

## **INVESTIGATIVE REPORT**

**TO:** Sonita D. Young, Chief  
Human Resource Services

**VIA:** Josephine Jackson, Executive Director  
Office of Equity and Inclusion/Professional Standards

**FROM:** Aaron Clements, Investigator  
Office of Equity and Inclusion/Professional Standards

**SUBJECT:** Mary Baxley, PN [REDACTED], Paraprofessional, ESE  
Holiday Hill Elementary School #3209

**DATE INVESTIGATION OPENED:** February 7, 2014

**ALLEGATIONS:** Ms. Baxley exercised poor judgment when she intentionally brought peanut butter cookies to a peanut free classroom for a student's birthday.

As a result of the investigation, the allegation is cleared as:

- ☒ **SUSTAINED:** Evidence proves allegation(s) to be true.
- ☐ **UNABLE TO PROVE OR DISPROVE:** Unable to sustain the allegation as probable or improbable.
- ☐ **UNFOUNDED:** Evidence shows allegation(s) has/have no merit.
- ☐ **CLEARED BY ARREST:**  
The employee was arrested and subject to prosecution.

The investigative report is attached.

If you need further assistance, please contact 390-2054.

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Complainant: Vondeira Scott, PN [REDACTED], Principal

Victim: [REDACTED], Student [REDACTED], 4<sup>th</sup> Grade, Female

Subject: Mary Baxley, PN [REDACTED], Paraprofessional, Exceptional Student Education

Witnesses: Judy Boucher, PN [REDACTED], Teacher, Emotional/Behavioral Disabilities  
Rochelle Pugh, PN [REDACTED], Paraprofessional, Exceptional Student Education  
Stephanie Pritchett, PN [REDACTED], Licensed Practical Nurse

Other persons listed in Investigative Report:

Elbert Akins, Substitute Teacher  
[REDACTED], Student [REDACTED], 4<sup>th</sup> Grade, Male  
Jekeva Moss, School Nurse, Department of Health

**Note:** The following is the history of the teachers assigned to [REDACTED] classroom. At the beginning of the 2013-2014 school year Teacher Micki Okeefe-Stevens was [REDACTED] homeroom teacher. Mary Baxley was the paraprofessional that traveled with [REDACTED] class and stayed with the class the entire day. On or about October 30, 2014, Ms. Okeefe-Stevens was transferred to Lone Star Elementary. Ms. Baxley remained the paraprofessional that stayed with the students, and Permanent Substitute Elbert Akins stepped in for Ms. Okeefe-Stevens. On February 3, 2014, Ms. Baxley reported to Principal Vondeira Scott she hurt her foot. Principal Scott recommended she be placed in a classroom where she may not have to be as hands on with the students. Ms. Baxley agreed and become the paraprofessional of another classroom, approximately 5 days before the allegations of this case took place. On February 6, 2014, the day before the allegations, Judy Boucher took the place of Mr. Akins as the full time homeroom teacher in [REDACTED] classroom.

Background and Investigation:

On February 7, 2014, during dismissal of the students, Principal Scott contacted Investigator Clements with the Office of Equity and Inclusion/Professional Standards (this office). She stated a student was just transported to the emergency room by Jacksonville Fire Rescue Department (JFRD). Principal Scott stated it was alleged Ms. Baxley brought cookies into a peanut-free classroom for a students' birthday. Investigator Clements advised Principal Scott to contact the Florida Department of Children and Families (DCF).

