

7-31-03

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
OFFICE OF THE SCHOOL BOARD ATTORNEY

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EDWARD J. MARKO
SCHOOL BOARD ATTORNEY

03 DEC 15 PM 2:35
ADMINISTRATIVE
HEARINGS

December 10, 2003

The Honorable J.D. Parrish,
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399

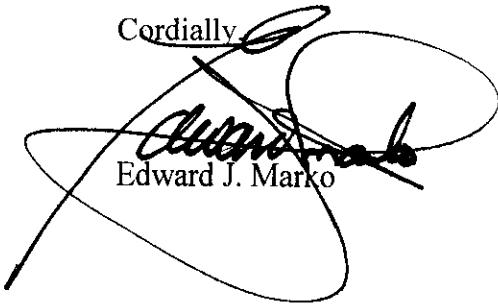
JDP CLOS

**RE: The School Board of Broward County, Florida vs. Harriet Parets
Before the State of Florida Division of Administrative Hearings,
Case No. 02-4759**

Dear Judge Parrish:

For the Division's file, enclosed please a Final Order concerning the above-referenced matter, which was considered at the October 7, 2003 School Board meeting.

Cordially,


Edward J. Marko

EJM:jcf

Enclosure

C: Mark A. Emanuele, Esq.
Mark J. Berkowitz, P.A.
Joseph Melita, Director, Professional Standards

Staff\friz\allwork\doah\employment\parets\judge-final order

BEFORE THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

CASE NO. 02-4759

BROWARD COUNTY SCHOOL BOARD,

Petitioner,

v.

HARRIET PARETS,

Respondent.

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FINAL ORDER

This cause coming on to be heard before The School Board of Broward County, Florida (hereinafter referred to as "The School Board") at its meeting conducted on October 7, 2003, to consider the Recommended Order filed on July 31, 2003, by J.D. Parrish, Administrative Law Judge of the State of Florida, Division of Administrative hearings (hereinafter referred to as "ALJ") consisting of Findings of Fact, Conclusions of Law, and a Recommendation; the Respondent's Exceptions to the Recommended Order filed on August 14, 2003 by Respondent, HARRIET PARETS (hereinafter referred to as "Respondent") and the Petitioner's Response to Respondent's Exceptions to the Recommended Order filed on August 22, 2003, and The School Board being fully advised in the premise:

IT IS THEREUPON Ordered and Adjudged as Follows:

1. In its exception to the Recommended Order under the section entitled "General Exceptions", the Respondent raises the following issues:

(1) The failure to include in the Recommended Order specific record citations supporting the Findings of Fact and Conclusions of Law;

(2) General Exception to the use of undefined or unspecified “vague and conclusory language” within the Recommended Order;

(3) The alleged failure to reference the substantive law supporting the Findings of Fact and Conclusions of Law.

The School Board rejected General Exception No. 1 as there is no requirement for same under the law and is supported by competent legal authority. General Exception No. 2 is rejected as a result of the Respondent’s failure to specifically identify and specify what language Respondent believes is “vague and conclusory” in sufficient detail so as to afford The School Board an opportunity to reasonably review same. Lastly, Respondent’s General Exception No. 3 is rejected as supported by competent legal authority, including Chapter 120, Chapter 230, Chapter 228 of the Florida Statutes and Florida Administrative Code Rule 6a.

2. Petitioner’s Specific Exception A.1 is rejected as the Findings of Fact identified therein are supported by competent and substantial evidence.

3. Petitioner’s Specific Exception A.2 is rejected as the Findings of Fact identified therein are supported by competent and substantial evidence.

4. Petitioner’s Specific Exception A.3 is rejected as the Findings of Fact identified therein are supported by competent and substantial evidence.

5. Petitioner’s Specific Exception A.4 is rejected as the Findings of Fact identified therein are supported by competent and substantial evidence.

6. Petitioner’s Specific Exception A.5 is rejected as the Findings of Fact identified therein are supported by competent and substantial evidence.

