

For Public Use

Citrus County School Board

Formal Complaint #709 Filed on
Andreas Zybell
(Employee #27129)

Citrus County School District
COMPLAINT FORM

No 0709

Melissia Varnadore

Person Filing Complaint
(Please Print)

Andreas Zybell

Complaint Filed Against
(Employee Name-Please Print)

To Be Filed With: Cost Center Administrator / Human Resources Department

Person Filing Complaint Information

Mailing Address: 3195 Crystal River High Drive
Crystal River, FL 34428

Home Telephone:

Business Telephone:

352-795-4641

Status/Position (check one):

Employee

Parent

Student**

**If Student:

Date of Birth

Name of Parent(s)/Guardian

School/Department:

Crystal River High School

Grade (if applicable):

Nature of Complaint:

Mr. Zybell allegedly used inappropriate language/conversation with students in a classroom setting.

Date of Alleged Incident:

October 26, 2017

Time:

9:30-10:54am

Person(s) Involved:

Students

Relief Sought:

Full investigation

Melissia Varnadore

Signature - Person Filing Complaint

10/31/17

Date

Parent's Signature

(For Student Under Age 18)

For District Use Only

I am willing to cooperate with the investigation, however:

I request that the investigation be rescheduled at a time when I can have a representative of my choice present.

-or-

I waive my rights to representation today

I understand that I may request future representation at any time.

[Signature]

Signature - Person Complaint Filed Against

10/31/17

Date Received



SANDRA "SAM" HIMMEL - SUPERINTENDENT OF SCHOOLS

"Where Learning is the Expectation
And Caring is a Commitment"

- THOMAS KENNEDY
DISTRICT 1
- VIRGINIA BRYANT
DISTRICT 2
- DOUGLAS A. DODD
DISTRICT 3
- SANDRA COUNTS
DISTRICT 4
- LINDA B. POWERS
DISTRICT 5

MEMORANDUM

DATE: October 31, 2017
 TO: Andreas Zybcll (27129)
 FROM: Steven Baumer, Coordinator of Human Resources *SB*
 SUBJECT: Notice of Investigation

This correspondence is provided as formal notice of investigation into a complaint received in this office on October 31, 2017. (see attached complaint form #709).

You will be contacted in the near future for the purpose of giving a statement. You have the right to representation through all phases of this investigation.

You are directed not to engage the complainant, or any student witness, or any other witness, and/or peers in any conversation regarding the matter under investigation. A violation of this directive could result in disciplinary action up to termination for willful and direct insubordination. Questions regarding the status of this investigation are to be directed to the Director of Human Resources at 726-1931, ext. 2273.

cc: Suzanne Swain, Director of Human Resources
 Teresa Royal, Policy and Compliance Officer
 Linda Connors, Principal, Crystal River High School

My signature evidences receipt of this correspondence.

Andreas Zybcll

 Employee

10/31/17

 Date



SANDRA "SAM" HIMMEL – SUPERINTENDENT OF SCHOOLS

*"Where Learning is the Expectation
And Caring is a Commitment"*

THOMAS KENNEDY
DISTRICT 1

VIRGINIA BRYANT
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DISTRICT 3

SANDRA COUNTS
DISTRICT 4

LINDA B. POWERS
DISTRICT 5

October 31, 2017

Andreas Zybell
11 Larkspur Dr
Homosassa, FL 34446

Dear Mr. Zybell:

Please consider this correspondence official notice that you have been administratively reassigned to the District Office with pay, effective October 31, 2017.

If you are reassigned to the District warehouse the dress code is business casual (for example: khaki pants and polo shirt, etc.).

If you are reassigned to the District office the dress code will be the same as the dress code in the instructional union contract.


If you have any questions, please contact me at 726-1931, ext. 2271.

Sincerely,

Steven Baumer
Coordinator of Human Resources
Citrus County Schools

/s/eg
pers18-046

cc: Sandra Himmel, Superintendent

 Employee Signature (Signature denotes receipt of this letter.) Date: <u>10/31/17</u>
--



SANDRA "SAM" HIMMEL – SUPERINTENDENT OF SCHOOLS

*"Where Learning is the Expectation
And Caring is a Commitment"*

THOMAS KENNEDY
DISTRICT 1

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DISTRICT 4

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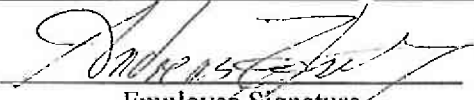
January 4, 2018

VIA HAND DELIVERY

Formal Complaint #709 filed on Andreas Zybell (27129)

The Human Resources Department has concluded the investigation into complaint number 709 submitted on October 31, 2017. The Citrus County School Board has found there is probable cause to proceed further. Mr. Zybell elected to retire in the midst of an ongoing investigation. No disciplinary action will be taken at the district level. The investigation was forwarded to the Office of Professional Practices Services.

Suzanne Swain
Director of Human Resources

 Employee Signature (Signature denotes receipt of this letter.) Date: 01-08-18

STIPULATED SETTLEMENT AGREEMENT

This STIPULATED SETTLEMENT AGREEMENT (hereinafter "Agreement") is entered into this 19th day of December, 2017, by and between ANDREAS F. ZYBELL, employee ID number 27129 (hereinafter "ZYBELL"), a member of the instructional staff of the Citrus County School District; and the CITRUS COUNTY SCHOOL BOARD (hereinafter, "CCSB").

WHEREAS, on October 31, 2017, Complaint #709 was delivered to ZYBELL regarding an allegation that ZYBELL used inappropriate language/conversations with students in a classroom setting which is a violation of School Board Policies 4.10 and 6.25; and

WHEREAS, the Human Resource Department is conducting an investigation as to the allegations contained in Complaint #709; and

WHEREAS, the allegations contained in Complaint #709 are violations of School Board Policies 4.10 and 6.25; and the Principals of Professional Conduct Sections 6A-10.081 (2)(a); and

WHEREAS, ZYBELL has had the opportunity to meet with and provide his version of the facts to the Director of Human Resources; and

WHEREAS, prior to the Superintendent considering the facts contained in the investigation and making a determination as to whether there is probable cause to proceed further, ZYBELL would like to retire prior to the conclusion of the investigation; and

WHEREAS, in return for the Superintendent agreeing not to issue disciplinary action if probable cause exists once the investigation is completed, ZYBELL voluntarily and knowingly, without threat or coercion, agrees to enter into this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements herein contained, receipt of which is hereby acknowledged, the Parties hereto agree as follows:

1. The forgoing recitals (WHEREAS CLAUSES) are true and correct and are incorporated herein by reference.

2. That the allegations contained in Complaint #709, the notification received by ZYBELL on October 31, 2017, set forth conduct that is a proper basis for termination and/or disciplinary proceedings against ZYBELL.

3. ZYBELL represents that he has received all proper notifications pursuant to Florida Statute, Citrus County School Board Policy and the Collective Bargaining Agreement, and hereby waives any alleged deficiencies with any procedural or notification requirements.

4. ZYBELL shall execute the retirement request attached to this Agreement contemporaneously with the execution of this Agreement and retire from his position with the Citrus County School District with an effective date of ~~April 1, 2018~~. April 2, 2018
AZ

5. Starting January 8, 2018, ZYBELL shall use all of his accrued leave, which based upon the number of school days will be exhausted on ~~April 1, 2018~~. April 2, 2018 AZ ZYBELL shall not return to Crystal River High School except to retrieve his personal belongings. ZYBELL shall schedule the retrieval of his personal belongings with the Principal of Crystal River High School.

6. ZYBELL shall be reassigned to the District Office under the Supervision of Suzanne Swain, Director of Human Resources through December 22, 2017. While assigned to the District Office, ZYBELL shall be responsible for lesson plans and grading of class assignments.

7. ZYBELL hereby waives any further due process proceedings, or appeal thereof, in regard to this discipline event and agrees not to file any grievance or any other administrative or court proceeding challenging the investigation and this Agreement.

8. In consideration of the provisions, promises, terms and conditions of this Agreement, ZYBELL hereby UNCONDITIONALLY, FULLY AND FINALLY RELEASES AND FOREVER DISCHARGE the CCSB, the Superintendent of Schools for Citrus County, Florida, and their respective present, past, and future affiliates, predecessors, successors, assigns, insurers, and each and every one of their respective servants, officers, directors, council members, employees, agents, principals, relatives, representatives, beneficiaries, alter egos and attorneys, from any and all duties, claims, rights, complaints, charges, damages, costs, expenses, attorneys' fees, debts, demands, actions, obligations, liabilities, and causes of action, of any and every kind, nature, and character whatsoever, whether known or unknown, whether arising out of contract, tort, statute, settlement, equity or otherwise, whether foreseen or unforeseen, whether past, present, or future, whether fixed, liquidated, or contingent, which they have, had, or may in the future claim to have, based on any act or omission concerning any matter, cause, or thing arising prior to the date of this Agreement and up to the time of execution of this Agreement (all of the foregoing are hereinafter referred to collectively as the "Released Claims"). The Released Claims include, but are not limited to, those directly or indirectly arising out of, or in any way pertaining to,

claims arising under 42 U.S.C. § 1983, the United States Constitution, the Florida Constitution, the Family and Medical Leave Act, Title VII of the Civil Rights Act of 1964, the Fair Labor Standards Act, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Older Worker's Benefits Protection Act, the Florida Civil Rights Act, the Fair Credit Reporting Act, the Employee Retirement Income Security Act, or any other federal, state or local law, ordinance, regulation, custom, rule or policy; or any cause of action in common law, including but not limited to actions in contract or tort, including any intentional torts; or any claim based upon or related to any instrument, agreement, or document entered into by or between the parties.

9. ZYBELL further agrees not to apply for, solicit, seek or otherwise attempt to obtain or accept employment with the CCSB in the future and that the CCSB shall not be under any obligation to employ or contract with him. ZYBELL further agrees that should any application for employment be made by him, the CCSB shall not have any obligation to process that application or to hire him and that the failure to process the application for employment or to hire him shall not constitute a violation of any local, state or federal law.

10. The Parties agrees that they will not disparage or encourage or induce others to disparage the other Party. Additionally, each party agrees not to publicize to any media outlet or via social media, either personally or through an agent or representative, the terms of this Agreement. Notwithstanding the foregoing, nothing herein is intended to nor will prevent the School Board from complying with its legal obligations under Ch. 119, F.S., Florida's Public Records Laws.

11. The Parties acknowledge that they and their attorneys have participated in the preparation, negotiations and drafting of this Agreement. The terms in this Agreement shall be construed in accordance with their fair meaning and there shall be no presumption applied against any Party for having drafted or participated in the drafting of any such terms. The terms of this Agreement shall be severable such that, if any term herein is illegal, invalid, or unenforceable, such holding shall not affect the viability of any of the other provisions of the Agreement, unless the severing of such term would defeat the purpose of this Agreement.

12. This Agreement shall be governed by and construed in accordance with the laws of the State of Florida without regard to any choice of law provisions.

13. This Agreement constitutes and contains the entire agreement and understanding between the Parties with respect to the subject matter herein and supersedes and replaces all prior negotiations and proposed agreements, written or oral. The Parties acknowledge that no representations, inducements, promises, or agreements have been made by or on behalf of any Party, except those covenants and agreements embodied in this written Agreement. Any amendment or modification of this Agreement, or any waiver of its terms, in order to be binding, must be written and signed by the Parties hereto.

14. ZYBELL acknowledges that this Agreement shall be placed in his personnel file and is subject to all applicable Florida laws regarding public records.

15. ZYBELL acknowledges that the a copy of the investigation, if probable cause if found, will be forwarded to the Florida Department of Education as required by law.

16. ZYBELL stipulates and agrees that if ZYBELL breaches the terms and conditions of this Agreement, then the Superintendent shall impose disciplinary action and

the conclusion of the investigation if probable cause is found. ZYBELL waives any defenses relating to the timeliness of the completion of the investigation.

17. ZYBELL represents that he has had the opportunity to consult with his legal counsel KENNETH M. HESSER, Esquire, regarding the terms and conditions of this Agreement. ZYBELL represents that he has given due care and thought to the making of this Agreement, has read each provision of this Agreement, and fully understands each provision of this Agreement and is entering into this Agreement freely and voluntarily.

