

*The School District of Hernando County, Florida*  
*Office of the School Board and General Counsel*

919 N. Broad Street  
Brooksville, FL 34601  
Phone: (352) 797-7253  
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September 14, 2015

Superintendent: *Lori M. Romano, Ph.D.*  
Board Chairperson: *Gus Guadagnino*  
Vice Chairperson: *Matthew A. Foreman*  
Board Members:  
*Susan Duval*  
*Mark C. Johnson*  
*Beth Narverud*

Ms. Kimberly Rosario  
2145 Founder Road  
Spring Hill, Florida 34606

RE: Final Order regarding Kimberly Rosario

Dear Ms. Rosario:

Enclosed please find the Final Order for your records. The Final Order was signed at the September 8, 2015 School Board Meeting, that was held at the District Office in the School Board Room, 919 North Broad Street, Brooksville, Florida 34601.

If you have any questions, please contact me.

Sincerely,

*Kelly A. Pogue*

Kelly A. Pogue  
Secretary to the School Board and General Counsel

cc: Division of Administrative Hearings (DOAH)  
Thomas M. Gonzalez, Esq., Special Counsel to Superintendent  
Dennis J. Alfonso, General Counsel to HCSB  
Personnel File

FILED  
2015 SEP 17 AM 11 24  
DIVISION OF  
ADMINISTRATIVE  
HEARINGS

FILED  
**EMPLOYEE DISCIPLINARY PROCEEDINGS  
BEFORE THE SCHOOL BOARD OF HERNANDO COUNTY**

2015 SEP 17 AM 11 24

IN RE:

**KIMBERLY ROSARIO,  
(Non-Instructional Personnel)**

DIVISION OF  
ADMINISTRATIVE  
HEARINGS

Case No.: ED 2015-002  
DOAH Case No.: 15-1686

**FINAL ORDER**

**THIS CAUSE** came to be heard before the School Board of Hernando County, Florida on the 8<sup>th</sup> day of September 2015, and upon review, the School Board finds as follows:

1. Kimberly Rosario ("Respondent") is employed by the School Board of Hernando County as a non-instructional (support) employee at J.D. Floyd K-8, a school within the Hernando County District, with an annual contract term running through June 30, 2015. Respondent was not in any tenured contractual relationship with the School Board.

2. After a number of counselling sessions regarding claims of excessive absenteeism in violation of School Board Policy 6.37 and Respondent's failure to comply with her assigned corrective action plan, the Respondent was recommended by her school principal, Rick Markford, to the Superintendent for termination of employment with the Hernando School Board.

3. In accordance with school protocol and School Board Policy, a pre-determination meeting was held on February 18, 2015, in which Respondent participated and was provided an opportunity to respond to allegations and supporting materials of her excessive absenteeism and absenteeism without authority. At that time, the Respondent offered no valid justification for such conduct.

4. On February 19, 2015, the Superintendent notified the Respondent that she would be recommended for termination from employment at the March 17, 2015 School Board meeting. Such notice also communicated to the Respondent the procedures for her to appeal the recommendation. Thereafter, the Respondent appealed.

5. On April 23, 2015, the matter was referred for an administrative appeal to the Division of Administrative Hearings (DOAH).

6. The case was assigned to James H. Peterson, Administrative Law Judge (ALJ), and a final hearing was held on June 9, 2015. Despite notice, the Respondent did not appear.

7. The ALJ issued a Recommended Order on July 17, 2015.

8. Neither the Superintendent nor the Respondent filed timely exceptions to the Recommended Order:

It is accordingly **ORDERED** as follows:

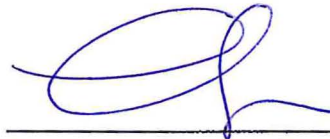
A. The Board hereby accepts and approves the findings, conclusions, and recommendations of the Recommended Order dated July 17, 2015, a copy of which is attached hereto and incorporated herein by this reference. In accordance with School Board Policy 6.39(4)(c)(vi), such Recommended Order shall be and is hereby adopted by the School Board as a Final Order.

B. Respondent, Kimberly Rosario, is hereby terminated from her annual employment contract with the Hernando County School Board, and the School Board's suspension of Respondent without pay effective March 18, 2015 remains unchanged by this action.

C. This Final Order constitutes final agency action on this matter.

D. 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) 947-1530. 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 Dennis J. Alfonso, Esquire, General Counsel and a second copy with the District Court of Appeals. For further information, contact Dennis J. Alfonso, General Counsel at Post Office Box 4, Dade City, Florida 33526-0004, telephone number (352) 567-5636.

**ENTERED** on this the 8th day of September 2015.



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Gus Guadadigno, Chairperson

Copies to:

Division of Administrative Hearings (DOAH)  
Thomas M. Gonzalez, Esq., Special Counsel to Superintendent  
Dennis J. Alfonso, General Counsel to HCSB  
Kimberly Rosario, Respondent (self-represented)  
Personnel File