

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH, FLORIDA  
CIVIL NO. 9:16-CV81612-MARRA**

**MALIK LEIGH, ESQ.,  
Plaintiff,**

**vs.**

**ROBERT AVOSSA, CHERYL MCKEEVER,  
CAMILLE COLEMAN, DIANNE  
WEINBAUM, ELVIS EPPS, DAVID  
CHRISTIANSEN, DARRON DAVIS,  
JOSEPH LEE (in their individual  
and official capacities), PALM  
BEACH COUNTY SCHOOL DISTRICT  
(BOARD),  
Defendants.**

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- - -  
**DEPOSITION OF ROBERT AVOSSA, ED.D.,  
A DEFENDANT  
TAKEN BY THE PLAINTIFF**  
- - -

**VOLUME II**

**DATE: June 8, 2017**

**TIME: 12:25 - 1:49 p.m.**

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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH, FLORIDA  
CIVIL NO. 9:16-CV-81624-KAM

RAQUEL ABRAMS-JACKSON,  
Plaintiff,

vs.

ROBERT AVOSSA, CHERYL MCKEEVER,  
(in their individual  
capacities), SCHOOL BOARD OF  
PALM BEACH COUNTY,  
Defendants.

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- - -  
DEPOSITION OF ROBERT AVOSSA, ED.D.,  
A DEFENDANT  
TAKEN BY THE PLAINTIFF  
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VOLUME II

DATE: June 8, 2017  
TIME: 12:25 - 1:40 p.m.

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IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
WEST PALM BEACH, FLORIDA  
CIVIL NO. 9:16-CV-81623-RLR

LORETTA PARISH-CARTER,  
Plaintiff,

vs.

ROBERT AVOSSA, CHERYL MCKEEVER,  
(in their individual  
capacities), SCHOOL BOARD OF  
PALM BEACH COUNTY,  
Defendants.

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DEPOSITION OF ROBERT AVOSSA, ED.D.,  
A DEFENDANT  
TAKEN BY THE PLAINTIFF  
- - -

VOLUME II

DATE: June 8, 2017  
TIME: 12:25 - 1:40 p.m.

1	I-N-D-E-X			
2	June 8, 2017			
3	ROBERT AVOSSA, ED.D.			
4		DIRECT	CROSS	REDIRECT RECROSS
5	By Mr. Leigh	6		
6	By Ms. Bernard		--	
7				
8				
9		EXHIBITS		
10				
11				Identified
12	Plaintiff's Exhibit 1			85
13	Leigh letter (undated)			
14				
15				
16				
17				
18	Letter to Shawntoyia Bernard, Esq.			
19	Errata Sheets (to be forwarded upon completion)			
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The deposition of ROBERT AVOSSA, ED.D., a Defendant in the above-entitled and numbered cause was taken by me, Ann Marie Pleasanton, Registered Professional Reporter, Florida Professional Reporter, at Boca Raton High School, 1501 NW 15th Court, Boca Raton, Florida, on Thursday, the 8th day of June, 2017, pursuant to Notices in said cause for the taking of said deposition on behalf of the Plaintiffs.

**APPEARING ON BEHALF OF PLAINTIFFS:**

**Malik Leigh, Esq.  
Danielle Watson, Esq.  
WATSON LEIGH LAW AND EDUCATION  
SERVICES GROUP  
P.O. Box 221172  
West Palm Beach Florida 33422**

**APPEARING ON BEHALF OF DEFENDANTS:**

**Shawntoyia Bernard, Esq.  
SCHOOL BOARD OF PALM BEACH COUNTY  
3300 Forest Hill Boulevard  
Suite C-323  
West Palm Beach Florida 33406**

**ALSO PRESENT: Det. Ken Clark, PBC School District Police**

— — —

1 By MR. LEIGH:

2 Q. Going back to progressive punishment,  
3 you're familiar with all of the situations and/or  
4 issues that involved Malik Leigh's termination;  
5 is that correct?

6 A. Not all of them.

7 Q. What issues or -- describe what you do  
8 know then.

9 A. So what I know is that Malik is a -- was  
10 a probationary teacher and that the issues that  
11 you brought forward about having attended with  
12 the kids, the meeting... you know, that you had  
13 come to the meeting -- you're asking me in  
14 general what I know?

15 Let me make sure I understand the  
16 question.

17 Q. Yeah.

18 Not so much about him or me -- I'm  
19 trying to use it in the third person -- you can  
20 say it however you want to -- but not so much him  
21 in general, but the events that led to his  
22 termination.

23 A. So, as I understand it, that there had  
24 been a variety of different issues and concerns  
25 throughout the first year.

1           Q.     Okay.

2                   What was the first one?

3           A.     I don't know.

4           Q.     What was the second one?

5           A.     I don't know. There were a series of  
6 issues and concerns that the principal had with  
7 you and that they chose not to renew you because  
8 you were a probationary employee.

9                   So I don't know all the details. If you  
10 would like that, you would have to ask HR.

11          Q.     So you don't know if he had ever been  
12 written up?

13          A.     I don't know that.

14          Q.     So you're saying this is all generated  
15 between some kind of issue, in quotes, between  
16 him and the principal?

17          A.     No.

18                   As I understand it, a variety of  
19 different issues and concerns that have come up  
20 for a probationary period and they decided just  
21 not to renew.

22          Q.     Okay, all right.

23                   And do you know whether or not Malik had  
24 ever been accused of misconduct?

25          A.     I have no idea.

1           Q.    Would you say that... do you know  
2 whether or not he violated the stated curriculum  
3 of the course that he taught?

4           A.    I have no idea.

5           Q.    You don't know, okay.

6                   Do you know whether or not the law  
7 course or the Law Academy has a set curriculum?

8           A.    No.

9           Q.    Do you know whether or not Malik Leigh  
10 was given any particular instruction on how to  
11 teach that course?

12          A.    I have no idea.

13          Q.    Do you know -- you stated a second ago  
14 that you don't like how he fashioned his exam  
15 question, but you don't know of any policy that  
16 speaks against it?

17                   MS. BERNARD: Object to the form.

18          A.    So I don't like when any teacher uses  
19 their position in a way to evoke or be a  
20 provocateur around political issues that have no  
21 business in the K through 12 institution.

22          Q.    Do you think that Malik Leigh was trying  
23 to oppress upon his students his political  
24 beliefs?

25          A.    When all the responses of one particular



1 question that comes to mind -- there were several  
2 that seemed out of place and inappropriate, --

3 Q. Okay.

4 A. -- but the one about Donald Trump, all  
5 four of the responses were negative.

6 Q. Okay.

7 A. Which meant to me that the individual  
8 who put that question on the test knew the answer  
9 had to be that we were screwed, because all of  
10 the responses were the same.

11 Q. So my question is: Do you think that  
12 Malik Leigh was trying to oppress upon his  
13 students his political beliefs?

14 A. You would have to ask yourself that  
15 question.

16 It appeared to me as an inappropriate,  
17 immature question that shouldn't have been in --  
18 on a test.

19 Q. But you can't speak to any school policy  
20 or School Board policy that speaks against being  
21 able to have that question on the exam?

22 MS. BERNARD: Object to the form; asked  
23 and answered.

24 You can try it again.

25 A. I don't know of any.

1                   But there are lots of ethical guidelines  
2   that are part of a commitment you make when you  
3   become a teacher that you have to follow.

4                   And so I think there was some of that  
5   that -- whether it's in policy or not, you would  
6   have to ask our policy people.

7           Q.    Okay.

8                   Do you know whether or not that exam was  
9   given to any of the students?

10          A.    I have no idea.

11          Q.    You also stated in your -- one of your  
12   tv or newspaper interviews that at the beginning  
13   of the year you sent out an e-mail to all the  
14   teachers and students -- excuse me, to all of the  
15   teachers -- to stay away from political topics in  
16   their exams and their course work.

17                   Do you remember that?

18          A.    No, I don't remember that.

19          Q.    You don't remember saying that?

20          A.    (Nods head.)

21          Q.    Do you remember doing that?

22          A.    We talked to principals and I talked to  
23   staff about a variety of issues and politics,  
24   certainly given the nature of this past political  
25   season, we knew that things were heating up and

1 we actually started seeing issues before, during  
2 and after all of the political chaos that  
3 occurred and after the election in particular.

4 Q. Okay.

5 A. So there are a variety of different ways  
6 that information is disseminated to staff and  
7 faculty to stay away from --

8 Q. Okay.

9 A. -- about political viewpoints that  
10 people hold.

11 Q. Is the topic of race a political topic?

12 A. Is the topic of race a political  
13 topic...

14 Q. Discussing race, would that be --

15 A. No, this is a political season that  
16 we're talking about candidates.

17 I think race can become a political  
18 issue, but it's not the same thing as a political  
19 race -- meaning... I'm sorry for the... political  
20 season.

