

Approved in Open Board Meeting February 21, 2018

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
OFFICE OF THE SUPERINTENDENT

December 12, 2017
Tuesday, 12:00 p.m.

MINUTES OF SPECIAL MEETING

The School Board of Broward County, Florida, met in special session at 12:00 p.m. in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: School Board Members Nora Rupert, Chair; Heather Brinkworth, Vice Chair; Robin Bartleman; Abby M. Freedman; Patricia Good; Donna P. Korn; Laurie Rich Levinson; Ann Murray (absent); Dr. Rosalind Osgood; Robert W. Runcie, Superintendent of Schools; and Barbara J. Myrick, Esq.

Call to Order The Chair called the meeting to order.

Moments of Silence were held for Kenneth Joseph, a student from Pinewood Elementary and Deborah McKenzie Perry, a teacher from Stranahan High.

Added Items The Superintendent requested that the Board permit the following changes to the agenda:

- **Items** - Additional Information: 1. Broward School Board v. Diane Louise Neville
- **Items** - Added: 2. Resolution No. 18-98 - Certificates of Participation, Series 2017B - Refunding Series 2009A - BAB; and 3. Resolution No. 18-99 - Certificates of Participation, Series 2017C - Refunding Series 2011A & 2012A

The Chair approved the changes and announced the changes to the Agenda proposed by the Superintendent were accepted by the Chair after being determined that good cause had been established for said changes.

Close Agenda Upon motion by Mrs. Good, seconded by Mrs. Brinkworth and carried, the Agenda was approved and declared closed. Ms. Korn and Ms. Murray were absent for the vote. (7-0 vote)

Purpose of Meeting For The School Board of Broward County, Florida to consider the Recommended Order in the matter of Broward County School Board vs. Diane Louise Neville, and any other items the Board deemed necessary.

1. Broward County School Board vs. Diane Louise Neville (Final Order)

Motion was made by Mrs. Good, seconded by Mrs. Brinkworth and carried, to (1) consider the Recommended Order, rendered on October 24, 2017, by Darren A. Schwartz, Administrative Law Judge, in the matter of Broward County School Board vs. Diane Louise Neville, Case No. 17-1180TTS, before the State of Florida Division of Administrative Hearings; (2) Rule upon Respondent's Exceptions to the Recommended Order and the Response thereto; and (3) Render a Final Order based upon the actions in numbers (1) and (2) above. Ms. Murray was absent. Dr. Osgood voted no. (7-1 vote)

December 12, 2017

Minutes of Special Meeting
Page 1 of 4

In February 2017, the School Board approved the recommendation from the Superintendent of Schools to suspend Ms. Diane Louise Neville, a teacher. The legal basis for her suspension was just cause, misconduct in office, incompetency, and violation of School Board Policies 4008(B) and 2410. Ms. Neville challenged the School Board's action and requested an administrative hearing before the State of Florida Division of Administrative Hearings.

Following the administrative hearing, the Administrative Law Judge (ALJ) issued a Recommended Order, recommending that the School Board enter a final order upholding the 15-day suspension of Respondent without pay.

Through her counsel, Respondent filed Exceptions to the Recommended Order. The School Board, by and through its counsel, filed a Response to the Exceptions.

The School Board of Broward County Florida must take final agency action by rendering a final order after considering the Recommended Order, ruling upon the Respondent's Exceptions and the Response to the Exceptions.

The Record may contain confidential information and has not been redacted. Accordingly, it was provided under separate cover.

Motion to Reject the Respondent's Exception #1 to the ALJ's Finding of Fact #19
(Carried)

Motion was made by Mrs. Bartleman, seconded by Mrs. Good and carried, to reject Respondent's Exception #1 to the Finding of Fact #19 based on Respondent's, Neville's, failure to show that the ALJ's finding was unsupported by competent substantial evidence. Ms. Murray was absent. (8-0 vote)

Motion to Reject the Respondent's Exception #2 to the ALJ's Finding of Fact #25
(Carried)

Motion was made by Mrs. Good, seconded by Ms. Korn and carried, to reject Respondent's Exception #2 to the Finding of Fact #25 based on Neville's failure to show that the ALJ's finding was unsupported by competent substantial evidence. Ms. Murray was absent. (8-0 vote)

Motion to Reject the Respondent's Exception #3 to the ALJ's Finding of Fact #26
(Carried)

Motion was made by Mrs. Good, seconded by Ms. Korn and carried, to reject Respondent's Exception #3 relating to the Finding of Fact #26 based on Neville's failure to show that the ALJ's finding was unsupported by competent substantial evidence. Ms. Murray was absent. (8-0 vote)

Motion to Reject the Respondent's Exception #4 relating to the ALJ's Conclusion of Law #43, #44, and #45 in the Recommended Order (Carried)

Motion was made by Mrs. Bartleman, seconded by Ms. Korn and carried, to reject Respondent's Exception #4 relating to the ALJ's Conclusion of Law #43, #44, and #45 in the Recommended Order. Ms. Murray was absent. (8-0 vote)

Motion to Amend (Withdrawn)

Motion was made by Mrs. Good, seconded by Ms. Korn to amend language in the Recommendation to include a "Fitness for Duty Evaluation" within the next 30 days and reduce the discipline from 15 days suspension to 10 days. Mrs. Good withdrew the motion in order to separate the evaluation from the discipline.

Second Motion to Amend (Carried)

Motion was made by Mrs. Good, seconded by Ms. Korn and carried, to amend language in the Recommendation to include a "Fitness for Duty Evaluation" within the next 30 days. Ms. Murray was absent. Mrs. Freedman and Dr. Osgood voted no. (6-2 vote)

Third Motion to Amend (Withdrawn)

Motion was made by Mrs. Good, seconded by Mrs. Bartleman to reduce the discipline from 15 days suspension to 10 days. Motion was withdrawn.

Motion was made by Ms. Korn, seconded by Mrs. Rich Levinson for discussion.

Fourth Motion to Amend (Carried)

Motion was made by Ms. Korn, seconded by Mrs. Rich Levinson and carried, to accept the ALJ's Findings of Fact and Conclusions of Law with amended language in the Recommendation to read, "... the School Board enter a final order upholding the 10-day suspension of Respondent without pay." Ms. Murray was absent. Dr. Osgood voted no. (7-1 vote)

This case was video-recorded by Broward Educational Communications Network (BECON) and a certified court reporter was also present.

The Board completed its obligations and a Final Order would be prepared for the Chair's signature, based upon the Board's ruling.

2. Resolution No. 18-98 - Certificates of Participation, Series 2017B - Refunding Series 2009A - BAB (Adopted)

Motion was made by Ms. Korn, seconded by Mrs. Brinkworth and carried, to adopt Resolution No. 18-98 - Certificates of Participation, Series 2017B - Refunding Series 2009A - BAB. Ms. Murray was absent. (8-0 vote)

No discussion was held on this item.

A vote was taken on this item.

3. **Resolution No. 18-99 - Certificates of Participation, Series 2017C - Refunding Series 2011A & 2012A** **(Adopted)**

Motion was made by Ms. Korn, seconded by Mrs. Good and carried, to adopt Resolution No. 18-99 - Certificates of Participation, Series 2017C - Refunding Series 2011A & 2012A. Ms. Murray was absent. (8-0 vote)

No discussion was held on this item.

A vote was taken on this item.

Adjournment This meeting was adjourned at 1:23 p.m. by a motion made by Ms. Korn, seconded by Mrs. Brinkworth and acclamation of the Board.

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