



E-AGENDA MANAGER

## Duval County Public Schools

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February 26, 2015, Special Board Meeting - Student Expulsion Hearings

Ms. Cheryl Grymes, Chairman  
Ms. Ashley Smith Juarez, Vice Chairman  
Ms. Becki Couch  
Mr. Jason Fischer  
Dr. Constance S. Hall  
Mr. Scott Shine  
Ms. Paula D. Wright  
Dr. Nikolai Vitti, Superintendent

ATTENDANCE AT THIS SPECIAL MEETING OF THE DUVAL COUNTY SCHOOL BOARD: All Board Members were present with the exception of Board Members Constance S. Hall and Jason Fischer. Dr. Nikolai Vitti, Superintendent, was also present.

Call Meeting To Order

[Call Meeting To Order](#)

Minutes:

The meeting was called to order at 9:15 a.m.

Alternative Education - Behavioral Support

[EXPULSION OF STUDENT: Hearing Office Case #1415-388](#)

Minutes:

Present:

Mr. Brian McDuffie, Executive Director, Policy & Compliance

Ms. Gloria Lockley, Director, Student Discipline and Support Services  
Ms. Bederia Kennebrew, Hearing Officer  
Mr. Vincent Foster, Principal, Bridge to Success  
Mr. Evan Daniels, Principal, Andrew Jackson High School  
Ms. Nina Farmer, Dean of Students, Bridge to Success  
Ms. Liz Overstreet, Program Representative, ESE  
Officer Tony Ewest, DCPS School Police

Ms. Bederia Kennebrew, Hearing Officer, provided pertinent information to the Board regarding Case #1415-388.

The student, a 16-year-old ninth grade student, was charged under the Code of Student Conduct with a 4.05-Possession of a Firearm offense on Andrew Jackson High School – Bridge to Success campus.

On November 18, 2014, a student reported seeing a gun in class. The student informed Nina Farmer, Dean of Bridge to Success, that the student showed a gun to another student while in class. Upon receiving the student's report, Dean Farmer radioed D. C. Surrency, Duval School Board Police School Resource Officer (SRO) and Principal Evan Daniels.

Dean Farmer, Officer Surrency and James Cushion, the Security Guard, headed toward the Bridge to Success area to conduct a search. As they approached the breezeway, Dean Farmer pointed out the student of interest. The student saw Officer Surrency and began to slowly jog away from the officer. The student attempted to turn back towards the Medical Magnet building but stopped and turned back towards Officer Surrency. The student complied with Officer Surrency's order to stop. Officer Surrency then approached the student, escorted him away from the other students and advised he was about to do a pat down for weapons. The student turned away from Officer Surrency and began running south towards 28th Street.

As the student started to run, Dean Farmer radioed Principal Daniels and the school was placed on Code Red Lock down. Security Guard James Cushion and Dean Farmer cleared the breezeway of students as Officer Surrency chased the student.

During the chase, the student had his left hand in his left jean pant pocket and his right hand on his waistband. Officer Surrency verbally ordered the student to stop and show his hands; however, the student did not do either. The student then ran south by the swimming pool and portables. Officer Surrency kept a visual of the student and observed the student climb the fence and run across 28th Street. Officer Surrency radioed for backup and continued chasing the student on foot towards 26th Street.

Officer Surrency observed the student jump fences in the backyards of houses. During this time, Officer S. Woods arrived on the scene. The student attempted to climb another backyard fence but the presence of Officer Woods caused the student to surrender. The student went prone to the ground and was taken into custody without incident. No weapons

were found on the student.

A JSO K-9 unit responded and Officer L. A. Morgan began searching the path where the student ran. After a brief search, Officer Morgan advised that the K-9 located an RG .22 caliber snub nose blue steel revolver with a wooden handle. The revolver was loaded with six live rounds, two .22LR and four .22 caliber. Sgt. J. Carter, Sgt. B. Brown, Officer Klix and Officer Parish responded to assist and secure the scene.

Officer Surrency transported the student to the School Board Police Department to be interviewed by Det. D. Schoenfield. Post Miranda, the student stated he ran because he had marijuana on him. The student stated he shook the marijuana out while running. The student did not provide any additional details about the incident.

Assistant State Attorney Brooke Brady responded to Andrew Jackson to get sworn written statements from the witnesses. One witness indicated seeing the student show the gun to another student. Another witness stated the student did not point the gun or threaten anyone; that he displayed the real gun in response to a joke involving a cell phone being used as a gun.