On February 7, 2014, Principal Scott forwarded an employee misconduct reporting form to the this office. In the reporting form Principal Scott stated the following:

On February 7, 2014, peanut cookies were given to a classroom for a student's birthday. The student's classroom was peanut-free and a student had an allergic reaction. Principal Scott inquired on the allegations and was told Ms. Baxley brought the cookies to school on the morning of February 7, 2014, for Student [REDACTED] birthday. Ms. Baxley gave the cookies to Paraprofessional Rochelle Pugh and Ms. Pugh informed Principal Scott Ms. Baxley stated "These cookies are for Michael's birthday and [REDACTED] can have these cookies." Later in the afternoon Ms. Pugh and teacher Judy Boucher distributed the cookies to the students. [REDACTED] took approximately two

bites and started feeling sick. JFRD was contacted. Nurse Stephanie attempted to give [REDACTED] the Epi-Pen; however, she refused to receive the pen. Principal Scott assisted and was able to convince [REDACTED] to take the Epi-Pen. JFRD arrived and [REDACTED] was transported to the hospital. Principal Scott spoke with Ms. Baxley who stated she brought the cookies to school for [REDACTED] birthday. Some of the cookies were sugar cookies with sprinkles and some were peanut butter cookies. Ms. Baxley informed Principal Scott she gave the cookies to Ms. Pugh and Ms. Baxley informed Ms. Pugh [REDACTED] could have the cookies. Principal Scott stated Ms. Baxley was the paraprofessional in the class until February 3, 2014. Ms. Baxley was aware the class was peanut-free. Nurse Pritchett informed Principal Scott Ms. Baxley is trained on the Epi-Pen in case Nurse Pritchett is not available. Further, Ms. Baxley was trained by the Department of Health regarding peanut allergies and how to assist students who are allergic. (Attachment 1)

On February 7, 2014, Principal Scott forwarded written statements to this office. The written statements were from Ms. Pugh, Ms. Boucher, and Ms. Baxley. (Attachment 2)

On February 12, 2014, DCF Investigator Ivey Johnson contacted Investigator Clements and stated she had concluded her investigation at Holiday Hill Elementary regarding [REDACTED] being transported to the hospital. Investigator Johnson stated she was closing the case against Ms. Baxley as **Verified for Substance Misuse**. Her investigation revealed Ms. Baxley provided the cookies to the classroom, Ms. Baxley knew [REDACTED] had a severe peanut allergy, and Ms. Baxley had been trained on the allergy.

On February 13, 2014, Investigator Clements traveled to Holliday Hill Elementary to investigate the allegations. Investigator Clements conducted the following interviews in the presence of Principal Scott.

#### Interview with Student [REDACTED]

[REDACTED] stated she has a peanut allergy and asthma. When she eats peanut products her tongue swells, her throat swells, and she starts spitting due to her tongue swelling. Ms. Baxley is aware of her peanut allergy. [REDACTED] stated her father told Ms. Baxley about the allergy. Ms. Baxley made two types of cookies for Michael's birthday. One type was sugar cookies with sprinkles, and the other type was peanut butter cookies. [REDACTED] did not know some were peanut butter cookies until she bit into one of the cookies. She took bites of both types of cookies. After she ate the cookies her tongue started itching and her throat started swelling. She had to stay in the nurses station for a long time. Nurse Pritchett gave her an Epi-Pen and an ambulance took her to the hospital. After the Epi-Pen, her tongue felt better; however, her throat was still swollen. [REDACTED] father met her at the hospital. The hospital gave her additional medicine for her throat. Ms. Baxley talked with [REDACTED] after the incident and stated she was sorry [REDACTED] got sick. Ms. Baxley told [REDACTED] it was a mistake.

#### Interview with Paraprofessional Rochelle Pugh

Ms. Pugh stated she is the paraprofessional that travels with the classroom. She took the place of Ms. Baxley who is now the paraprofessional in a different classroom. Ms. Pugh stated Ms. Baxley came to her room and stated she promised she would bake [REDACTED] some cookies for his birthday. The cookies were in a Tupperware container. Ms. Baxley handed the cookies to Ms. Pugh and stated "[REDACTED] can have these cookies." There was nothing written on the

