State of Florida Auditor General Operational Audit Report No. 2023-084⁴

The AG conducted an operational audit of the Duval County School District from March 2021 through August 2022 and published the corresponding report in January 2023. As part of the work performed, the AG, "Evaluated the effectiveness of Board policies and District procedures addressing the ethical conduct of instructional personnel and school administrators, including reporting responsibilities related to employee misconduct which affects the health, safety, or welfare of a student, and also the investigation requirements of all reports for alleged misconduct to determine the sufficiency of those policies and procedures to ensure compliance with Section 1001.42(6) and (7)(b)3., Florida Statutes." While the audit included an evaluation of the effectiveness of Board policies and District procedures, it did not include any assurance that every reportable incident was reported pursuant to those policies and procedures. In fact, the audit report stated, "An audit by its nature does not include a review of all records and actions of management, staff, and vendors, and as a consequence, cannot be relied upon to identify all instances of noncompliance, fraud, waste, abuse, or inefficiency."

Former Douglas Anderson School of the Arts Teacher Jeffrey Clayton

On April 19, 2023, former FDOE Vice Chancellor for the Office of Safe Schools (OSS) Scott Strauss (Strauss) sent a letter to Superintendent Greene expressing concern that DCPS had failed

¹ <https://dcps.duvalschools.org/domain/5268>

² <https://dcps.duvalschools.org/Page/27959>

³ <https://www.fldoe.org/teaching/professional-practices/>

⁴ https://flauditor.gov/pages/pdf_files/2023-084.pdf

to report a 2021 incident involving Douglas Anderson School of the Arts teacher Jeffrey Clayton (Clayton) to OSS in accordance with the School Environmental Safety Incident Reporting⁵ (SESIR) rule outlined in Florida Administrative Code (*Exhibit 3*). Strauss relayed in the letter that OSS discovered that Clayton had been arrested and charged with a violation of Section 800.101(2)(a), FS, offenses against students by authority figures, including soliciting in or engaging in sexual misconduct. Strauss continued that Clayton's March 28, 2023, termination letter referenced that the district had previously substantiated incidents in 2016 and 2021 in which Clayton had "inappropriate physical contact with a student." Subsequently, on April 21, 2023, Superintendent Greene responded to Strauss and explained that the investigation did not conclude in a finding of Sexual Harassment (*Exhibit 4*). As such, DCPS was statutorily required to report the allegations to PPS and the Florida Department of Children and Families, not the FDOE OSS. Green stated that DCPS records indicated that the statutorily required reports had been made. Kosec clarified that, as of June 2023, DCPS had not reported any cases involving Clayton to PPS, thus PPS requested and subsequently received all cases regarding Clayton from DCPS.

ALLEGATIONS AND FINDINGS

Former DCPS OPS Supervisor Reginald Johnson failed to report alleged teacher misconduct to the FDOE as required by Section 1012.796, FS, and Duval County School Board Policy 6.80.
Substantiated

EXECUTIVE SUMMARY

On April 21, 2023, PPS received 50 previously unreported case files regarding alleged misconduct by DCPS teachers dating back to 2020. On April 25, 2023, Commissioner Diaz sent a letter to Superintendent Greene voicing concerns with DCPS' failure to report teacher misconduct incidents to PPS (*Exhibit 2*). On April 27, 2023, DCSB member Charlotte Joyce contacted the OIG and expressed concern with the Commissioner's letter (*Exhibit 1*). Specifically, Joyce highlighted the apparent discrepancies between the Commissioner's letter and an audit report published by the AG in January 2023 that did not identify any concerns or findings related to DCPS' procedures for reporting teacher misconduct. Following the receipt of Joyce's email, the OIG initiated an investigation to determine how and why DCPS failed to report cases of misconduct to PPS within 30 days as required by statute.

On June 23, 2023, the OIG interviewed PPS Bureau Chief Randy Kosec, Jr., (Kosec), as a witness regarding the matter. Kosec stated that school districts are required by statute to report allegations of misconduct to PPS within 30 days of receiving the initial complaint. Kosec explained that following the arrest of Douglas Anderson School of the Arts teacher Jeffrey Clayton, a DCSB member⁶ reached out to him to ask why PPS had not taken any action against Clayton in the past as Clayton had been the subject of multiple school-based and district-based investigations. Kosec explained to the board member that DCPS had not reported the prior incidents involving Clayton to PPS. Kosec testified that shortly after his conversation with the board member 50 unreported cases from DCPS appeared in the mail.

⁵ The SESIR rule defines 26 incidents of crime, violence, and disruptive behaviors that must be reported to the FDOE OSS. These 26 incidents include Sexual Assault, Sexual Battery, Sexual Harassment, and Sexual Offenses (Other).

⁶ Kosec was unable to recall if he spoke with Dr. Kelly Coker or April Carney.

Kosec detailed that DCPS initially reported 50 cases to PPS on Friday, April 21, 2023, and he promptly brought this to the attention of FDOE senior leadership as it was unusual for DCPS to send over such a large volume of cases. Kosec reported that Commissioner Diaz then sent a letter to Superintendent Greene, expressing FDOE's concern with the reporting delays and reminding her of her obligation as superintendent as well as DCPS' obligation to report these cases in a timely manner as required by statute. Kosec stated that on Monday, April 24, 2023, PPS received 15 additional cases from DCPS. After receiving the additional 15 cases, Kosec requested an additional six cases from DCPS and was provided eight, bringing the grand total of delayed cases to 73.⁷ None of the 73 delinquent cases submitted by DCPS involved Clayton, thus, PPS requested and subsequently received all cases involving Clayton from DCPS.

Kosec reported that there was no note or explanation given by DCPS for the delayed reporting of these cases and stated that former OPS Supervisor Reginald Johnson (Johnson) was the contact person at DCPS that was responsible for submitting cases in a timely manner. Kosec estimated that most, if not all, of the delayed cases occurred under Johnson's supervision.

On August 2, 2023, the OIG conducted additional witness interviews of Johnson's immediate supervisor, Dr. Tameiko Grant (Grant), and Assistant Superintendent of HR Victoria Schultz (Schultz). Both Schultz and Grant confirmed that it was ultimately Johnson's responsibility to report cases to PPS. Schultz and Grant advised that all cases within OPS are tracked via a master Microsoft Excel (Excel) spreadsheet, and within the spreadsheet, there is a column labeled "PPS" to indicate whether a case was reported to PPS or not. Grant explained that the OPS was plagued with high turnover and noted that, at one point, there was only one investigator and Johnson in the office compared to the usual four investigators and Johnson. Grant opined that the high turnover rate, coupled with over 400 cases a year, may have contributed to the misreporting of cases by Johnson. Grant suggested that Johnson's failure to report cases to PPS was likely not intentional.

Additionally, Schultz testified that Johnson was responsible for drafting quarterly reports from the master Excel spreadsheet for her review. Schultz explained that she would review the master Excel sheet and verify if each case was substantiated and whether or not it was submitted to PPS. Specifically, Schultz noted that, if the case was substantiated but not reported to PPS, she would question Johnson via email or phone call and noted that on average, she would question one or two cases per quarterly report from Johnson. Schultz reiterated that she referred to the master Excel sheet when confirming if a case was sent to PPS, and she had no reason to not trust the information in the spreadsheet.

The OIG contacted four⁸ of Johnson's former employees to provide witness statements. All of Johnson's former employees confirmed that Johnson was solely responsible for reporting cases to PPS. Johnson's former employees advised that all cases were tracked via Excel spreadsheet and noted that Johnson was tasked with providing quarterly reports to DCPS leadership to indicate what cases they worked, the outcome, and if they reported the cases to PPS. All of Johnson's

⁷ Throughout this report, people interviewed often refer to "50 delinquent case files" as that was the number included in the letter from Commissioner Diaz. Despite this, the actual number of delinquent cases submitted to FDOE was 73, not 50.

⁸ Former OPS Investigator David Farcas, Former OPS Investigator Harry Cigliano, Current OPS Investigator Tina Marie Lemaitre, and Current Secretary Jeanie Turner.

former investigators that we interviewed denied ever reporting a case to PPS and identified Johnson as the individual responsible for submitting cases to PPS.

