



E-AGENDA MANAGER

Duval County Public Schools

April 23, 2014, Special Board Meeting - Student Expulsion Hearings

Ms. Becki Couch, Chairman
Ms. Cheryl Grymes, Vice Chairman
Mr. Jason Fischer
Dr. Connie Hall
Mr. Fred "Fel" Lee
Ms. Ashley Smith Juarez
Ms. Paula D. Wright
Dr. Nikolai P. Vitti, Superintendent

ATTENDANCE AT THIS SPECIAL STUDENT EXPULSION HEARING MEETING with Dr. Nikolai Vitti, Superintendent of Schools, Ms. Becki Couch, Board Chair, Ms. Cheryl Grymes, Vice Chair and Board members: Mr. Jason Fischer, Dr. Constance Hall, Mr. Fred "Fel" Lee, and Ms. Paula D. Wright, present. Board Member Ashley Smith Juarez was absent.

Call Meeting To Order

[CALL MEETING TO ORDER](#)

Minutes: The Chairman called the Special meeting to order at 9:45 a.m.

Alternative Education - Behavioral Support

[1. EXPULSION OF J. J.](#)

Minutes:

Present:

Mr. Brian McDuffie, Executive Director, Policy & Compliance
Ms. Sherry Jackson, Director, Policy & Compliance

Ms. Bederia Kennebrew, Hearing Officer
Mr. Allen Moore, Executive Director, Emergency Management
Ms. Gloria Lockley, Director, Alternative Education/Behavioral Support
Ms. Alicia Jones, Step Mother
Mr. Peter Gagayer, Step Grandfather
J.J., Student

Ms. Bederia Kennebrew, Hearing Officer, provided pertinent information to the Board regarding J.J.

J.J., a thirteen (13) year old student from Whiting Middle School, Whiting, Indiana, was expelled on February 19, 2014. J.J. was charged with a violation of probation status. J.J.'s parent is requesting admission in a Duval County Public School.

Florida Statute 1006.04(1)(b)3, Student Discipline and School Safety, states that when an expelled student from another district requests admission into the schools district, *"the district school superintendent of the receiving schools district may recommend to the school board that the Final Order of Expulsion be waived and the student be admitted to the school district, or that the Final Order of Expulsion be honored and the student not be admitted to the school district. If the student is admitted by the district school board, with or without the recommendation of the district school superintendent, the student may be placed in an appropriate educational program at the direction of the district school board."*

The district's Code of Student Conduct Handbook does not contain a violation of probation code. If J.J. had committed offenses reported on discipline referrals in his records, he would have been charged with a Class III offense and recommended for placement at the appropriated Alternative Education Center. Therefore, it is recommended that the Duval County School Board waive the expulsion order entered into by the Whiting, Indiana School District for J.J. and allow J.J. to enroll in the appropriated Alternative Education Center for the remainder of the 2013-2014 school year.

Speakers:

Ms. Alicia Jones, Step Mother
Mr. Jason Fischer, Board Member
Ms. Cheryl Grymes, Vice Chair
J.J., Student
Dr. Nikolai Vitti, Superintendent of Schools
Mr. Fred "Fel" Lee, Board Member
Dr. Constance Hall, Board Member
Ms. Becki Couch, Chairman

Ms. Alicia Jones stated that J.J. has been out of school since February, 2014 and his attendance was poor. It doesn't appear that J.J. could possibly pass this school year. Is it possible to look at the Bridge to Success program as he will turn 14 years old in May? He received "Incompletes" on his report card from Indiana.

Speakers:

Ms. Becki Couch, Chairman

Dr. Nikolai Vitti, Superintendent of Schools
Ms. Alicia Jones, Step Mother

The Superintendent's recommendation states that the District's Code of Student Conduct Handbook does not contain a violation of the Probation Code. If J.J. had committed offenses reported on discipline referrals in his records in Duval County, he would have been charged with a Class III offense and recommended for placement at an appropriate Alternative Education Center. Therefore, it is recommended that the Duval County School Board waive the Expulsion Order entered into by Whiting, Indiana School District for J.J. and allow J.J. to enroll in the appropriate Alternative Education Center, Mattie V. Rutherford, for the remainder of the 2013-2014 school year and attend summer school in order to make up for lost credits. If J.J. successfully completes the remainder of the current school year (2013-2014) at Mattie V. Rutherford, J.J. would be allowed to enroll in a traditional middle school for the 2014-2015 school year.

