



"Home of the Pirates"

MATANZAS HIGH SCHOOL

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Incident report for student Elliott Bertrand

The 4 issues reported to be investigated were:

1. Mr. Olivia not referring to student's preferred name
2. Renaming of the choir group
3. Two comments made - one to Elliott and one to the class - comment heard was "not going to have another incident"
4. Sound Booth comment.

Students names have not been used, due to FERPA protections.

Reason for investigation: On 10/16 I was notified by Assistant Principal Ms. Casternia that Ms. Bertrand was upset about an incident that occurred in Elliott's choir class. Later that day at 6:25 p.m I called the Bertrand home regarding the incident that occurred in Mr. Olivia's class. On the phone with me were: Mr. & Mrs. Bertrand and their son Elliott. The parents told me that their son Elliott is passionate about theater and that this is not a comfortable time for him.

Issue #1: The parents told me that last year when Elliott began to identify as a male he had told his teachers of this and requested that they refer to him as Elliott (former name was Sarah--(the skyward system lists a child's name based upon legal documents, as a result the system lists the student's name as Sarah). Parents said all of Elliot's teachers respected this change and were supportive. Parents reported that Mr.Olivia said I may have a difficult time with this name change as that was his father's name and his nephew's name. It was agreed that Mr. Olivia would refer to Elliott has "Eli or Lee". Mr. and Mrs Bertrand said that for most of the 2018-19 school year Mr. Olivia would call Elliott, "Bertie or Bertrand" and only occasionally would he use the agreed upon names (Eli or Lee). Parents told me that this made Elliott very uncomfortable. I asked the parents if this was an issue during the new school year and they stated that Mr. Olivia is now using the names Eli/Lee agreed upon last year.

Investigation:

Mr. Olivia was asked about not wanting to refer to Elliott by his new name.

Mr. Olivia said, "It would be difficult for me to do that, as that was my father's name and I have a nephew with that name". Mr Olivia asked Elliott if there was another name he could use, Mr Olivia said he was given the names Eli or Lee. Mr Olivia told the student he would use those names. I asked Mr. Olivia why he used the names Berti or Bertrand. Mr Olivia said that he

Vision Statement

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often refers to students by last name or "nickname". I asked Mr. Olivia if he knew this upset Elliott when he used the last names, he said he did not know that. Mr. Olivia said this all happened last year and I have been using Eli and Lee all this year.

Findings: For the 2018-2019 school year upon presentation of the new student name a resolution agreeable by all parties was made for Mr. Olivia to refer to the student as Eli or Lee. Occasionally he would use a nickname or the student's last name of Berti or Bertrand. This was not done to single out or disparage the student as Mr. Olivia would refer to other students by nicknames and/or last names. Upon Mr. Olivia learning the student was not comfortable with the use of the last name or nickname he has referred to the student as Eli or Lee. For the 2019-2020 school year Mr. Olivia has been using Eli and Lee.

Issue #2: Mr. and Mrs Bertrand told me that at the start of this school year (1st day of school) Mr. Olivia explained to the chorus class that they would now be referred to as "Treble" and not "Women's Choir". According to the Bertands, Mr. Olivia said "we're changing our name to be more inclusive to our friends" and made an open palm gesture towards Elliott and another student (student 1) The parents explained that student 1 may have been "outed" by this gesture and that Mr. Olivia had no right to make gesture towards Elliott and especially towards student 1.

Investigation:

On 10/17, spoke with student 1. I've never met student 1 before so I introduced myself and ask what name I should use (I was told by the Bertrand family that this student was transgender and they believed that the student had been outed by Mr. Olivia with this "gesture"). The student requested that I use a name and appropriate pronouns. I asked student 1 if he remembered the first day in class when Mr. Olivia informed the class of the name change. Student 1 said yes. I asked student 1 if Mr. Olivia making a hand gesture toward the area where they sat (student & Elliott). Student 1 said yes, but felt that gesture was made to the entire class and not directed at them. I asked student 1 if it was uncomfortable in Mr. Olivia's class and student 1 said, "I've known Mr. Olivia since middle school and he has been a really good teacher". The student advised that the incident did not result in his being outed to the class. I asked student 1 if I could call parents, and I was asked not to do that, as parents were not aware of his desire to be identified as a different gender. Student 1 said that I'm working up a way to tell my parents, but also said was not sure if I will want to stay identified as the gender I chose. I told student that I would honor this request and that if ever needed to talk to please come to my office. Student 1 thanked me and said yes would speak to me if the need arose.

Student #2: On 10/17 spoke with student #2. Student 2 stated that class was told name change would be better for all. Did not recall Mr. Olivia making hand gestures or pointing at any students. Student 2 stated no issues in class. Feels like we are treated fine in class.

