

BEFORE THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

BROWARD COUNTY SCHOOL BOARD,

DOAH CASE NO: 10-3399
SBBC Agenda: 091611H01

Petitioner,

v.

SEAN GENTILE,

Respondent.

FINAL ORDER

This cause coming on to be heard before THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, at its meeting conducted on September 16, 2011, to consider (1) the Recommended Order, entered on May 23, 2011 by the Honorable Claude B. Arrington, Administrative Law Judge of the State of Florida, Division of Administrative Hearings, consisting of Findings of Fact, Conclusions of Law and a Recommendation; (2) Respondent's Exceptions to the Recommended Order; and (3) Petitioner's Response to Respondent's Exceptions to the Recommended Order.

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, having reviewed the entire record and transcript, and having heard oral argument presented by representatives on behalf of the parties, and being fully advised in the Premises:

IT IS THEREUPON ORDERED AND ADJUDGED BY THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, that:

1. Respondent's first Exception – "The Recommended Order Explicitly Recognizes the Controlling Standard but Fails to Apply it to the Facts of this Case" – is hereby rejected.

2. Respondent's second Exception – "The School Board's Rules for Evaluation of Teachers were Honored more in the Breach than in the Observance" – is hereby rejected.

3. Respondent's third Exception – "Hearsay Alone Cannot Support a Finding, (A) Arthur Ashe Middle School was a Dangerous Place" – is hereby rejected.

4. Respondent's fourth Exception – "Hearsay Alone Cannot Support a Finding, (B) The Alleged Complaints" – is hereby rejected.

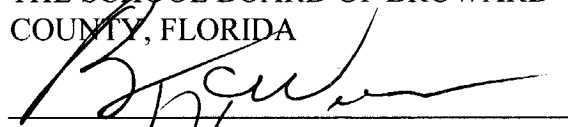
5. Respondent's fifth Exception – "The Recommended Order makes Findings Contradicted by The School Board's Own Evidence" – is rejected.

6. The Administrative Law Judge's Recommended Order is adopted in its entirety.

WHEREFORE, based on the foregoing, THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, sustains the suspension of Sean Gentile without pay and hereby terminates her employment with The School Board of Broward County, Florida.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida this 27th day of September, 2011.

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA


By: Benjamin J. Williams, Chair

Filed in Official School Board Records the
27th day of September, 2011.


Supervisor, Official School Board Records

Copies furnished to:

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APPEAL OF FINAL ORDER

Pursuant to Section 120.68, Fla. Sta., a party to this proceeding may seek judicial review of this Final Order in the appropriate district court of appeal by filing a notice of appeal with Noemi Gutierrez, Agency Clerk, Official School Board Records, The School Board of Broward County, Florida, 600 Southeast Third Avenue – 2nd Floor, Fort Lauderdale, Florida 33301, on or before thirty (30) days from the date of this Final Order. A copy of the notice and a copy of this Final Order, together with the appropriate filing fee, must also be filed with the Clerk, Fourth District Court of Appeal, 1525 Palm Beach Lakes Boulevard, West Palm Beach, Florida 33401-2399. If you fail to file your notice of appeal within the time prescribed by laws and the rules of court, you will lose your right to appeal this Final Order.

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