

INVESTIGATIVE SUMMARY

Michael S. Ganio – Senior Manager, Employee Relations

Complaint Against: Joshua Weil

Position: Instructional

Tenure: 08/17/2012

Department/School: Orange Youth Academy Alternative Education

Responding Supervisor/s: [REDACTED]

Allegation(s): Grabbed student by throat, pushed to ground, causing bump and bruise on head

Details of Case:

On July 9, 2015, an [REDACTED] was completed and accepted for investigation by DCF alleging Alternative Education teacher Joshua Weil grabbed a student by the neck and forced him down to the ground causing a bump/bruise on the back of the student's head.

The victim is a student at the Orange Youth Academy, a Florida Department of Juvenile Justice (DJJ) High-Risk residential program for males ages 14-18 who have been committed through juvenile court.

Ms. [REDACTED] a DJJ employee, witnessed the grabbing but turned away and did not see the student pushed to the ground. DJJ and DCF confirmed there is no video surveillance in the area of the incident and there were no other witnesses.

Due to the nature of the allegation, DJJ directed OCPS to remove Mr. Weil from the site as the use of physical restraints by non-DJJ staff is not allowed. The Alternative Education office reassigned Mr. Weil to administrative duties at their main office and have arranged a transfer to another site when school resumes in the fall. A predetermination meeting (PDM) was held on July 15, 2015. During the PDM, Mr. Weil stated:

- I was late this day and in a hurry, crossing a corridor between two classrooms to get a rolling cart with laptop computers. There is a curtain wall separating the two rooms, but the curtain was not fully closed or latched. There were gaps in the wall.
- The student reached through the gap and grabbed my arm. I reached out to push him away and he started to strike at me with his hand/fist.
- ***In his statement, the victim reported that you choked him, and he started to choke you back.*** Well, it was more of a push and my hand ended up at his neck

area. **But Ms. [REDACTED] also reported a choke, saying you and the student were choking each other.** He was reaching towards me, slapping and hitting me. I was just trying to get him to stop. I kept telling him, "...no hitting, no hitting..." but he did not stop. **Was he slapping with an open hand, or hitting with a closed fist?** Some of both.

- **In your statement, you admit grabbing him. Why did you go hands on?** Because he would not stop hitting me. **Did you call for assistance?** Ms. [REDACTED] was right there, only 10 feet away. She did nothing. She just stood there.
- **Are you allowed to go hands on?** No. We are not. **Then why?** He just would not stop hitting me. **In your statement, you said you picked him up? If you are not allowed to go hands on, why pick him up?** It was an attempt to get him to stop.
- **Is he a big kid...I mean you picked him up, how?** No, he is small, one of the smaller kids in the class. I picked him up by his collar and my other hand on his back.
- **In your statement, you said you brought him to the ground?** Yes, my goal was to get him on his back to calm him down.
- **Did you know the student struck his head, resulting in a bruise and swelling?** No, not until I was told that later. I had no idea. I had no intention of hurting him. I was just trying to get him to stop. I did not know he hit his head. He did not say he hit his head.

NOTE: Union Rep [REDACTED] cited Article VI Section P of the OESPA contract, which states in part, "An employee shall be permitted to use necessary and reasonable force to quell a disturbance, to protect himself/herself or others from possible injury, to restrain a disruptive student...and such shall not be construed as corporal punishment."

In addition, Mr. [REDACTED] cited the nature of the students, committed to a juvenile corrections program, and the fact the DJJ employee, charged with providing for the security of the students and employees did nothing to intervene with the disruptive student.

Documents Reviewed:

Witness statements
Photograph of injury
[REDACTED]

Prior ER Complaints:

Date	Allegation	Outcome/Documents
12/21/2012	Threatening or abusive language/profanity	Confirmed/Written Directives
03/16/2015	Violation of Management Directive B12, Policy of Civil Conduct	Confirmed/Written Directives
04/13/2015	Violation of Management Directive A9, Use of Technology	Confirmed/Written Directives

Outcome:

Confirmed