THE PARTIES REPRESENT THAT THEY HAVE THOROUGHLY DISCUSSED ALL ASPECTS OF THIS AGREEMENT WITH THEIR RESPECTIVE ATTORNEY(S), THAT THEY FULLY UNDERSTAND ALL OF ITS PROVISIONS, AND THAT THEY ARE VOLUNTARILY ENTERING INTO THIS AGREEMENT WITH THE FULL KNOWLEDGE OF ITS LEGAL SIGNIFICANCE AND WITH THE INTENT TO BE LEGALLY BOUND BY ITS TERMS.


Employee



Andreas F. Zybell


Dated: 12-19-2017

Approved as to Form:



Kenneth M. Hesser, Esq.
Attorney for Andreas Zybell


Superintendent of Schools



Sandra F. Himmel

Dated: 12/20/17

Approved as to Form:



R. Wesley Bradshaw, Esq.
School Board Attorney

Citrus County School Board

Investigation Summary
For Formal Complaint #709
Filed on
Andreas Zybell

SUMMARY OF INCIDENT

Complaint Received: 10/31/2017

Complaint Location: Crystal River High (CRH)

RE: Formal complaint filed against Mr. Andreas Zybell (Teacher) for allegedly using inappropriate language/conversation with students in a classroom setting.

On 10/31/2017, the Human Resources Department received a formal complaint submitted by Ms. Melissa Varnadore, Assistant Principal/CRH. The complaint alleges that Mr. Andreas Zybell, teacher, used inappropriate language/conversation with students in a classroom setting.

Prior to submitting the formal complaint, Ms. Varnadore received the following information:

On 10/27/2017, Ms. Varnadore listened to a voicemail from a parent that Ms. Linda Connors, Principal/CRH received. The parent, Mr. [REDACTED] claimed that his daughter came home from school on 10/26/2017 upset from alleged comments made in her US Government class by the teacher, Mr. Andreas Zybell.

Ms. Varnadore explained that herself and Ms. Connors called the parent back where he explained that during his daughter's US Government class her teacher Mr. Zybell called President Trump supporters, "uneducated, white trash, hillbillies".

Ms. Varnadore stated that after receiving this information she began her preliminary investigation. She explained that she pulled the roster for Mr. Zybell's second nine-weeks, second block US Government class and after clarifying which students were absent for the day in question she went down the roster and randomly picked one boy and then one girl until receiving a total of six students to interview.

Ms. Varnadore explained that after interviewing the students, it was clear that the students liked Mr. Zybell as a teacher, but they said he conveyed his opinions too much and was biased in regard to President Trump. She added that the students did confirm hearing Mr. Zybell refer to Trump supporters as "white trash, uneducated, red neck". She also explained that during the interviews with the students it was stated that Mr. Zybell told a African American student that was tardy for class "Well if you were white, I'd let it slide".

Ms. Varnadore stated that she contacted Human Resources and informed them of the results from her preliminary investigation.

A written statement was obtained from Ms. Varnadore and included in this report as Attachment A.

On 10/31/2017, formal complaint #709 along with the notice of investigation was delivered to Mr. Andreas Zybell. Mr. Steve Baumer, Coordinator of Certification and Professional Standards, Ms. Teresa Royal, Policy Compliance Officer and Ms. Varnadore were present for the delivery. At this time Mr. Zybell also signed a document acknowledging he would be administratively reassigned to the District Office with pay until further notice.

Throughout the formal investigation twelve students were interviewed from Mr. Zybell's second nine weeks, 2nd block Government class. Out of the twelve students one student is currently his student assistant and was also in Mr. Zybell's first nine weeks 2nd block Government class and another student had Mr. Zybell for both nine weeks for Government. These two student's statements are referenced again throughout the report.

In reference to the alleged statement Mr. Zybell made about a student, [REDACTED] walking in late when stated, "Well if you were white, I would have let it slide", eight students confirmed hearing Mr. Zybell make this statement to [REDACTED], three students did not recall, and the last student did not recall due to him thinking he was not present that day for class.

For the eight students that did witness this comment the following words were used to describe how this made them feel:

- Sad
- Uncomfortable
- Surprised
- Shocked

Throughout the interviews many students expressed Mr. Zybell was a good teacher and they enjoyed his class. However, it was consistent that Mr. Zybell conveyed his opinion too much, was biased in reference to President Trump, and would continually speak negative of the President.

Eleven out of twelve students confirmed hearing Mr. Zybell reference President Trump supporters/voters as "Dumb rednecks are the ones who voted for Trump, uneducated white males/people, white trash" or a version of these types of comments.

Six out of twelve students confirmed hearing Mr. Zybell use a version of the word "Nigger", "Negro" and/or "Niggro". It was consistent that when he did use a version of this word it was when discussing a lesson.

Throughout the interviews students referenced Mr. Zybell using [REDACTED], the African-American student as an example when discussing issues like "stereotyping" and referencing [REDACTED] as a drug dealer due to him keeping his bookbag near him and when discussing topics about "colored people". Two students described this as uncomfortable and unprofessional.

Statements were obtained from the students and are included in this report as Attachments B, C, D, E, F, G, H, I, J, K, L and M.

An additional four students were interviewed that were in Mr. Zybell's first nine weeks 2nd block Government class.

Throughout the interviews it was consistent that Mr. Zybell voiced his opinion on his dislike for President Trump. The following are comments made by students in the class:

- "Mr. Zybell he was very expressive in his views of where he stood, as in how he dislikes Trump, and finds him uncappable mentally and his egotistical personality in being in the presidential position."
- "The class made me feel as though I was contradicting my own statements even after I said them. His class was very educational don't get me wrong and I believe he is a good man in himself as a person but, some of the views that he openly shared with us I believe were out of line."
- "Over the course of the class I've come to learn that Mr. Zybell was not a fan of our president by demeaning comments towards republicans."

Statements were obtained from the students and are included in this report as Attachments N, O, P and Q.

On 10/30/2017 the Human Resources department from Citrus County Schools received an audio clip that a parent initially forwarded to a school board member. This audio clip was allegedly from Mr. Zybell's class. In the email the parent states that it was not her son that made the taping but another student in her son's class. Contact was made with the parent and she would not reveal the name of the student who made the recording.

After further research it was discovered that [REDACTED], 12th grade student from Mr. Zybell's first nine weeks 2nd block Government class recorded the audio clip.

On 11/15/2017 an interview was conducted with [REDACTED] at CRH. During the interview [REDACTED] confirmed that his recording consisted of three different dates which he took samples of conversations from each day and compiled them into one audio clip which equaled four minutes and twenty-eight seconds. He further explained that he posted

the audio recording on Facebook because he felt that he was being attacked as a republican. He added that he did not post this audio with malicious intent and that he did not want anyone to be hurt by it.

█'s statement is included in this report as Attachment Q.

A few of the comments revealed on the four minute and twenty-eight second audio consisted of the following:

- "We are getting very concerned that Donald Trump is indeed insane that he is not a rational stable human being that suffers from a lot of mental illnesses including being a pathological liar"
- "Republicans always keep their mouths shut when they get faced with the same kind of crab that they want to throw at somebody else"
- "Any "Trumpites" in the room"

On 11/29/2017 an interview was conducted with Mr. Andreas Zybell, Government Teacher. Present for the interview were Ms. Swain, Director of Human Resources, Mr. Baumer, Ms. Royal, Mr. R. Wesley Bradshaw, School Board Attorney and Mr. Kenneth Hesser, Attorney representing Mr. Zybell.

Mr. Zybell stated that he has been a teacher in the Citrus County School system since 2001. He added that he has always been located at CRH.

Mr. Zybell was asked if he was familiar with the Citrus County School Board policies and the Principles of Professional Conduct for the Education Profession in Florida. He was specifically shown Policy 4.10*+ Curriculum and Policy 6.25 Staff Ethics. Mr. Zybell stated that this was possibly the first time he has viewed these policies. He added that he "probably" took part in the mandatory trainings that take place every year.

Mr. Zybell explained that every comment he made about President Trump was truthful and factual. He further explained that comments were intended to provoke conversations with the students and that typically the comments he would make were ones already made in the media. He denied that his comments prevented the students from speaking freely. He could not recall making any positive comments about President Trump. He denied ever sharing his personal opinions about politics to his class.

Mr. Zybell was asked if he felt the assignments he gave students were one sided, to which he responded, "No".

During the interview Mr. Zybell was asked to read the first paragraph of an assignment that he gave at the beginning of the second nine weeks. The first paragraph states the following:

“You are an honor student at Crystal River High School located in Crystal River, Florida. You are a member of the National Honor Society, have recently been accepted to Princeton University on a full scholarship, and have a cumulative gpa of 4.55. You are also the Chief Editor of the Pirate’s Plank, a student newspaper published on campus during school hours. You have written an article suggesting that Congress should impeach and remove President Trump from office or in the alternative that Vice-President Pence should declare President Trump unfit for office and hence be removed from office pursuant to the 25th Amendment of the Constitution. In fact, your article goes further and strongly argues that former President Trump is a bigoted, racist hate monger who is also a narcissistic misogynist who likes to surround himself with sycophantic lapdogs.”

The students were asked to write an essay and to clearly discuss each constitutional issue that is raised by the scenario.

This assignment is included in this report as Attachment R.

After Mr. Zybell read the first paragraph of the assignment he was asked if he felt this assignment was nonpartisan, to which he responded “Absolutely”.

Mr. Zybell did not recall making the following type of statement to an African American student after walking into his class a few minutes late, “Well if you were white I would have let it slide”. He also did not recall referencing this same student as a drug dealer or any variation of this comment since he always kept his backpack with him. He denied using this same student as an example when discussing topics involving African Americans.

Mr. Zybell acknowledged using the word “Nigger” or “N” word when discussing the topic of hate speech verses fighting words.

Mr. Zybell acknowledged using the term “uneducated rural white trash” when discussing the demographics of individuals that voted for President Trump. He did not recall using the term “dumb rednecks”.

Mr. Zybell denied calling a student a white supremacist. He also denied calling a student a marijuana head and/or pot head. He denied telling the class that if they voted for legalizing recreational marijuana that they were pot heads.

Mr. Zybell denied ever telling his students not to listen to what their parents say in reference to President Trump. He further explained that his students will be eighteen years old for the next election and that they need to be informed as adults and not to listen to outside influences.

Mr. Zybell first denied that he stated to his class that President Trump was mentally unstable to be president and that he is a lunatic. He later acknowledged to stating that President Trump was mentally unstable, but he added that this was a repeated comment that was made in the media.

Mr. Zybell denied telling his students that President Trump needs to be pulled/dragged out of office by his hair or a variation of this statement. He also denied telling students that people that join the U.S. military are too dumb for college and are getting an easy way out.

Mr. Zybell denied asking a student that was going to join the military after graduation to send him pictures of dead Muslims, so he could hang them on his wall behind him in school. He added that this was offensive.

Mr. Zybell denied raising his voice or "ranting" at a student in reference to the student not having his final essay completed. He did recall having a discussion with this student in reference to him having six weeks to complete this assignment and seeing that he did not complete it he told the student he needed to go to the guidance department and make other arrangements. Mr. Zybell could not recall if he had this discussion in the presence of other students.

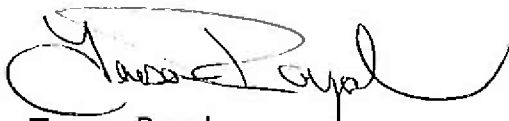
Mr. Zybell did not feel that his comments prevented students to speaking freely on their views. He added that he did not feel he overly expressed his views or comments against President Trump.

During the interview six audio clips were played for Mr. Zybell that were recorded during his class. After listening to all the audio clips Mr. Zybell confirmed that was his voice on the recorded audio clips.

Mr. Zybell stated that if any discipline should be issued against him he feels "maybe" a letter of reprimand would be appropriate. He added that he does this job because he loves it.

A written statement was obtained from Mr. Zybell and is included in this report as Attachment S.