container. Ms. Pugh noticed there were two different types of cookies in the container. Ms. Pugh has seen Ms. Baxley around the school; however, she has not spoken with her on a regular basis. Ms. Pugh stated Ms. Baxley was in the classroom with [REDACTED] for months. Ms. Pugh started teaching in [REDACTED] class approximately a week before the incident. She knew Ms. Baxley was aware of [REDACTED] allergies. Ms. Pugh took the cookies and placed them in the nurses station. She planned on giving the students the cookies at the end of the day. During the day, Nurse Pritchett stuck her head in the door; however, Ms. Pugh did not remember what she said or if it was related to the cookies. Ten or fifteen minutes before dismissal, Ms. Pugh went into the nurses station to retrieve the cookies and some milk for the students. While the students were eating the cookies, [REDACTED] mentioned the cookies tasted like peanut butter and stated her mouth felt funny. [REDACTED] was taken to the nurses station which is directly next their classroom. Ms. Pugh stated she has not received formal training on peanut allergies; however, she has been made aware of the allergy and how severe it is. All of the teachers who are around [REDACTED] are made aware of how severe the allergy is. There is a sign before someone walks into the classroom and one inside the classroom stating the classroom is a peanut free classroom. Ms. Pugh stated she knows that a peanut free classroom means no peanut products enter the classroom at any time.

#### Interview with Teacher Judy Boucher

Ms. Boucher stated on the day of the incident, it was her second day in the class and it was Michael's birthday. Ms. Pugh informed Ms. Boucher there were cookies for [REDACTED] birthday and [REDACTED] could have some of the cookies. Ms. Pugh mentioned she put the cookies in the nurse's station. Ms. Boucher did not know where Ms. Pugh got the cookies from. [REDACTED] is in Ms. Boucher's homeroom class and they rotate to her for reading in the middle of the day and then back to her at the end of the day. At approximately 2:15 p.m. Ms. Pugh retrieved the cookies from the nurses station. There were two sets of cookies inside of a Tupperware container. One looked like sugar cookies and the others looked like chocolate oatmeal. The cookies were passed out by Ms. Pugh. [REDACTED] ate one of the sugar cookies and had consumed approximately half when she stated to Ms. Boucher she was feeling funny. [REDACTED] stated her throat was burning, she had her hands around her throat, and she appeared to not be breathing freely. The reaction was immediate after eating the cookie. The nurses station is located directly next to their room and Ms. Pugh and Ms. Boucher made sure [REDACTED] saw the nurse. They stated to Nurse Pritchett [REDACTED] appeared to be having an allergic reaction to the cookie. Ms. Boucher asked the students what the cookies tasted like and the students stated one tasted like a sugar cookie and the other tasted like peanut butter cookies. Nurse Pritchett was notified of the student's responses. The cookies were taken out of the classroom and all of the desks were wiped down. Ms. Boucher stated she did not want any residue from the cookies left behind. That was the end of her involvement with [REDACTED]. She heard [REDACTED] went by ambulance to the hospital. On Ms. Boucher's first day in the classroom she asked what the allergies of the students were. She was told about [REDACTED] allergy and another student who has a red dye allergy. She has been a teacher for 12 years and has been trained by nurses at other schools about peanut allergies and their severity. Because of her knowledge regarding peanut allergies, she does not allow food into the classroom, and students are not allowed to take out their lunches while in the classroom. A peanut free classroom means no peanut products are allowed in the classroom at any time. Ms. Boucher stated there is a sign on the door and one inside the classroom which states the classroom is a peanut free classroom due to an allergy. Ms. Boucher does not remember Nurse Pritchett mentioning anything about the cookies to Ms. Pugh or herself. Ms. Boucher stated she was not even aware Nurse Pritchett was aware of the cookies until after the incident.

