

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

SEMINOLE COUNTY SCHOOL BOARD

Petitioner,

v.

DOAH Case No. 08-0467
Agency File No. 2008-001

MICHELLE S. McGHEE,

Respondent.

FINAL ORDER

This matter came before the School Board of Seminole County, Florida, as the agency head, on April 14, 2009, for entry of the final order. Administrative Law Judge R. Bruce McKibben, the administrative law judge assigned by the Division of Administrative Hearings submitted his Recommended Order dated March 6, 2009, to the School Board of Seminole County, Florida. The Recommended Order entered on March 6, 2009, except as otherwise set forth herein, is hereby incorporated *in haec verba* by reference and adoption.

FINDINGS OF FACT

The agency hereby adopts the findings of fact as set forth in the Recommended Order, *in haec verba*, as the findings of fact of the agency by reference and adoption.

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HEARINGS

CONCLUSIONS OF LAW

The agency hereby adopts the conclusions of law, *in haec verba*, as the conclusions of law of the agency by reference and adoption.

DISPOSITION

Upon the foregoing findings of fact and conclusions of law, it is ordered as follows:

1. That Respondent shall receive a written reprimand, issued by the appropriate administrative authority for her negligence in permitting her firearm to be found on the bus ramp of Heathrow Elementary School.

2. that Michelle S. McGhee, a "psc" teacher employed by The School Board of Seminole County, Florida, is hereby suspended without pay from December 12, 2007 through August 17, 2009;

3. that Michelle S. McGhee shall report to Heathrow Elementary School for duty on August 18, 2009, unless otherwise directed by the Superintendent or his designee;

4. that Michell S. McGhee shall be subject to the following terms and conditions of probation from the date of entry of this final order through the last duty day of the 2009-2010 school year:

a. Respondent shall comply with State Board of Education Rule 6B-1.001, The Code of Ethics of the Education Profession in Florida;

b. Respondent shall comply with State Board of Education Rule 6B-1.006, The Principles of Professional Conduct of the Educational Profession in Florida;

c. Respondent shall not violate § 790.06(12) Fla. Stat., *inter alia*, that prohibits the carrying of a concealed weapon or firearm on the campus of any Seminole County public school;

d. Respondent shall not violate School Board Policy 3.40, Section II.E and/or § 790.251(7)(a), Fla. Stat., *inter alia*, that prohibits the carrying of a firearm in a motor vehicle or otherwise while on the premises of a Seminole County public school;

e. any vehicle owned or operated by the Respondent and brought on to the campus of Heathrow Elementary School or any other school campus where the Respondent may be found during her duty day or while in required attendance at an activity of the School Board or her school of employment shall be subject to a random search for the presence of a weapon or firearm with or without reasonable suspicion at the discretion of the respondent's supervising administrator (principal or assistant principal) or by direction of an Executive Director of Elementary Education;

f. any purse, supply cart (as identified in the hearing transcript), bag, box, briefcase or similar container, while on a school campus or other school board

facility, shall be subject to a random search for the presence of a weapon or firearm with or without reasonable suspicion at the discretion of the respondent's supervising administrator (principal or assistant principal) or by direction of an Executive Director of Elementary Education;

g. Respondent shall be formally observed in the classroom, by use of the regular Board approved evaluation form #571, at least once per semester during the probationary period; and

h. Respondent's annual assessment shall be conducted by use of the regular Board approved evaluation form #571, and shall occur prior to the last day of post-school of the probationary year.

Done and Ordered on April 14, 2009, in open meeting at Sanford, Seminole County, Florida.



DEDE SCHAFFNER, CHAIRMAN

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon Clerk of the Court, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-1550, Marian Lambeth, Chief, Department of Education, Bureau of Professional Practices Services 325 W.

Gaines Street, Suite 224E, Tallahassee, Florida 32399, and Matthew E. Haynes, Esq., Johnson, Haynes & Miller, P.A., The Barrister's Building, 1615 Forum Place, Suite 500, West Palm Beach, Florida 33401 via U.S. mail and Ned N. Julian, Jr., Esq., 400 E. Lake Mary Blvd., Sanford, Florida 32773-7127 via personal delivery on April 15, 2009.

A handwritten signature in dark ink, appearing to read 'Karen Ponder', written over a horizontal line.

KAREN PONDER
Clerk to the School Board

NOTICE OF APPEAL RIGHTS: Pursuant to Section 120.68, Fla. Stat., a party to this Final Order may seek judicial review of this Final Order in the appropriate district court of appeal by filing a notice of appeal pursuant to Florida Rules of Appellate Procedure 9.110(c). The original notice of appeal shall be filed with Karen Ponder, Agency Clerk, Seminole county Public Schools, 400 East Lake Mary Boulevard, Sanford, Florida 32773 on or before 30 days from the date of this final order. A copy of the notice, together with the appropriate filing fee, shall also be filed with the Clerk, District Court of Appeal, Fifth District, 300 South Beach Street, Daytona Beach, Florida 32114. If the 30th day following the date of the filing of this order with the Agency Clerk falls on a Saturday, Sunday or a day when the school board office is otherwise closed, the notice of appeal must be filed on the next day that the school board office is open for business. If a party to this proceeding fails to file a notice of appeal within the time prescribed by law and the rules of court, the party will lose its right to appeal this final order.