

Approved in Open Board Meeting July 21, 2020

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA  
OFFICE OF THE SUPERINTENDENT

May 5, 2020  
Tuesday, 10:00 a.m.

MINUTES OF SPECIAL MEETING

The School Board of Broward County, Florida, met in special session at 10:09 a.m. via electronic communication due to the Coronavirus. Present were: School Board Members Donna P. Korn, Chair; Dr. Rosalind Osgood, Vice Chair; Lori Alhadeff; Robin Bartleman; Heather Brinkworth; Patricia Good; Laurie Rich Levinson; Ann Murray; Nora Rupert; Robert W. Runcie, Superintendent of Schools; and Barbara J. Myrick, Esq.

**Call to Order** The Call to Order was followed by the Pledge of Allegiance to the Flag of the United States of America.

**Added/Changed Items** None.

**Close Agenda** The Agenda was approved by acclamation of the Board and declared closed. (9-0 vote)

**Purpose of Meeting** For The School Board of Broward County, Florida to conduct Quasi-Judicial Board Hearings, and any other items the Board deemed necessary.

**Superintendent's Recommendation(s)**

1. **Broward County School vs. Wyman Lee Gresham** (Final Order)

Motion was made by Mrs. Rupert, seconded by Dr. Osgood and carried, to (1) hold an Administrative (Evidentiary) Hearing for employment termination of Wyman Lee Gresham, Case No.: 050520-1; and (2) render a Final Order based on the action in the Administrative Complaint and the evidence presented during the Administrative Hearing. (9-0 vote)

The Chair reviewed the process for this hearing and asked the School Board's attorney, Barbara Myrick, to comment on any evidentiary issues or questions of procedure that may arise during the course of the hearing. The Chair asked Board member to state their name if they spoke so the court reporter could enter it correctly for the record.

Counsel for the District, Anastasia Protopapadakis, and Counsel for Mr. Gresham, Robert McKee, provided an opening statement.

Ms. Protopapadakis presented her case and entered documentation into the record.

The Chair accepted all documentation into the record.

Mr. McKee wanted to question the Superintendent but Ms. Protopapadakis asked that the request be rejected because not a list of witnesses or documents was not provided by Counsel, nor was the Superintendent subpoenaed. The Chair denied the request to have the Superintendent as a witness. Mr. McKee asked for a proffer, in which Ms. Protopapadakis had no objection but stated it would not be part of the evidentiary record for this matter. The Chair accepted the request. Mr. McKee stated if Mr. Runcie testified that should Mr. Gresham perform his duties as a teacher, that presently those duties only be conducted remotely and not include having any physical contact with any students. In addition, if Mr. Runcie testified, as an alternative to termination the Board could place his client on a leave of absence without pay, pending the outcome of a criminal case or a DOAH proceeding. He indicated that was what the expected testimony would be. He concluded that he had no additional witnesses and was prepared to proceed to closing arguments.

The Chair asked if any Board Members had questions. There being no questions from the Board, the Chair asked for closing statements from counsel for each party. Following the closing statements, the Chair asked if the Board had any questions on the closing of the evidence. There being no questions, she then stated the Evidence portion of this hearing was closed. After reviewing the process, she requested Board Members to deliberate and make a determination. There was no discussion for the Deliberation portion of this hearing.

Motion (Carried)

Motion was made by Mrs. Rupert, seconded by Dr. Osgood and carried, to find there was just cause to support the Superintendent's recommendation that Mr. Gresham violated Rule 6A-5.056, Florida Administrative Code, due to incompetency. (9-0 vote)

A vote was taken on the Motion.

Second Motion (Carried)

Motion was made by Mrs. Rupert, seconded by Dr. Osgood and carried, to support the Superintendent's recommendation that such behavior merits Mr. Gresham's termination from employment from the school Board of Broward County. (9-0 vote)

A vote was taken on the Second Motion.

**2. Broward County School Board vs. Brandon Jamal Sutton (Final Order)**

Motion was made by Mrs. Rupert, seconded by Mrs. Alhadeff and carried, to  
1) Hold an Administrative (Evidentiary) Hearing for Employment Termination of Brandon Jamal Sutton, Case No.: 050520-2; and (2) Render a Final Order based on the action in the Administrative Complaint and the Evidence presented during the Administrative Hearing. (9-0 vote)

The Chair reviewed the process for this hearing and asked the School Board's attorney, Barbara Myrick, to comment on any evidentiary issues or questions of procedure that may arise during the course of the hearing. The Chair asked Board Members to state their name if they spoke so the court reporter could enter it correctly for the record.

Counsel for the District, Andrew Carrabis, and Counsel for Mr. Sutton, Robert McKee, provided an opening statement.

Mr. Carrabis entered documentation into the record and presented his case.

The Chair accepted all documentation into the record.

Mr. McKee wanted to call Mr. Runcie as a witness since he was the Petitioner and should be able to testify. Mr. Carrabis objected due to the fact that no list of witnesses or exhibits were provided. The Chair upheld the objection and Mr. McKee offered a proffer for Mr. Runcie for the purpose of preserving the record. Mr. Carrabis stated he had no objection but under the Florida Rules of Evidence and the Florida Rules of Code being followed, that this would be a proffer for the Appellate Records and not to be considered by the Board for its final determination. Mr. McKee asked for a stipulation that 1) all teaching was presently being done by virtual learning, not in-person instruction by the instructional staff; 2) that the virtual learning would likely continue through the end of this school year; and 3) that the Board had the power to suspend a teacher without pay pending the outcome of either a criminal or administrative proceeding. Mr. Carrabis replied the Petitioner would so stipulate. Mr. McKee indicated he would not need to call the Superintendent to present a proffer with the aforementioned stipulations and was ready to proceed to closing arguments.

The Chair asked if any Board Members had questions. There being no questions from the Board, the Chair asked for closing statements from counsel for each party. Following the closing statements, the Chair asked if the Board had any questions on the closing statements.

Mrs. Rupert inquired what was the outcome from the Professional Standard Committee's (PSC) meeting.

Mr. McKee replied the PSC determined not to take any action.

Ms. Myrick added that the PSC happened prior to Mr. Sutton's arrest and the No Contact Order so the PSC did not have the information when it met. The issue was not relevant in the issue before the Board, which was in the amended complaint regarding the No Contact Order.

Mrs. Rupert appreciated the information and suggested including those types of facts in future cases.

The Chair stated the Evidence portion of this hearing was closed. After reviewing the process, she requested Board Members to deliberate and make a determination. There was no discussion for the Deliberation portion of this hearing.

Motion (Carried)

Motion was made by Mrs. Rupert, seconded by Mrs. Alhadeff and carried, to find there was just cause to support the Superintendent's recommendation that Mr. Sutton violated Rule 6A-5.056, Florida Administrative Code, due to incompetency. (9-0 vote)

A vote was taken on the Motion.

Second Motion (Carried)

Motion was made by Dr. Osgood, seconded by Mrs. Rupert and carried, to support the Superintendent's recommendation that such behavior merits Mr. Sutton's termination from employment from the school Board of Broward County. (9-0 vote)

A vote was taken on the Second Motion.

These cases were video-recorded by Broward Educational Communications Network (BECON) and a certified court reporter was also present via electronic communication.

Barbara J. Myrick indicated that the Board had completed its obligations and a Final Order would be prepared for the Chair's signature, based upon the Board's ruling.

**Adjournment** This meeting was adjourned at 11:30 a.m.

/dvn