End of Investigative Summary



Teresa Royal
Policy Compliance Officer

Attachment A



CRYSTAL RIVER HIGH SCHOOL

3195 Crystal River High Drive ♦ Crystal River, FL ♦ 34428-3399

Linda C. Connors, Ed. D.
Principal

October 31, 2017

Melissa J. Baird
Assistant Principal

Friday, October 27, 2017, Dr. Linda Connors asked me to come listen to a voicemail that she received from Mr. [REDACTED]. Mr. [REDACTED] claimed that his daughter came home from school on Thursday, October 26th upset from alleged comments made in her US Government class by the teacher, Mr. Andreas Zybell. Dr. Connors and myself called Mr. [REDACTED] and were told that Mr. Zybell called President Trump supporters, "uneducated, white trash, hillbillies". We told Mr. [REDACTED] that the protocol would be to start a preliminary investigation by talking with students from Mr. Zybell's second block class. I asked if we could meet with his daughter, and he said "no", that due to her disability, he did not want us to interview her.

Charles Brooks, Jr.
Assistant Principal

To begin the preliminary investigation, I pulled the roster of Mr. Zybell's second nine-weeks, second block US Government class. After crossing out the students who were absent, I went down the roster and randomly picked one boy and then one girl until I had six students chosen. While talking with the six students, it was clear that they liked Mr. Zybell as a teacher, but they said that he conveyed his opinion too much and was biased in regards to President Trump. They mentioned that they did hear him refer to Trump supporters as "white trash, uneducated, red neck". During the investigation, one student mentioned a comment that Mr. Zybell made to [REDACTED]. [REDACTED] was tardy for class and Mr. Zybell stated, "well if you were white, I'd let it slide". ([REDACTED] is an African-American, male student.)

Melissia A. Varnadore
Assistant Principal

Cliff Dyer
Dean of Students

At that time, I notified Mr. Steve Baumer, in Human Resources, to report my initial findings and for clarification on next steps. Mr. Baumer advised that I needed to file a formal complaint as there appeared to be evidence to substantiate the allegations. On Tuesday, October 31, 2017, Mr. Baumer and Ms. Teresa Royal came to Crystal River High School at which time I completed the Formal Complaint Form and turned the investigation over to Human Resources.

Robert J. Verlato, Jr.
Activities/Athletic Director

Michelle Josey
Assessment Specialist

Melissia Varnadore

Melissia A. Varnadore
Assistant Principal

Christine Carlson
ESE Specialist

Attachment B

STATEMENT

Date of Interview: October 31, 2017

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Time of Interview: 9:25 am

Person Interviewed: [REDACTED]

Interview Location: Crystal River High School

Interviewed By: Teresa Royal and Melissia Varnadore

My name is [REDACTED], & I have been myr.zybell's class for the new 9 weeks so I don't know him very well. one day last week I was late to his class and I when I walked in Mr.Zybell made a comment saying that "[REDACTED]you're late" & I replied "yes I know" then mr.zybell continued and said "well if you were white, I would have let it slide." After mr.zybell said that my friend [REDACTED] looked at me and asked me why I didn't say anything to him and I told her its not worth getting in trouble for, because she wanted to say something but I told her not to. When he said that I immediately felt sad but I just brushed it off because I don't like to show emotion in front of people. Later that evening I went home and told my mom how I felt and she was not okay with what he had said. Other students in the class asked me why didn't I say anything because people usually know me for saying something back when a teacher says something rude to me. Another thing is that I like to keep my backpack with me, so the next week mr.zybell was doing this classroom thing where he only picked 3 students and he put me as the drug dealer because I like to keep my bag on me his exact words were "[REDACTED]you're the drug dealer since you always keep your backpack on you." He continued on and said that I sell drugs and that when Im going to his class I stop at the bottom of the stair case and sell drugs. I think he was referring to the one time I was late to his class. When im in his class I put my bag on my desk after I take everything out just to lean on it & I guess he sees something wrong with it, but there are other students who keep their bag on their desk and he doesn't say anything to anyone but me. Ive never heard mr.zybell say the N word. But when he talks about racism I usually just tune him out. I remember him saying that dumb rednecks are the ones who voted for trump, and then he called out a student ([REDACTED]) and told him that he looks like a white supremacist.

[REDACTED]

I find the above statement to be true and correct. I certify that I have read it or it has been read to me.	
[REDACTED]	10/31/2017
Signature	Date
Teresa Royal	10/31/2017
Witness Signature	Date
Melissia Varnadore	10/31/2017

Attachment C

STATEMENT

Date of Interview: October 31, 2017

Page | 1

Time of Interview: 10:17 am

Person Interviewed: [REDACTED]

Interview Location: Crystal River High School

Interviewed By: Teresa Royal and Melissia Varnadore

I am [REDACTED], I'm in the 12th grade and I'm a student in Mr. Zybells 2nd block class which is American Government, I've only been attending his class for 7 days. On October 26th in his classroom one of my friends [REDACTED] came into class about two or three minutes late & as he sat down Mr. Zybell asked [REDACTED] if he had a pass and [REDACTED] replied no so Mr. Zybell then said 'if you were white I would've let it pass' everyone in the class kind of just sat there & no one really laughed or anything but a student named [REDACTED] said 'dude why did he just say that' to one of his friends, me and [REDACTED] both over heard that. That made me feel uncomfortable because me and [REDACTED] are the only two colored students in there, I was kind of wondering why [REDACTED] didn't say anything back to Mr. Zybell but then again you have to respect your teachers so I think it was best that [REDACTED] didn't say much because that could've caused a huge argument, I just think Mr. Zybell shouldn't say things like that even if its joking because everyone doesn't see those type of things as jokes & that wasn't really something to joke about. A different day we were all in class and we were discussing something about drugs but I don't recall what exactly the topic was but Mr. Zybell chose [REDACTED] as the example of the person selling the drugs which was weird because it seems like he always chooses [REDACTED] as the example person all the time, I sometimes feel like Mr. Zybell picks on [REDACTED] because he's colored but then again I don't, it's just uncomfortable that he says things like that about him & [REDACTED] literally does nothing in that class he's quiet & does his work, maybe Mr. Zybell feels as if it's always the colored people selling drugs at school but even if so he could've made up a name as a student selling drugs. I don't recall Mr. Zybell saying the 'N' word, usually if he's saying something about colored people he says 'the black people', I also don't recall Mr. Zybell making the comment or saying anything about white trash or rednecks.

I find the above statement to be true and correct. I certify that I have read it or it has been read to me.

[REDACTED]

Signature

10/31/17
Date

Teresa Royal
Witness Signature

10/31/2017
Date

Melissia Varnadore

10/31/2017

Attachment D

STATEMENT

Date of Interview: October 31, 2017

Page | 1

Time of Interview: 11:10 am

Person Interviewed: [REDACTED]

Interview Location: Crystal River High School

Interviewed By: Teresa Royal and Melissa Varnadore

[REDACTED], 11th grader, this 9 weeks I am the teacher assistance for Mr. Zybell, and the previous 9 weeks I attended his US government class. Last week, [REDACTED] walked in late and Mr. Zybell said jokingly that he wouldn't get in trouble for being late if he wasn't black, Mr. Zybell said he was just joking and [REDACTED] laughed. I was a bit surprised but most times Mr. Zybell jokes with student when the joke with him first and he can reappreciate. Mr. Zybell has never used the N word, normally he word say "The N word". When Mr. Zybell was describing a social group of people he used the term "poor white trash." When Mr. Zybell was teaching us about the impeachment process and he mentioned Mr. Trump in the process as an example. Mr. Zybell tries to always be politically correct and treats all of his students fairly and equally. He has been an amazing role model and has inspired me to take part of American government/politics in the near future.

[REDACTED]

I find the above statement to be true and correct. I certify that I have read it or it has been read to me.	
<u>[REDACTED]</u> Signature	<u>10-31-17</u> Date
<u>Teresa Royal</u> Witness Signature	<u>10/31/2017</u> Date
<u>Melissa Varnadore</u>	<u>10/31/2017</u>

Attachment E

STATEMENT

Date of Interview: October 31, 2017

Page | 1

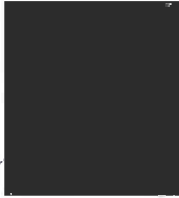
Time of Interview: 11:55 am

Person Interviewed: [REDACTED]

Interview Location: Crystal River High School

Interviewed By: Teresa Royal and Melissia Varnadore

My name is [REDACTED], I am in the 12th grade and I have recently gotten into Mr. Zybell's government class in the second nine weeks. I have noticed some things in the classroom that may affect the class's learning such as choice words and biased standpoints. He has mentioned the word "nigger" in relation to white supremacists but he could have had a substitute in for that instead of making some members of the class, such as myself, uncomfortable. He also has told us that he is a democrat and I've noticed that he stands by those points very often and tries to persuade us into that kind of thinking rather than expanding our minds and allowing us to choose. He could do so by giving standpoints from both sides, which is very doable since he has chosen the democratic stand for a reason. He also references the parents who are Trump supporters as uneducated, and has at times clearly stated that most Trump supporters are uneducated white males. In relation to a student coming in late and being teased, I don't recall such incident because I was focused on my schoolwork. For the drug reference, again, I don't recall but I believe that if it was mentioned it would be for a class related issue by showing us how we can exercise our rights or some topic of that manner. His teaching that actually relates to government however is excellent, I'm actually learning things that I will need to know for my future.



I find the above statement to be true and correct. I certify that I have read it or it has been read to me.

[REDACTED]

Signature

10-31-17

Date

Teresa Royal
Melissia Varnadore
Witness Signature

10/31/2017

Date

10/31/2017



Attachment F

STATEMENT

Date of Interview: October 31, 2017

Page | 1

Time of Interview: 1:14 pm

Person Interviewed: [REDACTED]

Interview Location: Crystal River High School

Interviewed By: Teresa Royal and Melissia Varnadore

I am [REDACTED] I am in 12th grade. I am in Mr. Zybell's 2nd block taking government. We were having a discussion about electoral college and then we kind of trailed off onto Donald Trump and how he got in office in which he brought up something saying 35% of his votes came from uneducated white people and continued explaining the type of people as rednecks. Then another thing that happened was [REDACTED] came in late and Mr. Zybell made a remark saying if you were white you may have not been marked tardy. I was definitely surprised the remark was made like a lot of my peers. I feel like that had to do with something we talked about the day before but he didn't say anything that would guarantee that. I do not recall him ever using the N word or the actually word. In class one day he was giving us a example on how some stuff was handled in the past and I don't know if I would call it targeting or what not but he pointed to my friend [REDACTED] and told him he looked like a white supremacist. I remember him not really liking that comment too much and it just felt weird because he's white and he wears nicer stuff than some kids. Another strange role play thing that happened was out of all the kids in the class he used [REDACTED] for an example of a drug deal. I felt like it was also kind of weird. Why him out of everyone?

[REDACTED]

I find the above statement to be true and correct. I certify that I have read it or it has been read to me.

[REDACTED] Signature

10-31-17 Date

Teresa Royal Witness Signature

10/31/2017 Date

Melissia Varnadore

10/31/2017

Attachment G

STATEMENT

Date of Interview: October 31, 2017

Page | 1

Time of Interview: 1:42 pm

Person Interviewed: [REDACTED]

Interview Location: Crystal River High School

Interviewed By: Teresa Royal and Melissa Varnadore

I am [REDACTED] in 12th grade, I am in Mr. Zybelle's class second block Government class. Started three weeks ago with the second nine weeks, I remember [REDACTED] coming in three or four minutes late last week. I do not remember much of their conversation except when Mr. Zybelle asked if [REDACTED] was tardy or if he had a pass. If we were on the political topic of who generally supports Trump I quote Mr. Zybelle "uneducated rednecks" and "white trash" being used as a reference to the voters. When he sees the need to use an example for whatever topic I do not remember he will use [REDACTED] as the example student. He uses [REDACTED] usually when meaning a colored person is in the example. I see this as unprofessional and unnecessary to do. When he can instead use a completely made up and fictional person for his scenario. I personally have not heard Mr. Zybelle state the "n-word" or the actual word that implies. For I am usually reading and taking notes not really listening to what he is talking about. I do recall him stating "white superminis" but I did not pay attention if this was directly stated to any one student in the room. The first week of starting government class [REDACTED] kept and still keeps his bookbag on top of his desk. When Mr. Zybelle commented "Why not put it on the floor so you can work better" [REDACTED] simply says "I don't like my bookbag on the floor." Mr. Zybelle asked him "why" [REDACTED] says "I just don't like my bookbag touching the floor." [REDACTED] then kept his bag in his lap. Mr. Zybelle then said something like "Whats so important that your bag cant touch the ground" Then moved on and taught class. Also the first day of class we talked about probable cause and suspicion. He then said to the girl behind me [REDACTED] "You look like a marijuana person, does this mean I can check your bag because I am suspicious of you?" [REDACTED] chuckled and said "No you can't." He then continued the discussion of probable cause v.s. suspicion. [REDACTED] then asked me "Do I really look like a pot-head?" I replied " No anyone can look like that."