The OIG interviewed former DCPS Superintendent Greene as a subject regarding this matter. Greene testified that Johnson was solely responsible for reporting cases to PPS in accordance with the law. Greene explained that she reviewed all of the cases within OPS via the quarterly reports and noted that the quarterly reports contained a column labeled “PPS” to indicate which cases DCPS sent to PPS. Greene testified that she only became aware of the 50 delinquent files once she received the letter from Commissioner Diaz. Greene explained that she immediately met with Johnson, who was unable to physically provide her with the 50 cases that he sent to PPS, stating that he had a list of the cases “in his head.”

Greene detailed that Johnson deleted⁹ various files from his computer before leaving DCPS, and in their effort to recover these documents, IT also recovered an email from PPS stating that they did not have any reports regarding Clayton. Greene suggested that this email was the catalyst for Johnson submitting the 50 delinquent files to PPS, but she did not know the date or timeframe of the email from PPS to Johnson.

During Greene’s interview, DCPS General Counsel Ray Poole (Poole) provided documentation showing that, every day of the week leading up to the submission of the delinquent case files, Johnson entered the building between 3:50 a.m. and 4:21 a.m. and deleted various files (*Exhibit 5*). In total, Johnson deleted 290 files consisting of various educator case files, public records requests, DOE reporting forms, and multiple documents regarding Clayton. Poole noted that prior to the week of April 17, 2023, Johnson typically entered the office between 6:00 and 7:00 a.m., suggesting that it was abnormal for Johnson to enter the building at 4:00 a.m.

The OIG obtained and reviewed all of OPS’s quarterly reports during Johnson’s tenure as supervisor. The OIG compared the cases on the quarterly reports to the 64¹⁰ cases PPS documented from the April 21st and April 24th case submissions. The OIG’s analysis of the documentation revealed that Johnson had only entered 22 of the 64 cases that DCPS sent to PPS on the quarterly tracking reports that he presented to his supervisors (*Exhibit 23*). Additionally, of the 22 cases found on the quarterly reports, 21 were listed as reported to PPS, and one was left blank making it unclear if Johnson had sent that case to PPS or not. Kosec confirmed that Johnson had reported none of the initial 65 cases to PPS prior to April 21, 2023.

On August 17, 2023, the OIG interviewed Johnson as a subject regarding this matter. Johnson testified that, once a complaint has been substantiated, that signifies that the complaint is legally sufficient and should then be submitted to PPS if it concerns the health, safety, or welfare of a child. Johnson contradicted witness testimony and stated that it is the responsibility of the investigator to submit cases to PPS once they have been substantiated. Johnson denied any personal responsibility for submitting cases to PPS. Johnson confirmed that he used an Excel spreadsheet to track all the cases; however, Johnson testified that the column labeled “PPS”

⁹ DCPS was able to recover all of the deleted files as they were backed up to the Cloud.

¹⁰ Kosec clarified that PPS created a spreadsheet to record each of the 65 cases initially submitted to PPS; however, one case was inadvertently omitted from the spreadsheet leaving only 64 cases on the spreadsheet. Kosec confirmed that DCPS subsequently submitted eight additional cases, bringing the total to 73 delinquent cases submitted to PPS, but those eight cases were not added into the spreadsheet.

indicated that cases should be sent to PPS rather than indicating that the case had been sent to PPS. Johnson again reiterated that the investigators were responsible for submitting cases to PPS.

Johnson admitted that he sent the 50 delinquent case files to PPS and explained that he wanted to conduct a self-initiated audit of the OPS to ensure that they submitted all legally sufficient cases to PPS. Johnson testified that he did not notify anyone of the delinquent case files and noted that he may have sent more than 50. Johnson expressed that he wasn't sure of the exact number of cases he sent but explained that he mailed three large packages to PPS. Johnson was unable to explain how or why these cases were never reported to PPS, though he suggested the high turnover rate, coupled with the large volume of cases, may have been to blame. Johnson reiterated that he was not responsible for submitting cases to PPS. Johnson again contradicted witness testimony, stating that he regularly trained the investigators on how to submit cases to PPS. The OIG confirmed that the first essential function listed for Johnson's position includes, "Prepares and forwards disciplinary packages to FLDOE Bureau of Professional Practices Services (PPS)."

Johnson confirmed that Greene and Schultz had no knowledge of the delinquent case files. Contrary to witness testimony, Johnson stated that he rarely met with Schultz regarding the cases. Johnson explained that it was not common practice to notify anyone when OPS submitted cases to PPS, but he admitted that he probably should have notified someone before submitting all of the delinquent case files to PPS.

Based on the review of documentation and the sworn, recorded witness and subject interviews, the OIG substantiated the allegation that Johnson failed to report alleged teacher misconduct to the FDOE as required by Section 1012.796, FS, and Duval County School Board Policy 6.80.

GOVERNING DIRECTIVES

1. Section 1012.796, FS, Complaints against teachers and administrators; procedure; penalties.- (*Exhibit 6*)

(1)(d)1. Each school district shall file in writing with the department all legally sufficient complaints within 30 days after the date on which subject matter of the complaint comes to the attention of the school district, regardless of whether the subject of the complaint is still an employee of the school district. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. 1012.795 and defined by rule of the State Board of Education. The school district shall include all information relating to the complaint which is known to the school district at the time of filing.

2. Duval County Public School Board Policy 6.71 Complaints Against Employees (*Exhibit 7*)

I.C. The Superintendent shall report to the Department of Education legally sufficient complaints within thirty (30) days after the date on which the complaint comes to the attention of the School District, regardless of whether the subject of the complaint is still an employee of the School District. The resignation or termination of an employee before an investigation of alleged misconduct by the employee affecting the health, safety, or welfare of a students [*sic*] must be immediately reported to the Department of Education.

3. Duval County Public School Board Policy 6.80 Professional Ethics (*Exhibit 8*)

III. Educational support employees, instructional personnel, administrative personnel, and school officers shall report misconduct of other educational support employees, instructional personnel, administrative personnel, and school officers that affects the health safety and welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student. Misconduct relating to discrimination and harassment shall be reported according to the procedures in Rule 2.70 of these policies. All other misconduct affecting the health, safety and welfare of a student shall be reported to a principal or administrative supervisor or to the Office of Equity and Inclusion/Professional Standards to be investigated and where appropriate, reported to the Florida Department of Education. When it is determined that the health, safety, or welfare of the students is possibly jeopardized while an investigation of misconduct is being conducted, the employee shall be removed from any school setting pending the outcome of the investigation.

WITNESSES/SUBJECTS INTERVIEWED

The FDOE OIG conducted sworn, audio recorded interviews of the following individuals:

Interviewee	Title	Organization	Interview Date	Type
Dr. Diana Greene (<i>Exhibit 9</i>)	Superintendent	DCPS	September 20, 2023	Subject ¹¹
Reginald Johnson (<i>Exhibit 10</i>)	OPS Supervisor	DCPS	August 17, 2023	Subject
Randy Kosec, Jr. (<i>Exhibit 11</i>)	Bureau Chief PPS	FDOE	June 23, 2023	Witness
Victoria Schultz (<i>Exhibit 12</i>)	Assistant Superintendent	DCPS	August 2, 2023	Witness
Dr. Tameiko Grant (<i>Exhibit 13</i>)	Executive Director OPS/EI	DCPS	August 2, 2023	Witness
Kelly Coker (<i>Exhibit 14</i>)	School Board Chair	DCSB	August 2, 2023	Witness
April Carney (<i>Exhibit 15</i>)	School Board Member	DCSB	August 16, 2023	Witness
David Farcas (<i>Exhibit 16</i>)	Former Investigator	DCPS	August 2, 2023	Witness
Harry Cigliano (<i>Exhibit 17</i>)	Former Investigator	DCPS	August 24, 2023	Witness

The OIG attempted to contact DCSB member Charlotte Joyce to conduct a complainant interview. The OIG reached out multiple times via phone and email, and as of the date of this report, Joyce has not responded.

¹¹ After reviewing evidence and witness testimony, the OIG eliminated Superintendent Greene as a subject in this investigation.

On August 18, 2023, the OIG contacted Tina Marie Lemaitre (Lemaitre) to schedule a witness interview. Lemaitre is currently an investigator within the OPS. Lemaitre informed the OIG that she was unsure if she wanted to participate in an official witness interview and would reach back out to the OIG after taking some time to think about it. On August 21, 2023, the OIG followed up with Lemaitre, who declined to participate in an official witness interview but did provide information over the telephone (*Exhibit 18*).

