

On Friday, November 12, 2004 beginning at approx. 0939 hrs., John Byerly met with Ms. Nowik at South Seminole Middle School to discuss the allegations contained herein. Ms. Nowik's current duties are as a classroom assistant with Ms. Lisa Clovey at South Seminole Middle School where she has been assigned for the last two years. Previous to that she had been with a teacher by the name of Ms. Tacher for approximately 6 months. Previous to that, Ms. Nowik was a classroom assistant with Ms. Garrett. Following is a synopsis of information provided by Ms. Nowik.

Ms. Nowik described her current duties as part of an academic team. She works with two students in the morning then lower functioning students in the afternoons. She has been involved with special needs children for approximately 5 years. Her training consisted of what she described as hands on training. She has attended several in-service programs over time but has not been trained in benign restraint techniques.

When Ms. Nowik worked with Ms. Garrett, Ms. Alessandri worked as the other assistant in the classroom. She said during her first year 6 students were in the class. During the second year with Ms. Garrett approx. 6-7 students attended the class. Ms. Nowik has only worked directly with Ms. Alessandri in the past. She is familiar with Ms. Mort and Ms. Rodriguez.

Over the course of two years in Ms. Garrett's class, Ms. Nowik stated that she observed and reported several incidents of concern to the then assistant principal, Ms. Opisso. It seemed to Ms. Nowik that a student named [REDACTED] was always the subject of attention for Ms. Garrett. She seemed to have her hands on him constantly.

Incidents involving [REDACTED] occurred during the 00-01 school year...probably during the spring of 2001. Ms. Nowik described [REDACTED] as a very small autistic child who was non-verbal. [REDACTED] was approx. 11-12 at the time. She said [REDACTED] was not aggressive or a student that was capable of doing harm to anyone...especially an adult.

The first notable incident that Ms. Nowik recalled involved [REDACTED]. Ms. Nowik stated that [REDACTED] had a habit of making himself vomit by gagging to the point, he would sometimes throw up. Most of the time they would be able to get him to the bathroom in time for the expectorant to be deposited in the toilet. After a while, Ms. Garrett would place a trash can next to [REDACTED] desk and paper towels on his desk for when he would vomit so he could clean up his own mess. [REDACTED] was not a student that Ms. Nowik worked with. She was assigned a couple of other students to work with.

On the day of the notable event, [REDACTED] vomited a small amount of substance on the top of his desk. Ms. Garrett said, "Clean it up...clean it up." [REDACTED] became agitated and didn't want to clean it up. [REDACTED] pushed the paper towels on the floor. Ms. Nowik wasn't sure if Ms. Garrett was trying to get [REDACTED] to pick up the paper towels from the floor or what, but Ms. Nowik said Ms. Garrett stood next to him, grabbed hold of the back of his neck and "had" his face down against the desk in the vomit telling him to pick up the towels and clean up the mess. His face was in the vomit for a couple of seconds. When he lifted up his face and sat upright, Ms. Nowik saw vomit residue on the child's face. It appeared that while his face was down on the desk, [REDACTED] was reaching for the paper towels that were on the floor but couldn't reach them. He had to get out of his chair and pick them up. Ms. Nowik didn't think the intent of Ms. Garrett was to punish him by pushing his face in to the vomit, but to get him to clean up the mess. At that point, he started cleaning up the mess and Ms. Garrett nonchalantly went back to her desk. Because he had the residue on his face, Ms. Nowik told [REDACTED] to go to the bathroom and wash his face which he did. Ms. Nowik contended that Ms. Garrett intentionally pushed [REDACTED] face in to the vomit on his desk. The entire event lasted approximately two minutes.

In fact, Ms. Nowik stated that Ms. Garrett frequently would grab and hold [REDACTED] by the back of the neck when he wasn't doing his assigned task. Ms. Nowik believes that the vomit event was written in to the planner by Ms. Garrett. She went on to say that she had read the planners of students when Ms. Garrett would be absent and discovered that many of the entries made by Ms. Garrett were not true. In that, entries indicating certain tasks had been completed for that day when in fact, the student had never worked on the