

THE SCHOOL BOARD OF HERNANDO COUNTY, FLORIDA

WAYNE S. ALEXANDER, Ed.D.,  
SUPERINTENDENT OF SCHOOLS  
FOR HERNANDO COUNTY,

**COPY**

Petitioner,

v.

Case No.: ED08-0001  
DOAH Case No.: 07-5363

ANGELO DIPAOLO,

Respondent.

**FINAL ORDER**

THIS CAUSE came to be heard on this <sup>2<sup>nd</sup></sup> day of September, 2008, before the School Board of Hernando County, Florida, and said School Board finds as follows:

2008 SEP - 8 P 12:51  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS  
FILED

1. At all times pertinent, Angelo DiPaolo ("Respondent") was employed by the School Board of Hernando County as a school bus attendant. As such, Respondent was considered a support employee as defined in Florida Statutes and was a member of the support employee collective bargaining unit, Hernando United School Workers (HUSW). The standard for discipline for support personnel is "just cause" pursuant to Article VIII of the HUSW collective bargaining agreement, School Board Policy 6.37 and \$1012.40, Florida Statutes. The School Board has the authority to terminate and/or suspend support employees pursuant to the same.

2. On October 5, 2007, Respondent allegedly failed to properly secure a student in her seat before the school bus pulled away from its stop and failed to immediately notify the Transportation Department of the incident.

3. The October 5<sup>th</sup> incident was reported to Transportation by the mother of the student in question and an investigation ensued.

4. On November 7, 2007, the Superintendent notified the Respondent via letter that he was being reprimanded for his conduct and was also being suspended without pay for three (3) days pursuant to the Superintendent's authority in School Board Policy 6.38.

5. The Respondent requested a hearing on the discipline through his attorney and the matter was referred to the Florida Division of Administrative Hearings (DOAH).

6. The hearing was held before Ella Jane P. Davis, Administrative Law Judge ("ALJ"), on April 2, 2008.

7. The ALJ issued her Recommended Order on July 15, 2008.

8. The ALJ determined that on the day in question, the Respondent "abandoned his job responsibilities" and failed to properly assist the driver in handling the situation.

9. No exceptions to the Recommended Order have been filed. Accordingly, the Board accepts the ALJ's findings of fact, conclusions of law and the recommended penalty pursuant to

School Board Policy 6.39 and incorporates them into this Final Order by reference.

**It is accordingly ORDERED as follows:**

A. The DOAH Recommended Order of July 15, 2008, is hereby adopted in its entirety.

B. Respondent's reprimand and three (3) day suspension without pay is confirmed and approved.

C. This Order may be appealed to the District Court of Appeal of Florida, Fifth District, 300 South Beach Street, Daytona Beach, Florida 32114, telephone number (386) 255-8600. The appeal must be filed within thirty (30) days of the date of this Order by filing a Notice of Appeal with the School Board c/o J. Paul Carland, II, Esq., General Counsel and a second copy with the District Court of Appeals. For further information, contact J. Paul Carland, II, General Counsel at 919 North Broad Street, Brooksville, Florida 34601, telephone number (352) 797-7253.

ENTERED on this the 2nd day of September, 2008.

  
Sandra Nicholson, Chairperson

Copies to:

Division of Administrative Hearings (DOAH)  
J. Paul Carland, II, General Counsel  
Mark Herdman, Esq., Attorney for Respondent  
Personnel File