7. Petitioner’s Specific Exception A.6 is rejected as the Findings of Fact identified therein are supported by competent and substantial evidence.

8. Petitioner's Specific Exception A.7 is rejected as the Findings of Fact identified therein are supported by competent and substantial evidence.

9. Petitioner's Specific Exception A.8 is rejected as the Findings of Fact identified therein are supported by competent and substantial evidence.

10. Petitioner's Specific Exception A.9 is rejected as the Findings of Fact identified therein are supported by competent and substantial evidence.

11. Petitioner's Specific Exception A.10 is rejected as the Findings of Fact identified therein are supported by competent and substantial evidence.

12. Petitioner's Specific Exception A.11 is rejected as the Findings of Fact identified therein are supported by competent and substantial evidence.

13. Petitioner's Specific Exception A.12 is accepted by The School Board and the Findings of Fact as set forth in that paragraph are rejected as not supported by competent and substantial evidence.

14. Petitioner's Specific Exception B.1 is rejected as the Conclusions of Law set forth therein are supported by competent legal authority upon issues outside of the substantive jurisdiction of The School Board.

15. Petitioner's Specific Exception B.2 is rejected as the Conclusions of Law set forth therein are supported by competent legal authority upon issues outside of the substantive jurisdiction of The School Board. See, Broward-NEA, et al. v. School Board of Broward County, Florida, et al., Broward County Circuit Court Case No.: 94-22782 (03).

16. Petitioner's Specific Exception B.4 is rejected as the Conclusions of Law set forth therein are supported by competent legal authority upon issues outside of the substantive jurisdiction of The School Board. See, Broward-NEA, et al. v. School Board of Broward

County, Florida, et al., Broward County Circuit Court Case No.: 94-22782 (03).

17. Petitioner's Specific Exception B.5 is rejected in that there is competent and substantial legal authority to support the sufficiency of the allegations as pled in the Administrative Complaint.

18. Petitioner's Specific Exception B.6 is rejected on the basis that there is competent and substantial evidence and Findings of Fact within the record to support the conclusion that the PSC was appropriately instructed.

19. Petitioner's Specific Exception B.7 is rejected as there is competent and substantial evidence within the record based on the Findings of Fact to support the conclusion that the Respondent received due process.

20. Petitioner's Specific Exception B.8 is rejected as there is competent and substantial evidence within the record based on the Findings of Fact to support the conclusion that the PSC was authorized to meet a second time.

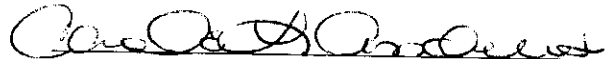
21. The Findings of Fact, Conclusions of Law and Recommendation contained in the Recommended Order, excluding paragraph 21 of the Findings of Fact, as set forth in the Recommended Order, per Respondent's Specific Exception A.12 to the Findings of Fact, are adopted in their entirety by The School Board.

22. In accordance with the Recommended Order, Respondent shall be suspended without pay for a thirty (30) day period of time. Further, before being permitted to administer

the FCAT testing again, Respondent shall be required to complete a training course in the administration of the exam, including all testing protocols.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida this 5 day of December, 2003.

THE SCHOOL BOARD OF BROWARD COUNTY


By: Carole L. Andrews, Chair

Copies furnished to:
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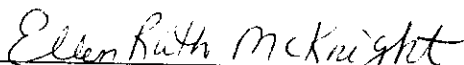
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STATE OF FLORIDA, DIVISION OF
ADMINISTRATIVE HEARINGS
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

APPEAL OF FINAL ORDER

THIS FINAL ORDER may be appealed by filing Notices of Appeal and a filing fee, as set forth in §120.68(2), Florida Statutes, and Rules 9.110(b) and (c), Florida Rules of Appellate procedure, within thirty (30) days of the entry of this Final Order.

Filed in Official School Board Records the
5 day December, 2003.


Supervisor, Official School Board Records