

SUMMARY EXPLANATION AND BACKGROUND

On May 6, 2014, The School Board approved the recommendation from the Superintendent of Schools to suspend without pay and terminate Mr. Jean, an ESE teacher. The recommendation for termination was based on the Professional Standards Committee's (hereinafter "PSC") review of allegations in Broward School Police Department's case #13-14-029 that Mr. Jean physically abused a student in his ESE class. Mr. Jean challenged the School Board's action and requested an administrative hearing before the State of Florida Division of Administrative Hearings (hereinafter "DOAH").

Following the administrative hearing, the Administrative Law Judge (hereinafter "ALJ") issued a Recommended Order recommending that the School Board enter a Final Order reinstating Mr. Jean (Respondent) as a teacher and awarding Respondent back pay as a result of the suspension without pay.

No exceptions to the Recommended Order were filed by either party. In this case, the ALJ's recommendation hinged on the credibility of the witnesses, an area in which the trier of fact has full discretion, there exists no other legal basis on which the Superintendent could file exceptions to the ALJ's Recommended Order.

After considering the Recommended Order, The School Board of Broward County Florida must take final agency action by rendering a Final Order. Attached hereto as Exhibit 3 is a Final Order that has been approved as to form and legal content by the Administrative Counsel.

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