### Interview with Nurse Sephanie Pritchett

Nurse Pritchett stated at the end of the day on February 7, 2014, she heard someone say they were going to pass out cookies to the students. Nurse Pritchett had seen the cookies in her office in a red bowl; however, she did not know where they came from. Nurse Pritchett instructed Ms. Pugh to not give out the cookies to students because she did not know what was in them. Ms. Pugh informed Nurse Pritchett the cookies were from Ms. Baxley and Ms. Baxley stated [REDACTED] could eat the cookies. Nurse Pritchett knew Ms. Baxley was the former paraprofessional in the classroom prior to Ms. Pugh. Previously, Nurse Pritchett had many conversations with Ms. Baxley about [REDACTED] peanut allergy and made sure she was aware of how serious the allergy was. As a result, Nurse Pritchett assumed the cookies did not have any peanut products in them. Once [REDACTED] ate a cookie she informed Ms. Pugh she was not feeling well. Their classroom is next door to Nurse Pritchett's office and Ms. Pugh informed Nurse Pritchett [REDACTED] may have eaten a cookie with peanut products in it. Ms. Boucher stated to Nurse Pritchett she was not aware the cookies had peanut products in them. Ms. Boucher informed Nurse Pritchett [REDACTED] was having trouble breathing. Nurse Pritchett took [REDACTED] into her office and contacted [REDACTED] parents. [REDACTED] mother instructed Nurse Pritchett to give [REDACTED] the Epi-Pen and have her transported by EMS to Wolfson Children's Hospital. Nurse Pritchett attempted to administer the Epi-Pen to [REDACTED]; however, [REDACTED] refused to receive the pen. Principal Scott arrived and assisted with [REDACTED]. Principal Scott was able to get [REDACTED] calmed down and Nurse Pritchett administered the Epi-Pen. Nurse Pritchett stated it had only been approximately a week since Ms. Baxley was transferred to another classroom. Nurse Pritchett knew Ms. Baxley was aware of [REDACTED] peanut allergy and had been trained by the Department of Health on how to use the Epi-Pen. [REDACTED] transferred to Holiday Hill in November of 2013. Nurse Pritchett stated Ms. Baxley was the paraprofessional that traveled with the class and did not teach any other class besides [REDACTED]. Because Ms. Baxley was always with [REDACTED], Nurse Pritchett made sure Ms. Baxley was fully aware of [REDACTED] peanut allergy and was trained on how to use the Epi-Pen. Nurse Pritchett stated Ms. Baxley was required to hand out documentation to the parents of the students in [REDACTED] classroom, notifying them of [REDACTED] peanut allergy and how severe it was.

### Interview with Substitute Elbert Akins

Mr. Akins stated he was the permanent substitute for [REDACTED] homeroom. He was the permanent substitute in the room until approximately two weeks ago. Ms. Akins stated he still substitutes at Holiday Hill on a regular basis. Mr. Akins stated he knew about [REDACTED] peanut allergies. Investigator Clements asked him to describe what a peanut free room meant and he stated it meant for no peanuts or peanut products to enter the room. Mr. Akins stated he did not allow food with peanuts or peanut products to enter the room. When Mr. Akins first started teaching in [REDACTED] classroom Ms. Baxley informed him of [REDACTED] peanut allergies. Mr. Akins stated student bought items out of a store down the hall from their classroom. To his knowledge students were not allowed to get items from the store containing peanut products.

### Written Statement from Nurse Jekeva Moss

Ms. Moss is a nurse for the Florida Department of Health. She is a nurse that assists with schools in Duval County. Ms. Moss stated she trained Ms. Baxley on November 14, 2013, on the Epi-Pen. This was a child specific training that was done due to one of the students under

Ms. Baxley's care being identified as having a severe allergy. The allergy could result in anaphylaxis; therefore, may require use of the prescribed Epi-Pen. Ms. Baxley was taught to identify the symptoms of anaphylaxis, call 911, and how to administer the Epi-Pen.

**Note:** Ms. Moss provided the documentation of Ms. Baxley's training. While at Holiday Hill Elementary, Investigator Clements obtained written documentation given to the parents of the students in [REDACTED] class. Ms. Moss gave this documentation to Nurse Pritchett which was given to Ms. Baxley to give to the parents of the students. The forms explained the severity of peanut allergies, directed parents not to send items to school which contained peanut oils and peanut products, and specifically gave the ingredients and additives that cannot be in the foods. (Attachment 4)