21 Q. Sure, okay.

22 So discussing... so discussing race in a  
23 class -- obviously you don't -- discussing race  
24 in a math class would be out of place, correct?

25 A. I don't know that.

1           I mean, if a teacher found a way to  
2   weave in a discussion that was culturally -- that  
3   showed cultural competence and understanding,  
4   there may be.

5           I mean, there's black mathematicians  
6   that might have discovered something interesting  
7   and the principal -- or, I mean, I'm sorry, the  
8   teacher may want to bring that up during Black  
9   History Month or -- I don't know... it depends.

10         Q.    Okay, all right.

11                So the context really matters?

12         A.    I think so.

13         Q.    Okay.

14                And if a parent complained about a  
15   question that was, you know, name one of the  
16   three black women -- say it's February, name one  
17   of the three black women that were part of the  
18   NASA space program that helped whoever it was get  
19   to the moon and back.

20                And say a parent, black or white, had a  
21   problem with that question, called the school,  
22   what should happen?

23                MS. BERNARD:   Object to the form.

24                THE WITNESS:   Can I answer it?

25                MS. BERNARD:   Yes.   I'm sorry, yes.

1           Q.     Yes.

2           A.     So the first thing I would ask is  
3     what -- how does that question relate to the  
4     curriculum that's being taught.

5           Q.     Okay.

6           A.     So, for example, if the discussion was  
7     in science, then I think it's appropriate that  
8     individuals speak about the calculations that  
9     were developed by those women during the space  
10    race.

11                    So I think that's appropriate.

12          Q.     Okay.

13          A.     We have found periodically questions --  
14    and not just here, around the nation you see it  
15    -- where people try to infuse topics of race in  
16    inappropriate ways and examples that are just  
17    completely inappropriate.

18          Q.     Sure, right.

19                    So in a law class, discussing political  
20    topics in and of themselves isn't -- would be an  
21    appropriate place to discuss that, right?

22          A.     It could be, it could be.

23          Q.     Because generally all things politics --  
24    are derived from law?

25                    MS. BERNARD: Object to the form.

1           A.    What I would say is this: I think  
2   there's an appropriate place for conversations to  
3   be had, debates to occur. And, again, with  
4   teachers being very careful not to let their own  
5   personal bias interfere with their teaching.

6           Q.    Okay.

7                   But you said you were not -- or I'm not  
8   sure if I asked this, so I will ask it again just  
9   in case -- you were not aware of any particular  
10   findings of any investigation that was launched  
11   about this exam?

12          A.    No.

13                   I -- you know, again, we rely on our HR  
14   professionals to conduct those, those  
15   investigations. You would have to ask them.

16          Q.    So if someone gave you either wrong, bad  
17   or incomplete information and you spoke about it  
18   on tv, whose responsibility is it to clear up  
19   that incorrect statement?

20                   MS. BERNARD: Object to the form.

21          A.    We provide statements to the press  
22   regularly about a variety of different topics.

23                   If there's something that is  
24   misinformation... for example, if I were to say  
25   the budget is being cut a hundred and twenty

1 million dollars and I accidentally said a hundred  
2 and twenty million dollars and it was actually  
3 twenty million dollars, then, you know, I would  
4 try to make sure that folks knew that, you know,  
5 that number was wrong that we sent.

6 Q. But say, for example, teacher at Palm  
7 Beach Gardens who was named X and Y was found to  
8 have -- was found to have stolen money, but it  
9 was reported in an interview by you that you said  
10 it was YX, whose responsibility is it -- because  
11 that's how it was presented to you -- whose  
12 responsibility is it to make sure that that name  
13 correction is made, because that information that  
14 was given to you was incorrect?

15 MS. BERNARD: Object to the form.

16 A. I'm not sure I really understand the  
17 question.

18 Q. You stated previously that you speak on  
19 a variety of topics to the news and the  
20 newspaper, right?

21 A. (Nods head.)

22 Q. Now, when you speak to the news or  
23 newspaper, you tend to -- even though you invoke  
24 yourself, you're saying it as "we." So you're  
25 speaking in terms of someone told you something,

1 but you give the information as "I," because the  
2 buck still stops with you, but so you give the  
3 information with "I" when -- and only you know  
4 this -- but you mean "we" collectively, right?

5 So when the "we" gives you information  
6 that's incorrect and you say something to the  
7 press that is based upon that incorrect  
8 information, whose responsibility is it to give  
9 the press the correct information?

10 MS. BERNARD: Object to the form.

11 A. So if we purposefully or knowingly --

12 Q. If you, you.

13 A. If I on behalf of School District give  
14 instruction that's incorrect?

15 Q. Uh-huh.

16 A. I would have no issue issuing a  
17 statement clarifying any misinformation that we  
18 had provided.

19 Q. Okay.

20 So as it relates to your statement about  
21 receiving exams, you know, about you getting  
22 reports of problems with Malik Leigh's previous  
23 exams and assignments all year, if it's found  
24 that that was not the case, then whose  
25 responsibility would it be to correct that?



1 MS. BERNARD: Object to the form.

2 A. To correct it in what way?

3 Q. Well, you yourself said you have never  
4 seen any of his -- any of Malik Leigh's previous  
5 exams or assignments, correct?

6 A. Well I said, I remember seeing the...

7 Q. The final?

8 A. Right.

9 Q. But the issue that you were referring  
10 to, the topic that was going on at the time was  
11 about the final exam.

12 A. Right. So I have to rely on staff to  
13 provide information and then I relay that  
14 information on behalf of the School District.

15 Q. Okay.

16 So you're basically saying that someone  
17 told you that there had been previous problems or  
18 problems with his previous exams and assignments?

19 A. The investigators provide talking points  
20 with me and our PR folks and then we issue a  
21 statement.

22 Sometimes I speak on the statement.

23 Sometimes we release written statements. And  
24 sometimes there's interviews, depending on the  
25 media type.

1           If information is incorrect and it's  
2   found to be incorrect... let's say, for example,  
3   at the end of a situation with a teacher, they  
4   had been accused of stealing money, I have to  
5   say, look, this individual is being accused of  
6   stealing money, we're doing an investigation and,  
7   you know, it appears as though they stole the  
8   money, but we have to wait and see what the final  
9   information is at the end of a trial or whatever.

10           Then at the end of the trial, if he or  
11   she is found guilty or not guilty, then, of  
12   course, you know, that information, we would have  
13   to say, look, clearly we weren't able to find  
14   enough evidence to support the claim that we had  
15   that we thought that this individual had stolen  
16   money and we would have to report that back out.

17           Q.    So does anybody else know that when you  
18   say "I" that you're speaking about the whole  
19   District or...

20           MS. BERNARD:   Object to the form.

21           A.    Does anybody else know...

22                    So I don't know.   I can't speak for  
23   everybody else.

24                    But, you know, folks know that I speak  
25   on behalf of the District.

1           I don't know about every single issue in  
2   a situation, just like any other CEO of a  
3   company --

4           Q.    In this situation then?

5           A.    -- of any other company.

6           So, for example, the CEO of Ford Motor  
7   Company makes a decision and says, you know, I'm  
8   excited to share this news about Ford Motor  
9   Company, he's speaking on behalf of his  
10   organization, just like I do.

11          Q.    Okay.

12          And so you --

13          A.    So in this situation, I'm speaking on  
14   behalf of the Board, which the Board means the  
15   school system and the folks who, you know, were  
16   dealing with this issue.

17          Q.    So before you say something, you do not  
18   research the veracity or falsity of the  
19   statement?

20                MS. BERNARD:  Object to the form;  
21   mischaracterizations the prior testimony.

22                You can try again.

23          A.    So we have got professionals that are  
24   objective, they are trained, they work in HR,  
25   they collect information, they make their case,

1     they bring it to their teams, they bring it to me  
2     and then we move forward with it.

3             So you have got an opinion on whether or  
4     not individuals, you know, have shared one thing  
5     one way and then we have got opinions and ideas  
6     and facts that show it another way.

7             Q.     Okay, but my question -- that's  
8     something completely different.

9             My question is: Before you speak on  
10    behalf of the School District -- okay?

11            A.     Right.

12            Q.     -- based upon information that someone  
13    else gave you, okay, that makes up your talking  
14    points, do you independently, you, yourself,  
15    Robert Avossa, verify that information to be  
16    correct or incorrect?

17            A.     So they come to me, usually I have got  
18    standing meetings about personnel matters, we  
19    have the legal team, the HR team, we walk through  
20    every single case. They have their evidence with  
21    them. They share what they have done.

22            We also have other committees that  
23    review many of these processes.

24            It depends on which... the level of  
25    issues.

1           So, for example, sometimes even cases  
2   are brought to our EOC team like it's called,  
3   like a group of peers. We will bring an issue to  
4   a group of peers, they help weigh in on it,  
5   depends on the group.

6           So they will come to me and say, okay,  
7   today we're going to talk about the Malik Leigh  
8   case. And they will walk me through and show me  
9   sort of where we are with the thing or we have  
10  made a final decision, we're not going to renew  
11  this individual or they are going to be a  
12  thirty-day suspension.