Student #3: On 10/17 spoke with student 3. Student 3 was asked about the name change to the group and student didn't recall any hand gestures the day it was announced. I asked student 3 if any students are being singled out or picked on, student 3 said no. Student 3 did

said, " Mr. Olivia raises his voice and I wish he wouldn't" I asked student 3 if this happens often student 3 said "no, it's just annoying when he does".

Student #5 - 9th grade student. Is a new student to chorus. When asked about hand gesture student said there was no hand gesture or pointing. Student stated that Mr. Olivia's class is helping socially and that now has many friends in the class. When asked if Mr. Olivia treats class fairly student said, "Mr. Olivia wants us to sing louder so he is fair".

Student #6: 11th grade student. Was not in class at the beginning of school year. When asked if Mr. Olivia is fair with class student said, "he is hard on the alto's. These are the 9th graders and he wants them to sing louder". Student additionally stated, " I have some social anxiety issues and this class helps me be more vocal. Mr. Olivia yells at everyone once in awhile because we slack off. He does this in a loving way".

Student #7: 12th grade student. Stated that at beginning of year he explained to us about the name change. Said that Mr. Olivia felt this would make students (maybe used word family) more comfortable. All the kids in the class know why name was changed. When I asked what do you mean all the kids, Student said "the girls that are guys, it's not a big deal". Student said, "Mr. Olivia didn't say this in either a positive or negative way". I asked student if Mr. Olivia is fair in class. Student stated, "He thinks more of what he wants". I asked for an example and was told, "He picks songs instead of what we want to sing". Student said, "I was mad at Mr. Olivia during concert when I was sick and couldn't sing. He told me to just go on stage and lip-synch the song. I told him I'm not doing that". Student went on to explain how Mr. Olivia cut a song other students really liked, even though they learned it. When Mr. Olivia heard that students would drop the class he decided to put song back in. The song is the "Okie Song" sung in Latin. The other song is Flanders Field. Student said if Mr. Olivia does not teach this song next semester then I'm dropping class. I asked the student about grade (lowest grade student has). Student stated, "this class is an elective I have to many honors classes to worry about I don't have time to do the outside work in this class",

Student #8: 9th grade student. When asked if student remember's name being changed was told, "I know we were changing the name because of the guys in class. One is my good friend". Student went on to say that Mr. Olivia told us it would be a better name and student agreed with him. Student didn't notice Mr. Olivia singling anyone out. Student said she likes the class and now is going to audition for "Newsies".

Student #9: 12th grade student. When asked about name change student said, "it was no big deal. Treble is where girls sing anyway guys sing staff". When asked if Mr. Olivia is fair in class student said, "oh yes, Mr. Olivia has us use Smart Music at home. This helps us practice because it records your pitch and beat. He doesn't have to do this, but he wants us to be better singers". Student went on to explain that some students are behind because they don't use "Smart Music". Student felt that Mr. Olivia lets them be "who we are, he does not judge us".

Student #10: 10th grader. When asked about the name change student said, "Mr. Olivia said this would be a better name". Student did not recall a gesture or pointing to other students. Student said Mr. Olivia really helps us with the Smart Music. Student stated that she likes the class and has no issues. Feels like Mr. Olivia treats everyone the same.

Findings: The name change from "Women's Choir" to 'Treble" was discussed by Mr. Olivia and Mr. Reaves at end of the 2018-19 school year. Mr. Olivia told Mr. Reaves that he wanted to make the choir more inclusive to all students and felt changing the name would be a good start. In addition, the name change was necessary due to the range of music required for choir. Mr. Olivia informed the class of the name change and said if he did make a hand gesture (which he is not sure if he did make a gesture), it was made as a reference to include and refer to the whole class. From the interviews of randomly selected students the inclusion of the hand gesture could not be confirmed as taking place when Mr. Olivia discussed the name change. It was confirmed that Student 1 did not feel outed by the conversation regarding the name change. Mr. Olivia admitted that he has at times inadvertently referred to "Treble" as "Women's Choir" but that is because the group for years has been known as "Women's Choir".

Issue #3: The family explained that Elliott had experienced an anxiety attack in Mr. Olivia's class (I believe the date parent said was 10/10 or 10/14) that was triggered by Mr. Olivia. I asked how did Mr. Olivia trigger it. Elliott explained that the class was working in sections and he was having difficulties with his hearing aids. This was causing Elliott to be over stimulated to all the sounds in the room. Elliott was trying to adjust his hearing aids. Elliott went on to explain that Mr. Olivia singled him out, and told Elliott to sing right there. Elliott said he told Mr. Olivia that I couldn't do it, but he kept pushing me. Elliott said he asked why again, and kept pushing me. Elliott then said he had to leave the class. This event happened towards the end of class.

