

BEFORE THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

PALM BEACH COUNTY SCHOOL BOARD

Petitioner,

vs.

**DOAH CASE NO. 04-1911
JUDGE Larry J. Sartin**

Curtis Sherrod,

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., on October 5, 2005, in West Palm Beach, Florida for the purpose of reviewing the Recommended Order of the Administrative Law Judge, hearing exceptions to the Administrative Law Judge's Recommended Order, and Petitioner's response to Respondent's Exceptions. (Copies of which are attached hereto as Exhibits A, B and C, respectively) in the above style cause.

Jean Marie Middleton, Senior Counsel, Personnel, represented the Petitioner. The Respondent was represented by Thomas L. Johnson. Upon review of the Recommended Order, the Exceptions, the Response to the Exceptions and argument of Parties, and after review of the complete record in this case, the SCHOOL BOARD makes the following findings and conclusions:

RULINGS ON EXCEPTIONS

The SCHOOL BOARD reviewed and considered the nine Exceptions filed by the Respondent in this matter and rejects Respondent's Exceptions one through nine.

FINDINGS OF FACTS

1. The findings of facts set forth in the Recommended Order are approved, adopted and incorporated herein by reference in its entirety.
2. There is competent substantial evidence to support the findings of facts.

CONCLUSIONS OF LAW

1. The SCHOOL BOARD has jurisdiction of this matter pursuant to Section 120.57(1) Fla. Sta.
2. The conclusion of law set forth in the Recommended Order are approved, adopted and incorporated herein by reference.

WHEREFORE, IT IS ORDERED AND ADJUGED, that CURTIS SHERROD'S termination of employment for failure to correct performance deficiencies as set forth in the petition for suspension and termination dated May 4, 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 30th day of November 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 4th 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 December 2005 to: Certified Mail Return Receipt to Thomas L. Johnson, 510 Vonderburg Road, Suite 200 Brandon, FL 33511; Larry Sartin, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Appalachian 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