

MINUTES OF THE CAPE CORAL
CHARTER SCHOOL AUTHORITY GOVERNING BOARD
SPECIAL MEETING

Friday, June 16, 2017
Green Room (Old City Hall)
9:00 a.m.

CALL TO ORDER: The Cape Coral Charter School Authority Governing Board of Lee County, Florida, met on June 2, 2017, in the Green Room (Old City Hall), a Special Governing Board Meeting. Chair Cosden called the meeting to order at 9:10 a.m.

1. ROLL CALL: Campbell, Cosden, Fisher, Traiger
Boyer - Excused
McMillan-Excused
Winstead – Excused
Zivkovic - Excused

ALSO PRESENT: Jacquelin Collins, Interim Superintendent, Cape Coral Charter School Authority
Amanda Sanford, Principal, Oasis Charter High School
Dolores Menendez, City Attorney
Shay Pearson, Parent
Branden Pearson, Recent Graduate of Oasis High School

Discussion of a Formal Complaint – Chair Cosden

Chair Cosden states there will be a fifteen minute presentation from Branden Pearson who is making a Formal Complaint to the Board.

Branden Pearson states he is seeking the Governing Board to launch an independent, impartial investigation into a discrimination complaint.

Branden Pearson states there was an investigation done by Nelson Stephenson and his Staff but feels this investigation was not fair or impartial.

Branden Pearson states he feels there are three violation areas that occurred.

Branden Pearson states he feels there are contradictions in the report that was presented.

Branden Pearson states he feels the investigation lacked impartiality.

Branden Pearson states he feels the first violation was in NEOLA Policy 2260 where it says if a student who believes they have been unlawfully discriminated or retaliated against can make an informal complaint orally or written to a teacher, other employee, or administrator in the school the student attends, superintendent, and/or directly to the Compliant Officer. All members of the Authority must report incidents of discrimination or retaliation to the Compliant Officer within two business days of learning of the incident.

Branden Pearson states he submitted his complaint to the Superintendent or other Authority level, the Governing Board, and to City Council on December 14, 2016.

Branden Pearson states he feels Nelson Stephenson did not forward the complaint at all.

Branden Pearson states he feels that Mr. Stephenson thought the complaint had no merit since the complaint was not forwarded within those two days.

Branden Pearson states the Compliant Officer received the complaint on January 9, 2017 after filing another complaint.

Branden Pearson states he feels a second violation was also in NEOLA Policy 2260 in regards to how the investigation is supposed to be conducted and what is considered.

Branden Pearson states he is referring to where it says the Compliant Officer recommendations must be based upon the totality of the circumstances.

Branden Pearson states he feels that his investigations did not include everything that surrounded the events that occurred and leading up to the unlawful retaliation.

Branden Pearson states he feels a third violation was also in NEOLA Policy 2260 in regards to the different aspects of what should be included in the investigation.

Branden Pearson refers to the part in NEOLA Policy 2260 where it says the investigation will include interviews with other witnesses that may have information relevant to the allegations and will include consideration of any documentation presented by the complainant.

Branden Pearson states he feels the investigation did not include witnesses he felt had relevant information nor did the investigation include any documentation he submitted to the Compliant Officer.

Branden Pearson states he feels the last violation was in NEOLA Policy 2260 where it says that within five business days of receiving the report from the Compliant Officer, the Superintendent must either issue a final decision or request further investigation.

Branden Pearson states the report was completed on February 10, 2017 but was not provided until March 7, 2017.

Branden Pearson states the report was delivered in an email in a Word document which anyone could edit. It should have been sent in a pdf format.

Branden Pearson states he feels the report has some contradictions.

Branden Pearson states in Finding 10 of the report, it was discovered on January 9, 2017 that he did not withdraw from Oasis High School but that was not true.

Branden Pearson states he would like the Governing Board to further investigate his claims.

Branden Pearson states an independent investigation could be conducted by the City of Cape Coral staff or hire an outside firm.

Chair Cosden asks Brandon Pearson if he sent a copy of his complaint for violation one to the Compliant Officer.

Brandon Pearson states it is not required to send it to the Compliant Officer.

Chair Cosden asks Brandon Pearson if he signified in his complaint that it was a NEOLA Policy 2260 violation?

Brandon Pearson answers, "No."

Chair Cosden asks Brandon Pearson if he used the word retaliation or discrimination in his complaint.

Brandon Pearson answers, "I did use that word."

Chair Cosden asks Brandon Pearson if he knew why Captain Torrogrosso did not let him file a civil complaint. Did he recommend you not file one or was it not possible?

Brandon Pearson answers that it he thinks it was because it was not possible.

Shay Pearson states she spoke to Captain Torrogrosso and in the conversation it never came up if she wanted to file a civil complaint.

Member Fisher asks Brandon Pearson that when he reached out to Council Member Erbrick on December 1, 2016 it was because he couldn't reach out to the Governing Board. Did he try to reach out to Principal Treece, Superintendent Stephenson or Mr. Boerner to contact the Governing Board on his behalf?

Brandon Pearson answers that he didn't reach out to them because he didn't have faith in the administration to do it.

Discussion Held

Member Campbell states he believes what Brandon Pearson is saying.