On September 21, 2023, the OIG contacted Jeanie Turner (Turner) to schedule a witness interview. Turner is currently the secretary for OPS. Turner informed the OIG that she was willing to participate in an interview but did not have a web camera or microphone capabilities on her computer. As such, the OIG conducted a non-sworn, non-recorded telephonic witness interview of Turner (*Exhibit 19*).

ALLEGATION 1: EVIDENCE & TESTIMONY

Former DCPS OPS Supervisor Reginald Johnson failed to report alleged teacher misconduct to the FDOE as required by Section 1012.796, FS, and Duval County School Board Policy 6.80.

On April 21, 2023, PPS received 50 previously unreported case files regarding alleged misconduct by DCPS teachers dating back to 2020. On April 25, 2023, Commissioner Diaz sent a letter to Superintendent Greene voicing concerns with DCPS' failure to report teacher misconduct incidents to PPS (*Exhibit 2*). On April 27, 2023, DCSB member Charlotte Joyce contacted the OIG and expressed concern with the Commissioner's letter (*Exhibit 1*). Specifically, Joyce highlighted the apparent discrepancies between the Commissioner's letter and an audit report published by the AG in January 2023 that did not identify any concerns or findings related to DCPS' procedures for reporting teacher misconduct. Following the receipt of Joyce's email, the OIG initiated an investigation to determine how and why DCPS failed to report cases of misconduct to PPS within 30 days as required by statute.

On June 23, 2023, the OIG interviewed PPS Chief Randy Kosec as a witness regarding this matter. Kosec explained that following the arrest of former Douglas Anderson School of the Arts teacher Jeffrey Clayton, a DCSB member¹² reached out to him to ask why PPS had not taken any action against Clayton in the past as Clayton had been the subject of multiple school-based investigations, as well as other investigations conducted by the DCPS Office of Equity and Inclusion/Professional Standards in 2006, 2008, 2016, 2020, 2022, and 2023. Kosec explained to the board member that DCPS never reported the prior incidents involving Clayton to PPS. Kosec testified that shortly after his conversation with the board member 50 unreported cases from DCPS appeared in the mail. Kosec verified that none of the 50 initial cases reported by DCPS involved Clayton.

On August 2, 2023, the OIG interviewed Assistant Superintendent Victoria Schultz as a witness regarding this matter. Schultz noted that Greene regularly asked her about cases regarding Clayton to ensure that they were appropriately reported to PPS. As such, Schultz explained that

¹² Kosec was unable to recall if he spoke with Dr. Kelly Coker or April Carney.

she then followed up with Johnson, who assured her that he had reported the cases to PPS. Specifically, Schultz stated, “I am going to tell you, I asked him [Johnson] more than one time about that teacher and his prior investigations, and Reggie consistently said—and I’m saying this because Dr. Greene asked me more than once, and so every time she asked, I picked up the phone and called him again, and one time I walked up to his office on the 5th floor standing by the copier and asked the same exact questions and, he indicated, ‘I reported, we reported all of them except the face mask situation.’”¹³

On August 24, 2023, the OIG interviewed Harry Cigliano (Cigliano) as a witness regarding this matter. Cigliano was an investigator within OPS from November of 2021 through June of 2022 reporting directly to Johnson. Cigliano could not confirm if Johnson reported any of the Clayton incidents to PPS. Cigliano explained that most of Clayton’s discipline was handled at the district level and suggested that the school may have lessened the severity of the discipline in order to keep Clayton employed. Cigliano noted that he worked on the Clayton case in 2022 regarding inappropriate contact with a student. Cigliano explained that he finished the case and substantiated the allegation but noted that he left before Johnson completed the disciplinary process. Cigliano confirmed that the 2022 case should have been reported to PPS.

On September 20, 2023, the OIG interviewed Greene as a subject regarding this matter. Greene stated that when she spoke to Johnson, he advised her that he reported Clayton to PPS in 2021. Greene detailed that Johnson deleted various files on his computer before leaving DCPS, and in their effort to recover these documents, IT recovered an email from PPS stating that they did not have any reports regarding Clayton. Greene suggested that this email was the catalyst for Johnson submitting the 50 delinquent files to PPS. Greene could not confirm the date or timeframe of the email from PPS to Johnson inquiring about Clayton. Greene added that Johnson provided her with an “FDOE Reporting Form”¹⁴ that indicated Johnson had submitted the Clayton case from 2021 to PPS¹⁵ (*Exhibit 20*).

On August 17, 2023, the OIG interviewed Johnson as a subject regarding this matter. Johnson claimed that OPS reported incidents involving Clayton to PPS in 2021 and 2023.¹⁶ Johnson explained that incidents involving Clayton in 2006, 2008, and 2016 were not reported to PPS and advised that he knew why these cases were not reported; however, he declined to elaborate. Johnson confirmed that the cases in 2006, 2008, and 2016 should have been reported to PPS in accordance with statute.

During Kosec’s interview, he stated that school districts are required by statute to report legally sufficient allegations of misconduct to PPS within 30 days of receiving the initial complaint. Kosec noted that the district does not have to complete their investigation within those 30 days, but they must complete enough preliminary work within that 30-day window to determine if a violation of state statute occurred.

Kosec reported that DCPS initially reported 50 cases to PPS on Friday, April 21, 2023, and added that this was unusual because PPS usually receives two or three cases at a time. Kosec noted that

¹³ Audio recording of Schultz at 27:38 minutes.

¹⁴ Johnson used this form as a coversheet when submitting cases to PPS.

¹⁵ PPS has no record of receiving this case.

¹⁶ PPS has no record of receiving these cases.

DCPS does not use the online reporting system provided by PPS to report cases. Kosec explained that, due to the volume of the cases, he began to review the files himself and noticed that many of the cases were older, listing dates in 2022 and 2021. Kosec stated that he immediately brought the cases to the attention of Chancellor Paul Burns, General Counsel Andrew King, Senior Chancellor Adam Miller, and ultimately Commissioner Diaz. Kosec reported that Commissioner Diaz then sent a letter to DCPS Superintendent Greene, expressing FDOE's concern with the reporting delays and reminding her of her obligation as superintendent as well as DCPS' obligation to report these cases in a timely manner as required by statute. Kosec stated that on Monday, April 24, 2023, PPS received 15 additional cases from DCPS and suggested that, although these cases arrived later, they may have been shipped at the same time as the initial 50 cases. Kosec testified that he subsequently requested six other cases from DCPS after reviewing a spreadsheet provided by Senior Chancellor Miller and identifying six additional cases that DCPS had not reported to PPS (*Exhibit 21*). DCPS provided an additional eight cases in response to Kosec's request, bringing the grand total of delayed cases to 73.

Kosec stated that DCPS substantiated all 73 cases, thus deeming them legally sufficient. Kosec clarified that some cases were substantiated at the school level while others were substantiated at the district level, and he explained that PPS would review the case regardless of where the discipline took place. Kosec stated that DCPS provided no explanation for the delayed reporting of these cases.

Kosec stated that Johnson was the point of contact within OPS responsible for ensuring OPS reported cases in a timely manner. Kosec explained that PPS had a good working relationship with Johnson and stated, "I will tell you from being with PPS since 2007, Mr. Johnson was a lot easier to work with, reported more to me, I felt, than...prior persons in his role. And that's why I was really shocked when this came in because it was out of character for him."¹⁷ When asked if there was any reason to suspect misreporting or under-reporting by Johnson, Kosec answered, "Not that I knew of."¹⁸

Kosec stated that there is no monetary incentive for districts to underreport cases to PPS. Kosec noted that the DCPS board members are currently conducting an audit¹⁹ to ensure that DCPS reported all cases to PPS that they should have by law. Kosec did not know if there are any more cases that DCPS may not have reported to PPS.

On August 2, 2023, the OIG conducted a witness interview of Johnson's supervisor, Dr. Tameiko Grant, Executive Director of the Office of Equity and Inclusion/Professional Standards. Grant explained that the OPS is tasked with handling two types of investigations: school-based and district-based. Grant stated that, by law, "Anything that impacts the health, safety, and welfare of a child"²⁰ must be reported to PPS regardless of whether the investigation took place at the district or school level. Grant explained that OPS uses an Excel spreadsheet to track all cases and noted that there is a column identifying whether a case was submitted to PPS or not. Grant stated that, generally, Johnson was responsible for determining whether cases needed to be submitted to PPS, but she noted that Johnson often consulted with Assistant Superintendent of HR Victoria Schultz

¹⁷ Audio recording of Kosec at 14:24 minutes.