I find the above statement to be true and correct. I certify that I have read it or it has been read to me.

[REDACTED]

Signature

10/31/17

Date

Teresa Royal
Melissa Varnadore

Witness Signature

10/31/2017

Date

10/31/2017



Attachment H

STATEMENT

Date of Interview: 11/01/2017

Page | 1

Time of Interview: 11:15 A.M.

Person Interviewed: [REDACTED]

Interview Location: Crystal River High School

Interviewed By: Teresa Royal and Melissa Varnadore

I am [REDACTED] and I am a senior at Crystal River High School and I am in Mr. Zybells 2nd block American government class, I've been in his class for about 7 days. I enjoy the class and I feel like he is a very smart man and an even better teacher. His class has a lot of debating in it and I really enjoy it, it helps me learn many things that I didn't know before, and helps me formulate my own opinions. He used the words uneducated, redneck, hillbilly, white trash, and white supremacists to describe the "majority of trump voters." It's the only time he has used these words from what I can recall. He was giving us a lesson about thinking for yourself and he said don't just listen to what your parents say, challenge them, don't be afraid. I took this comment as a lesson to think for yourself and formulate your own opinion rather than listening to other people. The comment that he made to [REDACTED] when he came into class about "if he was white he'd let him get away with that" caught me off guard and surprised me, but I in no way, whatsoever took that comment seriously, he was clearly joking, and his tone was very sarcastic. I may have made a comment out loud, but I don't vividly remember. We were talking about jury duty and if a person could be removed from jury duty if they were biased, he used the example of if a KKK member was a juror and he imitated the character of the KKK member and said something along the lines of "yeah I hate niggers and I burn a cross every night" portraying the character in an obviously unfit manner for jury duty. I was okay with that because it made his point obvious and more comprehensible. Then I asked him if the Judge thinks it then it goes? And he said yeah, [REDACTED], you look like a white supremacist. But I feel like he said that to make his point that the judge was in full control of the jury. No way did I take this comment seriously, nor did it offend me.

[REDACTED]

I find the above statement to be true and correct. I certify that I have read it or it has been read to me.

[REDACTED]

Signature

11/01/17
Date

Teresa Royal
Melissa Varnadore

Witness Signature

11/1/2017
Date
11/1/2017

Attachment I

STATEMENT

Date of Interview: 11/01/2017

Page | 1

Time of Interview: 12:30 p.m.

Person Interviewed: [REDACTED]

Interview Location: Crystal River High School

Interviewed By: Teresa Royal and Melissia Varnadore

I am [REDACTED] I'm in 12 grade at CRHS. I'm in Mr. Zybell's 2nd block class. I enjoy the class and I like that he uses students in real life scenarios to explain what we're talking about more. I feel comfortable expressing my views in his class and I don't feel offended by anything that he says in class. He explains both sides of every argument as if he agreed with both sides to avoid making it sound objective. Some day last week [REDACTED] walked in late and Mr. Zybell said something along the lines of "If you were white I wouldn't give you a tardy". I took it as a joke but I can see how some people could be offended by this. He said that people who voted for Trump were probably white trash, southern men. I believe he was implying that they were sexist/racist and I wasn't offended but I can see how someone could be offended by this, especially if they were a Trump supporter. We were having a discussion in class about how people treated the slaves and he used an example using exact words that would have been said to the slaves. He said "Negro" but I've never heard him say the N word with the hard "R". We were talking about probable cause and reasonable suspicion and he used me in his example and said "You look like a marijuana head.." I was not offended by this because I knew it was a joke. He giggled after he said it so that confirmed that he was joking.

I find the above statement to be true and correct. I certify that I have read it or it has been read to me.

[REDACTED] Signature

11/1/17 Date

Melissia Varnadore Witness Signature

11/1/2017 Date

Attachment J

STATEMENT

Date of Interview: 11/01/2017

Page | 1

Time of Interview: 1:15 p.m.

Person Interviewed: [REDACTED]

Interview Location: Crystal River High School

Interviewed By: Teresa Royal and Melissia Varnadore

I am [REDACTED] and I'm a 12 grader at crystal river high school I'm also in Mr.Zybel second block class.

The class is not so bad I can deal with it until its over I guess. But I feel like I can express myself but I haven't yet just don't feel like it. Its overall a pretty opinion base class when it comes to how people feel bout the government or how they choose their president etc.

Feel like the teachers opinions hurt some of the kids feelings in that he stated that some of the people that voted for Trump were uneducated and he didn't really agree with their decision.

For parents that did vote that probably hurt them and angered them that their child has to hear what he has to say.

For me it didn't offend me at all mostly because I don't care what he has to say with him also bout half the class I believe doesn't like trump but I don't pay it any mind.

One day last week a kid named [REDACTED] came in late last week and Zybel asked if had a tarty pass and the boy said no and Zybel said "If you were white I would consider it" to be honest I was shocked that he said that but I don't think it offended him in that if it did I would believe he would have made a big deal bout it but he didn't.

He uses the word Nigger when he talks bout slavery but I don't think it offended anyone in that he is uses it to teach us bout back then not against anyone.

I find the above statement to be true and correct. I certify that I have read it or it has been read to me.

[REDACTED]

Signature

11-1-17

Date

Teresa Royal

Witness Signature

11/1/2017

Date

Melissia Varnadore

11/1/2017

Attachment K

STATEMENT

Date of Interview: 11/01/2017

Page | 1

Time of Interview: 1:55 p.m.

Person Interviewed: [REDACTED]

Interview Location: Crystal River High School

Interviewed By: Teresa Royal and Melissia Varnadore

I am [REDACTED] and I am in 12th grade at crystal river high school and am in Mr. Zybells second block class. Mr. Zybell is a good teacher and I can express my opinions about our topics freely and Mr. Zybell does as well. One day last week [REDACTED] was tardy to class and Mr. Zybell said as he was taking his seat "if you were white I wouldn't mark you tardy" this shocked me. Another time we were talking about the recent elections and Mr. Zybell said that the majority of the people who voted for Trump were "uneducated, White trash, rednecks" this shocked me as well because you shouldn't say these things when you are in public schools because of diversity. During a lesson we were talking about how the declaration of independence was made and we were discussing what was in it, in the lesson Mr. Zybell said that it was created for rich male land owners, not women or niggers at first but eventually they were included. I was surprised at the comment but didn't mind because I knew it was part of the lesson, I do not recall a statement about someone being called a marijuana head or not telling our parents about what happened in the class

[REDACTED]

I find the above statement to be true and correct. I certify that I have read it or it has been read to me.

[REDACTED]

Signature

11-1-17

Date

Teresa Royal
Witness Signature
Melissia Varnadore

11/01/2017

Date

11/1/2017

Attachment L

STATEMENT

Date of Interview: 11/06/2017

Page | 1

Time of Interview: 1:00 p.m.

Person Interviewed: [REDACTED]

Interview Location: Crystal River High School

Interviewed By: Teresa Royal and Melissa Varnadore

I am [REDACTED], and im a 12th grader for CRHS. I had Mr. Zybelle 1st nine weeks, second block and this 9 weeks same block. Mr. Zybelle is a good teacher like he knows how to teach well and all is good. Except he expresses his political way to much. He talks about President Trump a lot in the wrong way. I truly think if students went up to him and let him know that they are republican that he will do his all and very best to turn you into a democrat. I've heard him call a group of kids (that I was in) white supremacists before just because the kids was for Trump building a wall. I know that if I try to go against his view that ill get into an argement with him and somehow he will always win (which I seen before). This nine weeks I've heard him say that "90% of trumps voters are all White trash, unintelligent, or red necks. He didn't even show documentation, I took offence in that statement because I have family who voted for trump and they are none of those. There has been comments about Trump too that he is mentally unstable to even be president and how he is a lunatic. I feel like if your views aren't the same as his that he will belittle you too. Now im join the US. Military and he knew that. He said that the only people that join that is because they are to dumb for collage and they are getting an easy way out of life. Which I think is wrong for him to say. He told be that ill be shipped to Iraq and have to shoot people for a living. When my job is in intelligence. Then he went off saying how he wants me to send pictures of dead Islam's people with me in it so he can hang it on his wall right behind him in school. There was also a time where he was acting out a case and it was about black people so he said the word "Niggro" and I feel like many people could take offence of that in school. Towards the end of the 9 Weeks my friend and I didn't have the final essay on us at the time. So he went off on a rant and begin telling us to go to guidance and get removed from his class so we don't fail it because either way we were gunna fail it w/o the essay.. Like im sorry that is totally wrong to do as a teacher. The last thing im going to say is that I remember that 1 day of Each quarters he mad us do a survey and it was a basic one to see what side are you on.(rep or dem). One was about weed and he noticed a lot of people say Yes to lgeglizing weed so he made the comment "Ohh.. I have a bunch of pot heads in the room" and I feel like that some people would of gotten offended from that. To summarize this is that One word I can say about all these issues is that I was really Shocked, just cause he is a teacher for saying all of this,

I find the above statement to be true and correct. I certify that I have read it or it has been read to me.

[REDACTED]

Signature

11/6/17

Date

Teresa Royal
Melissa Varnadore

Witness Signature

11/6/2017

Date

Attachment M

STATEMENT

Date of Interview: 11/07/2017
Time of Interview: 9:30 a.m.
Person Interviewed: [REDACTED]
Interview Location: Crystal River High School
Interviewed By: Teresa Royal and Melissa Varnadore

Page | 1

I am [REDACTED]. I am a 12th grader at Crystal River High School. I am currently in Mr. Zybell's 2nd period Government class. I think the class is better without Mr. Zybell there because he makes derogatory remarks in reference to politics, for example, "people who voted for Trump are uneducated, white trash, hillbillies." He did not have references or documents towards this remark. I do not recall any remarks from Zybell about Trump's mental state. I do not recall anything in reference to the impeachment of Trump. I do not recall Mr. Zybell say the "N" word. I do not recall any student coming in late. I do not remember him say anything negative about the people in the military. I do not recall a student being called a white supremacist. Mr. Zybell had us do a survey, one of the questions asked was do you want marijuana legalized for recreational use, Zybell made a statement that whoever voted yes were "potheads." I read the essay guidelines, and do not agree with the requirement because it states that Trump is a bigoted, racist hate monger who is also a narcissistic misogynist. I do not feel comfortable voicing my opinion because I feel like I would get in trouble. One word to describe my opinion is offended because of the comments that have been made.



I find the above statement to be true and correct. I certify that I have read it or it has been read to me.