13          And then we will take that and create a  
14  few talking points and share them.

15          Q.   How quick after any particular incident  
16  does that meeting take place, generally?

17          MS. BERNARD: Object to the form.

18          A.   It depends.

19          Sometimes --

20          Q.   In this situation?

21          A.   I have no idea, yeah.

22          Q.   Was it -- would you say that you had  
23  that meeting within twenty-four hours of --

24          A.   No, no, no.

25          These things take way longer than that.

1 I don't even remember any case that was even  
2 close to twenty-four hours.

3 Q. Okay.

4 A. And a lot of this also depends on how  
5 the individual -- in this case, you -- how you go  
6 about dealing with the media and bringing  
7 attention to the issue yourself. And that causes  
8 the District to have to make comments about  
9 investigations.

10 We typically don't like to do that.

11 But when an individual, whose maybe the  
12 focus of the investigation, decides to go to the  
13 media, then, you know -- because I really  
14 personally would prefer always not to deal with  
15 that.

16 Q. Okay.

17 Well, Malik Leigh was suspended on May  
18 the 18th, 2016.

19 The statements that you made were on May  
20 the 19th of 2016, where you stated that you had  
21 received information or you had received word  
22 that there were problems with prior exams and  
23 assignments.

24 So you're telling me that no meeting had  
25 taken place within that twenty-four hours, so how

1       were you able to make that statement?

2               MS. BERNARD:   Object.

3           A.     Hold on a second.

4               MS. BERNARD:   Lack of foundation.   Form.

5           A.     You asked me a question, does it -- did  
6       -- so you're talking about suspension, right?

7               The example I'm giving you is the fact  
8       that a case investigation, right, may take much  
9       longer than twenty-four hours.

10              So you're saying that you were suspended  
11     and then I made a statement after twenty-four  
12     hours.

13              Isn't that what you just said or asked  
14     me?

15           Q.     It was within twenty-four hours,  
16     correct.

17           A.     Right.

18              So there's a lot of things that happened  
19     before the decision to make a suspension.

20              Does that make sense?

21           Q.     Sure.

22           A.     So then that group is responsible for  
23     those bits and pieces of collection.

24              Then once the decision is made about,  
25     hey, we're going to wind up having to suspend

1     this individual, then, you know, I will make a  
2     statement about sort of what's happening or why.

3             In some cases, again, when individuals,  
4     rather than run to the media, work with us, we  
5     might remove a teacher put them in the  
6     transportation department until that  
7     investigation has been completed.

8             Sometimes the suspension is home with  
9     pay.

10            Sometimes -- again, there's a variety of  
11     different things that are available to us.

12            Q.     Do you know how many of Malik Leigh's  
13     previous -- you said that all exams had to be  
14     turned in for approval, correct?

15            A.     I said that most principals require,  
16     particularly in high school, that teachers either  
17     give to their department chairs or the principal,  
18     depending on the school, what their final exam  
19     is.

20            Q.     Okay.

21            A.     So a lot of that is also because  
22     sometimes parents come back, I want to see the  
23     exam. There's a lot of reasons, not just to  
24     micromanage teachers, although there are times  
25     when teachers are low performers or have had a



1 history of making bad decisions about tests and  
2 the principal says, I want to see every one of  
3 your tests.

4 Q. Do you know of any of Malik Leigh's  
5 prior exams or assignments that were not  
6 approved?

7 A. I have no idea about that. I could not  
8 -- I couldn't answer that question.

9 Q. Do you know Malik Leigh's progressive  
10 and final evaluation score?

11 A. Nope.

12 Q. Do you know Malik Leigh's disciplinary  
13 history over the course of the year?

14 A. No, no.

15 Again, I will say it probably for the  
16 third or fourth time, we have twenty-two thousand  
17 employees. I know this is a very important case  
18 to you and it is important to me, any time we  
19 part ways with individuals, it's upsetting. I  
20 don't as an individual ever want to see that.  
21 Unfortunately, I don't know the intimate details  
22 of every one of those issues.

23 Q. Have you spoken on twenty-two thousand  
24 of your employees over the course of a year?

25 A. Have I spoken to them?

1 Q. Spoken on. Spoken about.

2 A. About them?

3 Q. Uh-huh.

4 MS. BERNARD: Object to the form.

5 A. No.

6 Q. So over the course of 2015 and 2016, how  
7 many teachers had you spoken on specifically in  
8 the news?

9 A. I have no idea. A dozen each year. Two  
10 dozen. I don't know. I mean, it depends.  
11 There's so much more to the work than just the  
12 teaching and learning. I wish that's all we ever  
13 did. But, unfortunately, this job entails  
14 significantly more than that.

15 Q. Okay, okay.

16 And in that job, verifying information  
17 that you disseminate to the media, however they  
18 come to you, is secondary or tertiary?

19 MS. BERNARD: Object to the form.

20 A. It's important.

21 And, again, you know, I meet with the  
22 leaders who are content experts in the field and  
23 we walk through where they are. And I have --  
24 you know, I have got to make statements on behalf  
25 of the District and I do.

1                   It is not an easy thing, I don't enjoy  
2   it, but it's part of the job.

3           Q.    Are you familiar with the term colorism?

4           A.    Colorism?

5           Q.    Yes.

6           A.    No.

7           Q.    You stated previously that you did not  
8   know Raquel Abrams-Jackson, correct?

9           A.    Yeah, I mean -- no, I don't know her.

10          Q.    Not like personally?

11          A.    No, I don't know her.

12                   And if Raquel walked in and you said,  
13   this was Raquel, I would have no idea.

14          Q.    But if you saw me again out on the  
15   street you would recognize me, right?

16          A.    Yeah, I would recognize you.

17          Q.    Prior to today, if you saw me on the  
18   street would you recognize me?

19          A.    Yeah.

20          Q.    Do I look significantly different from  
21   the first time that you saw me versus now?

22          A.    No.

23                   I think maybe your beard is a little bit  
24   longer. Maybe a little bit grayer.

25          Q.    It is actually less grayer.

1 (Laughter.)

2 Q. So are you aware of any part of Raquel  
3 Abrams-Jackson's involuntary transfer from Lake  
4 Shore elementary school to Palm Beach Lakes?

5 A. No.

6 I mean, we, we move teachers...  
7 sometimes teachers ask to be moved.

8 And some teachers have rights to be  
9 moved.

10 Others just say, this just isn't working  
11 or I'm too far away from home or whatever.

12 There are a lot of moving parts there.

13 I don't recall that.

14 Q. Are you aware that in November of 2014  
15 Raquel Abrams-Jackson called the administrative  
16 office and complained about harassment by the  
17 principal at Lake Shore elementary?

18 A. Of Lake Shore elementary school? I  
19 don't think we even have a Lake Shore elementary.

20 Q. Excuse me, Lake Shore Middle.

21 I meant Lake Shore Middle.

22 A. No, I'm not familiar with that.

23 I had -- I didn't start working here  
24 until about a year after that date.

25 Q. So in September of 2015, do you remember

1 her writing a letter to the School Board and  
2 yourself regarding the issues at Palm Beach Lakes  
3 High School?

4 A. I don't -- I can't -- I don't remember a  
5 letter from her.

6 Q. Is it possible that that was one of the  
7 letters you received of the many --

8 A. Yeah.

9 Well, I mean, what I knew about the high  
10 school at Palm Beach Lakes High School was that  
11 there were complaints coming in because the union  
12 member brought it to my attention, the president.

13 Q. Okay.

14 A. And she said we're having problems at  
15 the school. And she never gave me specifics. It  
16 was always like things like teacher morale...  
17 the teachers, you know, aren't happy... there's  
18 a lot of complaints.

19 And so we have got a set of practices  
20 that we use to try to get at the heart of what's  
21 happening at the school.

22 That matters to me.

23 Q. Okay.

24 Do you or are you aware or recall that  
25 on November the 19th, 2015 that Cheryl McKeever

1 gave Raquel Abrams-Jackson a Cease and Desist  
2 letter?

3 A. No.

4 You mean that she got fired?

5 Q. No, she just wrote her a Cease and  
6 Desist letter.

7 A. No, I'm not aware of that.

8 Q. Are principals allowed to do that?

9 A. I don't know.

10 I will have to find out.

11 Q. Have you ever given a Cease and Desist  
12 letter as a teacher?

13 A. But in what context?

14 Was the person doing something that we  
15 asked her to stop doing?

16 Q. I mean, I can't answer that.

17 A. I don't know.

18 I'm not aware of the principal doing  
19 that.

20 Q. Are you aware that she filed a  
21 discrimination charge against -- on November  
22 the 13th, 2015 that she filed a discrimination  
23 charge, an EEO with the Palm Beach County School  
24 District --

25 A. Who is "she"? The principal?

1 Q. Raquel Abrams-Jackson.

2 A. That she filed a complaint?

3 Q. Uh-huh.

4 With the EEO office, with Deneen  
5 Wellings.

6 A. No, I'm not familiar with that.

7 Q. And then you are, though, aware that on  
8 November the 17th, 2015, that she went to the  
9 School Board meeting and read allowed a letter  
10 from the other teachers speaking about the issues  
11 going on at Palm Beach Lakes?