¹⁸ Audio recording of Kosec at 17:21 minutes.

¹⁹ DCSB hired an outside law firm to conduct the audit.

²⁰ Audio recording of Grant at 7:59 minutes.

regarding these cases. Grant recalled that Johnson had informed her that he was having trouble accessing the online reporting form for FDOE; therefore, he sent all cases to FDOE via the US Postal Service (USPS).

Grant stated that the supervisor of OPS is responsible for determining the discipline for misconduct cases. Grant noted that all level three and four violations are presented to the school board for review. Grant clarified that if the case was a level three or four, the disciplinary action would be discussed with both Schultz and Greene before a final decision would be determined. Grant defined level one violations as violations resulting in verbal reprimands, level two violations as violations resulting in written reprimands, level three violations as violations resulting in suspension, and level four violations as those resulting in termination.

Grant described her role in the reporting process as minor and stated that, because she was new to her role, she trusted the current reporting process that seemed to be working. Grant stated, “Based on our conversations, um, I was informed that he was sending things to, um, DOE in the timeframe in which they were supposed to be sent.”²¹ Grant explained that every quarter Johnson would formulate a report, and they would discuss the report before submitting it to Schultz and ultimately the school board for review. Specifically, Grant detailed, “He would tell me which ones had been sent to DOE and which ones were substantiated. We were confirming for the report because that quarterly report goes to the board. Um, because that was his primary responsibility, I really didn’t have a reason to kind of, like, check behind him. Um, and there had been no, um, issues that had arisen for me to do that.”²²

Grant was unable to determine why the 50 delinquent cases submitted by Johnson were not initially submitted on time. Grant admitted that, in hindsight, there was not a good system of checks and balances in place concerning reporting to FDOE. Additionally, Grant noted that there was a high turnover rate within OPS, and at one point, there was only one investigator and Johnson in the office. Grant stated that OPS handles approximately 400 cases a year on average and suggested that the high turnover rate may have contributed to the misreporting of cases to FDOE by OPS, which she believed was unintentional.

Grant divulged that Greene questioned Johnson and asked if he notified his supervisor that he would be submitting the 50 delinquent case files, and Johnson stated that he did not. Grant stated, “I was none the wiser, or aware that those cases were being sent, um, at all- or late.”²³

When asked who was responsible for reporting cases to PPS, Grant answered, “It’s ultimately the, the supervisor of professional standards [Johnson]. That’s one of their, um, duties in their, um, job description²⁴ is to report cases to Professional Practices”²⁵ (*Exhibit 22*).

Grant described Johnson as a good employee who showed up on time and stayed late if needed. However, Grant described her relationship with Johnson as strained. Grant stated that others

²¹ Audio recording of Grant at 15:23 minutes.

²² Audio recording of Grant at 15:52 minutes.

²³ Audio recording of Grant at 18:16 minutes.

²⁴ One of the Essential Functions listed in the OPS Supervisor’s job summary is, “Prepares and forwards disciplinary packages to FLDOE Bureau of Professional Practices Services (PPS).”

²⁵ Audio recording of Grant at 23:48 minutes.

perceived Johnson as a “stickler” and strict leader. Grant noted that she felt like Johnson consistently attempted to avoid team meetings and team training, often indicating that he had too much work to do or other meetings to attend instead.

Grant noted that, once Johnson left and she became responsible for reporting cases to PPS, she discovered that Johnson was using an outdated reporting form. Grant was unaware of any directives to under-report or decrease discipline levels in order to avoid reporting cases to PPS. Grant opined that the relationship between OPS and PPS was great because Johnson often referred to Kosec by his first name and would make comments that he was in frequent contact with Kosec.

Grant was unaware of the additional 23 cases sent to PPS from DCPS and could not provide an explanation of where they came from. Grant stated that, when Green asked Johnson to provide a list of the 50 cases he submitted to PPS, Johnson replied, “They’re all in my head.” Grant stated that Johnson was then asked to write down the list of cases “in his head,” and Johnson’s list was then cross-referenced to a list provided by PPS,²⁶ revealing multiple discrepancies. Grant noted that she has no way to know for certain what cases Johnson submitted to PPS other than the list provided by PPS. Grant explained that Johnson told her he wanted to perform his own audit following the AG’s audit that resulted in a lack of findings, and that’s when he discovered the 50 delinquent files. Grant reiterated that, ultimately, it was Johnson’s responsibility to submit cases to PPS in accordance with statute. Grant stated that she was unaware of any incentive for DCPS to not report cases to PPS. Grant recalled multiple instances in which Johnson would brag to others within the office that DCPS was recognized by FDOE for efficiently reporting cases to PPS, but Grant was unaware of and could not confirm who or where this praise came from.

On August 2, 2023, the OIG interviewed Assistant Superintendent Schultz as a witness regarding this matter. Schultz stated Florida law requires that educator misconduct cases concerning the health, safety, and welfare of students be reported to PPS. Schultz described DCPS’ reporting process as the responsibility of the OPS. Specifically, Schultz stated that Johnson was responsible for submitting the cases to PPS. Schultz explained that Johnson informed her that all cases reported to PPS would have a form filled out indicating so. Johnson explained to Schultz that he would fill the form out and mail it to PPS via the USPS. Schultz recalled that she questioned Johnson’s actions of using “snail mail,” and Johnson informed her that whenever he attempted to submit reports to PPS via the internet, the link showed as “blocked.” Thus, he resorted via USPS. Schultz explained that DCPS tracks all cases within OPS via an Excel spreadsheet and detailed that there is a column within the spreadsheet labeled “reported to FDOE,” and the column would indicate “yes” or “no.” Schultz explained that every quarter, OPS would compile that spreadsheet and provide a report to her, the superintendent, and the school board for review.

Schultz stated that she only ever received the quarterly reports from Johnson. Schultz explained that, before she would send the report to the school board, she would review the master Excel sheet and verify if each case was substantiated and whether it was submitted to PPS. Specifically, Schultz noted that if the case was substantiated but not reported to PPS, she would question Johnson via email or phone call. Schultz detailed that most cases containing a level three or four

²⁶ DCPS requested a list of the delinquent cases received by PPS from DCPS.

violation, as well as those needing board approval for the dismissal or reassignment of an educator, were the ones that she and Johnson would sit down and discuss to ensure that he had appropriately reported them to PPS. Schultz noted that, on average, she would question Johnson about one or two cases per quarterly report.

Schultz did not know of any policy or procedure within OPS to track cases once they submitted the cases to PPS. Additionally, Schultz could not determine how OPS failed to report multiple cases to PPS. Schultz explained that, when she asked Johnson about the 50 delinquent cases submitted to PPS, Johnson expressed that if the spreadsheet indicated that he submitted the case to PPS, then he submitted the case. Schultz testified, “I don’t think that he [Johnson] had a process of making sure that they were sent.”²⁷ Schultz noted that Johnson had no proof that he submitted any of the cases to PPS other than the master Excel spreadsheet indicating so. Schultz stated that, according to Johnson, “He would have two people that typed what he called ‘the letter that goes to DOE,’ and he had a specific form for that. And, um, so he had two different people that he would have do that. Um, and, then he said that he was the one that mailed them.”²⁸ Schultz stated that she had no reason to suspect Johnson had not reported the cases to PPS. Specifically, Schultz stated, “I, I mean, I trusted him. I don’t know what else to say.”²⁹

Schultz noted that she and Superintendent Greene asked Johnson to provide a list of the 50 cases Johnson submitted to PPS, but Johnson told them that he did not have a physical list and had them “in his head.” Schultz confirmed that Johnson was unable to provide an accurate list of the 50 cases he submitted to PPS. Schultz detailed that Johnson provided an incomplete list of cases and, after cross referencing Johnson’s list with the list provided by PPS, they identified multiple discrepancies. Schultz suggested that not even Johnson was aware of what cases he sent to PPS.