[REDACTED]

Signature

11/7/17

Date

Melissa Varnadore
Melissa Varnadore

Witness Signature

11/7/2017

Date

11/7/17



Attachment N

STATEMENT

Date of Interview: November 6, 2017

Page | 1

Time of Interview: 11:45 am

Person Interviewed: [REDACTED]

Interview Location: Crystal River High School

Interviewed By: Teresa Royal and Melissia Varnadore

I am [REDACTED], and I took Mr. Zybelle's class 2nd block first 9 weeks. In my opinion of taking his government class, I really enjoyed it and thought it very helpful and educational. Mr. Zybelle's legal and lawyer background really helped him as a teacher and for teaching the class in the way of helping in legal situations. Whether that be your amendment rights or how to handle situations in your life. In the class environment Mr. Zybelle really allowed the class to express themselves and their political views, and in turn he expressed his. But he really helped guide his students mainly in how they might think in terms of what our political standpoint might be. For example, we took a class voting poll ominously on views or decisions about things like 'Gay Marriage', 'Oil Rigs in National Parks', 'The Strict Gun Laws' and 'Recreational Weed Legalization', and they would simply be answered yes or no. In the end, he would guide you toward what political class you may be in based on your views, which in my opinion was very helpful and guiding. Politically I myself do not like politics, I may like government to a degree, but I'm not a very political person. As for Mr. Zybelle he was very expressive in his views of where he stood, as in how he dislikes Trump, and finds him uncappable mentally and his egotistical personality in being in the presidential position. Now he never exactly showed us any documentation on Trumps mental health, that I can remember. He told us of how Trump is trying to change certain aspects in the country that will change the economy and how things work, and that these things will not be good for us necessarily. In addition, as part of the curricular we talked about the Impeachment process, and all steps and processes that the government must go through in order to Impeach any governmental employee. An example he told us was that there are already investigations being filed and considered about Trumps Impeachment. Though never while in his class did I hear the statement "Trump should be pulled out of office by his hair". Mr. Zybelle would also express that Hillary won the popular vote but 'Trump won the electoral votes, so therefore he won. That most of Trumps voters were those that were uneducated in the sense of how the government works and what would happen if Trumps ideals came into place, the cause and effects of it. He would use the term 'Red-Neck' and or 'Country' people, but in the sense of profiling or description, not in a derogatory way. But also, no actual documentation was shown to us about this. For our final school assignment, we were given a situation about a person, and were to right their memorandum and all that was wronged of this person through the use and knowledge of the amendments, which we learned throughout the class, and then cite the court cases that go with them. I myself thought this assignment was extremely 'cool' in the way that we literally had to use all of what we were taught in the class, and write it into essay, in the form of a very court case, lawyer way. Overall, I believe that Mr.Zybelle is a very awesome teacher, and treated all his students fairly and equally, and let everyone express their thoughts and feelings, which created a helpful learning environment.

I find the above statement to be true and correct. I certify that I have read it or it has been read to me.

[REDACTED]

Signature

11-6-17

Date

Teresa Royal

Witness Signature

11/6/2017

Date

Melissia Varnadore

11/6/17

Attachment 0

STATEMENT

Date of Interview: November 6, 2017

Page | 1

Time of Interview: 1:50pm

Person Interviewed: [REDACTED]

Interview Location: Crystal River High School

Interviewed By: Teresa Royal and Melissia Varnadore

I am [REDACTED] in a 12th grader at crystal river high school I was in zybells first second nine weeks. I enjoyed Zybells class and thought his way of teaching was good. I never heard him make comments about trump getting dragged out by his hair. I don't recall him being one sided on different political subjects and never heard him say anything negative about trump voters. I did hear him say Trump isn't mentally fit for the job as president. The essay assignment given was very educational and enjoyed it a lot. I feel like he treated every student equal. Don't recall him calling out specific student on being white supremacist or anybody else.

[REDACTED]

I find the above statement to be true and correct. I certify that I have read it or it has been read to me.

[REDACTED]
Signature

11/6/17
Date

Teresa Royal
Melissia Varnadore
Witness Signature

11/6/2017
Date
11/6/17

Attachment P

STATEMENT

Date of Interview: 11/07/2017

Page | 1

Time of Interview: 11:20 a.m.

Person Interviewed: [REDACTED]

Interview Location: Crystal River High School

Interviewed By: Teresa Royal and Melissa Varnadore

I am [REDACTED] I'm a 12th grader at Crystal River High and I was in Mr. Zybelle's Government class last Nine weeks. The class made me feel as though I was contradicting my own statements even after I said them. His class was very educational don't get me wrong and I believe he is a good man in himself as a person but, some of the views that he openly shared with us I believe were out of line, He would preach his views on Trump which I believe would be fine if he would openly share views from both candidates and their down falls in their candidacy. I would not always share my views on what he said because I would rather avoid the argument. He even at one time said that "Trumps voters are low class," without showing any type of documentation proven to back this statement up. He would make us feel as though if we voted for Trump we were wrong and that our Nation's problems are going to be our fault now. On one occasion in his class we talked about federal income tax and he questioned me in a contradicting way about collecting my Income tax when I said I did. He said that I was "Lucky," because, "little did a lot of us know our parents would claim our exemption and not let us collect our own taxes." I do not recall any harsh comments being about people who joined the military or were in the military services. On one occasion there was an essay we were assigned called "The Ezekiel," essay and on the day it was due [REDACTED] another student in my class told Mr. Zybelle he forget it on his Zip Drive at home. He then told [REDACTED] "To get up and come get this pass, and go down to the guidance and tell your guidance counselor to put you in another class next 9 weeks because you are going to fail mine." He then stated, "I want to speak to your recruiter also because how are you going to make it in the military if you can't even pass my class?" One other student named [REDACTED] was also sent down to guidance due to not having his paper and was also told to "Switch out because you're going to fail my class." It made me and other students feel shocked and a little awkward after because of how loud and openly present the incident happened. Zybelle on several occasions would call Trump supporters or voters "White Supremacists," He would not show us any documentation or articles to accurately prove this statement it was his own personal view. I do not recall any comments about "taking pictures of dead Islam's," to someone or anyone in the class going into the military. On one occasion we were asked about how we feel about legalizing Marijuana and he would openly make jokes to the class saying "I already know how this class of seniors feels about this being a real option." Zybelle on another occasion stated "we have seen Trump has many mental issues, and should be grabbed by his hair and ripped out of the oval office." He did not show us any form of documentation or video regarding this statement it was his own personal view point. The only documentation ever shown to us regarding Trump was a video from an old movie about what a nuclear war would look like if it took place due to the discrepancies between Trump and North Korea. He then stated after this clip that "In this instance we would all die in seconds and be obliterated and it would all be because of our President." I never recall Zybelle using the N word specifically when talking about slavery." When talking about history to do with slavery Zybelle would point out the one black student in our class [REDACTED] and say things like "If this was back in the day that is what [REDACTED]'s life would be like." He would point out a student in our class when speaking about Marijuana also (I don't know her name) and say "She would for sure like if Marijuana became legalized." We had to write an Essay regarding a story Mr. Zybelle made up it made me feel uncomfortable because it had things I don't normally talk about in school involved in it like Marijuana, LGBT community, the bible, and Christianity. The assignment I believe should have been scripted different with different examples to testify against. If I could describe the class in one word due to his comments I would say "Controlled," only because he made me feel as though I couldn't share my own point of view without getting contradicted. .

I find the above statement to be true and correct. I certify that I have read it or it has been read to me.

[REDACTED]

Signature

11/07/2017

Date

Teresa Royal
Melissa Varnadore
Witness Signature

11/7/2017

Date

11/2/17

Attachment Q

STATEMENT

Date of Interview: November 15, 2017

Page | 1

Time of Interview: 11:20am

Person Interviewed: [REDACTED]

Interview Location: Crystal River High School

Interviewed By: Teresa Royal and Melissia Varnadore

I am [REDACTED] I am a 12th grader at crystal river high school. The first 9 weeks of this school year I was in Mr Zybells government class. Over the course of the class I've come to learn that Mr. Zybell was not a fan of our president by demeaning comments towards republicans. I had spoken to my family about some of the comments and they had a hard time believing that. Approximately 6 weeks into the class we were going over impeachment and the process to achieve successful impeachment, and I decided to record some of the discussion where he mentioned pulling the president out of office by his hair. I really like Mr. Zybell and enjoy being a part of the class. However some of the comments that were made during class that were not recorded, I felt were generalizing members of the Republican Party, calling republicans White trash, White Supremacists, and Rednecks. I feel like these names were unfair because I don't see myself as any of those. Being called these names shouldn't be a part of the everyday school environment for any student, no matter what side of the spectrum they're on. Especially since it's against school policy to be Partial with no documentation to support these claims.

There was a recording made consisting of 3 different dates which I took samples of conversations from each day, and compiled them into one audio clip which equaled 4:28. I posted the audio recording on Facebook because I felt that I was being attacked as a republican. I didn't post this audio with malicious intent. I didn't want anyone to be hurt by this. I have all the original recorded audio from these days.

[REDACTED]

I find the above statement to be true and correct. I certify that I have read it or it has been read to me.	
[REDACTED]	11-15-17
Signature	Date
Melissia Varnadore	11/15/2017
Witness Signature	Date
	11/15/2017

Attachment R

Written Response of Andreas Zybell to Informal hearing held on Wednesday, November 29th, 2017

Dated: December 4th, 2017

Persons Present: Mr. Bradshaw, Mr. Baumer, Ms. Swain, Ms. Royal representing the Citrus County School District

Mr. Zybell and attorney Hesser representing Mr. Zybell

In this response the persons representing the District will be referred to as the "Panel". Let me begin by thanking the Panel in advance for reading and considering my comments. If nothing else, the meeting on Wednesday gave me a greater appreciation for the challenges faced by teachers in today's environment. As the Panel knows, I was asked several questions regarding whether I said this or said that. I do believe the Panel failed to explore the context in which my lectures and comments were presented. Taken without this context, these statements are inconsistent with what I am all about as a person and as a teacher. I would note however, that at the end of Wednesday's meeting I was somewhat surprised by Ms. Royal's willingness to share and acknowledge that there were many students that she had spoken with that had very positive things to say about me.

Therefore, I think it is important that some of those thoughts from those students as well as from administrators that have known me for years and have evaluated my performance be placed on the record. This is important so that the Panel has a better understanding of me as a person and hopefully It will then be able to see the fallacy in the allegations against me. Let me begin with a written statement made by one of my students from last quarter before I was pulled from the classroom. That student wrote:

A. "Mr. Zybell, He went over the material very well and encouraged people to work hard and study at home. He also had enjoyable discussions and jokes. I got a lot from the class and could use it in my life. He treated everyone in a good manner and respected people's beliefs. I highly recommend him as TOY."

Another of my students from last quarter wrote (also before I was removed from the classroom)

B. "I think Mr. Zybell should receive teacher of the year because he's very open minded and layed back and always has interesting stories"

Another student from last quarter wrote:

C. "Mr. Zybell is an amazing teacher who brings life to a classroom with his powerful lectures. Mr. Zybell stays politically correct as much as humanly possible and this whole situation has been blown out of proportion. Mr. Zybell has inspired me and thousands like me to be OPEN MINDED and think, and I want back my inspiration."

The following quote is from a student, also from last quarter, and a "diehard" republican. This student wrote:

D. "Having him last nine weeks was amazing! Great teacher that pulls views from both Dems and Reps. Anyone who knows me knows that I'm a diehard republican. I loved that class and none of the things that he said bothered me! I guess people don't have thick skin! It is a shame that such a great teacher is being removed!"

The following are just a few (tip of the iceberg) comments from students that I had in prior years.

A. "This is ridiculous. Zybelle is a great teacher. He was one of my favorites. So many teachers talk about it. One of my teachers (not going to say who) was a horrible teacher and ONLY talked about Trump. I didn't learn anything from him. Zybelle however taught me a lot. He hardly ever was off topic."

B. "The fact that you took out a great teacher who taught government which is very controversial, Zybelle has always joked around and tells from both sides. His job is to make you think and that's exactly what he did."

C. "Man he's easily one of my top 3 favorite teachers I had at CRHS."

D. "I agree, Zybelle was one of my favorite teachers too"

E. "This is such a complete shame. Mr. Zybelle was one of the very few excellent teachers at CRHS. It's a U.S. Government class and right now we have the most divided and controversial topics ever to talk about in the world of politics.....I had him during this past election and he 100% gave BOTH sides of the topics we were discussing. The whole class would get involved and discuss every topic. Mr. Zybelle is one of the smartest people I've gotten the chance to learn from and it's a huge loss for CRHS. I actually have sympathy that students might not get the privilege of being his student."