NOTE: Board Members Paula D. Wright and Ashley S. Juarez were absent from this hearing.

Vote: PASS

Motion: Fred "Fel" Lee
Second: Jason Fischer

Becki Couch - Aye
Jason Fischer - Aye
Cheryl Grymes - Aye
Constance Hall - Aye
Fred "Fel" Lee - Aye

3. EXPULSION OF D. B.

Minutes:

Present:

Mr. Brian McDuffie, Executive Director, Policy & Compliance
Ms. Sherry Jackson, Director, Policy & Compliance
Ms. Bederia Kennebrew, Hearing Officer
Mr. Allen Moore, Executive Director, Emergency Management
Ms. Viveca Brown, Principal, J. W. Johnson Academic and Career Center
Mr. Paul Davis, Assistant Principal, J.W. Johnson Academic and Career Center
Officer R.V. Nelson, School Resource Officer
Mr. Victor Galman, School Security
Ms. Kimberly Lumpkins, Parent
D.B., Student

Ms. Bederia Kennebrew, Hearing Officer, provided pertinent information to the Board regarding D.B.

D.B., a sixteen (16) year old student at James Weldon Johnson Academic and Career Center, was charged with a 4.08 - Possession of a Firearm. On October 22, 2013, a search was conducted on the school's campus. During the search, a gun was found on another student. During questioning, the student revealed that D.B. asked him to "hold" the gun for him during the search. D.B. admitted to bringing the gun on campus.

Florida Statute 1006.13, Policy of Zero Tolerance for Crime and Victimization, states that each district School Board will adopt a policy of Zero Tolerance. The Zero Tolerance policy shall require students found to have committed one of the following offenses to be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full year, and to be referred to the Criminal Juvenile Justice System.

(a) Bringing a firearm or weapon, as defined in Chapter 790, to school, to any school function, or possessing a firearm at school.

The Duval County Public Schools' Code of Student Conduct establishes the School Board's policy on Zero Tolerance offenses. Code 4.08, Possession of Firearms states that any student who is determined to have brought a firearm as defined in 18 U.S.C. 921, to school, to any school function, or on any school sponsored transportation will be expelled, with or without continuing education services, from the student's regular school for a period not less than one (1) full year. (The expulsion requirement is subject to modification, on a case-by-case basis, as allowed by law.) A student is determined to have a firearm to school will be referred for criminal prosecution.

Due to the seriousness of D.B.'s offense and the requirements of 18 U.S.C. 921, to expel students who possess a firearm at school, it is recommended that D.B. be expelled for the remainder of the 2013-2014 school year and all of the 2014-2015 school year with continuing educational services.

Speakers:

Ms. Becki Couch, Board Chair

Dr. Constance Hall, Board Member

Ms. Bederia Kennebrew, Hearing Officer

Dr. Nikolai Vitti, Superintendent of Schools

Ms. Kimberly Lumpkins, Parent

D.B., Student

Mr. Jason Fischer, Board Member

Ms. Viveca Brown, Principal, J.W. Johnson Academic & Career Center

Mr. Paul Davis, J.W. Johnson Academic & Career Center

Mr. Victor Galman, School Security, J.W. Johnson Academic & Career Center

Ms. Paula D. Wright, Board Member

Officer R.V. Nelson, School Resource Officer

Ms. Cheryl Grymes, Board Member

Dr. Vitti stated, "D.B., the principal and other employees that have been with you for a couple of years seem to say that you are on the right path. In your conversation as to what happened, you indicated that you are committed to graduating from high school. We're in a situation as Superintendent and Board to where we have to think about your future as well as the future of other students. As Ms. Brown indicated, it's hard to send

you back to J.W. Johnson Academic & Career Center after you made this decision because it sends a mixed message to the students that are trying to do the right thing every day.

So, the recommendation is that you will attend Grand Park Alternative School and continue to work hard, stay focused and get your high school diploma. The Board ultimately makes a decision based on my recommendation but I want you to know that you certainly made a mistake and a mistake that could be costly, not only to your health and well being, but to all the other students attending that school. I have no reason to believe that you brought that gun to school to use it at school or outside of school, but you and I both know that the gun should not have been brought to school. I respect that you admitted to making a mistake which shows maturity. Your high school diploma will be your vehicle to do something differently with your life. I don't want you to be a statistic. I want you to get your diploma and go on to the next level as to whatever you choose to do. Don't allow this bad decision prevent you from doing that and you must remain focused. We all make mistakes; just varying degrees of mistakes. If the Board agrees with my decision, please use Grand Park as a continuation of the opportunity you had at J.W. Johnson Academic & Career Center to get your high school diploma."

