

**BEFORE THE SCHOOL BOARD  
PALM BEACH COUNTY FLORIDA**

PALM BEACH COUNTY SCHOOL BOARD

Petitioner,

vs.

DOAH CASE NO. 04-2397  
JUDGE RIVAS

MARION JONES,

Respondent.

\_\_\_\_\_ /

**FINAL ORDER**

***THIS CAUSE***, came before the PALM BEACH COUNTY SCHOOL BOARD (hereinafter referred to as "SCHOOL BOARD") pursuant to Section 120.569 and 120.570(1) Fla. Sta., this \_\_\_\_\_ of \_\_\_\_\_, 2005 in West Palm Beach, Florida for the purpose of reviewing the Recommended Order of the Administrative Law Judge (Copies of which are attached hereto as Exhibit A in the above style cause.

Jean Marie Middleton, Senior Counsel, Personnel, represented the Petitioner. The Respondent appeared and was represented by Catherine Chamblee of Chamblee, Johnson & Haynes, P.A. Upon review of the Recommended Order, the SCHOOL BOARD makes the following findings:

**FINDINGS OF FACTS**

1. The finding of fact set forth in the Recommended Order is approved, adopted and incorporated herein by reference in its entirety.
2. There is competent substantial evidence to support the finding of fact made by the administrative law judge.

***WHEREFORE, IT IS ORDERED AND ADJUGED***, that MARION JONES' termination of employment as set forth in the petition for suspension and termination dated July 7, 2004 is hereby upheld. This Final Order shall take affect upon being filed with Clerk of the PALM BEACH COUNTY SCHOOL BOARD, Florida.

***DONE AND ORDERED*** this \_\_\_\_ day of \_\_\_\_\_, 2005.

**PALM BEACH COUNTY SCHOOL BOARD**

---

ARTHUR C. JOHNSON, PH.D, SUPERINTENDENT

---

THOMAS LYNCH, CHAIRMAN

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

Any party who was adversely affected by this final order is entitled to judicial review pursuant to Section 120.68 Fla. Sta. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a notice of Appeal with the agency clerk of the PALM BEACH COUNTY SCHOOL BOARD and a second copy, accompanied by filing fees prescribed by law, with the 4<sup>th</sup> District Court of Appeal or with the District Court of Appeal in the Appellate District, where the party resides. The notice of Appeal must be filed within 30 days of rendition of the Order to be reviewed.

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail this \_\_\_\_ day of \_\_\_\_\_, 2005 to: to Catherine**

Chamblee 510 Vonderburg Drive, Ste. 200, Brandon, FL 33511, Florence S. Rivas, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Appalachee Parkway, Tallahassee, Florida 32399-3060; Honorable Jim Horn, Commissioner of Education, Turlington Building, Suite 1514, 325 West Gaines Street, Tallahassee, Florida 32399-0400; Daniel Woodring, General Counsel, Department of Education, 1244 Turlington Building, 315 West Gaines Street, Tallahassee, Florida 32399-0400.

By: \_\_\_\_\_  
JEAN MARIE MIDDLETON, ESQ.  
Fla. Bar No.: 0147532

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS  
CASE NO. 04-2397

PALM BEACH COUNTY  
SCHOOL BOARD,  
  
Petitioner,

vs.

MARION JONES,  
  
Respondent.

RECEIVED  
CERTIFIED  
**COPY**

\* \* \* \* \*

**TRANSCRIPT OF PROCEEDINGS**

**VOLUME II**

\* \* \* \* \*

The above and foregoing cause having come on to be heard before FLORENCE SNYDER RIVAS, Administrative Law Judge, on Tuesday, June 7th, 2005, at the Palm Beach County Courthouse, 5<sup>th</sup> Floor, in the City of West Palm Beach, County of Palm Beach, State of Florida, for the purpose of taking testimony in said cause.

Reporting:

Sophie M. (Bunny) Springer

1 MR. HAYNES: Was the Court going to give us  
2 some guidance? I thought the Court had had --  
3 (Whereupon, the hearing was concluded at  
4 10:10 a.m and went back on the record at 12:02  
5 p.m.)

6 THE COURT: All right. We are back on the  
7 record that we closed a couple hours ago in Palm  
8 Beach County School Board versus Marion Jones,  
9 and in 30 years I've learned to expect the  
10 unexpected in the practice of law.

11 And I want to say for the record that Mr.  
12 Haynes, Ms. Chamblee, Ms. Middleton are as  
13 attorneys, as professionals, as advocates on  
14 behalf of their clients in this particular case  
15 and in the other cases where it's been my  
16 privilege to preside, I thought highly of them  
17 two hours ago when this record closed.