Additionally, Schultz noted that many of the cases on Johnson’s list appeared on previous quarterly reports as “sent to FDOE.” When Schultz asked Johnson about his reasoning behind sending the 50 cases, Johnson suggested that he conducted his own audit following the AG’s audit resulting in a lack of findings. When asked about the content of the delinquent cases submitted to PPS, Schultz stated, “The 50 [cases] that I reviewed, there was no rhyme or reason with them.”³⁰

On May 2, 2023, Kosec provided the OIG with a spreadsheet containing 64 of the 65 cases initially reported by DCPS (*Exhibit 23*). On September 12, 2023, Schultz provided the OIG with all of OPS’s quarterly reports during Johnson’s tenure as supervisor from September 10, 2020, through May 24, 2023 (*Exhibit 24*). The OIG’s review of the records indicated that only 22 of the initial 64 cases reported by DCPS appeared on previous quarterly reports. Of the 22 cases found on the quarterly reports, 21 were listed as having been reported to PPS, and one was left blank making it unclear if Johnson had sent that case to PPS or not. Kosec confirmed that Johnson had reported none of the initial 65 cases to PPS prior to April 21, 2023.

²⁷ Audio recording of Schultz at 21:49 minutes.

²⁸ Audio recording of Schultz at 22:19 minutes.

²⁹ Audio recording of Schultz at 24:28 minutes.

³⁰ Audio recording of Schultz at 35:37 minutes.

When asked if Johnson was solely responsible for reporting cases to PPS, Schultz stated, “That was his job.”³¹ Additionally, Schultz said, “I think the problem was that we trusted him. And the system that we put in place was for him to indicate that it had been sent.”³² Schultz advised that the new process for submitting cases to PPS includes taking screen shots of the cases being submitted to confirm dates and times of submission.

On September 20, 2023, the OIG interviewed Greene as a subject regarding this matter. Greene stated that any complaints concerning the health, safety, and welfare of a child should be reported to PPS as required by law. Greene advised that the OPS is responsible for determining if complaints rise to the level of a district or school-based investigation and noted that, once a complaint that involves the health, safety or welfare of a child is substantiated, it is then OPS’s responsibility to report that complaint to PPS. Greene explained that, at the conclusion of an investigation, OPS is responsible for determining the level of discipline, which ranges from level one to level four. Greene noted that all cases resulting in level three or four discipline were reviewed by her, the school board, and the Chief HR Officer.³³ Specifically, Greene stated that Schultz recommends the level of discipline to her, they discuss the case and the disciplinary decision, and then ultimately agree on the level of discipline to proceed with.

Greene stated that OPS tracked the cases via an Excel spreadsheet, and she reviewed the cases via quarterly reports. Greene advised that Schultz submitted the quarterly reports to her and the school board for review. Greene clarified that OPS created the reports and then submitted them to HR and subsequently to her and the school board. Greene reiterated that OPS is responsible for submitting cases to PPS as required by law. Specifically, Greene stated, “The Executive Director of that office [OPS] is to be responsible for that happening.”³⁴ Greene stated that the Excel spreadsheet contained a column indicating whether a case had been submitted to PPS and noted that she consistently followed up with Schultz to confirm that the cases were appropriately reported to PPS. Greene noted that she had no reason to believe that the cases were not appropriately reported to PPS.

Greene reiterated that she was informed via the quarterly reports of what cases OPS reported to PPS. Greene explained that if a case was severe or urgent, she was notified before the quarterly report would be published. When asked how it was possible that these cases did not get reported to PPS, Greene replied, “I don’t know that those cases were never reported to the state because I’ve never seen the files.”³⁵

Greene was unaware of any official document or written directive indicating that Johnson was responsible for submitting cases to PPS in accordance with statute. Specifically, Greene stated, “Our standard operating procedure is that the Office of Professional Standards, that its purpose to report, um, to handle employee misconduct, to report that employee misconduct, um, to the Department of Education or any other entity...”³⁶ Greene was unable to recall a specific internal operating procedure or standard directing OPS to report cases to PPS. Greene advised that the

³¹ Audio recording of Schultz at 34:07 minutes.

³² Audio recording of Schultz at 34:18 minutes.

³³ Note that Greene refers to the Assistant Superintendent of HR as the Chief HR Officer.

³⁴ Audio recording of Greene at 8:28 minutes.

³⁵ Audio recording of Greene at 9:58 minutes.

³⁶ Audio recording of Greene at 11:47 minutes.

OPS has been responsible for reporting cases to PPS since prior to her arrival as the superintendent.

During Superintendent Greene's interview, the OIG read DCSB Policy 6.71, which states, "The superintendent shall report to the Department of Education legally sufficient complaints within thirty (30) days after the date on which the complaint comes to the attention of the School District, regardless of whether the subject of the complaint is still an employee of the School District." Greene interrupted the OIG investigator and stated "No, that is, I do not believe that is what the policy states."³⁷ Greene was then shown DCSB Policy 6.71 and clarified, "Yes, but it isn't, it is a point of, reported through the superintendent's designee, which is Mr. Johnson for our school district."³⁸ Greene explained that although the policy reads that the superintendent shall report cases to PPS, the practice within OPS was for the supervisor to report cases to PPS in accordance with statute. Greene expressed displeasure with being interviewed as the subject and advised that it was unfair for the superintendent to be blamed for something that the superintendent has virtually no control over. Greene explained that the majority of district policies state, "the superintendent or designee..." and suggested that DCSB Policy 6.71 has not been updated to reflect that (*Exhibit 7*).

The OIG noted that DCSB Policy 6.80 supports Greene's testimony as it requires "the superintendent or his/her designee" to report teacher misconduct to law enforcement when appropriate (*Exhibit 8*). Additionally, Johnson's position description listed as the first essential function of the Supervisor of Professional Standards, "Serves as liaison between the District and the State of Florida Educational Practices Commission and law enforcement agencies. Prepares and forwards disciplinary packages to FLDOE Bureau of Professional Practices Services (PPS). Assists with PPS investigation" (*Exhibit 22*).³⁹

Greene stated that, although Johnson may have received help from his employees, it was ultimately Johnson's responsibility to report these cases to PPS. Greene indicated that she did not have a relationship with Johnson and never had a conversation with Johnson until she received the letter from Commissioner Diaz. Greene assumed that the relationship between OPS and PPS was good as she had no reason to suspect otherwise. Greene referenced the AG's report with a lack of findings and explained that due to that report, in part, she assumed that the OPS was operating efficiently and in accordance with the law.

Greene advised that she became aware of the 50 delinquent cases once she received the letter from Commissioner Diaz and immediately met with her Chief of Staff and Schultz to ask for answers. Greene stated that neither could provide answers for her, but after calling around she was advised that she needed to meet with Johnson.

Greene detailed that she immediately met with Johnson and included three witnesses: Dr. Grant, Schultz, and Chief of Staff Sonita Thompson.⁴⁰ Greene explained that when she confronted

³⁷ Audio recording of Greene at 10:47 minutes.

³⁸ Audio recording of Greene at 11:16 minutes.

³⁹ Based on evidence and sworn statements, the OIG determined that Greene was not responsible for reporting teacher misconduct to FLDOE; therefore, she was eliminated as a subject of this investigation.

⁴⁰ Greene refers to "Chief of Staff Sonita Thompson." However, Sonita Young is listed as Chief of Staff on the DCPS website. There is no other "Sonita" within the DCPS employee directory.

Johnson about the cases, he informed her that even though the AG's audit was "perfect," Johnson felt that OPS was not perfect and began conducting his own audit eight months prior, which led to the discovery of the 50 delinquent cases. Greene stated that Johnson informed her that he did not advise anyone that he was conducting his own audit or that he submitted the files to PPS. Additionally, Greene asked Johnson to provide her with the 50 cases submitted to PPS, and he was unable to, explaining that "they were in his head." Greene stated that she informed Johnson that he would need to produce a list of the 50 cases submitted to PPS before he could leave the building. Greene specified that more than half of the cases Johnson listed were not statutorily required to be submitted to PPS. Greene did not know if Johnson provided an accurate list or not as she had not seen the actual cases submitted to PPS. Greene noted that some of the cases on Johnson's list appeared on previous quarterly reports as reported to PPS.

Greene advised that she placed Johnson on leave⁴¹ pending an investigation and then ultimately suggested Johnson be terminated. Greene specified that Johnson retired in lieu of termination. Greene reiterated that Johnson was unable to explain why he reported these cases to PPS or why he never informed anyone when he submitted the cases to PPS. Greene denied any directives within the district to not report cases to PPS.

