

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

ORANGE COUNTY SCHOOL BOARD,

Petitioner,

v.

Case No. 07-0563

PAUL PARISI,

Respondent.

FINAL ORDER

Petitioner, Orange County School Board, by and through undersigned counsel, files this, its Final Order, and hereby states as follows:

On October 7, 2007, the Orange County School Board considered and adopted the Recommended Order of the Honorable Bram D. E. Canter dated August 24, 2007, as the Final Order in this matter with the following noted exceptions:

1. Petitioner notes Respondent's exceptions, to Paragraph 45 of the Recommended Order, given the finding of facts made by the Administrative Law Judge concerning J.L.'s credibility as a witness as noted in Paragraph 34(a) through (j) of the Recommended Order. In this matter, there were no witnesses to the alleged inappropriate conversation other than Respondent and J.L., the accuser, and, having considered the record evidence and their relative demeanor the Administrative Law Judge found Respondent's account of the events more believable than J.L.'s account. Accordingly, the Administrative Law Judge concluded that just cause does not exist to discipline Respondent for Respondent's alleged inappropriate conversation with J.L.

2. The Administrative Law Judge found in paragraph 45 of the Recommended Order that respondent's failure to inform a superior that J.L. had disclosed sexual matters to him warrants a reprimand at most, not his dismissal. Respondent excepts this finding, on due process grounds, as the Administrative Complaint did not allege misconduct for failing to report J.L.'s conversation to a superior, and on grounds that this finding is inconsistent with the Administrative Law Judge's finding as to J.L.'s credibility. Petitioner concedes the due process argument made by Respondent, and therefore will not seek to impose any discipline against Respondent for this infraction.

3. However, the Judge did not set aside or discredit J.L.'s testimony as to her statements made during the subject conversations. The Administrative Law Judge did make a finding of fact that J.L., herself, engaged in conversation with the Respondent which conversation was sexual in nature. See Paragraphs 18, 19 and 24 of the Recommended Order. Accepting the testimony of Laura Beusse (Page 181, Line 16, through page 183, Final Hearing Transcript), the Administrative Law Judge found the Respondent's failure to report J.L.'s conversation warranted discipline of some degree. See Paragraphs 43 and 45 of the Recommended Order. As stated above, Petitioner recognizes the due process arguments asserted by Respondent to this potential charge and, therefore, Petitioner agrees to not impose discipline for this infraction.

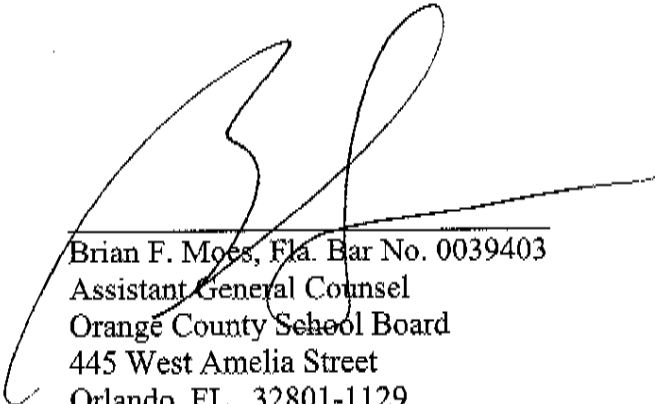
4. The Recommended Order issued by Administrative Law Judge Canter contains a misstatement as to Respondent's contract status. In the "Statement of the Issues" section of the Recommended Order, Judge Canter correctly refers to Respondent as an Annual Contract Teacher and correctly identifies the single issue as whether just cause existed to terminate

Respondent's annual contract. However, within the "Recommendation" section of the Final Order, the Administrative Law Judge misstates Respondent's status as a professional service contract teacher. There is no doubt that at the time the School Board initiated dismissal proceedings against Respondent in December 2006 that Respondent held an annual contract of employment and had been employed with the District since August of 2005, or approximately one and one-half years. Under Florida law, Mr. Parisi is not eligible to receive a Professional Service Contract as he has not met the statutory criteria under Florida Statute, §1012.33(3)(a), or the operative Collective Bargaining Agreement. Therefore, the School Board of Orange County rejects this aspect of the recommendation of Administrative Law Judge Bram D. E. Canter and, given the factual findings within the Recommended Order, reinstates Respondent to the status he held as of December 12, 2006, with restorative pay and benefits through the term of the annual contract.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing has been sent by facsimile transmission and US Mail this 10 day of October 2007 to:

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