12 MS. BERNARD: Object to the form.  
13 Mischaracterizes prior testimony.

14 Q. You are aware that Ms. Raquel  
15 Abrams-Jackson came to the School Board meeting  
16 and spoke with yourself and the School Board?

17 MS. BERNARD: Same objection.

18 A. So I don't remember -- like I said it  
19 before, if you put her in a room and said, which  
20 one is Raquel, I wouldn't know that.

21 Q. Okay.

22 A. I do remember... you know, teachers  
23 come and talk about different schools and their  
24 concerns at the schools.

25 Q. Is it normal policy for people that

1 speak during the non-agenda time to be stopped  
2 and escorted out of the Board meeting, the School  
3 Board room?

4 A. So we have a practice -- one of the  
5 reasons people typically come to the School Board  
6 is that they feel like their voice, their concern  
7 hasn't been addressed.

8 So it is not uncommon for staff to walk  
9 out with someone and say, look, I'm sorry you're  
10 feeling this way. Help me understand what  
11 happened. Let me get your phone number. Let's  
12 try to resolve the issue. So that is not  
13 uncommon.

14 I know that, you know, I have read  
15 articles, particularly in Miami-Dade, where there  
16 was some recent buzz about the fact that... we  
17 even, you know -- and in this case this  
18 particular article talked about when people sign  
19 up, sometimes the people say, well, what is it  
20 that you want to talk about, right, so we can  
21 write down what the topic is. And they didn't  
22 like the fact that those people were asking that.

23 Because we ask that, too, we say, well,  
24 what is it that you would like to talk about.  
25 Sometimes people will say I would like to talk



1 about a complaint. Well, have you talked to the  
2 principal yet? Because sometimes the issue can  
3 be resolved, right, because sometimes people  
4 don't know where to go.

5 But we always tell them and we have it  
6 clearly written out what they are supposed to  
7 say. And if someone says, I don't want to tell  
8 you, that's fine, just give me your name and we  
9 will put you on the list.

10 Q. Were you aware that the escort was Mr.  
11 Christiansen?

12 MS. BERNARD: Object to the form.

13 A. I don't know.

14 Dr. Christiansen is the deputy  
15 superintendent. It's not uncommon for any of the  
16 leadership that's there to walk out with and talk  
17 with individuals who are there who have been  
18 upset or concerned. That's part of our  
19 responsibility. They have come and they have  
20 shared something negative.

21 And now we will say, all right, let's  
22 figure out what's going on. Maybe we haven't  
23 heard that before. Maybe it's new to us, right?

24 A parent might come in and make a  
25 complaint about their IEP not being followed and

1     it went from something at the school all the way  
2     up to the Board, let's try to figure out how to  
3     help this mom solve the issue.

4           Q.     Were you aware that he had told her in a  
5     room full of people that she had been a problem  
6     at her previous school?

7           A.     No, I'm not aware of that.

8           Q.     Are you aware that on December the 10th,  
9     2015, that Cheryl McKeever read aloud portions of  
10    a letter that was disparaging to her staff?

11          A.     I'm not aware of that.

12          Q.     And that letter was actually the  
13    grievance letter that Raquel Abrams-Jackson had  
14    filed?

15          A.     So just so I'm clear with your question,  
16    you're saying am I aware that the principal read  
17    a letter that was written to her, the principal,  
18    that was disparaging about her or about the  
19    staff?

20          Q.     No, no.

21                 Are you aware that Cheryl McKeever read  
22    a letter, which was the grievance letter that  
23    Raquel Abrams-Jackson had filed, aloud to all of  
24    the staff in a staff meeting?

25          A.     I'm not aware of that. I don't know

1       that to be true.

2           Q.     Okay.

3                   Are you aware that on December the 11th,  
4     2015, that she filed a second EEO discrimination  
5     charge with the Palm Beach County School District  
6     EEO office?

7                   MS. BERNARD:   Just for clarification,  
8     who is the "she"?

9                   MR. LEIGH:   Raquel Abrams-Jackson.  
10    These are all about Raquel Abrams-Jackson.

11                  MS. BERNARD:   This is all Raquel, okay.

12           A.     No.

13           Q.     Were you aware that on January the 6th,  
14    2016, that there was grievance filed by the  
15    entire staff at Palm Beach Lakes against Cheryl  
16    McKeever and her administration -- her APs and  
17    staff?

18           A.     I'm not aware of a formal grievance.

19                   I knew, again, in talking with the union  
20    that things were getting bad at the school.

21                   I don't know -- again, I don't get  
22    involved in the day-to-day operations of an  
23    individual school.

24           Q.     Do you remember at what time of the year  
25    that that conversation occurred?

1           A.     It was almost every month that I met  
2 with the union, Palm Beach Lakes was on their  
3 list.

4           Q.     And so every month did you seek out to  
5 find out what the deal was?

6           A.     It depends. So it's progressive.

7                   So, in the beginning, you know, the  
8 union had very vague sort of feedback. But they  
9 said they wanted to dig into it, wanted to spend  
10 some time there.

11                   If I remember right, I think they even  
12 did some sort of survey to the teachers that was  
13 anonymous that the union managed.

14          Q.     Okay.

15          A.     And then I remember getting some help  
16 for the principal to try to unpack how to try to  
17 help turn the ship around because it seemed like  
18 culturally, even though some student achievement  
19 data was going up, that things seemed to be  
20 getting toxic.

21                   I'm using the words that the union  
22 shared with me.

23          Q.     Sure.

24          A.     So it seemed to have gotten a little bit  
25 worse, but never did -- the union usually doesn't

1     come in and say this teacher has this issue with  
2     the principal. Like they have their own path to  
3     file grievances.

4             What they come and talk with me about is  
5     the thirty thousand foot level.

6             Q.     Sure.

7             A.     We have got five or ten legitimate  
8     cultural issues going on at this school. We have  
9     got these three things that are bad.

10            But they don't ever say, you know, Malik  
11    Leigh has said this about the principal. It's  
12    always very generic.

13            Q.     Sure.

14            Were you aware that on May the 18th,  
15    Cheryl McKeever had written up Raquel  
16    Abrams-Jackson regarding an issue with a student?

17            A.     No.

18            Q.     Were you aware that on May 25th, 2016,  
19    that Raquel Abrams-Jackson filed a discrimination  
20    and retaliation charge with the EEOC in Miami?

21            A.     No.

22            Q.     On March the 9th, 2017, were you made  
23    aware that Raquel Abrams-Jackson was notified  
24    that her Florida Department of Education teaching  
25    certificate had been negatively affected by the

1 School District?

2 A. I don't even know what that means,  
3 "negatively affected."

4 Did she have it revoked?

5 Q. No, no, no.

6 That there was submission made on behalf  
7 of her teaching certificate.

8 A. No.

9 Q. Were you aware -- as it relates to  
10 Loretta Parish-Carter, were aware that on  
11 November 14th she had lost wages and filed a  
12 grievance report against Cheryl McKeever?

13 A. No.

14 Q. Were you aware that at the beginning of  
15 2015 she lost her chair position without notice  
16 to two white less-qualified teachers?

17 A. No, I wasn't aware, except what you said  
18 today.

19 Q. Were you aware that in November of 2015  
20 she filed her -- she filed a racial  
21 discrimination charge with the Palm Beach County  
22 School District, the EEO office?

23 A. No.

24 Q. Were you also aware that none of the  
25 witnesses in that EEO charge were ever

1 investigated, were ever questioned by Deneen  
2 Wellings?

3 A. No.

4 But your question was wrong. You said,  
5 "Were you also aware..." No, I was not.

6 You made it sound like I said yes to the  
7 previous question.

8 The answer was No to that one and No to  
9 this one.

10 Q. Okay, that's fine.

11 It's all recorded. No big deal.

12 Were you aware that on December the  
13 10th, 2015, that, again, speaking back to the  
14 other one, Cheryl McKeever referenced and read  
15 parts of the joint letter about the grievances in  
16 a meeting, making disparaging comments about  
17 employees?

18 MS. BERNARD: Objection; asked and  
19 answered.

20 You can answer again.

21 A. The answer is no.

22 Q. Were you aware that on December the  
23 11th, 2015, Ms. Parish-Carter filed her second  
24 discrimination charge with the District's EEO  
25 office?

1           A.    No.

2           Q.    And equally were you aware that none of  
3 those witnesses had ever been questioned?

4           A.    I have no idea.

5           Q.    January 6th of 2016, were you aware that  
6 a grievance report on behalf of all the teachers  
7 as it relates to Loretta Parish-Carter had filed  
8 an EEO discrimination charge?