I was then told that the next day in class Mr. Olivia said "lets not have another rmoment today--I asked Elliott if this was said specifically to him or the whole class, Elliott said that was said to the whole class. Elliott did say that on the way into class Mr. Olivia did say to him, "you're not going to have another incident are you which the whole class had heard"

Findings: I asked Mr. Olivia about the day in class when Elliott was working in groups and if he remembered that day. Mr Olivia said he did---the class was divided into 4 different groups. The class was not hitting the proper key/note---Mr. Olivia said, "I knew that Eli could demonstrate this note so I asked Eli to demonstrate". Eli told him no and Mr. Olivia said I need you to do this, again Eli said no Mr. Olivia asked again at which point Elliott left the room. I asked Mr. Olivia did he follow Elliott and he said no that the class ended a few minutes after this. Mr. Olivia said I just thought he was having a bad day like the rest of the class. I asked Mr. Olivia if he noticed Elliott having difficulty with his hearing devices. Mr. Olivia said he did not.

I asked Mr. Olivia about the next in class and if he made the comment to Elliott "are we going to have another incident today". Mr. Olivia said he did say that as Elliott was walking into class but didn't mean it to upset Elliott. I asked Mr. Olivia if he said this in front of the whole class and he

said he couldn't be sure as many students were coming into the class. I asked Mr. Olivia if said to the whole class."where not going to have another moment today are we?". Mr. Olivia said yes and he was referring to the entire class having difficulty with the particular lesson and hitting a certain note in the previous day's class.

Issue #4: Mr. and Mrs. Bertrand told me on the evening of MHS/ITMS Fall Chorus concert (10/10), that there was something said in the sound booth by Ms. Olivia and theater technical director Mr. Bruce Scott. I was told that Mr. Scott had asked why was the name of chorus group changed, According to Mr. and Mrs Bertrand Ms. Olivia said, " it's the guy-girls thinking they are special and that's why the name was changed". I was not sure why using the term "guy-girls" was inappropriate and Elliott said that it is a derogatory statement made by those who do not want to recognize those who may identify as a different sex. I asked Elliott how he knew this statement was made. Elliott said it was overheard by student #4 (student technical assistant), I asked if any other adults/students may have heard this conversation. I was told no, but they would try and think if maybe someone else may have heard this.

Investigation:

On 10/17 I had a meeting with student #4. I asked student #4 if he had heard any conversation in the sound booth between Mr. Scott and Ms. Olivia. Student #4 didn't want to talk about it. Student #4 said he was unsure of what he may or may not have heard. I asked student #4 if all was okay and he told me that he was currently living with his grandmother and that things at home were not good. Student #4 was starting to get upset so I suggested to student #4 to write a statement . Student #4 did not want to write a statement.

On 11/18 I again spoke with student #4 about comments in the sound booth. Student #4 said I don't remember any negative comments. I asked student #4 if anyone else was in the sound booth and student #4 said no. I asked student #4 if anyone was standing outside of sound booth and student #4 stated no.

Findings: there was one student in the room when the alleged derogatory comment was made. This student was asked on two separate occasions regarding the matter. On the first meeting student declined to discuss the matter and refused to write a statement; at the second meeting the student indicated he could not remember what was stated and did not recall anyone else being present. As I have been unable to verify through the student whether this statement was made, I believe this matter needs to be referred to the District office for further consideration as it appears the complaint is with the statement made by Ms. Oliva who is not an employee of MHS. A complaint can be made with the District Office's Chief Human Resource Director Jewel Johnson for formal investigation of that matter.

Follow up with Bertrands: On 10/22 I called the Bertrand home. Ms. Bertrand answered and I told her I wanted to discuss the concerns regarding Mr. Olivia. I asked if Mr. Bertrand was available and Ms. Bertrand said no. I told Ms. Bertrand that it would not be a problem for me to call back later in the evening to speak with both of them. Ms. Bertrand said she would relay the information to Mr. Bertrand. I told Ms. Bertrand about my conversations with students.

With regards to Issues #2 and #3 in this report I asked Ms. Bertrand if there were other students who witnessed or heard anything that I could speak to. Ms. Bertrand said she would have to ask Elliott. I asked Ms. Bertrand if she had any questions and Ms. Bertrand said not at this time. I again offered to call back and told Ms. Bertrand to have Mr. Bertrand contact me with any questions/concerns. Ms. Bertrand said she would and our conversation ended.

If there are additional matters that have not been addressed, please advise the undersigned at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenny Seybold", with a stylized flourish at the end.

Kenny Seybold
Assistant Principal