

On Thursday, November 4, 2004, beginning at approx. 1145 hrs., John Byerly met with Ms. Rodriguez at South Seminole Middle School to discuss the allegations contained herein. Following is a synopsis of information provided by Ms. Rodriguez.

Ms. Rodriguez has been in her current position with Ms. Garrett since August of 2002.

She stated that soon after she began her duties at the school, she witnessed Ms. Garrett walk up behind certain children and strike them on the back of their heads and/or use profane language in the presence of children. Sometimes contact was of sufficient force to cause one to hear the contact and cause the child to stumble forward.

One specific incident that occurred within the last two to three months involved an ESE student by the name of [REDACTED]. When the students arrived one morning, [REDACTED] was walking from the bus ramp to his classroom and behind Ms. Garrett. Apparently, [REDACTED] hit Ms. Garrett on her back with his hand based on Ms. Garrett's comment to Ms. Rodriguez upon her (Garrett's) arrival to the classroom. According to Ms. Rodriguez, this angered Ms. Garrett. This was the first time she had been aware or told that [REDACTED] actually hit someone.

When Ms. Garrett and [REDACTED] arrived in the classroom, Ms. Garrett said to Ms. Rodriguez, "Can you believe that little bastard hit me?" Then she punched [REDACTED] on the back of his head with her fist and said, "You get in that bathroom!" The blow to [REDACTED] was of sufficient force to cause him to lose his balance. [REDACTED] is one of the non-verbal students who the staff must assure goes to the bathroom first thing because he does wet his pants on occasion.

Ms. Rodriguez recalled another event whereby Ms. Garrett grabbed an arm of an ESE student named [REDACTED] and "swung" his body toward the bathroom when he failed to move toward the bathroom on his own fast enough to suit Ms. Garrett.

Another incident occurred on one day this school year when [REDACTED] was being a little mischievous and wasn't moving toward the door to go to lunch. Ms. Garrett allegedly grabbed his arm and "flung" his body toward the door in order to get him going. While at lunch that same day [REDACTED] was "acting up" at lunch so Ms. Garrett removed him from the lunch room and apparently took him back to the classroom. When the rest of the staff and students returned to the classroom, [REDACTED] appeared to have calmed down.

A couple weeks prior to this recalled event, Ms. Rodriguez recalled observing [REDACTED] "acting up" at which point, Ms. Garrett turned him around and hit him on his buttocks with her hand.

Another incident that allegedly occurred this school year involved an ESE student named [REDACTED] [REDACTED] has a behavior that tends to get aggravated when he can't do what he wants to do. He began pounding his hands on his table. Ms. Garrett grabbed [REDACTED] thumb and bent it backward to restrain him from pounding on the desk. Ms. Rodriguez said that Ms. Garrett bent [REDACTED] thumb so hard, that he screamed in pain. Based on her training and experience, Ms. Rodriguez said that this is not an acceptable method of restraint. The next day [REDACTED] mother wrote in his planner asking why her son's thumb was black and blue. In response, Ms. Garrett documented or told another staff member to note on the child's planner that his thumb had been injured while the child was playing outside during physical education class. Ms. Rodriguez knew of no event or activity involving [REDACTED] that would have caused the injury to his thumb.

Ms. Rodriguez also alleged that she has witnessed Ms. Garrett "flick" [REDACTED] earlobe with her finger when he is not on task and has witnessed her slap him on the side of his head when he is not on task. When [REDACTED] is not sitting on his chair properly, such as balancing the chair on two legs, Ms. Garrett has allegedly grabbed his chair and yanked it from underneath him causing him to fall to the floor. In her two years working with [REDACTED] she claimed that she has witnessed inappropriate physical contact by Ms. Garrett to [REDACTED] at least 50 times.