18 I am astounded at what I have seen them do,  
19 how hard they worked in the last couple of  
20 hours, and I think even more highly of them now,  
21 and I didn't think that was possible.

22 The parties' counsel have narrowed the  
23 issue for my determination as the assigned  
24 Administrative Law Judge from the Division of  
25 Administrative Hearings in Tallahassee, Florida.

1           They have narrowed the issue for my  
2           determination to this question, whether or not  
3           the Petitioner, the Palm Beach County School  
4           Board, could accommodate Dr. Thomas'  
5           restrictions that were placed by Dr. Thomas on  
6           the Respondent in this case, Marion Jones.

7           Off the record a second.

8           (Whereupon, a discussion was had off the  
9           record.)

10          THE COURT: Specifically, that Ms. Jones  
11          not be exposed to aggressive and undisciplined  
12          children or to teenagers from November, 2003  
13          through February, 2004.

14          Based upon the entire record in this case,  
15          more specifically, the record that has been made  
16          here on June 6<sup>th</sup> and 7<sup>th</sup> of 2005, in West Palm  
17          Beach, Florida, I am prepared to grant that  
18          request and to answer that question and to make  
19          a finding that there is clear and convincing  
20          evidence in this record that the School Board  
21          could not accommodate that restriction in that  
22          time frame.

23          Counsel has advised me off the record, and  
24          we are now making it a matter of public record,  
25          that with that finding of fact which I have just

1 made, that it is appropriate for the Division of  
2 Administrative Hearings through me, the assigned  
3 Administrative Law Judge, to close our file and  
4 to relinquish jurisdiction over this case to the  
5 School Board of Palm Beach County for whatever  
6 further proceedings the parties deem  
7 appropriate.

8 That is to say, this case officially as of  
9 this moment is no longer in my hands.

10 With that said, I would like to, and I am,  
11 claiming a personal privilege to make some  
12 personal comments based upon the entire record  
13 in this case in my opinion.

14 Mrs. Jones has served Palm Beach County as  
15 a teacher with distinction since -- and my  
16 memory fails me whether it's 1993 or 1994, but  
17 it's over a decade.

18 Through no fault of her own or -- and  
19 nobody's fault but the perpetrator of the crime,  
20 Mrs. Jones, on January 6th, 2000, was the victim  
21 of a vicious beating on the school grounds where  
22 at the time she was doing exactly what she was  
23 being paid as a teacher to do, and she was doing  
24 that job, the evidence established, with  
25 distinction.

1           The perpetrator of the crime was a 15-year  
2 old who was prosecuted for the crime he  
3 committed and convicted.

4           Mrs. Jones did everything in her power  
5 since she was the victim of that vicious  
6 beating, made every effort to survive that  
7 beating and to prevail.

8           She followed doctors' orders with the  
9 object of returning to her classroom and  
10 carrying on serving with distinction as a  
11 teacher.

12           Now that I have relinquished jurisdiction  
13 on the very limited finding of fact regarding  
14 the very limited time frame --

15           Off the record.

16           (Whereupon, a discussion was had off the  
17 record.)

18           THE COURT: Now that I have relinquished  
19 jurisdiction on the very limited finding of fact  
20 regarding the very limited time frame relevant  
21 to this record and this record only, I will say  
22 that it is my hope, and I believe I speak for  
23 everyone who has participated in this hearing,  
24 that Mrs. Jones will seek employment and will  
25 find employment as a teacher in the field in

1 which she is certified.

2 Mrs. Jones showed up for work on January  
3 6<sup>th</sup>, 2000, as everyone who has been involved to  
4 this hearing to my knowledge does, and became a  
5 crime statistic and it changed her life forever.

6 In spite of that, in spite of that, Mrs.  
7 Jones has every moment since that unprovoked and  
8 undeserved attack, Mrs. Jones has made every  
9 effort to return to teaching.

10 And I want to be as clear as I can that  
11 nothing in this limited finding that I have been  
12 asked to make and have made, should be construed  
13 by anyone including prospective employers, as a  
14 comment one way or the other with respect to  
15 Mrs. Jones' ability to teach today or at any  
16 time in the future. That is not my decision to  
17 make and I am not making it.

18 With that said, it's been an honor and  
19 privilege to serve as the hearing officer in  
20 this case, and I wish you all the very best.

21 Off the record.

22 (Whereupon, a brief discussion was had off  
23 the record.)

24 THE COURT: We are adjourned.

25 (Whereupon, the hearing was concluded at

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

12:15 p.m.)

\* \* \* \* \*