

**BEFORE THE SCHOOL BOARD  
PALM BEACH COUNTY FLORIDA**

**FILED**

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PALM BEACH COUNTY SCHOOL BOARD

Petitioner,

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

vs.

DOAH CASE NO. 03-2740  
JUDGE VAN LANINGHAM

JVL  
closed

SAMUEL K. YOUNG

Respondent.

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**FINAL ORDER**

***THIS CAUSE***, came before the PALM BEACH COUNTY SCHOOL BOARD (hereinafter referred to as "SCHOOL BOARD") pursuant to Section 120.569 and 120.570(1) Fla. Sta., this 12<sup>th</sup> of October, 2005 in West Palm Beach, Florida for the purpose of hearing the Superintendent's exceptions to the Recommended Order of the Administrative Law Judge (Copies of which are attached hereto as Exhibits "A" and "B" respectively) in the above style cause.

Jean Marie Middleton, Senior Counsel, Personnel, represented the Petitioner. Thomas L. Johnson represented the Respondent. Upon review of the entire record, the SCHOOL BOARD makes the following specific findings and conclusions:

**FINDINGS OF FACTS**

1. The findings of facts set forth in the Recommended Order at paragraphs 1-4 are approved, adopted and incorporated herein by reference.
2. The finding of fact set forth in the Recommended Order at paragraph 5 are rejected based on the determination that the competent substantial evidence in

the record did not substantiate the finding that Ms. Daniels placed considerable reliance on student feedback.

3. The finding of facts set forth in the Recommended Order at paragraph 6 is approved, adopted and incorporated herein by reference.
4. The finding of fact set forth in the Recommended Order at paragraph 7 is rejected based on the determination that there was not competent substantial evidence in the record as to whether the probationary performance was considered or not.
5. The finding of fact set forth in the Recommended Order at paragraph 8 is rejected based on the determination that there was competent substantial evidence in the record that there was independent evaluations made by the entire group of evaluators and they went in without prejudgment and gave their own opinions.
6. The finding of fact set forth in the Recommended Order at paragraph 9 is rejected based on the determination that there was not competent substantial evidence in the record regarding the weight Ms. Daniels placed on student complaints.
7. The findings of facts set forth in the Recommended Order at paragraphs 10-12 are approved, adopted and incorporated herein by reference.
8. The finding of fact set forth in the Recommended Order at paragraph 13 is rejected based on the determination that there was not competent substantial

evidence in the record that Dr. Trout believed Mr. Young could be a good teacher.

9. The findings of facts set forth in the Recommended Order at paragraphs 14-16 are approved, adopted and incorporated herein by reference.
10. The finding of fact set forth in the Recommended Order at paragraphs 17-32 are rejected based on the determination that there was competent substantial evidence in the record that the Florida Department of Education had, in fact, approved the CTAS instrument as being a valid document.
11. The finding of fact set forth in the Recommended Order at paragraphs 33-38 are rejected based on the determination that there was competent substantial evidence in the record that there are a number of indicators of competency and it is not to be mainly based upon student achievement.
12. The findings of facts set forth in the Recommended Order at paragraphs 39-41 are approved, adopted and incorporated herein by reference.

#### **CONCLUSIONS OF LAW**

1. The SCHOOL BOARD has jurisdiction of this matter pursuant to Section 120.57(1) Fla. Sta.
2. The conclusions of law set forth in the Recommended Order at paragraphs 42-43 are rejected based on the determination that there was competent substantial evidence in the record that there are a number of indicators of competency and it is not to be mainly based upon student

achievement. This conclusion does not comply with the essential elements of law.

3. The conclusion of law set forth in the Recommended Order at paragraph 44 is rejected based on the determination that the ALJ placed too much importance on student assessment—student achievement and disregarded the other six components of the evaluation system and therefore, the conclusion of law does not comply with the essential elements of law.
4. The conclusion of law set forth in the Recommended Order at paragraph 45 is rejected based on the determination that it places too much importance on student achievement, erroneously interprets the statute and does not comply with the essential elements of law.
5. The conclusion of law set forth in the Recommended Order at paragraphs 46-49 are approved, adopted and incorporated herein by reference.
6. The conclusions of law set forth in the Recommended Order at paragraph 50-51 are rejected based on the determination that the conclusion places too much importance on student achievement on the FCAT to base the evaluation of instructional personnel upon. The conclusion of law misinterprets the statute and does not comply with the essential elements of law.
7. The conclusions of law set forth in the Recommended Order at paragraphs 52-53 is rejected based on the determination that the conclusion places too much importance on student achievement and the conclusion of law does not comply with the essential elements of law.

**WHEREFORE, IT IS ORDERED AND ADJUGED**, that SAMUEL K. YOUNG'S termination of employment for failure to correct performance deficiencies as set forth in the petition for suspension and termination dated July 1, 2003, is hereby upheld. This Final Order shall take affect upon being filed with Clerk of the PALM BEACH COUNTY SCHOOL BOARD, Florida.

**DONE AND ORDERED** this 19<sup>th</sup> day of October, 2005.

**PALM BEACH COUNTY SCHOOL BOARD**

  
ARTHUR C. JOHNSON, PH.D, SUPERINTENDENT

  
THOMAS LYNCH, CHAIRMAN

FILED WITH THE CLERK  
OF THE SCHOOL BOARD  
AS A TRUE AND CORRECT COPY

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OF PALM BEACH COUNTY,  
FLORIDA

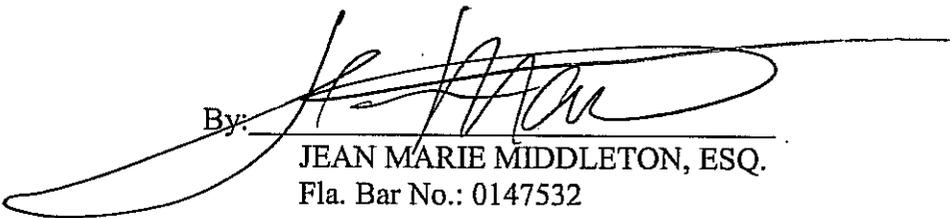
**NOTICE OF RIGHT TO JUDICIAL REVIEW**

Any party who was adversely affected by this final order is entitled to judicial review pursuant to Section 120.68 Fla. Sta. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a notice of Appeal with the agency clerk of the PALM BEACH COUNTY SCHOOL BOARD and a second copy, accompanied by filing fees prescribed by law, with the 4<sup>th</sup> District Court of Appeal or with the District Court of Appeal in the Appellate District, where the party resides. The notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been

furnished by U.S. Mail this 7<sup>th</sup> day of November, 2005 to: Thomas L. Johnson,  
510 Vonderburge Dr., Su 200 Brandon, FL 33511; John G. Van Laningham,  
Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building,  
1230 Appalachee Parkway, Tallahassee, Florida 32399-3060; Honorable Jim Horn,  
Commissioner of Education, Turlington Building, Suite 1514, 325 West Gaines Street,  
Tallahassee, Florida 32399-0400; Daniel Woodring, General Counsel, Department of  
Education, 1244 Turlington Building, 315 West Gaines Street, Tallahassee, Florida  
32399-0400.

By: 

JEAN MARIE MIDDLETON, ESQ.  
Fla. Bar No.: 0147532