F. "I personally had Zybelle and I feel as though you and your child have missed his fundamental point in almost all of his lectures. FORM AN OPINION OF YOUR OWN. UNDERSTAND THAT OPINION. BE EDUCATED ENOUGH TO DEFEND THAT OPINION WITH LEGITIMATE AND LOGICAL ARGUMENTS."

G. "Mr. Zybelle is the most amazing person ever he makes the class enjoyable and I never have a dull moment in his class we love to debate presidency and social issues in government and he clarifies it to the dullest of understanding so all kids can learn concepts in class. Amazing teacher!!"

H. "Zybelle is and was an important part of my education in high school one of the few teachers I truly appreciated."

I. "Agreed I just graduated from crystal river high school amazing teacher."

J. "Zybelle is one of only a handful of teachers at CRHS that was really fantastic at there jobs. Not to discredit the other teachers Zybelle was fantastic and shame on you for breaking under pressure as you have."

K. "Definitely the best teacher there."

While there were also many social media and newspaper posts from parents I'll share only one since parents aren't in the classroom. One parent wrote;

"Please school administrators, reinstate this courageous teacher so he can continue to be a model for our students."

There is little point in presenting more of these student and parent comments. I will add this one final point, however. In addition to the scores of comments that have found their way onto social media, there is a petition asking me to be brought back into the classroom. That petition contains the signatures of well over 50 students that I had just last quarter, and over 100 in total. That said, should the Panel have any interest in seeing the actual documentation of the comments cited here and scores more, please feel free to ask and I will make them available.

I want the Panel to also know that I have made it a point in my life to do my best to resist hatred and bigotry, not to tolerate untruths and when the opportunity presents itself, to correct injustice. Let me share with the Panel one example. Five or so years ago, an effort was made to dismiss a Citrus School District bus driver because she was not present during a scheduled drug test. There was much more to this story factually and I shared the story with my Law Studies students and I asked the class what they wanted to do about it once I shared the facts. They were saddened by what appeared to be an injustice and they decided to write a letter to The Chronicle and express their feelings. That letter was written, and it was printed in The Chronicle; and at the end of the day, that bus driver was not fired. My belief in the Constitution and my membership in the ACLU, coupled with my past performance as a teacher should provide the Panel with some understanding of my ideological bent. And so, one can imagine how I felt when I was questioned about the "N" word without giving one thought to context. In fact, when I suggested context the Panel was not the least bit interested. I find the use of the "N" word abhorrent and my students will readily state that I have consistently condemned the use of that word and many others, throughout my career. Also, effective discussions concerning free speech among a class of adults and near adults often requires the assistance of real life situations to illustrate the point. I believe that real life examples can be a most effective teaching tool, because real life examples tend to stick in the memory of students and when they remember, they learn. In fact, my most recent annual evaluation for the 2016/17-year states in part;

"Mr. Zybell exceeds expectations by adhering to Professional Responsibility and Ethical Conduct; maintains positive relationships, supports the leadership of the school and promotes professionalism. He provides clear written and oral communications skills through the use of Socratic questioning. He uses real world examples and hands on learning of said examples in an effort to provide continuous understanding of government."

In an earlier annual evaluation from 2013 my administrator wrote:

"Mr. Zybell incorporates open discussion of contemporary social issues and encourages student input as it relates to the curriculum. Students are often given opportunities to reflect on the world. Mr. Zybell models and exceeds expectations by adhering to Professional Responsibility and Ethical Conduct".

Therefore, as a teacher attempting to explain the difference between "fighting words", which are not protected by the first amendment and "hate speech" which is protected by the first amendment, I chose to use recent events in Charlottesville, Virginia and Richard Spencer's recent visit to Gainesville as real-life illustrations of hate speech and fighting words. And I condemned those actions and those words, and I was very clear with the students about how disgusted I was with that behavior and language. And in fact, I specifically asked students if they were OK with me using the full "N" word and that I would not use it if anyone was offended. No objections were made. Furthermore, in light of the fact that the "N" word is found in District approved materials I saw no reason to hide from this word and chose to condemn it for what it is - both hate speech and fighting words depending on the facts and a vile, disgusting racial slur. That said, I find it interesting that the Panel is not as concerned with the presence and multiple use of the "N" word in District approved videos. I would encourage the Panel to watch the 1990s version of 12 Angry Men. The use of profanity and racist words such as "spic" and "wetback" can be heard on several occasions. In one scene in that film persons of Hispanic descent are described by these words - "they're animals" and "they're breeding like rats". I would also draw the Panel's attention to three civil rights videos which make up the Southern Poverty Law Center's Teaching Tolerance project in which the unadulterated version of the "N" word is repeated throughout the films, in one instance while young members of the Black Community are severely beaten for daring to sit in a white-only portion of a restaurant. These films are on the approved to watch list in this District. If I understand the Panel correctly, the unadulterated version of "N" is permitted if spoken, yelled and repeated in all its ugliness in a video but not if a teacher uses that word in such a way as to illustrate bigotry, hatred, racism and the difference between fighting words and hate speech during a lesson on the first amendment. I have got to wonder - was the District so concerned when "torture" and "electric dildos" and "drunken German men doused women with beer and then raped them" became part of required reading to 14-year olds?

The Panel was quick to ask me if I read the District Policy concerning presenting material in a biased fashion -- which I deny I ever did and will forever deny. But was the District as quick to draw to the attention of one of my prior principals Policy 4.21 I D. which states in part,

"No books or other material containing hardcore pornography or other prohibited material by Florida Statute shall be used."

or Policy 4.21 III which states;

"The principal of the school will provide to the Superintendent's designee prior to April 1st a list of selected materials planned for purchase for a subject during the first 2 years of the state adoptive cycle. If non-adopted materials are selected, a list of the titles and publishers will be provided with documentation that the selections and reasons for the selection have been reviewed and approved by the School Advisory Council."

The Panel also seemed concerned by my lecture condemning the “birther” movement. The truth is the truth, and students often raised the question if President Obama was a legitimate president since several students believed he was born in Kenya. The bottom line is that President Obama is a natural born citizen; and as a government teacher I have a duty and an obligation to correct falsehoods and condemn claims, including claims made by the President of the United States, that President Obama is not a natural born citizen. The claims by the so-called “birthers” was brought into my classroom and those claims constitute fiction and bullying and I will not let that stand. And I cannot and should not be held accountable if the truth is offensive to so-called “birthers”. I am not yet convinced that the District wants to punish truth and wants truth buried when it becomes inconvenient. There is indeed a real difference between bias and truth. There is no counter position to the reality that President Obama is a natural born citizen. And I would be remiss and frankly negligent to even suggest that there is another side of that position. And my bringing up the hypocrisy of not asking the same birther question in connection with Ted Cruz and John McCain, both of whom were not born on American soil, is not only relevant but a great teaching opportunity because it raises the question - “if Ted Cruz admits that he was born in Canada” how can he still be a natural born citizen? It is essential to bring up Ted Cruz and John McCain to illustrate for the students that location of birth does not always prevent one from being a natural born citizen, which as the Panel knows, is a requirement to be President.

The Panel also played six or seven audio recordings, one of which was a 12-minute audio portion of my lecture, recorded without my knowledge and consent,¹ concerning the Trump tax bill. Everything I said about that tax bill was true. That bill does indeed eliminate the personal exemption and replace it with a higher standard deduction. I wanted the students to understand this reality because it will adversely impact millions of lower and middleclass families and make the extremely wealthy even wealthier. I can't help it if it is a Republican bill. Had it been a Democratic bill I would have been equally troubled and critical. Taxation is a matter of domestic policy and is a proper area of discussion in a classroom of seniors learning American Government. I have also routinely criticized President Obama relative to Obamacare and pointed out its weaknesses and failures and the harm resulting from increasing insurance premiums. I have often pointed out to the students the indiscriminate use of weaponized drones in the middle east during the Obama administration and asked my students how they felt about it? In every American Government class I ever taught I pointed out that President Bill Clinton was one of only two presidents ever impeached and I explained why. And I condemned Clinton's lying under oath because a teacher has a duty to teach the truth and point out immorality and untruthfulness as it relates to the subject being taught, and there was plenty of immorality on the part of Bill Clinton while he was President.

I would also note that the surreptitious and unlawful recording conveniently omitted language that I have used for years to preface certain discussions/lectures before they occur. It has been my

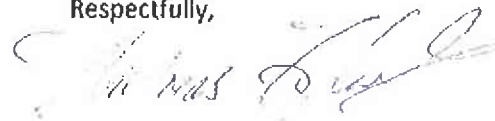
¹ It is my position that unlike police officers on a public street, teachers in a classroom that is closed to the public and mandated to be locked, as well as the students in the classroom have an expectation of privacy, and any recording without the knowledge and consent of all participants to the conversation is the product of a violation of the Florida two-party consent law, which is a felony. The Panel should also be aware that the playing of those unauthorized audio recordings on Wednesday had the effect of revealing the identity of the student that made the recording.

practice throughout my teaching career to set up the lecture with a variety of facts and references to recent media and other current events so that the students understand the nexus between the current event and the essential question or questions that are on the agenda for the day. Therefore, the unlawful audio recordings lack complete context and do not accurately convey the actual lesson that occurred on that day.

The panel also asked whether I believed that my essay prompt was biased. I stated that I did not. That prompt involves a hypothetical student in trouble for printing a negative article about President Trump after permission to print was denied. As the Panel knows, the prompt asks students to address each and every issue raised and to present arguments "on both sides". I go on to state that I don't care what side the student comes out on. That is not important to me, as I stated in the prompt along with my hints and suggestions. And I found the Panel's question and by clear implication suggestion, that I would let a student's opinion influence the grade I give, tragically disappointing, to say the least. Furthermore, should the District wish to argue that my essay prompt is biased then I will defend it vigorously, and I will point out that similar prompts in the past were known to the administration at CRHS and have been used for years with approval and without incident. I also believe that when my essay prompt is held next to those words contained in the memoir that my essay prompt will be deemed by a court far more school appropriate.

Again, I thank the Panel in advance for reading my response to the Wednesday informal hearing. I look forward to hearing from the District.

Respectfully,


12-05-17

Andreas Zybell's

Written Response
to
Investigation (Complaint #709)

Supplemental Response of Mr. Zybell to Investigation Report

To: Citrus County School District and Citrus County School Board

From: Andreas Zybell

Date: January 16th, 2018

I have been provided with a copy of the Citrus County School Board's Investigation Report ("Report") in connection with complaint #709. Having read the Report I am submitting this Supplemental Response to the Report and ask that this Supplemental Response be included with and made a part of the Report and be included in the submission to the Office of Professional Practices Services.

A. Mr. Zybell's Teaching Philosophy:

As the District knows, I have been teaching both regular and Advanced Placement American Government to seniors for numerous years. And throughout those years I have made it a practice to do everything possible to make the classroom come alive, to evoke discussion and make students think about things that are both good and bad about government, past and present. My numerous annual evaluations will attest to that reality, and I believe the record is clear. Students are seldom bored in my classroom and that is more than half the battle to keeping students engaged and learning. In addition, reality and context are very important in getting and keeping students engaged. I believe that if we can ask students aged 18 and 19 to put their lives on the line for this country then some exposure to the so-called "real world" is reasonable and will serve them well in their futures. And let's not forget that Florida state standards for high school social science courses mandates that teachers examine current events when relevant to the curriculum. I believe one of my former students summed up my teaching philosophy best when he sent me an email a few weeks ago that stated"

"Hey man. I heard about all this bs going on about what you said about Trump supporters. I remember you saying that when I was in your class. But I also remember my first day in your class you specifically said that you will say things to spring up an argument and get people thinking. I also remember me and you were always arguing and discussing hot topics. That's what I love about your class because you let us have our opinions and explain why we felt that way and you did not bash us for our feelings and beliefs. I personally think you're the best teacher in this county definitely the best I've ever had. Your class was the only class I looked forward to. I enjoyed your class and the topics we discussed."

