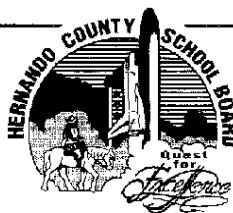


The School Board of Hernando County, Florida

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Superintendent
Wayne S. Alexander, Ed.D.

Chairperson
Dianne Bonfield

Vice Chairman
John K. Sweeney

Members
Charles "Pat" Fagan
Sandra Nicholson
James C. Yant

January 21, 2009

Sharyn Smith, Director
Division of Administrative Hearings
DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-1550

RE: Final Order / Case No. ED08-0002 and DOAH Case No. 08-1012

Dear Ms. Smith:

Please find the Final Order enclosed.

Very truly yours,

J. Paul Carland, II
General Counsel

Enclosure

- cc: Dianne Bonfield, Board Chairperson
- Wayne Alexander, Ed.D., Superintendent
- Heather Martin, Executive Director, Business Services
- Charles Johnson, Principal, Westside Elementary School
- Robin Bayus, Board Secretary
- W. Reynolds Allen, Esq., Special Counsel to HCSB
- Jennifer Gallagher, Respondent

THE SCHOOL BOARD OF HERNANDO COUNTY, FLORIDA

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

Petitioner,

v.

Case No.: ED08-0002
DOAH Case No.: 08-1012

JENNIFER GALLAGHER,

Respondent.

FINAL ORDER

THIS CAUSE came to be heard on this the 20th day of January, 2009, before the School Board of Hernando County, Florida, and said School Board finds as follows:

1. Jennifer Gallagher ("Respondent") is employed by the School Board of Hernando County as a teacher. Her last teaching assignment was at Westside Elementary School (WES). As a teacher, Respondent is an "instructional" employee as defined by section 1012.01(2), Florida Statutes. The standard for discipline for instructional personnel is "just cause" pursuant to section 1012.33(1)(a), Florida Statutes. The School Board has the authority to terminate and/or suspend instructional personnel pursuant to sections 1012.22(1)(f) and 1012.33(6)(a), Florida Statutes.

2. During the 2007-2008 school year, Respondent's attendance was unsatisfactory.

3. A Petition for Termination of Employment regarding Respondent was filed with the School Board on or about February 4, 2008.

4. The Petition charged Respondent with misconduct in office and gross insubordination for excessive absenteeism, absences without approval and gross insubordination towards administration.

5. An initial reading of the Petition took place at a special meeting of the School Board on February 19, 2008. Respondent was in attendance at the meeting and requested a hearing on the charges in the Petition.

6. The Petition was forwarded to the Florida Division of Administrative Hearings (DOAH) for hearing in accordance with School Board policy.

7. The case was assigned to P. Michael Ruff, Administrative Law Judge (ALJ), and a final hearing was held on August 29, 2008.

8. The ALJ issued his Recommended Order on December 4, 2008.

9. The ALJ found in his recommendation that the Respondent committed misconduct as charged in the Petition and found that the evidence was sufficient to support the Superintendent's recommendation to terminate Respondent.

10. The School Board adopts the ALJ's Recommended Order in its entirety and incorporates it herein by reference and makes it a part hereof.

It is accordingly **ORDERED** as follows:

11. Respondent, Jennifer Gallagher, is terminated from her position as a teacher for the Hernando County School Board

12. 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 20th day of January, 2009.



Dianne Bonfield, Chairperson

Copies to:

Division of Administrative Hearings (DOAH)
Reynolds Allen, Esq., Special Counsel to HCSB
J. Paul Carland, II, General Counsel to HCSB
Jennifer Gallagher, Respondent / Pro Se
Personnel File