#### Interview with Paraprofessional Mary Baxley

Ms. Baxley stated on the day of the incident she bought cookies at Publix for Michael's birthday. Half of the cookies were sugar cookies and half were peanut butter. The cookies were separated in a Tupperware container. The cookies were not touching; however, they were in the same container. At the time she did not know this was a problem. She brought the cookies to school and took them to [REDACTED] homeroom class at the beginning of school. Ms. Pugh answered the door and she stated to Ms. Pugh she brought cookies for [REDACTED] birthday. She informed Ms. Pugh, "[REDACTED] can have these cookies" and pointed to the sugar cookies in the container. Investigator Clements asked Ms. Baxley what a peanut free room meant as indicated on the door of the classroom and inside the classroom. Ms. Baxley stated a peanut free room means there are no loose peanuts laying around the classroom for [REDACTED] to have. Investigator Clements asked Ms. Baxley if she had a new understanding of a peanut free room. Ms. Baxley stated she did and now understands no peanut products can be in the room. Ms. Baxley stated she was aware of [REDACTED] peanut allergies. Ms. Baxley took [REDACTED] to the school store to buy snacks. When they went to the store she informed [REDACTED] of which items contained peanuts and which ones did not. Ms. Baxley stated other students would buy items from the store with peanuts in them and [REDACTED] never had a reaction. Ms. Baxley stated a nurse came to the school and trained her on peanut allergies and how to use the Epi-Pen in case a student had a reaction. Ms. Baxley did not know where the nurse was from. Ms. Baxley stated she does not remember what she was taught in the training regarding peanut allergies. Ms. Baxley stated she has had conversations with Nurse Pritchett and other teachers regarding peanut allergies; however, she does not remember what was said in the conversations. Ms. Baxley did not know of the severity of peanut allergies. Ms. Baxley stated she always gives students things such as cookies for their birthday. She is sorry [REDACTED] had to go to the hospital because of the cookies. Investigator Clements asked Ms. Baxley if she wanted to provide a written statement regarding the allegations or would Investigator Clements' interview with her be sufficient. Ms. Baxley stated the interview would be sufficient. Investigator Clements read his notes to Ms. Baxley and she confirmed the information to be correct.

**Note:** While at Holiday Hill Elementary School Investigator Clements went to the [REDACTED] homeroom where she consumed the cookies. Investigator took picture of the "peanut free classroom" sign on the outside of the door where Ms. Baxley handed the cookies to Ms. Pugh. Investigator Clements also took a picture of the sign located inside the classroom.  
(Attachment )

**Past Investigations and/or Disciplinary Actions:**

Ms. Baxley has been the subject of a prior investigation by the Office of Equity and Inclusion/Professional Standards and has previously received Progressive Discipline in 2013.

On November 25, 2013, Ms. Baxley received **Step II Progressive Discipline - Written Reprimand** administered by Principal Scott. The allegations were Ms. Baxley was preparing her students to transition to another class. One of her students got up from the mat in the room and walked to the window. The student cranked the window open and climbed out. After the student climbed out of the window he climbed back in. When the student climbed back through the window, he pulled the blinds down and the blinds fell on a different student resulting in injury to the student's ear. The student whose ear was injured exited Ms. Baxley's classroom without her knowledge of the injury. Subsequently, the student was taken to the emergency room for treatment of his injuries.

**Conclusion:**

Based upon the foregoing, it was determined that there is substantial evidence to sustain the charges of **the exercise of poor judgment** against Mary Baxley for her role in these incidents.

The charges are sustained and the contents of this investigation were reported to Ms. Sonita Young, Chief Human Resource Officer for further action.

**Aaron Clements, Investigator**  
**Office of Equity and Inclusion/Professional Standards**  
Report typed, February 19, 2014

**Addendum and Attachments:**

Employee Misconduct Reporting Form (**Attachment 1**)  
Written Statements obtained by Principal Vondeira Scott (**Attachment 2**)  
Written Statement by DOH Nurse Jekeva Moss (**Attachment 3**)  
Written Documentation Provided to Parents on Peanut Allergies (**Attachment 4**)  
Documentation of Mary Baxley's Epi-Pen training (**Attachment 5**)  
Pictures of the "Peanut Free Classroom" Signs (**Attachment 6**)  
Student Emergency Reports (**Attachment 7**)