Greene reiterated that the quarterly reports contain a column to indicate that the cases have been submitted to PPS. When informed that Johnson testified that this column was to indicate that cases should be sent to PPS rather than have been sent to PPS, Greene stated, "No. That column means it was sent to PPS."⁴²

Greene denied any incentives for DCPS to not report cases to PPS. Specifically, Greene stated, "There is no logical reason why he [Johnson] did what he did. And there is no incentive, no benefit for the district not to do what it's supposed to do."⁴³ Greene stated that she has no reason to believe there are any additional files that may not have been submitted to PPS.

During Greene's interview, DCPS General Counsel Ray Poole provided the OIG with a binder titled, "Meeting with DOE OIG September 20, 2023." Poole explained that Johnson entered the building in the early morning hours of the week leading up to the submission of the delinquent case files and deleted various files. Poole stated that prior to the week of April 17, 2023, Johnson regularly entered the office between 6:00 and 7:00 a.m. However, during the week of April 17, 2023, Johnson entered the building between 3:50 a.m. and 4:21 a.m. every day. The binder included a photograph of Johnson in the lobby of DCPS at 4:23 a.m. on April 17, 2023, as well as a spreadsheet of Johnson's ID badge swipes from May 12, 2022, through April 26, 2023 (*Exhibit 5*). The spreadsheet contained highlighted dates and times of Johnson's early morning arrivals between April 17, 2023, and April 21, 2023. Additionally, the binder also contained 16 pages of screenshots showing files that Johnson deleted, as well as the dates and times that Johnson deleted

⁴¹ Current DCPS Superintendent Dr. Dana Kriznar and Johnson both refuted that Greene place Johnson on administrative leave pending the investigation. Kriznar and Johnson both reported that Green attempted to reassign Johnson pending the investigation, and Johnson elected to use his accrued leave instead prior to retiring.

⁴² Audio recording of Greene at 22:08 minutes.

⁴³ Audio recording of Greene at 25:26 minutes.

the files. The deleted files⁴⁴ consisted of various educator case files, public records requests, DOE reporting forms, and multiple documents regarding educator Jeffrey Clayton. Johnson deleted 290 files from January 24, 2023, through April 24, 2023. From April 17, 2023, through April 24, 2023, Johnson deleted 45 files. Johnson deleted all 45 files between 4:05 and 6:31 a.m.

The OIG contacted four of Johnson's former employees to provide witness statements. On August 24, 2023, the OIG interviewed former OPS Investigator Harry Cigliano as a witness regarding this matter. Cigliano denied ever sending cases to PPS and explained that the investigators were not responsible for submitting cases to PPS. Specifically, Cigliano stated, "When the case was completed, we would hand that off to Mr. Johnson. And my understanding was, if it was a substantiated allegation, that he would report that to the Department of Education. Um, I have never, in the whole time I was there, made any reports to the Department of Education that I remember."⁴⁵ Cigliano explained that Johnson wouldn't notify him once a case was submitted to FDOE.

When asked how it was possible that the delinquent case files did not get reported to PPS within 30 days, Cigliano stated, "I think it was just a situation where the paper files are a horrible way to track things, and I think Mr. Johnson, really, took on too much responsibility over everything in that office."⁴⁶ Cigliano added, "There was not a decision that I made on a case that Reggie wasn't briefed on and that I had to get his approval for... We had no freedom or anything, which is fine. I mean, he's been there a long—I just think that bogged him down to the point where he couldn't keep up with the volume of cases."⁴⁷

Cigliano opined, "I can wholeheartedly say this: I don't think there was any willful desire to not report stuff. To try to, you know, shield the DPS, the DCPS from, you know, any kind of embarrassment or anything like that. I think it was just, um, a paperwork, kind of, screw up and stuff just fell through the cracks. In my estimation, I don't think Reggie would have ever willfully not reported something."⁴⁸

Cigliano confirmed that Johnson was the one responsible for submitting cases to PPS. Cigliano reiterated, "I am almost 100% sure that I never reported anything. I was never tasked with reporting anything to DOE."⁴⁹ Cigliano confirmed that it was definitely not commonplace for investigators to report cases to PPS. When informed that Johnson testified that he provided extensive training to the investigators on how to report cases to PPS, Cigliano stated, "That's not, that's just not true."⁵⁰ Cigliano explained that Johnson provided no formal training and noted that OPS had no official policies or procedures for investigators to reference. Cigliano noted that his office was next to Johnson's and recalled Johnson meeting with Schultz at least once a week, if not more, to discuss cases.

⁴⁴ Poole informed the OIG that the files Johnson deleted were never in danger of being permanently deleted as Johnson does not have administrator privileges and cannot permanently delete files from the Cloud. DCPS recovered all of the deleted files.

⁴⁵ Audio recording of Cigliano at 6:35 minutes.

⁴⁶ Audio recording of Cigliano at 9:55 minutes.

⁴⁷ Audio recording of Cigliano at 10:14 minutes.

⁴⁸ Audio recording of Cigliano at 10:46 minutes.

⁴⁹ Audio recording of Cigliano at 15:04 minutes.

⁵⁰ Audio recording of Cigliano at 15:29 minutes.

On August 2, 2023, the OIG interviewed David Farcas (Farcas) as a witness regarding this matter. Farcas began as an investigator within OPS in January of 2021 and was promoted to supervisor after Johnson's departure. Farcas explained that, prior to him becoming supervisor, the reporting process within OPS consisted of investigators completing cases and submitting them to Johnson for review. Farcas noted that Johnson was then responsible for completing the "DOE reporting form" and submitting cases to PPS as required by law. Farcas stated, "No confirmation was ever, um, given to me afterwards to indicate that that report had been submitted."⁵¹ Farcas explained that, in the past, OPS tracked all cases and operated solely from one Excel spreadsheet. Farcas noted that since becoming supervisor, he has updated the spreadsheet to reflect dates and times of cases submitted to PPS and divulged that he is in the process of implementing an online case management system. Farcas explained that in his former role as investigator, Johnson was responsible for determining which cases OPS submitted to PPS.

Farcas could not explain how or why the 50 delinquent cases did not get submitted to PPS within 30 days as required by statute. Farcas detailed that Johnson randomly approached him one day and asked him to complete 13 DOE reporting forms by the end of the day. Farcas noted that he had never been asked to do this before, adding, "There was no rhyme or reason to the cases that he handed me."⁵² Farcas added that none of the 13 cases that he completed reporting forms for were his assigned cases. Farcas stated that, to his knowledge, Johnson was solely responsible for ensuring OPS submitted cases to PPS. Farcas noted that he was surprised by Johnson's reporting of 50 delinquent cases, as he viewed Johnson as extremely detail-oriented and organized. Farcas suggested that Johnson may have been overwhelmed by the number of cases and high turnover rate within OPS. Farcas was unaware of what prompted Johnson to submit the 50 delinquent cases. Farcas testified that Johnson directly indicated to him that he was told to do so but did not divulge who gave him the directive.

On August 18, 2023, the OIG contacted Tina Marie Lemaitre (Lemaitre) in an attempt to schedule a witness interview. Lemaitre is currently an investigator within OPS. Lemaitre informed the OIG that she was unsure if she wanted to participate in an official witness interview and would reach back out to the OIG after taking some time to think about it. On August 21, 2023, the OIG followed up with Lemaitre, who declined to participate in an official witness interview.

The OIG informed Lemaitre that they were seeking additional information regarding the reporting process from OPS to PPS; specifically, what role the investigators played in the process. Lemaitre explained that she never submitted a report to FDOE under Johnson and noted that reporting misconduct cases to PPS was solely Johnson's responsibility. Additionally, Lemaitre stated that she never received training on how to report cases to PPS during Johnson's time as supervisor.

On September 21, 2023, the OIG contacted Jeanie Turner (Turner) to schedule a witness interview. Turner is currently the secretary for OPS. Turner informed the OIG that she was willing to participate in an interview but did not have a web camera or microphone on her

⁵¹ Audio recording of Farcas at 4:20 minutes.

⁵² Audio recording of Farcas at 10:25 minutes.

computer. As such, the OIG conducted a non-sworn, non-recorded telephonic witness interview of Turner.

The OIG informed Turner that they were seeking additional information regarding the reporting process from OPS to PPS; specifically, what role the secretary played in updating and editing the master spreadsheet. Turner admitted that she was unaware of most of the reporting process from OPS to PPS. Turner explained that she was responsible for entering the preliminary information into the spreadsheet once OPS received a case. Turner specified that Johnson would write out exactly what she should enter on the spreadsheet such as names, dates, and summaries of the allegations. Turner advised that much of her position required completing tasks at the direction of her supervisor and noted that she has had three supervisors within her three years as secretary of OPS.