Yet another of my current/second quarter students who appears not to have been interviewed by the school district pursuant to this investigation included the following statement as part of his major written assignment due at the end of the course:

"But you see the thing is since you've been gone I've learned probably little to nothing. You actually gave a crap about teaching and I could tell, you make learning interesting and enjoyable, you were the only class I could honestly stay awake in."

B. Mr. Zybelle's Condemnation of Racism and Bigotry:

Some comments in the Report indicate that I am "expressive" when lecturing. Maybe my "expressive" teaching style is a result of the lawyer in me. More than likely it's because I am troubled by what is going on politically today throughout our country. In any event, at the beginning of each new class, I make a point of letting students know that there is no room for racism, bigotry and hatred in my classroom. In fact, to emphasize that point, I share with virtually every class my story of being a new resident to Citrus County and one Saturday morning visiting Howard's flea market (a local flea market located in Citrus County on Highway 19). While walking through Howard's, I came across a vendor who had a variety of small items that can best be described as "junk". One item for sale was a framed sketch of a tree with African American infants in white diapers hanging from the tree branches with a noose around each child's neck. I told the vendor I wanted to buy the sketch and I pulled out my wallet and paid the price asked. Then, while the vendor looked on, I placed the sketch on the ground in front of his booth and, with the heel of my shoe I stomped on the framed sketch breaking the glass, the frame and ripping the sketch. I bent down, picked up the broken pieces and asked the vendor if he had a garbage can because that is where that sketch belonged.

On the first day of each new quarter I inform students that the course curriculum as well as state standards require an examination of numerous political and ideological issues that all too often can leave us feeling quite uncomfortable. I share with the students that we will be examining some of those issues in class and it is my hope that we can have an open and honest discussion that makes all of us have a better understanding of other viewpoints while at the same time learning the required material. After all, the famous abortion case of Roe v. Wade has been hotly debated since 1973, and the legalization of marijuana and issues surrounding gay marriage and LGBT rights are contemporary issues that are both ideological and political in nature. In fact, just recently the announcement that Attorney General Sessions will allow U.S. attorneys greater discretion to prosecute marijuana possession as they see fit has raised all kinds of questions concerning states' rights, federal supremacy and more.

C. The Initial Event Leading to This Investigation:

I would like to begin by noting that this investigation began with a student who took issue with my classroom discussion concerning demographics of both political

parties. I would also note that the second quarter of the school year began shortly after two incidents. One was the unfortunate event in Charlottesville, Virginia which left one person dead and the second was the recent talk given by Richard Spencer, a white supremacist, at the University of Florida. In the classroom I condemned the racism and bigotry displayed by the neo-Nazis and white supremacists during those events. And I asked the class this question - which political party do neo-Nazis and white supremacists tend to support more? And why? These two questions were designed to introduce the students to demographics and an understanding of which groups support which of the two major political parties and their reasons for supporting each party. I then briefly covered the major demographic groups of both political parties and informed the students that we would get into greater detail regarding demographics further in the course. And one of those demographic groups included "white, rural, low educated poor". I also stated that neo-Nazis and white supremacists organizations included membership drawn predominantly from that same demographic. More importantly, little did I know on that day that the student who took issue with my comment had been [REDACTED]

[REDACTED] To make matters worse, I discovered this fact quite by accident when I looked at the student's profile in the school's computer records and saw the notation regarding [REDACTED]

[REDACTED]

"Just so you understand my daughter is [REDACTED]..... As I stated above [REDACTED]"

"I don't understand all these panty waisted mother fuckers whining about the negativity."

"There are two school board members up for reelection in 2018" (Father encouraging the community to get a hold of Citrus County School Board and reminding everyone that two members can be ousted in the 2018 election if they do not do what he wants)

You can imagine how these postings might set off a firestorm of additional comments aimed at me and calling for me to be hanged, drawn and quartered. Indeed, one other poster on social media stated;

"I would go and punch him in the face." The student's father "liked it" on his Facebook account.

To understand this reaction, I believe it is very important to understand some of the important demographics of Citrus County and the role those demographics played in

social media comments. In Citrus County, the white only population makes up 93.3% of the total population, compared to 77.6% for the entire state of Florida. In addition, Citrus County had the third highest unemployment rate in the state of Florida for November, 2017 at 5.3%, and has a median household income that is nearly \$9,000 less than the average for the state of Florida. U.S. Census Bureau statistics also show that Citrus County had a higher poverty rate than Florida overall, and had a lower education level than Florida, with only 17.9% of the population having a college degree compared to 27.8% for the entire state of Florida. That is, in my view, an astounding educational level gap. These statistics make a strong argument that Citrus County's population consists disproportionately of that demographic that is "white, poor, rural and undereducated." The last statistic I want to share is the voting results from the 2016 presidential election. As reported by Politico and the Citrus County Elections Office, 68.3% of eligible Citrus County voters voted for Donald Trump whereas only 34.7% voted for Hillary Clinton.

And why would a father make social media posts publicly disclosing his child's name resulting in the possibility of retaliation by students? Upon information and belief, this retaliation did in fact occur and the student was pulled from the classroom. I have also been informed that the student subsequently [REDACTED].

In my opinion, this is a student that requires substantial professional intervention in a positive, caring and loving way and I respectfully submit that the student's father sharing the student's [REDACTED] with the entire world via internet and in doing so disclosing the identity of the student, does far greater harm to the student than a comment concerning a particular voting demographic directed to the entire class and not to one specific student. Furthermore, had I known the facts concerning the student's [REDACTED], I would have been much better prepared to be sensitive to the needs of this student. I raise this, not as a criticism of the School District, but as an opportunity for policy change that will allow critically important student [REDACTED] to be made available to each of students' teachers in the future. Keeping teachers uninformed about any student's [REDACTED] does not, in my opinion serve the best interests of the student. And the current IEP format with accommodations does not fully disclose and inform the teacher of all medical issues both [REDACTED] facing a student.

D. The "N" Word:

Much has been made in the report concerning my use of the so-called "N" word when discussing first amendment issues. Let me interject at this stage that my former business partner was an African American and I admittedly have ideological leanings to the left. While I tend to be fiscally conservative I am socially liberal and therefore I would never consider using the "N" word in a derogatory manner. I would also note that context in which language is used is both important and relevant. When lecturing, I typically use "the African American community" or "Blacks". And this is clear from student testimony contained in the Report. That testimony includes the following:

"Mr. Zybelle has never used the N word, normally he would say "the N word". (See Attachment D)

Another student stated;

"I do not recall him ever using the N word or the actual word."
(See Attachment F)

Another student stated;

"We were talking about jury duty and if a person could be removed from jury duty if they were biased. He used the example of if a KKK member was a juror and he imitated the character of the KKK member and said something along the lines, 'yeah, I hate niggers and I burn a cross every night' portraying the character in an obviously unfit manner for jury duty. I was okay with that because it made his point obvious and more comprehensible." (Attachment H - underscoring added by Mr. Zybelle)

Another student stated:

"I personally have not heard Mr. Zybelle state the n-word or the actual word that implies." (See Attachment G)

"He said 'Negro', but I've never heard him say the N word with the hard "R". (See Attachment I).

I have previously stated in my original Response (See Attachment S to the Report) that the American Government course curriculum requires a discussion of the first amendment's free speech clause. In addition, I point out in my lectures that certain speech is not protected; and I make the distinction between fighting words and hate speech. I see no value in sanitizing speech when trying to make this distinction, particularly when students are exposed on a daily basis to profanity and racial epithets while on campus. In fact, Brown University Law School Professor Geoffrey Stone routinely uses racial epithets while lecturing to his students about the first amendment. He has this to say:

"The use, for example, of epithets in a classroom I would think perfectly appropriate if relevant to the material, but inappropriate if a faculty member calls a student a kike, or if a student calls another student a nigger; I would say, 'no, that's crossing a boundary which, in this setting, is not acceptable."

When challenged about his use of the so-called "N" word, Professor Stone further stated:

"I teach, among other things, the First Amendment. There are cases that involve these words. You can't talk about the words in the class when you're discussing whether the word should be legal or not? Doesn't make any sense. Or you read it in a novel that uses the words and you can't use the words? Sorry. But I do hear you."

As to Professor Stone's last comment, I would note, as I did previously in my initial response, that District approved videos that are shown to students in Citrus County, including the 1990s version of 12 Angry Men and the Southern Poverty Law Center's Series on the Civil Rights Movement repeatedly contain the "N" word in its unadulterated form, as well as other derogatory terms referring to Hispanics or Mexican Americans. That raises the question - why is it acceptable to hear those words repeated many times in a video but not from a teacher using them as part of a relevant lecture to condemn those words? And when I condemn the events and actions of white supremacists in Charlottesville, Virginia and Richard Spencer speaking in Gainesville, Florida as hate speech, and bigotry and racism, am I required to use the sanitized version? I respectfully submit that using the sanitized version mitigates the vulgarity and racism of the word, and therefore tends to make it seem less hostile than it truly is.

E. Consequences to Students who Failed to Complete Term Paper:

The Report also contains student comments regarding my response to students who failed to turn in their essay when due. I think it is important to note that the essay I assign is provided to the student during the first week of class and is due near the end of the quarter. I accompany the essay prompt with several pages of hints and suggestions as well as my expectations for the essay. I also spend time throughout the quarter going over the essay with the students as they are learning the material. The students have a solid six weeks to complete the essay and I invite the students repeatedly to come to me privately with any questions or concerns they have about the essay. I also make a point of informing the students in advance that due to the heavy weighting of the essay, failure to submit the essay timely will result in a grade of zero and therefore will in all likelihood result in an "F" in the course. As teachers well know, there are students who simply lack the discipline to complete the work and therefore lack a meaningful excuse. On the due date I ask which students do not have an essay to turn in and I ask for their reason so that I can evaluate my next course of action, which may include additional time if warranted or asking the student to see their counselor to make other arrangements to take the course again. When a student, particularly a student who has signed up with the military, lacks the discipline to make any effort whatsoever, then I believe that there should be consequences, and I believe that there is no better time to learn those consequences than immediately after the student's refusal to do what was asked. And I also believe that asking the student to leave the classroom and visit with his/her counselor to make

arrangements to repeat the class is appropriate. After all, this is a student who is an adult, and will be joining the military in the matter of a few months. That student will not have the luxury of complaining to his drill sergeant that he is being embarrassed when getting dressed down in front of fellow recruits. And for me as a teacher to continue to coddle an adult student who refused to complete an important and heavily weighted assignment and who could, in the coming months, very well be facing an enemy determined to kill him, is frankly, grossly negligent on my part. Furthermore, several times a week, students are asked to immediately go to discipline by one or more administrators, and that request is in the form of a color coded slip which is brought into the classroom and handed to the student. The entire class understands where that student is going (to discipline) and I seriously question whether calling out a student to immediately go to discipline is substantively any different than asking a student to leave the class and go to guidance to make other arrangements for the class. Life requires consequences for wrong-doing and a teaching philosophy that attempts to insulate students from consequences is not in the best interest of students, particularly when the students are adults and when they will not be afforded additional deference by the courts, the military and other institutions that will become a part of students' adult lives.

F. The Essay Prompt:

I would also note that the overwhelming majority of students complete the essay on a timely basis. Furthermore, my essay prompts are and have been well known to the administrators at my school for years. They are not a surprise to anyone. If the District was so strongly opposed to the essay prompt, it had every right to replace it with another. The District let the essay prompt stand as written, even after the investigation began. In fact, many students expressed how much they valued and liked the essay prompt. The student in Attachment O wrote;

"The essay assignment given was very educational and enjoyed it a lot. I feel he treated every student equal."

The student in Attachment N took the class during the first quarter. That particular essay prompt dealt with equal protection issues arising out of a Christian restaurant owner's discrimination against members of the LGBT community by refusing to serve a gay couple. This student wrote;

"For our final school assignment, we were given a situation about a person, and were to write their memorandum and all that was wronged of this person through the use and knowledge of the amendments, which we learned throughout the class and then cite the court cases that go with them. I myself thought this assignment was extremely "cool" in the way that we literally had to use all of what we were taught in the class and write it into an essay, in the form of a court case, lawyer way. Overall, I believe that Mr. Zybell is a very

awesome teacher and treated all his students fairly and equally and let everyone express their thoughts and feelings, which created a helpful learning environment." (See Attachment N)

Now contrast the above student comment with the comment made by the student in Attachment P who also took the class the first quarter and had the same essay prompt.