9           A.    Can you say that again?

10                  You're saying that all the teachers  
11 collectively did that?

12                  I'm not following your question.

13           Q.    Yes.

14           A.    Can you ask it again?

15           Q.    I'm sorry...

16                  That a grievance was filed on January  
17 6th, not an EEO, a grievance was filed on behalf  
18 of all the teachers -- well, not all, but the  
19 teachers that were --

20           A.    Impacted?

21                  No.

22           Q.    Against McKeever and her administration?

23           A.    No.

24           Q.    You weren't aware of that, okay.

25                  May 25th, were you aware that Loretta



1 Parish-Carter filed a Charge of Discrimination  
2 and Retaliation with the EEOC office in Miami?

3 A. No.

4 Q. And then were you aware in June of 2016  
5 she had requested a transfer and was refused?

6 A. Say that again.

7 Q. She had requested a transfer and was  
8 refused?

9 A. This year?

10 Q. June of 2016.

11 A. No, I'm not aware of that.

12 Q. But June of 2016 Cheryl McKeever was  
13 reassigned to the School District; is that  
14 correct?

15 A. Is that a question?

16 Q. Yes.

17 A. Say that --

18 Q. Is it correct that in June of 2016  
19 Cheryl McKeever was reassigned to the School  
20 District?

21 A. I don't remember the exact month, but  
22 during the summer of 2016, because now she's  
23 finishing a year. Yeah, so last summer, yes.

24 Q. You stated previously that you  
25 remembered meeting Malik Leigh at the District

1 meeting regarding the graduation and reducing --  
2 increasing graduation rates and reducing  
3 suspensions, correct?

4 A. Correct.

5 Q. Okay.

6 And you also stated that you remembered  
7 when he accompanied his students to the School  
8 Board meeting on March the 16th of 2016.

9 Were you aware, though, that on March  
10 the 17th, Camille Coleman had requested from  
11 Darron Davis to investigate him for an  
12 unauthorized field trip to the School Board  
13 meeting?

14 MS. BERNARD: Object to the form.

15 A. I wasn't aware of that.

16 Q. Do you remember during the School Board  
17 meeting that one of the people on the panel had  
18 sent Camille Coleman out to speak with Malik  
19 Leigh and the students?

20 A. What do you mean "on the panel"?

21 Q. On like the...

22 A. The dais?

23 Q. Where you sit.

24 A. So ask that again.

25 Q. So were you aware that on March 17th

1     that Camille Coleman had requested Darron Davis  
2     investigate Malik Leigh for an unauthorized field  
3     trip to the School Board meeting.

4           A.     That one I said no.

5           Q.     So were you -- do you remember the  
6     people on the panel requesting Camille Coleman to  
7     go and speak with Malik Leigh and the students  
8     that night on March 17?

9           A.     It's not unusual for School Board  
10    members to say after someone speaks, hey, make  
11    sure that we follow-up with the issue that was  
12    brought, because I think there may have even been  
13    some discussion on why is there -- why haven't we  
14    found a teacher yet. It was late in the year or  
15    maybe it was even -- but it was clearly a time of  
16    the year where there should have been stability  
17    in the classroom.

18                   So that's not uncommon.

19           Q.     Were you aware that while outside  
20    Camille Coleman berated both the students and  
21    their parents --

22           A.     No.

23           Q.     -- for being in the School Board  
24    meeting?

25           A.     No. I was in the meeting, I wouldn't

1 know that.

2 I was in the meeting. You said she went  
3 outside...

4 Q. I'm saying after the fact someone could  
5 have made you aware of that.

6 A. I'm not aware of that.

7 Q. And do you -- and so you weren't aware  
8 that Sonja Isger was also present for that  
9 berating?

10 Sonja Isger, she writes for the Palm  
11 Beach Post. The original person that covered the  
12 story.

13 A. I don't remember.

14 MS. BERNARD: Object to the form.

15 Q. You stated, though, that you did  
16 remember on March the 18th, Malik Leigh sending  
17 you an e-mail regarding the fall-out retaliation  
18 after the School Board meeting, right?

19 Which would be that letter there  
20 (indicating)?

21 A. No, I think what I said was I remember  
22 getting a letter. I don't remember the contents  
23 of it. We get a lot of these and that we forward  
24 them to legal and HR.

25 Q. Okay.

1                   Were you made aware that in February --  
2   February 28th, that Malik Leigh and Joseph Lee  
3   were communicating about creating a joint law  
4   camp?

5           A.    Law what?

6           Q.    Law camp.

7           A.    No.

8                   Are you talking about Dr. Joseph Lee,  
9   our School Board employee?

10          Q.    Yes.

11          A.    No, I did not know that.

12          Q.    And then on April the 4th, were you  
13   aware that Joseph Lee accused Malik Leigh of  
14   misconduct for proposing that law camp?

15          A.    No.

16          Q.    And so equally you wouldn't know that  
17   even in the e-mail it specifically says, proposed  
18   law camp?

19                   MS. BERNARD:  Object to the form.

20          A.    In this e-mail?

21          Q.    No, in the e-mail -- an e-mail between  
22   Malik Leigh and Joseph Lee.

23          A.    I have no idea of what you're talking  
24   about.

25          Q.    Are you aware of an April 8th, 2016

1 letter from Dianna Weinbaum accusing Malik Leigh  
2 of misconduct for proposing a law camp?

3 A. No.

4 Q. And then, of course, on April the 12th,  
5 you remembered or possibly remember receiving  
6 this letter right here (indicating), but you said  
7 you sent that to the IG?

8 A. No, I wouldn't send this to the IG.

9 This letter -- and letters like this --  
10 any time it comes from a lawyer, I would send it  
11 to our general counsel and/or HR.

12 MS. BERNARD: For the record, we're  
13 speaking of Plaintiff's Exhibit 1.

14 MR. LEIGH: Plaintiff's Exhibit 1, I'm  
15 sorry.

16 Q. And after you submit it to whomever, you  
17 have no idea what happens?

18 A. No.

19 I mean, it's their responsibility to  
20 follow up with any accusations, particularly when  
21 it comes from a lawyer.

22 And most lawyers know to send it to  
23 general counsel, rather than to the CEO.

24 So I rarely get them. But when I do, I  
25 always forward, from a lawyer, to our general

1 counsel.

2 Q. Are you familiar -- so you're not  
3 familiar with the Whistleblower Statute in  
4 Florida?

5 MS. BERNARD: Object to the form.

6 A. Our -- our whistleblower -- anything  
7 that has to do with that section of whistleblower  
8 would go to the IG.

9 Q. No, I mean the Whistleblower Statute for  
10 the State of Florida, are you familiar with it?

11 A. Well, I mean, I'm familiar with the fact  
12 that people have a whistleblower protection in  
13 Florida.

14 Q. But you're not familiar with the Florida  
15 Whistleblower Statute?

16 A. So I don't have -- I couldn't write out  
17 for you what the statute is. But I can tell you  
18 -- I mean, I know that we have that and that  
19 we're required to -- and that's what the IG's  
20 office primary responsibility is.

21 Q. So you wouldn't know that the  
22 Whistleblower Statute specifically states that  
23 any letter from a non-union teacher, you're  
24 supposed to send it to both the superintendent  
25 and/or the School Board? You wouldn't know that?

1 MS. BERNARD: You don't have to answer  
2 that.

3 You can mark it. You can mark it.

4 It's a legal -- calls for a legal  
5 conclusion.

6 MR. LEIGH: This calls for knowledge of  
7 whether or not he's actually read the  
8 statute.

9 MS. BERNARD: You can mark this. You can  
10 mark it.

11 MR. LEIGH: All right, all right, all  
12 right.

13 By MR. LEIGH:

14 Q. Were you aware that on May the 1st Malik  
15 Leigh's position was posted as open while he was  
16 still working and not notified?

17 A. I'm not aware of that.

18 Q. Do you know whether or not that that is  
19 proper procedure or legal?

20 MS. BERNARD: Object to the form.

21 A. Principals and HR work together to post  
22 positions.

23 Q. Okay.

24 A. There are times that positions are  
25 posted because the school is anticipating growth.



1                   And sometimes like, so for example, it's  
2   not uncommon for teachers to say, oh, my God,  
3   they posted an English position but none of us  
4   are leaving, why is there a vacancy?

5           Q.    Sure.

6           A.    So people would make the assumption that  
7   means someone is being let go, when, in fact,  
8   there are times where we know that that school  
9   will have earned another teacher based on  
10  enrollment projections.

11                So I don't know in this case why that  
12  position was posted, but I was not aware of the  
13  individual case that you just represented.

14           Q.    But is it proper or policy to post an  
15  employee's specific position as vacant, his own  
16  position as vacant while he's still working there  
17  without notice?

