

The District School Board of Indian River County met on October 27, 2015, at 2:30 p.m. The hearing was held in the Large Instructional Conference Room located at the J.A. Thompson Administrative Center, 1990 25<sup>th</sup> Street, Vero Beach, Florida 32960. District School Board Members attending were: Chairman Matthew McCain, Vice Chairman Charles G. Searcy, and Board Members: Claudia Jiménez, Dale Simchick, and Shawn R. Frost. Mark J. Rendell, Ed.D, Superintendent of Schools; and Suzanne D’Agresta, School Board Attorney, were also present.

### **Student Expulsion Hearing Minutes**

I. Hearing was called to order by Chairman McCain.

II. Purpose of Student Expulsion Hearing #2016-01

Chairman McCain stated that the purpose of the hearing was for Student Hearing #2016-01, a student at the Vero Beach High School, Freshman Learning Center, who was recommended by the Superintendent for expulsion. Note: that this hearing was audio recorded.

Those present were: Dr. Lillian Torres-Martinez, Director of Student Services  
Student’s Guardian  
Student’s Attorneys, Robert Stone, Sr., and Robert Stone, Jr.  
Anthony Brown, NAACP  
Dr. Warrior  
(Student was not present)

III. Action Agenda

**A. Approval of the Findings of Fact and Conclusions of Law, Student #2016-01**

Chairman McCain asked Dr. Rendell to briefly state the findings, reasoning, and recommendations. Dr. Rendell stated that on September 21, 2015, Student #2016-01 was enrolled as a student at Vero Beach High School, Freshman Learning Center, part of the Indian River County School system. That on that date, Student #2016-01 was charged with violation of the Code of Student Conduct, School Board Policy 5500 – Major Infraction – Weapon Possession – and Possession of a firearm on school grounds. The Principal of Vero Beach High School, Mr. Shawn O’Keefe, filed charges against Student #2016-01 recommending the expulsion. A notice of this Hearing and Statement of Charges was hand-delivered to the Guardian of Student #2016-01 on October 23, 2015. The recommendation was for the expulsion with ESE services, for one calendar school year beginning September 21, 2015, and ending September 21, 2016. It was also recommended that Student #2016-01 be allowed to attend Florida Virtual School, pursuant to a written recommendation from the School District.

Chairman McCain asked the Guardian of Student 2016-01 if he/she had anything to say to the Board before the Board decided on this case. After hearing statements from the Guardian, Student's Attorneys (Mr. Stone, Sr., Mr. Stone, Jr.), Dr. Warrior, and Mr. Anthony Brown, Board Members were given an opportunity to ask questions and present statements.

Hearing no further requests to speak, Chairman McCain call for a motion. Mr. Searcy moved approval of the Findings of Fact and Conclusions of Law. Ms. Jiménez seconded the motion and it carried with a 5-0 vote.

**B. Recommendations, Student #2016-01**

Chairman McCain called for a motion. Mr. Searcy moved approval of the Superintendent's recommendation for expulsion of Student #2016-01 with ESE services, for one calendar school year beginning September 21, 2015, and ending September 21, 2016. It was also recommended that Student #2016-01 be allowed to attend Florida Virtual School, pursuant to a written recommendation from the School District. Ms. Jiménez seconded the motion for discussion. After discussion and statements from those in attendance, the Board voted in favor of the motion with a 3-2 vote. Mr. Searcy, Chairman McCain, and Mrs. Simchick voted in favor of the motion. Mr. Frost and Ms. Jiménez voted against the motion.

Chairman McCain call for a brief recess.

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IV. Hearing was called back to order by Chairman McCain.

V. Purpose of Student Expulsion Hearing #2016-~~01~~**2**

Chairman McCain stated that the purpose of the hearing was for Student Hearing #2016-02, a student at the Vero Beach High School, Freshman Learning Center, who was recommended by the Superintendent for expulsion. Note: that this hearing was audio recorded.

Those present were: Dr. Lillian Torres-Martinez, Director of Student Services  
Student  
Student's Mother  
Student's Grandmother  
Student's Attorneys, Robert Stone, Sr., and Robert Stone, Jr.

VI. Action Agenda – Chairman McCain

**A. Approval of the Findings of Fact and Conclusions of Law, Student #2016-02**

Chairman McCain asked Dr. Rendell to briefly state the findings, reasoning, and recommendations. Dr. Rendell stated that on September 21, 2015, Student #2016-02 was enrolled as a student at Vero Beach High School, Freshman Learning Center, part of the Indian River County School system. That on that date, Student #2016-02 was charged with violation of the Code of Student Conduct, School Board Policy 5500 – Major Infraction – Weapon Possession – Possession of a firearm on school grounds. The Principal of Vero Beach High School, Mr. Shawn O’Keefe, filed charges against Student #2016-02 recommending the expulsion. A notice of this Hearing and Statement of Charges were hand-delivered to the Parent of Student #2016-02 on October 23, 2015. The recommendation was for the expulsion for one calendar school year starting September 21, 2015, and ending September 21, 2016. It was also recommended that Student #2016-02 be allowed to attend Florida Virtual School, pursuant to a written recommendation from the School District.

Chairman McCain asked if the student wished to speak to the Board. He then asked the Parent of Student 2016-02 if he/she had anything to say to the Board before the Board decided on this case. After hearing statements from the Parent, Student’s Attorneys, Mr. Stone, Sr., Mr. Stone, Jr., and the Student’s Grandmother, Board Members had an opportunity to ask questions and present statements.

Hearing no further requests to speak, Chairman McCain called for a motion. Mr. Searcy moved approval of the Findings of Fact and Conclusions of Law. Ms. Jiménez seconded the motion for discussion and it carried, unanimously, with a 5-0 vote.

**B. Recommendations, Student #2016-02**

Chairman McCain called for a motion. Mr. Searcy moved approval of the Superintendent’s recommendation for expulsion of Student #2016-02 for one calendar school year starting September 21, 2015, and ending September 21, 2016. It was also recommended that Student #2016-02 be allowed to attend Florida Virtual School, pursuant to a written recommendation from the School District. Ms. Jiménez seconded the motion for discussion. After discussion and statements from those in attendance, the motion failed with a ~~3-2~~ 2-3 vote. Mr. Searcy and Chairman McCain voted in favor of the motion. Mr. Frost, Ms. Jiménez, and Mrs. Simchick voted against the motion.

Chairman McCain asked if there was a substitute motion. Mr. Frost moved approval of the recommendation for expulsion to include the remainder of the 2015-2016 school year, with written recommendation from the School District to attend Virtual

School. Ms. Jiménez seconded the motion. With no further discussion, the Board voted in favor of the motion with a 3-2 vote. Mr. Frost, Ms. Jiménez, and Mrs. Simchick voted in favor of the motion. Mr. Searcy and Chairman McCain voted against the motion.

With no further business, the hearing adjourned at approximately 4:30 p.m.