When asked about her responsibilities regarding the spreadsheet, Turner reiterated that she was only responsible for entering the preliminary information that Johnson provided her. Turner added that everyone had access to the spreadsheet and could edit the document as needed. Turner was unaware of the column labeled “PPS” and suggested that Johnson controlled that column as she had never been instructed to edit that column before.

Overall, Turner was unaware of the reporting process from OPS to PPS and was unable to explain what types of cases OPS should report by statute. Similarly, Turner was unable to explain why Johnson submitted the 50 delinquent case files to PPS. Turner advised that her relationship with Johnson was professional, and she never had any issues with him as a supervisor. Turner again reiterated that many of her tasks, such as editing the spreadsheet and sending letters, were at the request of Johnson, and she did not have the freedom to edit the spreadsheet or send letters on her own.

On August 17, 2023, the OIG interviewed Johnson as a subject regarding this matter. Johnson explained that he was an investigator within OPS for seven and a half years and was then promoted to supervisor on September 9, 2020, where he served until his retirement on April 24, 2023. Contrary to witness testimony, Johnson described his supervisory responsibilities as training the investigators to report substantiated investigations to PPS and reviewing board policies and procedures. Johnson emphasized, “If it’s a certificated [*sic*] person, then the investigator has been trained to send those documents to FLDOE. The investigators have been trained to do that. The investigators.”⁵³ Johnson reiterated that he extensively trained investigators to ensure that they reported cases to PPS in a timely manner. Johnson further stated, “If they don’t let me know, when they have completed an investigation, and it’s substantiated, and it needs to go to FLDOE, there is no way for me to know.”⁵⁴ Johnson noted that any complaint of alleged physical contact or inappropriate communication, as well as any arrests of educators, must be reported to FDOE.

Johnson explained that once a complaint has been substantiated, that signifies that the complaint is legally sufficient and should then be submitted to PPS if it concerns the health, safety, or welfare of a child. Johnson challenged witness testimony and stated, “They’re [investigators]

⁵³ Audio recording of Johnson at 4:26 minutes.

⁵⁴ Audio recording of Johnson at 5:29 minutes.

trained to send that, um, with a form. It's called a Misconduct, um, it's a DOE Misconduct Reporting Form. They're trained to complete that and to send that along with the packet, the investigative files, to FLDOE."⁵⁵ Johnson detailed that the investigators submit the packets via USPS most of the time. Johnson explained that, years ago, he asked DCPS management for an electronic case management system but never received it. Johnson opined that there is a systemic issue within the district making it difficult for the OPS to efficiently complete their work. Johnson expressed frustration with the high turnover rate within OPS and noted that the high turnover, coupled with the lack of an electronic case management system, made it difficult to operate efficiently. Johnson confirmed that OPS tracked all cases via an Excel spreadsheet. Johnson again contradicted witness testimony and stated that the secretary is tasked with updating the Excel sheet with any information provided to her by the investigators. Johnson expressed that it was important to only have one person editing the spreadsheet to avoid any errors or mistakes.

Johnson denied that the column labeled "PPS" within the master Excel spreadsheet indicated that a case was submitted to PPS or not and explained, "That doesn't mean that it was sent; it means that it was supposed to be sent, um, to PPS. Um, that's how we track that."⁵⁶ Johnson testified, "They [investigators] have that ultimate responsibility to send it to you all's office."⁵⁷ Johnson subsequently contradicted his previous statement and said, "When we send it, there's a column that says 'PPS' on the spreadsheet."⁵⁸ However, Johnson ultimately returned to his initial statement that the PPS column meant that "it should be sent to DOE because it has been substantiated. There is no other tracking beyond that."⁵⁹

Johnson explained that the discipline process consists of four steps: step one, verbal reprimands; step two, written reprimands; step three, written reprimand and suspension without pay; and step four, recommendation for termination. Johnson detailed that the school board must approve step three and four disciplinary actions. Johnson stated that Grant and Schultz also review all step three and four disciplinary actions but noted that sometimes Grant and Schultz are notified of step one and two disciplines, depending on the severity of the allegations. Johnson stated that the superintendent had to approve the recommended disciplinary action for all step three and four disciplines.

Johnson stated that, although the investigators are responsible for sending cases to PPS, sometimes he would send cases as well. Johnson reiterated, "If it's substantiated and it's a certificated [*sic*] person, then I will let the investigator know, prepare the misconduct reporting form for DOE and send that, make a copy of that file, and send it to them."⁶⁰ Johnson explained that there was no monitoring or tracking to confirm that the investigator sent the case to PPS.

Regarding the 50 delinquent case files initially sent to PPS, Johnson stated, "I want to make sure we're clear here. Of the approximate 50 cases that were sent to FLDOE, um, approximately 8 to 10 of those were prior to me becoming supervisor, ok? Um, and, approximately 16 of those were assigned to former investigators...12 of those were assigned to current investigators, and about 14

⁵⁵ Audio recording of Johnson at 8:14 minutes.

⁵⁶ Audio recording of Johnson at 11:07 minutes.

⁵⁷ Audio recording of Johnson at 11:59 minutes.

⁵⁸ Audio recording of Johnson at 12:30 minutes.

⁵⁹ Audio recording of Johnson at 13:01 minutes.

⁶⁰ Audio recording of Johnson at 19:21 minutes.

were assigned to me.”⁶¹ Johnson opined that, upon discovering the delinquent cases, he had the ethical responsibility to submit them to PPS even though they were not reported within the 30-day period required by law. Johnson confirmed that he submitted the delinquent case files to PPS. Johnson stated that he wasn’t sure of the exact number of cases he sent but explained that he mailed three large packages to PPS. Johnson admitted that it was possible that he sent more than 50 cases to PPS.

Johnson explained that he wanted to conduct a self-initiated audit of the OPS to ensure they submitted all of the legally sufficient cases to PPS. Johnson testified, “That’s when I discovered, that’s, during my self-initiated audit, that these cases had not been sent.”⁶² Johnson testified that he looked back through previous documentation and drafted a list of cases to review based on his own notes and conversations with investigators. Johnson stated, “I just took a list of the cases and went looking for them.”⁶³ Johnson reiterated that the cases were never reported to PPS due to oversight and the lack of an efficient case management system within OPS. Johnson declined to answer if he received any directives to not report cases to PPS.

Johnson stated, “If you listen to Grant and Schultz, and, and, Greene, they’re suggesting that they didn’t know that, um, these reports were being sent. Well, we, we never informed them of that. Um, our office just, if it was substantiated, we sent it to FLDOE.”⁶⁴ Johnson explained that he looked through filing cabinets within OPS and noticed that some cases did not contain the “DOE Misconduct Reporting Form,” and that indicated to him that these cases were never sent. Johnson explained that he initiated his audit after noticing that some of the cases on the Excel spreadsheet listed as sent to PPS did not contain the “DOE Misconduct Reporting Form.” Johnson testified that he did not have the time to confront the current investigators who were responsible for 12 of the 50 delinquent case files to verify if they submitted the cases to PPS. Johnson specified that, if he had the time, he would have addressed his investigators to determine why they didn’t submit the 12 cases to PPS as required by law.

Johnson explained that he did not notify Kosec before sending the delinquent cases because it was not normal practice to do so. Specifically, Johnson stated, “Not 50, but when there were five, six, other late cases that were sent to Chief Kosec’s office, we never had to pick up the phone. We never had to send an email, ‘Hey you’re getting, um, you know, 10, 11, um, late cases.’”⁶⁵ Johnson denied notifying Grant or anyone else once he discovered the delinquent cases and stated, “That wasn’t a part of the protocol. That would have been outside of the norm.”⁶⁶ When asked how it was possible for this many cases to not be reported under his supervision, Johnson testified, “Just the mere volume of cases that come into that office, and I have never, never been fully staffed. Um, most of the time, I had two investigators and myself. Um, so, it’s, it’s quite plausible that these many cases could have slipped under the radar. But you got to remember that, um, 24 of these cases were prior to me.”⁶⁷

⁶¹ Audio recording of Johnson at 20:06 minutes.

⁶² Audio recording of Johnson at 21:04 minutes.