"We had to write an essay regarding a story Mr. Zybell made up it made me feel uncomfortable because it had things I don't normally talk about in school involved in it like marijuana, LGBT community the bible and Christianity."

As one can see from reading these two responses, different students can have substantially differing views on the essay. In a nutshell, not every assignment given by a teacher will be liked by each and every student. And I dare say that a senior who is somewhere between 17 and 19 years of age should be able to deal with contemporary political issues involving the LGBT community and marijuana given the fact that two open members of the LGBT community were in my first quarter classes. Furthermore, a teacher who is mandated by Florida state standards to include in an American Government class current events and contemporary political issues for discussion should not be placed in a position where he/she has to first determine if a particular issue might make one or more students uncomfortable. Requiring a teacher to second guess whether or not any one student in a class of new students might be offended by an assignment is, in my humble opinion, a bit of a stretch. I dare say, that there is material in virtually every history text that some students might find offensive. Indeed, I am aware of some parents complaining in this community that their child was being exposed to Islam when a teacher broadly discussed the tenets of Islam in a history class.

G. Allegations of Bias Against Mr. Trump:

It has been the position of the School District that while teaching I violated District policy by making comments that showed a bias against Mr. Trump, and that I failed to show or allow discussion and examination of both sides of an argument. The policy cited by the School District is a rational policy and I have no quarrel with it. That said, I respectfully submit that the policy has been applied inappropriately. I would refer to my initial Response which is contained in Attachment S to the report and specifically cite my comments on page 5 of Attachment S. In addition, I would respectfully submit that truth cannot be biased. Opinion and truth are two very different things. Two individuals with differing views on the effects of the new tax act are one thing and a teacher should, as I always do, give both sides of any issue where reasonable minds can differ. The fact that I do present both sides where opinions can vary is clear from the evidence in the Report. The student in Attachment D stated:

"Mr. Zybell tries to always be politically correct and treats all of his students fairly and equally. He has been an amazing role model and has inspired me to take part in American government./politics in the future."

The student in Attachment O stated:

"I don't recall him being one sided on different political subjects and never heard him say anything negative about Trump voters."

Another student that was in my classroom during the period covered by the investigation wrote:

"Mr. Zybell, He went over the material very well and encouraged people to work hard and study at home. He also had enjoyable discussions and jokes. I got a lot from the class and could use it in my life. He treated everyone in a good manner and respected people's beliefs. I highly recommend him as Teacher of the Year."

Sometimes however, facts are not subject to a presentation of the other side. The sun rises in the east and sets in the west and there is no logical argument that can be made otherwise. In addition, should a teacher ignore facts because they are not accepted by certain segments of society? I respectfully state that in the current climate of extreme divisiveness, the task of presenting course material in an unbiased manner is challenging at best, particularly when State Standards require a teacher to "monitor current public issues" and "analyze trends in voter turnout".

I would also note that President Trump is causing a lot of untruths to come into teachers' classrooms, including my own, and is empowering students to challenge teachers when teachers lecture the truth. I have had students challenge me in regard to former President Obama's legitimacy as president since "he was born in Kenya and is not a natural born citizen". In addition, there is substantial evidence that President Trump is having an adverse impact on students. Below are three articles that address this point.

1. Donald Trump Has Unleashed a New Wave of Bullying in Schools

"Kids might not get the details of immigration policy, but they absolutely understand Trump's message of rage and hate."

By Katherine Stewart

2. Kids Are Quoting Trump To Bully Their Classmates And Teachers Don't Know What To Do About It

"BuzzFeed News reviewed more than 50 reports of school bullying since the election and found that kids nationwide are using Trump's words to taunt their classmates. If the president can say those things, why can't they?" By Albert Samaha (BuzzFeed News Reporter) Mike Hayes (BuzzFeed News Reporter) Talal Ansari (BuzzFeed News)

3. Students Are Worrying About Donald Trump Instead Of Their Schoolwork

"The 45th president appears to be having an effect on teenagers, but not a positive one. Politicians can be powerful role models for kids, for better or worse. And with Donald Trump in the White House, an increasing share of teenagers are mimicking the hateful language, brazen lies, and racial animus they see modeled by the president, according to a study released Thursday. The results show that more students have introduced unfounded claims into discussions and lashed out at peers with differing viewpoints. Students from marginalized groups are having difficulty learning and are experiencing increased bullying, teachers report.

The UCLA study found that teachers' already stressful lives are becoming even more so in these politically charged times. Nearly 70 percent of teachers reported facing increased work-related stress during the 2016–2017 school year. Half of these teachers pointed to the current political environment as the driving force behind this anxiety.

Indeed, for many teachers, classrooms appear to be getting more difficult to control: A fifth of survey respondents said there is a growing level of incivility among students."

As a teacher, I have experienced some of what these articles are talking about. I have been approached by African American students, members of the LGBT+ community and yes Muslim students as well. They have shared with me their concerns, their worries, their fears and I listen; and then I share whatever knowledge 62 years on this planet have allowed me to accumulate and hope it's helpful. And that brings me to that other important policy that has been implemented by the Citrus County School District. It is the anti-bullying policy. One of the statements contained in the Citrus County anti-bullying policy is the following:

"Because students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment."

Students certainly do learn by example, and unfortunately for social science teachers they have to deal with and explain statements made by an uninvited guest. How does a teacher refuse to tolerate bullying or harassment, as required by policy, when students in the classroom (many of whom are adults) are asking questions about the propriety of statements made by the President? How does a teacher present an unbiased

version of some of the things said by the President? How does a teacher present the other side of various statements the President has made? How does a teacher talk about that demographic that appears to accept and embrace his vitriol? I simply don't know the answer to these questions, if there is one. **I have chosen to challenge the President's comments and label them for what I believe they are - bullying.** I want them rejected in my classroom. I do not want to give them efficacy, and in doing so it is my sincere hope and wish that students learn that some of the President's comments are a part of our culture that should not be embraced, because I truly believe and the research shows that they empower some students to behave badly. And if I remain silent, then I acquiesce to those comments and I own them as if they're mine, and the bullying will continue. As *Martin Luther King Jr. stated so succinctly decades ago:*

"To ignore evil is to become an accomplice to it."

In concluding this portion of my supplemental response I want to include some comments made by the President and ask the rhetorical question - should a teacher teaching American Government to students aged 17 - 19 ignore these comments and if not, what is the other side of these comments so as to avoid the appearance of biasness? Here they are:

1. "Why are we having all these people from shithole countries come here?" (referring to Haiti and African countries)
2. "Black guys counting my money! I hate it. The only kind of people I want counting my money are short guys wearing yarmulkes... Those are the only kind of people I want counting my money. Nobody else... Besides that, I tell you something else. I think that's guy's lazy. And it's probably not his fault because laziness is a trait in blacks."
3. "You know, I'm automatically attracted to beautiful women — I just start kissing them. It's like a magnet. Just kiss. I don't even wait. And when you're a star, they let you do it. You can do anything....Grab them by the pussy. You can do anything."
4. "Ariana Huffington is unattractive, both inside and out. I fully understand why her former husband left her for a man – he made a good decision."
5. "If I were running 'The View', I'd fire Rosie O'Donnell. I mean, I'd look at her right in that fat, ugly face of hers, I'd say 'Rosie, you're fired.'"
6. "You know, it really doesn't matter what the media write as long as you've got a young, and beautiful, piece of ass."

H. The Ideological Survey and Lesson on Voir Dire:

With each class I ask the students to complete anonymously an ideological survey that ask students 8 or 9 ideological questions that will be answered with a simple "yes" or

"no". The questions asked include, among others, whether or not abortion should be legal, whether or not recreational marijuana should be legal, whether or not there should be greater gun control and oil drilling in the national parks and whether or not the United States should adopt a national health care system similar to those found in England, Canada and other countries. The point of the survey is to determine the ideological beliefs of the class as a whole and to show students whether the class possesses more conservative or liberal values. It is a fun exercise and students overwhelmingly love to do it. And they are typically quite surprised by the results. Without exception, the results have shown that the vast majority of the students provided responses consistent with liberal, progressive values rather than conservative values. This can be quite surprising to some students, particularly those that view themselves as conservative. And as the responses are being tallied and posted on the board, and the responses to legalization of marijuana are overwhelmingly in favor of legalization, I have joked with the class that the class is full of potheads. The student response has always been a round of laughter as the kids realize that I am making light of their collective response in favor of legalization of marijuana. This is part of what I do to create a rapport with students, to develop a more honest and open relationship that ultimately will encourage dialogue and hence learning.

I do the same when I conduct the lesson on "voir dire" (the legal process of questioning prospective jurors for bias and prejudice and preconceived notions of guilt or innocence). I will act out an actual voir dire in the classroom where I am the attorney representing a defendant, one student is the defendant and the remainder of the class are the prospective jurors to be questioned. The questions I ask are purposefully designed to ferret out prejudice and bias. This acting out a voir dire session in front of the students brings the process to life and has a powerful learning effect. The students can see the actual voir dire, they can hear the actual voir dire and they understand the purpose behind the voir dire and they will remember it. This is far more effective than simply having students read the definition of voir dire from a text book. My teaching voir dire through example is understood by students for what it is - an effective teaching technique designed to illustrate the material in an understandable format. Furthermore, I do not sanitize the voir dire questions. They are real questions that would be asked in a real courtroom. These are after all, students aged 17 - 19. And any suggestion that this approach where I bring reality into the classroom is malicious or prejudicial to students is, in my opinion, nonsense.

I. Conclusion:

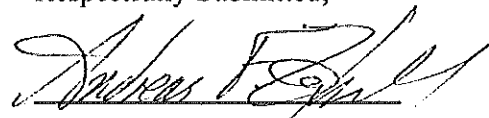
I respectfully submit that my teaching has always been passionate, real and designed to convey the course material so that it will be learned and most importantly remembered by students. The numerous comments from students past and present attest to this fact. This is an exceptionally divisive time politically. With the Fox network and candidate Trump stating that Barack Obama was born in Kenya and that there is a "Deep State" running the United States; and with politicians reversing statements made just 24 hours prior, it is all too easy for social science teachers to find themselves offending someone while simply teaching the curriculum.

At the end of the day, Barack Obama was born in the United States and was always qualified as a natural born citizen, and I will not apologize for being critical of comments in class to the contrary and critical of the President when this nonsense is perpetuated repeatedly in the media and parroted by some students. There is no rational argument to support the birther argument and to suggest that a teacher is biased when the teacher chooses not to tolerate such silliness in the classroom is disingenuous at best. In addition, treating high school seniors as adults and raising expectations includes bringing the realities of the outside world into the classroom. When condemning bigotry, hatred and racism and using the unadulterated versions of those hate filled words during that criticism and also when lecturing on the first amendment is not something that should be punished. And expecting students to turn in assignments when due and telling the student to go see their counselor to make other arrangements at the end of the course is neither unprofessional nor worthy of discipline. And the essay prompt included in the Report, which was known to the administration, speaks for itself and I will not apologize for that essay prompt. The evidence in the Report suggests that many of my students believed the essay prompt was both appropriate and interesting. Also, I do not apologize for the anonymous ideological survey which is an effective teaching tool used by social science teachers across the country. And my jokingly commenting about "a classroom full of potheads" was understood by all to be what it is - humor designed to promote openness and student dialogue.

I also object to the use of any statements based on what I believe is the illegal recording of lectures to which I did not consent. As stated previously in the my initial Response (See Attachment S) Florida is a two-party consent state and it is a felony to record conversations without the consent of all parties to the conversation.

Finally, I can say this with certainty. This investigation has had a chilling effect on many other teachers who have now begun to second guess their teaching techniques and assignments for fear that they will be the next to account for their actions. Let's hope this cultural divisiveness does not turn into a modern day McCarthyism.

Respectfully Submitted,



Andreas F. Zybelle

Dated: January 16th, 2018