Member Campbell asks Brandon Pearson what he hopes to get out of the impartial investigation he's asking for since Mr. Stephenson and Ms. Treece are gone.

Brandon Pearson answers that there are still employees that were involved that are still employed with the Charter System and can be investigated.

Member Campbell states he feels that training the two people who were involved and the entire staff on how to handle these types of situations would be beneficial. He doesn't see how an investigation will help Brandon Pearson's goal of making things better.

Discussion Held

Brandon Pearson states he thinks Interim Superintendent Collins and Ms. Treece gave one of the employees in the investigation a directive that was not adhered to.

Jacquelin Collins states that she and Ms. Treece spoke to Mr. Boerner about the fact that Brandon Pearson felt intimidated by him and since there were only a few days of school left to please refrain from commenting or talking to Mr. Pearson until the school year was over. However, Mr. Boerner did make comments to Brandon Pearson such as “good morning, Mr. Pearson” or “did you enjoy the Prom.”

Brandon Pearson states it doesn't matter what the content was if a directive was given not to speak.

Discussion Held

Member Traiger states that NEOLA Policies are in place but are lacking procedures.

Member Traiger ask Mrs. Collins to ensure procedures are in place for these policies.

Member Traiger recommends Mr. Boerner and Mr. Smith to receive professional development training.

Member Traiger recommends our Charter System follow Lee County's Code of Conduct. In their Code of Conduct is Restorative Justice. Restorative Justice gets all the key players around a table for a discussion.

Discussion Held

Member Fisher states he spoke with Brandon Pearson several times regarding this matter.

Member Fisher states the situation lacked communication on both sides.

Member Fisher states JROTC is out of the Charter System's jurisdiction. They have their own rules.

Member Fisher states he has not seen anything on the administrative level that shows retaliation or intimidation.

Member Fisher states a lot of the entity's that have been described are no longer employed or present.

Member Fisher states he appreciates this being brought forward and just for the record, a pdf format can be edited.

Member Fisher states he's glad that Brandon Pearson researched and documented the situation but still believes miscommunication was a big part of it.

Discussion Held

Dolores Menendez states that as previously acknowledged, many of the employees involved are no longer with us and are beyond our reach.

Dolores Menendez states she believes Brandon Pearson's concern is that his complaints were being minimalized by the Charter System and no one demonstrated sensitivity toward him individually or to what these implications may have on the student body.

Dolores Menendez states policies and procedures operate on different plains.

Dolores Menendez states to the Board that it's hard to move forward since the key employees are no longer with the System.

Dolores Menendez states she is hearing Brandon Pearson's concern for future students and how their experience will be in the Charter System and want to make sure that these kind of concerns are recognized and will serve as a light into the future.

Dolores Menendez states she is hearing the Board, Interim Superintendent, and current high school principal are taking Brandon Pearson's concerns very seriously and are trying to find a way to move them forward.

Chair Cosden states a sequence of events that imply something is not evidence. If there was an email that stated someone was going to retaliate against someone that would be evidence.

Discussion Held

Member Traiger states she wants to take this opportunity to move forward for the next student because it is critical to make sure we are being run by leaders who are beacons for our System and that involves training and professional development,

Chair Cosden states she does agree that the timing of the complaint had been violated but the person who violated it is no longer with the System.

Discussion Held

Shay Pearson states it took a month for the report to be given to them. She filed an appeal and that took almost three months. She understands there was a lack of communication but suggests to the Board that they need better timing.

Chair Cosden states she was told by the City the concern was handled.

Shay Pearson states that was a completely different incident.

Brandon Pearson states he was a target at school for six months and Erich Boerner tried having him expelled on March 2017.

Member Campbell states he understands how Brandon Pearson feels and that he's spoken to Mr. Pearson before.

Member Campbell urges Brandon Pearson to focus on his bright future and let this go.

Member Campbell states he's using this for exactly what Brandon Pearson wanted and make the future better for other students. He also states there's nothing he can do to take back what happened.

Discussion Held

Motion was made by Member Campbell and seconded by Member Traiger to deny the appellant's request for additional or further investigation of previous complaints, but to direct the Superintendent to develop procedures to deal with such instances and to institute training of all Charter School Staff for dealing with complaints and to promote a culture of professionalism, sensitivity, and communication.

Board Vote: Campbell, Cosden, Fisher, Traiger

All "Aye's," motion carries

Member Fisher wishes Brandon Pearson the best with everything. He also states the Board, Mrs. Collins, and Ms. Sanford are taking this seriously.

Chair Cosden states there is a list of actions, not necessarily formal, she will be following up with. They are sending Mr. Pearson a formal letter with the results of the meeting, getting a NEOLA Policy in place for students who have injunctions, a social media policy for administrators, add to the NEOLA Policy to include a hard copy mailed and if emailed, it needs to be put in a pdf format, and professional training.

Chair Cosden states we are walking away from this meeting with things to make the System better.

Time and Date of Next Meeting

Regular Governing Board Meeting will be held Tuesday, June 13, 2017 at 9:00 A.M. in Council Chambers.

Adjournment

There being no further business, the meeting adjourned at 10:28 a.m.

Respectfully submitted,
Sabrina Bendezu
Interim Executive Assistant to the Superintendent
Cape Coral Charter School Authority