⁶³ Audio recording of Johnson at 32:17 minutes.

⁶⁴ Audio recording of Johnson at 21:43 minutes.

⁶⁵ Audio recording of Johnson at 25:40 minutes.

⁶⁶ Audio recording of Johnson at 26:14 minutes.

⁶⁷ Audio recording of Johnson at 31:37 minutes.

Johnson suggested that OPS did not submit the cases within the 30 days required by law due to oversight and the district's failure to implement an electronic case management system. Johnson stated that the investigators were aware that he was submitting these cases to PPS because he directed them to prepare the DOE Misconduct Reporting Forms for the delinquent files.

Johnson reiterated, "Again, if I'm not notified by my sup—by my investigators, I have no way of knowing that the case has not been submitted."⁶⁸ Johnson expressed that, of the initial cases submitted to PPS, many were submitted on time, and only a few were outside of the 30-day reporting timeframe required by law. Specifically, Johnson estimated that he submitted "a little over half"⁶⁹ of the cases on time; however, the OIG determined that Johnson submitted 63 of the 64 cases listed on the spreadsheet provided by PPS after the 30-day timeframe required by statute.

Johnson stated that he knew of no incentives to not report misconduct cases to PPS. Johnson suggested that he left six or seven cases with the investigators that needed to be submitted to PPS after his departure. Johnson was informed that both Grant and Schultz testified that he was the sole individual responsible for reporting cases to PPS. Johnson then replied, "That is not true. That is not true. I was, I am the person who is the main point of contact for FLDOE, law enforcement, DCF. The main point of contact. I am not the person solely responsible for reporting these cases to FLDOE."⁷⁰ Johnson contradicted both Schultz and Cigliano's testimony and stated that he only spoke to Schultz a couple of times throughout his tenure as supervisor with OPS.

Johnson reiterated that he did not have the time to confront the current investigators to ask why they did not submit their cases to PPS within the 30 days required by law; however, he did have time to ask them to complete the cover sheets for these cases to be submitted to PPS. When asked to clarify, Johnson stated, "Well yeah, I mean, that's, yeah. I, I didn't. I didn't. I should have. I didn't."⁷¹ Johnson added, "When we do the training, I discuss the importance of making sure that we send these documents that are legally sufficient to FLDOE. We discuss that over and over again. And daily, not just the training, but we discuss it daily, maybe weekly."⁷² Johnson admitted that he probably should have reached out to Kosec to inform him that the cases were coming, but he did not and noted that was an oversight on his part.

CONCLUSION

- 1) Based on the review of documentation and the sworn, recorded witness interviews, the allegation that Reginald Johnson failed to report alleged teacher misconduct to the FDOE as required by Section 1012.796, FS., is **Substantiated**.

Johnson violated Section 1012.796, FS, related to complaints against teachers and administrators and Duval County School Board Policy 6.80 related to professional ethics.

⁶⁸ Audio recording of Johnson 35:17 minutes.

⁶⁹ Audio recording of Johnson at 36:45 minutes.

⁷⁰ Audio recording of Johnson at 46:28 minutes.

⁷¹ Audio recording of Johnson at 50:40 minutes.

⁷² Audio recording of Johnson at 51:06 minutes.

RECOMMENDATIONS

The OIG recommends that the DCSB review its internal policies to ensure that district policies accurately reflect district practices. Additionally, the OIG recommends that DCPS establish and implement policies and procedures to adequately report and track OPS's submission of cases to PPS. The OIG also recommends that DCPS take the necessary steps to ensure that all cases have been reported to FDOE PPS as required by statute at the conclusion of the district's audit.

NOTICE TO SUBJECT(S)

In accordance with Section 20.055(7)(e), F.S., on November 20, 2023, the OIG notified former OPS Supervisor Reginald Johnson and Duval County Public School Superintendent Dr. Dana Kriznar of the investigative findings via email and provided them with an opportunity to submit a written response to these findings.

On December 12, 2023, the OIG received a response to the investigative report from Kriznar (*Exhibit 25*). Kriznar refuted Greene's testimony that Greene placed Johnson on leave pending an investigation and then ultimately suggested Johnson be terminated. Specifically, Kriznar stated, "The district did not initially place Johnson on leave. Johnson was reassigned to an alternative worksite pending investigation. After being notified of his reassignment, Johnson elected not to work at the alternative worksite and used his own accrued leave." Johnson ultimately retired from the district.

On December 13, 2023, the OIG received a response to the investigative report from Johnson dated December 12, 2023 (*Exhibit 26*). Johnson denied being solely responsible for reporting teacher misconduct to FDOE PPS and asserted that all investigators "had the same responsibility for submitting their cases but failed to do so." Johnson wrote that the "Investigator Trainee Checklist," which he used to document training he conducted with new investigators, would verify that all investigators were trained to submit cases to FDOE PPS. The OIG contacted Schultz and Farcas to obtain an "Investigator Trainee Checklist," but neither had knowledge of, nor could they locate, a document with this title. On January 10, 2023, Schultz provided the OIG with a document titled "Investigator/Trainee Overview" (*Exhibit 27*); however, the "Trainer" and "Trainee" lines were blank, so the OIG could not determine whose training was recorded on the form. The OIG noted that the "Job/Duties Overview" section of this document did not contain any reference or instruction regarding the reporting of cases to FDOE PPS, though it did include "Investigations" with no further details. Ultimately, DCPS was unable to find any documents specifically titled "Investigator Trainee Checklist." Therefore, the OIG was unable to corroborate Johnson's statement that all investigators had received training on this topic. The preponderance of the evidence indicates that Johnson was ultimately responsible for ensuring all legally sufficient complaints were reported to FDOE as required by law.

Johnson also stated that, according to the official job description prepared by the DCSB, an investigator "Prepares reports on investigation results and provides them to the Chief of Human Resources, School Board, General Counsel Office, Department of Education, and/or other appropriate management." The OIG's review of the position description for "Technical Manager, Investigator" confirmed Johnson's statement (*Exhibit 28*); however, unlike the position description

for the Supervisor of OPS, Investigators' position descriptions do not specify that they are responsible for preparing and forwarding disciplinary packages to FDOE PPS.

Additionally, Johnson clarified that he was never placed on leave pending an investigation and stated, "... I was never placed on 'leave' by Dr. Greene. After my conscientious meeting with her on April 25, 2023, I submitted leave for time off."

The OIG added a footnote within the report to clarify Greene's testimony related to Johnson's departure. Additionally, after further review of certain statements in Johnson's response, the OIG determined that Johnson provided no new information or evidence that would substantially affect the findings of this investigation; therefore, the findings will stand as presented.

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Reginald Johnson, Former Supervisor, DCPS Office of Professional Standards

OIG File

Investigation Conducted by:
Brooke Minton, Investigator



1/25/2024

Investigation Approved by:
Andrew Blimes, Director of Investigations



1/25/2024

Investigation Approved by:
Mike Blackburn, Inspector General



1/25/2024

Authority to conduct this investigation resides in Chapter 20.055 and 1001.20, Florida Statutes, which creates in each state agency the Office of the Inspector General, charged with responsibility for promoting accountability, integrity, and efficiency in government. The Inspector General is authorized to initiate, conduct, supervise, and coordinate investigations that detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses in state government.

Office of Inspector General investigations are conducted in compliance with the Quality Standards for Investigations found within the Principles and Standards for Offices of Inspector General.

The evidentiary standard used by the FDOE OIG in determining whether the facts and claims asserted in the complaint were proven or disproven is based upon the preponderance of the evidence. Preponderance of the evidence is contrasted with “beyond a reasonable doubt,” which is the more severe test required to convict a criminal and “clear and convincing evidence,” a standard describing proof of a matter established to be substantially more likely than not to be true. OIG investigative findings classified as “substantiated” means there was sufficient evidence to justify a reasonable conclusion that the actions occurred and there was a violation of law, policy, rule, or contract to support the allegation. Investigative findings classified as “not substantiated” means sufficient evidence to justify a reasonable conclusion that the actions did not occur and there was no violation of law, policy, rule, or contract to substantiate the allegation. Investigative findings classified as “insufficient evidence to substantiate” means there was insufficient evidence to justify a reasonable conclusion that the actions did or did not occur and a violation of law, policy, rule, or contract to support the allegation could not be proven or disproven. Investigative findings classified as “insufficient policy” means the alleged actions occurred but were not addressed by agency policy.