

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

February 12, 2013
Tuesday, 9:00 a.m.

MINUTES OF SPECIAL MEETING

The School Board of Broward County, Florida, met in special session at 9:20 a.m., Tuesday, February 12, 2013, in the Board Room of the Kathleen C. Wright Administrative Center, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Present were: Chair Laurie Rich Levinson; (Vice Chair Patricia Good was absent); Members Robin Bartleman, Abby M. Freedman, Donna P. Korn, Katherine M. Leach, Ann Murray, Dr. Rosalind Osgood, Nora Rupert; Superintendent Robert W. Runcie; and J. Paul Carland, II., Esq.

Call to Order The call to order was followed by the Pledge of Allegiance to the Flag of the United States of America.

Close Agenda Upon motion by Ms. Murray, seconded by Mrs. Leach and carried, the Agenda was approved and declared closed. Mrs. Good was absent. Mrs. Freedman, Mrs. Korn and Mrs. Rupert had not yet assumed their seats on the dais. (5-0 vote)

1. Broward County School Board vs. Richard Allen (Adopted)

Motion was made by Ms. Murray, seconded by Dr. Osgood and carried, to (1) Consider the Recommended Order, rendered on October 31, 2012 by June C. McKinney, Administrative Law Judge, in the matter of Broward County School Board vs. Richard Allen, Case No. 12-1601, before the State of Florida Division of Administrative Hearings; (2) Rule upon Petitioner's Exceptions to the Recommended Order and Respondent's Response thereto; and (3) Render a final order based upon the actions in numbers (1) and (2) above. Mrs. Good was absent. (8-0 vote)

On April 3, 2012, The School Board approved the recommendation from the Superintendent of Schools for the continued suspension without pay and termination of Mr. Richard Allen, a teacher. The legal basis for his termination was release of student information in violation of Federal, State laws, and School Board Policies. Mr. Allen challenged The School Board's action and requested an administrative hearing before the State of Florida Division of Administrative Hearings.

Approved in Open Board Meeting, March 5, 2013

Following the administrative hearing, the Administrative Law Judge issued a Recommended Order, recommending that The School Board enter a final order that:

1. Sustains Respondent's charges of violating rule 6B-1.006(4)(c) and the School and District Technology Usage policy 5306 sections 6(b)1(f)and(g);
2. Provides Respondent a written reprimand for the three violations;
3. Dismiss Respondent's charges sections 1002.20, 1002.22, and 1012.33, Broward County School Board policy 5100.1, 20 U.S.C.A. section 1232(g), and rules 6(B)-1.001, 6(B)-1.006(3)(f),(h),(i), 4(b), 5(a), and 6(A)-1.0955, 6(B)-4.009(1)(2) and (3);
4. Immediately reinstates Respondent Richard Allen; and
5. Issues Respondent back salary.

The Petitioner (The School Board, by and through the Superintendent and his cadre counsel) filed Exceptions to the Recommended Order. The Respondent, Richard Allen, filed a response through his attorney.

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

The transcript and exhibits contain confidential information and have not been redacted. Copies of both have been provided under separate cover.

The potential financial impact to the District would be back pay from the date of suspension to present.

Mr. Runcie announced that he has had the opportunity to review the facts and circumstances surrounding the case and believes that the Hearing Officer's recommendations are valid. The Superintendent recommended the Board to accept the Hearing Officer's conclusion of a reprimand in this case.

The following individual addressed this item:

Rhonda Ward

Mr. Carland advised the Board that since the Superintendent has withdrawn the exceptions, it would be appropriate for the Board to entertain a motion to adopt the recommended order and enter a final order.

Approved in Open Board Meeting, March 5, 2013

Motion (Carried)

Motion was made by Mrs. Rupert, seconded by Mrs. Leach and carried, to adopt the recommended order and enter a final order. Mrs. Good was absent.
(8-0 vote)

Adjournment This meeting was adjourned at 9:25 a.m.

RT