18                MS. BERNARD:  Object to the form.

19                You can answer.

20           A.    I don't know.

21                You're making an assumption that they  
22  weren't adding another allocation to the school.  
23  If it's a popular magnet program, is an  
24  assumption being made that that's actually the  
25  individual's position or not.  I don't know that.

1     It's hypothetical.

2             Clearly it's best practice to say, look  
3     we're -- you know, I'm not going to renew your  
4     contract and I'm posting your position. You  
5     wouldn't want an individual to do that. That's  
6     best practice.

7             I don't know of any policy that dictates  
8     that.

9             Q.    So if it's best practice, but not  
10    followed, there's no culpability behind that?

11            A.    We would have to ask our legal and HR  
12    folks about that, I don't know.

13            Q.    So are you familiar with -- do you know  
14    -- are you familiar with the term "constructive  
15    termination"?

16            A.    No, never heard of it.

17            Q.    Never heard of it.

18            A.    Construction...

19            Q.    "Constructive termination."

20            A.    Constructive, no.

21            Q.    Are you aware that on May the 3rd, 2016,  
22    that the Office of Professional Standards had  
23    accused Malik Leigh of using his teaching  
24    position for financial gain and was breaking  
25    Florida law and ethics?

1           A.     No.

2                   I knew that there were a variety of  
3 different pieces that they were looking into, but  
4 I don't know that I heard that -- that I remember  
5 that one specifically.

6           Q.     What were those pieces?

7           A.     That there were issues at the school,  
8 that they were worried about a trend of an  
9 individual who wasn't really meeting their  
10 expectations as a teacher.

11          Q.     And where did this come from or who did  
12 this come from?

13          A.     Well, it came from when -- that's when I  
14 was made aware of it -- it came after sort of the  
15 blow up when, you know, the kids had come to the  
16 meeting, you had made some comments to the  
17 newspaper I think, and then after that I heard,  
18 hey, look, this is not a new issue, this is an  
19 issue that we have been dealing with. There have  
20 been other concerns throughout the year.

21          Q.     But you don't remember who you heard  
22 that from?

23          A.     I heard it from folks in HR.

24          Q.     Okay.

25          A.     Dianna Weinbaum.

1           But, again, there are investigators that  
2   work for her, so she may have been collecting  
3   that information either on -- as a primary person  
4   or maybe that was an individual below her that  
5   was doing that.

6           Q.    Okay, okay.

7           Were you also aware that on May the 3rd  
8   that Malik Leigh had sent a Notice of Claim to  
9   the Office of Professional Standards in a  
10  response letter?

11          A.    Was I aware that you made a Notice of  
12  Claim...

13          Q.    Correct.

14          A.    To whom?

15          Q.    To the Office of Professional Standards.

16          A.    No.

17          Q.    Were you aware that on May the 12th,  
18  2016, that Malik Leigh had finally received his  
19  non-renewal letter?

20          A.    No.

21          Q.    Were you aware that on May the 17th,  
22  Malik Leigh was called and ordered to a morning  
23  meeting on May the 18th, 2016 where he was  
24  suspended and sent home?

25          A.    No.

1 Well, wait a minute.

2 Say that again.

3 So the question before you said May

4 17th?

5 Q. Correct.

6 A. And then you're saying then on May 18th

7 was I aware that you were called into a

8 meeting...

9 Q. I will reread the question.

10 A. Yeah, sorry.

11 Q. Were you aware that on May the 17th,

12 Malik Leigh was called and ordered to a morning

13 meeting to occur on May the 18th, 2016, where he

14 was suspended and sent home?

15 A. No, I was not aware of that.

16 I was aware that a suspension was

17 pending and then found out later that that had

18 occurred.

19 I wasn't aware of a letter or a meeting

20 the next morning. I didn't know about the

21 specifics or the details.

22 Q. So you were made aware that a suspension

23 was pending prior to Malik Leigh being called?

24 A. No.

25 Meaning that -- so I didn't know about

1 the fact that you got an e-mail on the 17th to go  
2 to the 18th to be suspended.

3 Q. Okay.

4 A. But I knew that there were concerns and  
5 pending decisions that needed to be made that  
6 might include suspension, it might include a  
7 termination. I didn't know what the end result  
8 was going to be.

9 But that there was some pending decision  
10 that needed to be made.

11 Q. Okay.

12 So then prior to 2017 -- or, excuse me,  
13 prior to May 17th, what would be a reason for the  
14 suspension or for a suspension?

15 MS. BERNARD: Object to the form.

16 A. I don't think -- maybe I didn't make  
17 myself clear.

18 So I had no idea that you got an e-mail  
19 saying -- from May 17th, come the next morning to  
20 a May 18th meeting.

21 Q. Sure.

22 A. I knew that there was an investigation  
23 that was occurring and that at some point a  
24 decision was going to need to be made about what  
25 we were going to do with Malik.

1 Q. Okay.

2 A. Okay?

3 Which might have included suspension, it  
4 might have included something else, I didn't know  
5 that.

6 Q. But you were only made aware of anything  
7 that had to do with Malik Leigh after March the  
8 16th, 2016?

9 MS. BERNARD: Object to the form.

10 A. Typically what happens is, you know, I'm  
11 made aware that, you know... again, depending on  
12 the situation.

13 If a person is being terminated... I'm  
14 not always made aware of probationary people that  
15 are being suspended.

16 Q. That's not the question.

17 The question that I made -- I got that  
18 part because you said it a second ago.

19 The question that I was making was: But  
20 you were only made aware that there were any kind  
21 of issues regarding Malik Leigh until after the  
22 School Board meeting?

23 A. Yes.

24 So like issues that may have happened in  
25 August, September, I wouldn't have been told

1     that.  There are so many times that that stuff  
2     happens across the District.  I was only brought  
3     into the situation after it sort of, to use the  
4     term, like sort of blew up where all of a sudden  
5     the newspaper is asking questions, the Board is  
6     asking questions, that's when I was made aware of  
7     it.

8           Q.     So the name was circulating around to  
9     the point where you were able to notice it after  
10    March the 16th?

11          A.     I don't remember the date, but it was  
12    after...

13          Q.     After the School Board meeting?

14          A.     After the School Board meeting.

15          Q.     Okay.

16                 But you don't know who it came from?

17          A.     I don't know...

18          Q.     You don't know where the swirl came  
19    from?

20          A.     No.

21                 I mean, the swirl came from the incident  
22    at the School Board meeting.  The...  I guess a  
23    couple of articles maybe that had come out...  I  
24    don't remember if it was a television or a  
25    newspaper article.



1           Q.     Sure.

2           A.     And then when Dianna Weinbaum said,  
3     hey...

4                 I said, so, you know, what's going on or  
5     whatever...

6                 And she said, this is not the first  
7     issue. We have had other issues or other issues  
8     had been reported I guess that maybe you had been  
9     struggling with different things at the school.

10                I don't know. I don't remember ever  
11    seeing that. No one ever told me that.

12           Q.     Sure.

13           A.     But that was, that was after that Board  
14    meeting.

15           Q.     Got you, okay.

16                 And then on May the 19th, you remember  
17    going on tv and speaking about Malik Leigh; is  
18    that correct?

19           A.     I'm not saying it didn't happen. I  
20    don't remember exactly -- I would have to go back  
21    and look at what the date was.

22                 But it's not uncommon for me to speak on  
23    behalf of the Board on situations that are  
24    occurring.

25           Q.     And then you were -- were you aware that

1 on May the 20th, 2016, Malik Leigh filed an EEOC  
2 Charge of Discrimination and Retaliation against  
3 the School District?

4 A. No.

5 Q. And then on May 24th were you made aware  
6 that Malik Leigh was terminated?

7 A. I don't know the date, but I was made  
8 aware that there was a termination.

9 Q. Okay.

10 And was that termination made by  
11 yourself or the Board?

12 A. So that's a really good question.

13 So terminations are made by  
14 administration and then, depending on if it's a  
15 probationary individual or if it's somebody who  
16 has additional grievance rights, it has other  
17 steps which might include going to the School  
18 Board.

19 But not probationary period.

20 So I would argue that a probationary is  
21 a non-renewal -- you called it a termination -- a  
22 non-renewal would not go to the School Board for  
23 approval.

24 Q. Would a termination go to the School  
25 Board?

1           A.     So we bring the School Board reports of  
2     termination and retirements, et cetera, each  
3     month, so, yeah, that would go to the School  
4     Board.

5           Q.     So then would it have gone to the School  
6     Board prior to May the 24th?

7           A.     I don't... we would have to... I don't  
8     know. I don't know if temporary employee  
9     non-renewals go to the Board for approval. I  
10    don't know that answer.

11          Q.     But you would agree that there's a  
12    significant difference between a termination and  
13    a non-renewal?

14          A.     For a probationary period, there's a  
15    significant difference between a non-renewal and  
16    a termination.

17          Q.     For anybody is there a significant  
18    difference between a termination and a  
19    non-renewal?

