



THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

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SCHOOL BOARD
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Superintendent of Schools

October 13, 2014

Cathy M. Sellers, Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-1550

RE: Broward County School Board vs. Serena Jones
DOAH Case No. 13-2437TTS

Dear Judge Sellers:

For the Division's file, enclosed please find the Final Order concerning the above-referenced matter, which was considered at the October 7, 2014 Special School Board meeting.

Very truly yours,

J. Paul Carland, II

JPC:jcf
Enclosure

C: Tria Lawton-Russell, Esq. – Superintendent's Administrative Counsel
Carmen Rodriguez, Esq.
Christopher J. Whitelock, Esq.

fritz/allwork/agenda/2014/10-07-14-jones-serena-TLR/final order-judge final order

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

BROWARD COUNTY SCHOOL BOARD,

Petitioner,

DOAH CASE No. 13-2437TTS

vs.

SSBM Agenda: 10-07-14-1

SERENA JONES,

Respondent.

_____ /

FINAL ORDER

THIS CAUSE came before THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA on October 7, 2014 to (1) consider the Recommended Order entered on July 15, 2014, by Cathy M. Sellers, Administrative Law Judge (hereinafter "ALJ") of the State of Florida Division of Administrative Hearings; (2) Petitioner's Exceptions to the Recommended Order; and (3) Respondent's Response thereto.

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, having received and reviewed the record and having heard oral arguments presented by representatives on behalf of the parties, and being fully advised in the premises:

IT IS THEREUPON ADJUDGED that:

1. THE SCHOOL BOARD rejects Petitioner's Exceptions to paragraphs sixty-six (66) through sixty-eight (68) of the Recommended Order.
2. THE SCHOOL BOARD accepts Petitioner's Exceptions to paragraphs sixty-nine (69) through eighty-two (82) of the Recommended Order to the extent that the Findings of Fact are sufficient evidence of "just cause" as such is defined in section 1012.33(1)(a), Florida Statutes, irrespective of meeting the definition of

“moral turpitude.” Dietz v. Lee County School Board, 647 So.2d 217 (Fla. 2nd DCA 1994). THE SCHOOL BOARD finds that its substituted conclusion of law or interpretation of administrative rule is as or more reasonable than that of the Administrative Law Judge’s set forth in the Recommended Order.

3. THE SCHOOL BOARD accepts Petitioner’s Exception to paragraph eighty-three (83) of the Recommended Order to the extent that the Findings of Fact are sufficient evidence of “just cause” as such is defined in section 1012.33(1)(a), Florida Statutes. Dietz v. Lee County School Board, 647 So.2d 217 (Fla. 2nd DCA 1994). THE SCHOOL BOARD finds that its substituted conclusion of law or interpretation of administrative rule is as or more reasonable than that of the Administrative Law Judge’s set forth in the Recommended Order.

4. THE SCHOOL BOARD accepts Petitioner’s Exception to the recommended penalty based upon a complete review of the record and increases the penalty to suspension without pay to date and termination of employment as the Findings of Fact in the Recommended Order are sufficient to warrant such actions. The Administrative Law Judge found, among other things, and it was undisputed by the parties that:

(48) There is no question that Respondent’s conduct was inconsistent with the standards of public conscience and good morals. It is hard to envision that, absent duress or imminent threat, a person having a conscience and being of good moral fiber could witness his or her own child being severely beaten with an extension cord and not intervene to stop the beating— regardless of the circumstances that precipitated the beating. This is particularly the case when that person is entrusted in his or her professional life with ensuring the safety of children. It is also hard to envision that a person having a conscience and being of good moral fiber would force nine- and six-year-old children to witness the beating.

(52) Unquestionably, Respondent's conduct in choosing not to intervene to stop Darren Jones' severe beating of D.B.J. with an extension cord, and in forcing her two younger children to watch their sister suffer the beating, involved acts of baseness, vileness or depravity in the private and social duties, which, according to the accepted standards of the time a man owes to his or her fellow man or to society in general.

5. Except as otherwise noted herein, the Recommended Order is adopted in its entirety and is incorporated herein by reference (see Recommended Order attached as Exhibit "A").
6. THE SCHOOL BOARD hereby suspends without pay to date and terminates the employment of RESPONDENT, SERENA JONES.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida this 10th day of October, 2014.

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

By 
PATRICIA GOOD, CHAIR

Filed in Official School Board Records the
10th day of October, 2014.

Renata Bell Turcios
for Supervisor, Official School Board Records

Copies furnished to:

ROBERT W. RUNCIE, Superintendent of Schools
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The School Board of Broward County, Florida
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APPEAL OF FINAL ORDER

Pursuant to Section 120.68, Fla. Stat., 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.