

SUMMARY EXPLANATION AND BACKGROUND

On or about March 11, 2016, Samuel Parrondo (hereinafter, S.P.) was attempting to test one of his students, J.M., who is a deaf, low functioning, non-verbal student, identified as having autism for what is the equivalent of the Florida Standardized Assessment for certain ESE students. At some point during the morning hours of that day, J.M. began acting out and making loud noises. S.P. eventually responded by grabbing J.M. by the throat and taking J.M. to the ground by leg sweep, or other similar means of take down. S.P. placed himself on top of J.M., thereby pinning J.M. to the floor with J.M.'s arms at his side, while S.P. continued to yell at J.M. As a result of the aforementioned conduct of S.P., J.M. suffered a scratch on his neck. In accordance with Broward County School Board (hereinafter, "School Board") Policy 4.9, suspension without pay is recommended.

The Administrative Counsel prepared the administrative complaint and notice was personally served on S.P. on March 12, 2018, that a recommendation for his three (3) day suspension without pay with the additional condition that he successfully complete Professional Crisis Management ("PCM") training would be presented to the School Board on April 10, 2018, so that his deadline for requesting a hearing expired on March 27, 2018. S.P. served his Petition for Administrative Hearing on April 11, 2018, which was untimely and after the School Board had rendered its final decision on April 10, 2018. Pursuant to Florida Statutes §1012.33 (6)(a), *[i]f the employee wishes to contest the charges, the employee must, within 15 days after receipt of the written notice, submit a written request for a hearing.* The employee failed to do so; therefore, pursuant to Broward County School Board Policy 4.9, §5.1, the School Board's decision is final and any subsequent requests for hearing should be denied.