20          A.     I think there's a difference.

21          Q.     So just to make sure it's clear --

22                 MR. LEIGH: And you can object and  
23    that's fine.

24          Q.     -- you said that there is no difference  
25    between a probationary employee -- there is no

1 difference between a termination and a  
2 non-renewal with a probationary employee?

3 MS. BERNARD: Object to the form.

4 A. I'm sorry, can you ask the question  
5 again?

6 Q. Maybe I just didn't hear it when you  
7 gave the answer. I'm just reasking to make sure  
8 -- I'm trying to clarify.

9 You stated that there is a difference  
10 between a non-renewal and a termination as it  
11 relates to an annual employee, you said there is  
12 a difference between the two?

13 A. Probationary employee, non-renewal and  
14 termination, I think there's a difference between  
15 the two.

16 Q. Okay, okay.

17 And so -- and all terminations have to  
18 be -- an actual termination termination has to be  
19 approved by the Board?

20 A. It goes to the Board... or goes to the  
21 Board... it goes to the Board for approval.

22 But, remember, there's also other  
23 processes besides the Board.

24 And sometimes that means that that  
25 individual actually goes before the Board and

1     says to them, I'm being terminated and I don't  
2     think it's appropriate. And then the Board has  
3     to vote up or down.

4             So, like, for example, on suspensions  
5     with pay, that has to go to the School Board. If  
6     I -- I'm sorry, suspensions without pay. I  
7     apologize.

8             So if I want to suspend an employee for  
9     ten days without pay, the Board has to approve or  
10    not approve that.

11            Q.    Uh-huh.

12            A.    On non-renewals is completely different.  
13    That doesn't go to the Board for approval.

14            Q.    Right, okay.

15                   Is there a significant difference  
16    between a suspension and a reassignment?

17            A.    Is there a difference between a  
18    suspension and reassignment?

19                   Yeah, suspension is you can't come to  
20    work, sometimes it's with pay, sometimes it's  
21    without.

22            Q.    Okay.

23            A.    And then a reassignment is, hey, you  
24    can't work at this school, but we will give you  
25    an opportunity to work somewhere else.

1                   Is that what you mean?

2           Q.    I'm just asking...

3           A.    That's how I understand it.

4           Q.    And so are suspensions -- to the best of  
5 your knowledge, is there a State statute or rule  
6 on how a school district can suspend an employee?

7           A.    Say that again.

8           Q.    To the best of your knowledge, is there  
9 a State rule or guideline that states how a  
10 school district can suspend an employee?

11          A.    You know, that's one of the reasons why  
12 we have a legal team internally.

13                   I don't know that I -- I can't recall  
14 knowing a State law.

15                   I know that we have our own internal  
16 policies and union contracts that guide that.

17          Q.    Okay.

18          A.    Actually, hold on.

19                   I had one other piece that I know of.

20                   State statute does require me getting  
21 Board approval for unpaid suspensions.

22          Q.    So a paid suspension does not need Board  
23 approval?

24          A.    To my knowledge.

25          Q.    And absent an enumerated set of

1 circumstances, are all suspensions or  
2 disciplinary actions, are they all supposed to  
3 follow progressive punishment?

4 A. It depends.

5 Q. So my question was outside of an  
6 enumerated set of circumstances...

7 So if you have a guy that's taking  
8 pictures of girls in the locker room, you're  
9 going to get rid of that guy pretty quick,  
10 correct?

11 You're probably not going to...

12 Let me back up.

13 A. No.

14 If you look at our union contract for  
15 individuals that are beyond probation, the  
16 threshold is a little more complicated. I would  
17 say yes on the outset I would get rid of the  
18 person who is taking pictures in the locker room.

19 Q. Right.

20 A. But there's -- they have an opportunity  
21 to go to an administrative law judge and in some  
22 cases the administrative law judge will say --  
23 they will overrule our termination.

24 So it's not that easy.

25 Q. Do all employees -- do probationary

1 employees get due process rights?

2 A. We have due process for all employees.  
3 They have a right to share their thoughts and  
4 ideas to make complaints.

5 I'm not aware of any delineation between  
6 those two.

7 Q. So can an employee be terminated or  
8 suspended prior to -- in fact, let me back up.

9 Can an employee who is facing suspension  
10 or termination be denied an administrative  
11 hearing if they request one?

12 MS. BERNARD: I'm just going to object  
13 to the form. Outside of the purview of this  
14 witness. Lack of foundation.

15 Q. You can go ahead and answer it.

16 A. No.

17 Q. So they cannot be denied an  
18 administrative hearing?

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

20 Q. You don't know, okay.

21 A. No.

22 Q. Do you know whether or not they --  
23 because you have testified or done a deposition  
24 or testified in an administrative hearing before,  
25 correct?



1           A.     Yeah.

2           Q.     So, to the best of your knowledge, that  
3     administrative hearing just followed the normal  
4     flow?

5           A.     Yeah, of the way it was set up in  
6     Georgia.

7           Q.     So it was in Georgia. I don't think I  
8     even asked you that, okay.

9                     But, as far as Florida, you're not a  
10    hundred percent sure as far as how the  
11    administrative process works?

12          A.     The administrative law judge process?

13          Q.     Just the administrative process.

14                     Like if the School District decides to  
15    impose some form of punishment, it's generally  
16    outside of an enumerated set of circumstances, it  
17    is generally supposed to flow a particular way.

18          A.     Right, I'm aware of that. And we have a  
19    had a couple of those.

20                     I haven't been personally deposed or  
21    gone to them, but I'm aware of them and I  
22    understand how they work.

23                     And we have also had some that supported  
24    us and some that didn't.

25          Q.     Right, okay.

1                   But at least A to Z is supposed to go  
2 down that route, outside of extreme  
3 circumstances...

4           A.     So I'm familiar with that.

5           Q.     So the issue with Malik Leigh's exam,  
6 would that fall outside of the extreme  
7 circumstances?

8           A.     I can't answer that. I'm not the  
9 principal of that school. I don't have primary  
10 knowledge of every bit and piece that went into  
11 that decision.

12          Q.     Okay.

13          A.     So I don't know.

14          Q.     When Dianna Weinbaum told you that we  
15 had had previous issues with Malik Leigh, did you  
16 ask what those issues were?

17          A.     I mean, I think she brought forward a  
18 couple of examples. I don't remember every  
19 single one of the examples, but I remember it...  
20 sort of around this idea of a theme of, you know,  
21 a theme of not -- not working to follow sort of  
22 the protocols and rituals of the schools.

23                   But I can't give you any examples.

24                   But it was just sort of a general, we  
25 have had issues with this individual before.

1           Q.    And prior to coming here, had you looked  
2   into Malik Leigh's personnel file?

3           A.    Have I?

4           Q.    Yes.

5           A.    Not the file.

6           Q.    Anything?

7           A.    No.

8           Q.    Like my social media or anything?

9           A.    Actually I think we were connected at  
10   one point and I think I blocked you because of  
11   inappropriate social media.

12          Q.    Okay. Really? Okay.

13                When you were in Georgia, okay, would  
14   you say that you worked positively or negatively  
15   with union members -- teachers union members?

16          A.    We didn't have a union. We had a  
17   teacher association.

18                There was one small group of... teacher  
19   group called MACE that had a couple of negative  
20   things to say about every superintendent and  
21   every principal in the region.

22                But we didn't really have unions; it was  
23   an association.

24          Q.    Was there a union before you got there?

25          A.    No, there's been -- Georgia doesn't have

1     -- they only have associations.

2             No, actually -- but of the two  
3     associations there, I had good working  
4     relationships with both of them.

5             I had one group that really disliked  
6     pretty much everybody, but it was a rogue group  
7     called MACE, M-A-C-E.

8             Q.     Would you say that there were any  
9     policies that you had left on -- that you  
10    promoted or introduced while in  
11    Charlotte-Mecklenburg that promoted the  
12    resegregation of schools?

13            A.     In Charlotte?

14            Q.     In Charlotte, yes.

15            A.     So I had no authority in that region or  
16    decision making about that.

17            Q.     Okay.

18            A.     Although there was a legal battle that  
19    occurred that actually had been on more than one  
20    occasion lifted up as the reason schools were  
21    resegregated because Charlotte had led the way on  
22    desegregation.

23            Q.     Right.

24            A.     And the opposite lawsuit was filed back  
25    to home schools and it caused a massive

1 disruption.

2 But that was before 2006.

3 Q. Maybe 1999?

4 A. Probably right around the turn -- yeah,  
5 you're probably right.

6 Q. And are you familiar with that case in  
7 Charlotte-Mecklenburg that was...

8 A. Mecklenburg versus Board of Ed?

9 Q. Okay.

10 A. Is that the one you're talking about?

11 Q. I'm not sure about that one.

12 But Swann versus  
13 Charlotte-Mecklenburg...

14 A. Yeah.

15 Q. And the issue in that case --

16 MR. LEIGH: Oh, I know you're going to  
17 object to that. I know I would.

18 Q. Now, would you say the efforts to  
19 resegregate the School District in Charlotte  
20 mirrors the efforts to promote segregation here  
21 in Palm Beach?