The student was arrested and transported to the Duval County Jail.

A Conduct Review was held on November 20, 2014. The conduct review indicated that the conduct was not a manifestation of the student's Specific Learning Disability (SLD) Exceptionality. The Hearing Office received notice on January 22, 2015 that the student was moved from the Duval Detention Center to Fort Walton Detention Center.

On January 29, 2015, a hearing was held in the hearing office. Rosalyn Gilbert, the student's mother, Principal Vincent Foster and Dean Farmer attended the hearing. The student was not able to attend the hearing due to being sent to a program in Fort Walton for 9-12 months. During the hearing, Ms. Gilbert stated she did not know the extent of how scared her son was. She indicated the family moved to avoid neighborhood danger stemming from the summer. She stated the student was in the Teen Court Diversion Program when the gun incident occurred. She also stated that the Boselli Foundation was a community-based support for the student. Dean Farmer stated the student enrolled in BTS in October 2014 and maintained a 2.5 GPA. Dean Farmer stated that there may have been neighborhood issues but in school he was a good on-task student. Dean Farmer indicated that the student sought support from the school. In response to the student's request for support, the school arranged for Mr. Juan Gray, Bridge of Northeast Florida-Student Advocate, to work weekly with the student on a one-on-one basis. In addition to the support provided by Mr. Gray, Kelandra Maynard, ESE Support Facilitator, and Darrien Williams, Communities in Schools, provided support to the student. According to the student's mother, he can earn a high school diploma while in the program. She stated the academic program is self-paced and that the student is capable of doing the work.

In summary, two students witnessed the student of interest in possession of a gun at school. The student was approached for a search and before being searched, ran off campus into the surrounding neighborhood. Officer Surrency chased the student through the neighborhood. Officer Woods responded to the scene and the student surrendered. The gun was not found on the student; however, the gun was found by a K-9 along the path that the student took while running away from the officer. The recovered gun was an RG .22 caliber snub nose blue steel revolver with a wooden handle loaded with six live rounds.

Based on the evidence presented, the student is recommended to be expelled without services for the 2014-2015 school year and one additional school year 2015-2016.

Board Member Wright asked why this case is being recommended without services. She is trying to understand the process and continuity behind the recommendations. Dr. Vitti explained that this particular recommendation without services was due to the student running from the officers.

Board Member Wright moved that the student be expelled during the 2014-2015 school year without services and expel him during the 2015-2016 school year with services contingent upon his performance in the DJJ program. Board Member Couch seconded the motion.

Chairman Grymes noted that neither student nor a parent/guardian are present.

Board Member Couch asked school administrators if they think the student would have graduated from their program. Based on the trajectory the student was on, they think he would have finished.

Dr. Vitti explained his reasoning behind the recommendation he made including the student's history of disruption, defiance and eluding police. Those are not good combinations and other school districts expel students for more minor infractions. He stands by his recommendation for the remainder of the current school year and next year.

Board Member Wright asked if there have been other similar cases that have not expelled without services. Dr. Vitti said we have, then reminded everyone that the purpose of the hearings is to be able to consider other factors put forth by parents/students that is not in the record which could have an effect on whether the recommendation stands or is amended.

There was discussion about the program the student is currently in and how it is designed. The student's actions caused the school to go into a Code Red which was traumatic for some of the students.

Board Member Wright amended her motion to include language that would stipulate he receive services at Grand Park and not through Bridge to Success. Board Member Couch seconded the motion.

Board Member Couch offered an amendment to Ms. Wright's amendment that the Duval County School Board expel the student for the remainder of the 2014-2015 school year without services and all of the 2015-2016 school year with services through home education and counseling contingent upon successful completion of the current DJJ program. Board Member Ashley Smith Juarez seconded the amendment.

Board Member Wright asked if she could withdraw her amendment. Chairman Grymes said not since another is now on the floor and seconded. Board Member Shine asked Dr. Vitti if he felt that would be safe enough for the other students in the district. Dr. Vitti feels it would be.