DUVAL COUNTY  
PUBLIC SCHOOLS

Dr. Nikolai P. Vitti  
Superintendent

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February 26, 2014

Via Hand Delivery

Mary Baxley, PN #  
7127 Diamond Head Road  
Jacksonville, FL 32216

**RE: STEP III PROGRESSIVE DISCIPLINE – REPRIMAND AND SUSPENSION  
WITHOUT PAY**

Dear Ms. Baxley:

Pursuant to Article V of the collective bargaining agreement between Duval Teachers United and Duval County School Board and the Board's Progressive Discipline Policy, this letter of reprimand constitutes Step III of Progressive Discipline. You are by this letter, reprimanded and suspended for 10 working days, pending Board approval at the School Board Meeting on March 4, 2014.

**PAST DISCIPLINARY ACTIONS**

On November 25, 2013, you received **Step II Progressive Discipline - Written Reprimand** administered by Principal Vondeira Scott. The allegations happened when you were preparing your students to transition to another class. One of your students got up from the mat in the room and walked to the window. The student cranked the window open and climbed out. After the student climbed out of the window he climbed back in. When the student climbed back through the window, he pulled the blinds down and the blinds fell on a different student resulting in injury to the student's ear. The student whose ear was injured exited your classroom without your knowledge of the injury. Subsequently, the student was taken to the emergency room for treatment of his injuries.

**NATURE AND SPECIFICATION OF CURRENT CONDUCT**

On February 7, 2014, you intentionally brought peanut butter cookies to a "Peanut-Free Classroom" for a student's birthday. There is a sign next to the door stating "Peanut-Free Classroom, please do not bring any peanuts or products containing peanuts into classroom." During your interview, you stated to the investigator you were aware of the student's peanut allergy. Further, you were trained on how to use the Epi-Pen when a student has an allergic reaction. Due to you bringing the peanut butter cookies into the classroom, the student with the allergy consumed one of the cookies and was transported by ambulance to the hospital.



### **CURRENT DISCIPLINARY ACTION**

Please know and understand that such behavior cannot and will not be tolerated by this administration. You are directed to refrain from this behavior in the future.

Your conduct requires that you be issued a written reprimand and be suspended without pay. This constructive discipline is being given instead of dismissal in order to afford you progressive discipline. Further improper conduct on your part will subject you to more severe disciplinary action, which could include dismissal. It is the hope of the District that such action will not become necessary and that you and the District can have a successful and continuing working relationship. It is in this spirit that the following discipline is given to you:

1. A letter of written reprimand placed in your personnel file.
2. Pending Board approval, you will be suspended for **10** consecutive working days without pay. Upon Board approval, the Office of Equity and Inclusion/Professional Standards will notify you of the dates of your suspension via US mail. Please note that during your suspension period you may not volunteer to work at your school. Additionally, unless your presence on DCPS property involves non-work related responsibilities (i.e., picking up a child from a school campus), your presence on school property is not warranted.

### **EMPLOYEE ASSISTANCE PROGRAM**

Additionally, you are **required** to contact the Employee Assistance Program within **ten (10)** days of receipt of this letter to make an appointment. Failure to make and keep all appointments will be seen as a violation of this Progressive Discipline Reprimand and will result in further disciplinary action, which may result in dismissal.

The program provides help for personal or job related, family, financial, alcohol, drug and stress problems, and any other problems you may have. The phone number for the Employee Assistance Program is 296-9436. The program is strictly confidential. All employees are encouraged to use this benefit and service.

Sincerely,



Sonita D. Young  
Chief, Human Resource Officer

Cc: Personnel File  
Principal

ACKNOWLEDGEMENT OF RECEIPT

By my signature, I, Mary Baxley, acknowledge receipt of this document only. It does not indicate that I agree with the contents.

This letter of reprimand will be placed in your personnel file within the Records Department of the Duval County School Board.

Mary Baxley  
Signature of employee

2/26/2014  
Date

[Signature]  
Witness

02/26/14  
Date