22 MS. BERNARD: Object to the form. Calls  
23 for a legal conclusion.

24 A. I'm not sure that I would say that there  
25 are efforts in this District to resegregate

1 schools.

2 Q. Well, I meant -- not to resegregate --  
3 to promote the segregation of schools?

4 A. To promote segregation of schools?

5 Q. Yeah.

6 A. I'm not aware of any effort to segregate  
7 schools.

8 Q. Okay.

9 Are you familiar with the history of  
10 Palm Beach County segregated schools?

11 A. I am.

12 Dr. Robinson has given me a history  
13 lesson on the segregation of schools in Palm  
14 Beach.

15 Q. And then is it against school policy for  
16 principals to sell their personal items for  
17 profit on school grounds using school resources,  
18 like Internet, board rooms, stuff like that?

19 A. To sell what?

20 Q. Their own personal items and effects for  
21 profit.

22 A. While at work?

23 Q. While at work and using the school  
24 resources to do so.

25 A. That wouldn't be appropriate for any

1 employee.

2 Q. But a school principal, would that be  
3 appropriate?

4 A. It's inappropriate for any employee,  
5 whether you're a bus driver, custodian or  
6 superintendent.

7 Q. Should that principal receive some form  
8 of discipline or at least a speaking to?

9 A. I mean, if an individual complaint is  
10 founded, then, you know, I would be leaning on HR  
11 to say how have we dealt with that in the past.

12 Q. And when you say "in the past," how far  
13 back is the past?

14 A. Well, I mean, usually our HR officials  
15 have, you know, practices that they -- and  
16 procedures that they uphold -- right? -- so you  
17 don't go from one side of the road to the other  
18 making decisions about similar issues.

19 Q. So you're saying however something has  
20 generally occurred, as long as it's relatively  
21 positive for the District, let's maintain and  
22 continue that tradition?

23 A. No.

24 I mean, I have made some small changes.  
25 I'm not just going to rely on the past practice.

1           Q.     Sure.

2           A.     So you might use it to help judge  
3 somewhat, you know, so we don't go too far  
4 outside the normal practice.

5                     But there are times that I'm willing to  
6 do that as an individual, if I can.

7           Q.     Okay.

8                     Would you consider a teacher that is  
9 darker skinned retaliating against another  
10 teacher that is lighter skinned, for no reason  
11 other than they are just lighter skinned, as  
12 racial retaliation?

13                    MS. BERNARD: Object to the form.

14                    Calls for a legal conclusion.

15           A.     I'm not really sure I even understand  
16 the question.

17                    You mean both individuals are of  
18 African-American or black?

19           Q.     Yes.

20           A.     One is darker skinned and one is lighter  
21 skinned and if they what?

22           Q.     And one of the purposes for retaliating  
23 against that lighter-skinned person is just the  
24 fact that they are a lighter-skinned person?

25                    MS. BERNARD: Same objection.



1           A.     Yeah, I don't know.

2           Q.     But if that was a white person that were  
3     discriminating against a black person, then  
4     that's a little bit easier to discern you think?

5           MS. BERNARD:   Same objection.

6           A.     All right.

7           So you're saying... ask the second one  
8     again. I don't know that I'm following your  
9     logic.

10          Q.     First one you're not quite following,  
11     but the second one is a little bit easier to  
12     understand, white person -- clearly white person  
13     that is retaliating against a black person,  
14     clearly black person.

15          A.     Because they are black?

16          Q.     Because they are black, yes.

17          MS. BERNARD:   And what's the question?

18          Q.     The original question was: Do you  
19     consider that to be racial retaliation?

20          MS. BERNARD:   Oh, okay, so there's the  
21     question.

22          MR. LEIGH:   It was in the first one.

23          A.     So I have read about the issue within  
24     the African-American community, the tension that  
25     exists between darker-skinned individuals and

1 lighter skinned, those who assimilate more to  
2 sort of mainstream Caucasian, language and music  
3 and hair, et cetera, I have read about that. I  
4 don't know about it. But, I mean, I have read  
5 about it, but I don't know about it in the sense  
6 that I clearly understand all the nuance of that.

7 I think it's easier to see right from  
8 the fifty thousand foot view discrimination  
9 occurring and things that are a little crisper  
10 and cleaner, like you're Hispanic and you're  
11 African-American or you're white and your Chinese  
12 or whatever, that makes it a little simpler.

13 I think racism can occur within one's  
14 own race. I mean, I can give you an example of  
15 my own country, where in southern Italy versus  
16 northern Italy... you have got where I'm from in  
17 the south where people are a little darker  
18 skinned and work in the countryside, they  
19 actually got names for that that are very  
20 derogatory, even though they are of the same  
21 race.

22 Q. Right.

23 A. So I know that there's tension that  
24 exists within race.

25 Q. Okay.

1           But as it relates to an employment  
2   situation, okay, would you consider that  
3   retaliation to be the same -- to be classified  
4   the same way as racial discrimination?

5       A.    I would have to lean on the judges  
6   and the experts to say whether or not that  
7   occurred.

8           Could it occur?

9           I guess it could occur.

10       MR. LEIGH:  And then that should be it.

11       We are done.  That will be all.

12       No further questions, I'm sorry.

13       MS. BERNARD:  All right.  I don't have  
14   any questions actually.

15       So with that being said, did you want to  
16   go over the reading and the waiving?

17       MR. LEIGH:  At the end of the deposition  
18   you have an opportunity to get a copy of  
19   anything and everything that you have stated  
20   and to sign off as being the true and  
21   actual...

22       So if you want, you can tell her to say,  
23   yes, I would like to read it before I submit  
24   it or no, I will waive it.

25       THE WITNESS:  Yeah, I would like to read

1     it.

2           MR. LEIGH:  Sounds good.

3           (Witness excused.)

4           (Deposition concluded.)

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**CERTIFICATE OF OATH**

**THE STATE OF FLORIDA )  
COUNTY OF PALM BEACH )**

**I, ANN MARIE PLEASANTON, Registered  
Professional Reporter, Florida Professional Reporter,  
Notary Public, State of Florida, certify that ROBERT  
AVOSSA, ED.D., personally appeared before me and was  
duly sworn on the 8th day of June, 2017.**

**WITNESS my hand and official seal this  
day of June, 2017.**



*Ann Pleasanton*

**ANN MARIE PLEASANTON, RPR, FPR  
Notary Public, State of Florida**

**Personally known: X  
Produced identification:**

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CERTIFICATE OF REPORTER

THE STATE OF FLORIDA )  
COUNTY OF PALM BEACH )

I, ANN MARIE PLEASANTON, Registered Professional Reporter, Florida Professional Reporter, certify that I was authorized to and did stenographically report the deposition of ROBERT AVOSSA, ED.D., that a review of the transcript was requested; and that the transcript, Pages 1 through 258, is a true and complete record of my stenographic notes.

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

The certification does not apply to any reproduction of the same by any means unless under the direct control and/or direction of the reporter.

Dated this 18th day of June, 2017.



ANN MARIE PLEASANTON, RPR, FPR

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Shawntoyia Bernard, Esq.  
SCHOOL BOARD OF PALM BEACH COUNTY  
Office of the General Counsel  
3300 Forest Hill Boulevard  
Suite C-323  
West Palm Beach, Florida 33406

8

June 18, 2017

9

10 In re: Leigh/Abrams-Jackson/Parish-Carter vs. PBCSB

11

Dear Ms. Bernard:

12

13 For your convenience, attached hereto you will  
14 find Errata Sheets for the use of Robert Avossa,  
Ed.D., in entering any changes to the deposition.

14

15 Please photocopy the executed documents and  
16 forward a copy of the executed documents to all  
parties involved in this matter for placement in  
the transcript.

17

18 If no changes are to be noted, please indicate  
that on the Errata Sheet and forward a copy to  
all parties so they may be advised that no  
changes were made.

19

20 We find that the above procedure facilitates  
21 handling of signature matters and puts the  
necessary documents directly into the hands of  
all parties.

22

Cordially yours,

23



24

Ann Marie Pleasanton, R.P.R., F.P.R.

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cc: Malik Leigh, Esq.  
Danielle Watson, Esq.

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**ERRATA SHEET**

**Leigh, Abrams-Jackson/Parish-Carter vs. PBCSB**  
**Case No.: 9:16-CV-81612/81624/81623**  
**June 8, 2016**

**DO NOT WRITE ON TRANSCRIPT - - ENTER CHANGES HERE:**

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**Under penalties of perjury, I declare that I**  
**have read my foregoing transcript and, together**  
**with any changes made above, the facts stated**  
**herein are true.**

\_\_\_\_\_  
**DATE** **ROBERT AVOSSA, ED.D.**



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