Speakers:

Mr. Fred "Fel" Lee, Board Member
Ms. Paula D. Wright, Board Member
Dr. Constance Hall, Board Member

The Superintendent said due to the seriousness of D.B.'s offense and the requirements of 18 U.S.C. 921 to expel students who possess a firearm at school, it is recommended that D.B. be expelled for the 2013-2014 school year and all of the 2014-2015 school year with continuing educational services during that time at Grand Park Alternative Center.

Vote: PASS

Motion: Cheryl Grymes
Second: Paula D. Wright

Becki Couch - Aye
Jason Fischer - Aye
Cheryl Grymes - Aye
Constance Hall - Aye
Fred "Fel" Lee - Aye
Paula D. Wright - Aye

2. EXPULSION of B. C.

Minutes:

Present:

Mr. Brian McDuffie, Executive Director, Policy & Compliance
Ms. Sherry Jackson, Director, Policy & Compliance
Ms. Bederia Kennebrew, Hearing Officer
Mr. Allen Moore, Executive Director, Emergency Management
Ms. Gloria Lockley, Director, Alternative Education/Behavioral Support
Ms. Darlene Council, Parent
B.C., Student

Ms. Bederia Kennebrew, Hearing Officer, provided pertinent information to then Board regarding B.C.

B.C., a sixteen (16) year old student from Clay County Public Schools, was expelled on December 19, 2013. B.C. was charged with Possession and Distribution of marijuana on school grounds. B.C.'s parent is requesting admission in a Duval County school.

Florida Statutes 1006.04(1)(b)3, Student Discipline and School Safety, states that when an expelled student from another district requests admission into the school district, *"the district school superintendent of the receiving school district may recommend to the district school board that the Final Order of the expulsion be honored and the student not be admitted to the school district. If the student is admitted by the district school board, with or without the recommendation of the district school superintendent, the student may be placed in an appropriate educational program at the direction of the district school board."*

If B.C. had committed offenses reported on discipline referrals in his records in this district, he would have been charged with a Class IV offense and recommended for placement at the appropriate Alternative Education Center. Therefore, it is recommended that the Duval County School Board waive the Expulsion Order entered into by the Clay County School District for B.C. and allow B.C. to enroll in the appropriate Alternative Education Center for the remainder of the 2013-2014 school year. He should also be required to complete the Night-time Substance Use Prevention Counseling Education Program class.

Speakers:

Ms. Becki Couch, Board Chair
Ms. Gloria Lockley, Director, Alternative Education/Behavioral Support
Ms. Darlene Council, Parent
B.C., Student
Dr. Constance Hall, Board Member
Ms. Cheryl Grymes, Vice Chair
Mr. Jason Fischer, Board Member

Mr. Lee said, *"We all care about you and want you to be successful. Your choices will determine your success. You will compete with everyone when you graduate high school. You must talk with your parents all the time about your plans and figure out how you can prove what you want to do with your goals. Everyone must make a living and if not, you'll get into trouble. We'll help you on this side but you must step us on the other side."*

Speakers:

Ms. Cheryl Grymes, Vice Chair
Ms. Becki Couch, Board Chair
Dr. Nikolai Vitti, Superintendent of Schools
Dr. Constance Hall, Board Member

The Superintendent stated that if B.C. had committed offenses reported on discipline referrals in his records in this district, he would have been charged with a Class IV offense and recommended for placement at the appropriate Alternative Education Center. Therefore, it is recommended that the Duval County School Board waive the Expulsion Order entered into by the Clay County School District for B.C., and allow him to enroll in the appropriate Alternative Education Center, Grand Park, for the remainder of the 2013-2014 school year. He must attend Substance Use Prevention Counseling Education Program classes in addition to attending summer school in order to enroll in a traditional high school in the 2014-2015 school year.

Adjournment

[ADJOURNMENT](#)

Minutes:

The Special meeting adjourned at 11:44 a.m.

Isd

Superintendent

Chairman