--PASSED AS AMENDED—5-0  
Cheryl Grymes – AYE  
Ashley Smith Juarez – AYE  
Paula Wright – AYE  
Becki Couch – AYE  
Scott Shine – AYE

*NOTE: This was the only vote taken.*

[EXPULSION OF STUDENT: Hearing Office Case #1415-370](#)

Minutes:

Present:

Ms. Sadie Milliner-Smith, Principal, J.E.B. Stuart Middle School  
Ms. Dyneco Bostic, Mother  
Student  
Ms. Bederia Kennebrew, Hearing Officer  
Officer Tony Ewest, DCPS School Police  
Officer Gregory D. Spicer, School Resource Officer, J.E.B. Stuart Middle School  
Mr. Albert A. Griffin, Dean of Students, J.E.B. Stuart Middle School  
Ms. Gloria Lockley, Director, Student Discipline and Support Services  
Mr. Brian McDuffie, Executive Director, Policy and Compliance

Ms. Bederia Kennebrew, Hearing Officer, provided pertinent information to the Board regarding Case #1415-370:

The student of interest, a 14-year-old eighth grader, was charged under the Code of Student Conduct with a 4.05-Possession of a Firearm offense on J.E.B. Stuart Middle School's campus.

On November 5, 2014, J.E.B. Stuart received an anonymous phone call that the student and several other students may have a gun on campus. The named students were searched; however, a gun was not retrieved. The student of interest was the only named student that was absent from

school on November 5, 2014. On the next day, November 6, 2014, Principal Milliner-Smith noticed that the student was in school carrying a book bag which was unusual for him. Principal Milliner-Smith requested Officer Gregory D. Spicer, School Resource Officer (SRO), to remove the student from the cafeteria. The student was taken from the SRO's office and informed that his name was mentioned as a person that may have a firearm in his possession. The student was then searched for weapons. During the search, the student pulled items from his book bag and threw the book bag to the floor. The book bag made a loud heavy noise when it hit the floor. The SRO immediately picked up the bag and retrieved a small pink purse from inside of the book bag. The small pink purse contained a black .38 semi-automatic pistol. There were no rounds chambered in the firearm. A magazine was retrieved from the waistband of the student's pants. The magazine contained one live round. The student was handcuffed and given his Miranda Rights. The gun was checked through NCIC/FCIC and was reported as stolen during a 2012 residential burglary. The student was arrested for Possession of Firearm on school property and booked into the Pre-Trial Detention Facility. A Threat Assessment was not completed for this incident.

A hearing occurred on December 3, 2014, with the student, his mother Dyneco Bostic and Dean Albert Griffin. During the hearing, the student stated he found the gun after a football game. The student stated he had the gun for a month and a half and concealed it in an abandoned house. The student said he took the gun to school that one day because people were telling him he was going to be jumped. The student's mother stated she did not know the student had a gun. She said she kept him home Monday, Tuesday and Wednesday because he was almost in a fight. She sent him to school on Thursday and he was arrested for carrying the gun. She stated he had been threatened and was rumored to be jumped by people at school. She stated he was wrong to bring the gun but requested a chance for him to continue his education.

Based on the evidence presented, the student is recommended to be expelled with services for the 2014-2015 school year and one additional school year 2015-2016.

There were no questions at this time from school board members. Ms. Bostic affirmed that the information given by the hearing officer was accurate. She added that her son has been living with his father since the holidays and thinks he has been able to make a change.

The student said he now understands the importance of being in school and knows if he gets into any more fights, he violates his probation. When he gets through all his probation requirements, he hopes to return to school and separate from the negative influences.

The Superintendent's recommendation is that the School Board of Duval County expel the student in Hearing Office Case #1415-370 for the remainder of the 2014-2015 school year and all of the 2015-2016 school year with continuing education services throughout the remainder of the 2014-2015 school year at AMI and then at completion of that program,

that the student attend either Mattie V. Rutherford Alternative Education Center or Grand Park Center for the remainder of 2014-2015 and 2015-2016 school years and not return to J.E.B. Stuart Middle School.

Dr. Vitti noted that the student's records show he is bright and has potential. If the student can fulfill his expulsion requirements and earn the proper credits, his goal should be to eventually qualify for enrollment in the neighborhood high school where his father lives.

Board Member Shine moved to accept the Superintendent's recommendation. Board Member Couch seconded the motion. No further discussion.

--PASSED—5-0  
Cheryl Grymes – AYE  
Ashley Smith Juarez – AYE  
Paula Wright – AYE  
Becki Couch – AYE  
Scott Shine – AYE

Adjournment

[Adjournment](#)

Minutes:

The meeting was adjourned at 10:42 a.m.

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Superintendent

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Chairman