

EXECUTIVE SUMMARY

RECOMMENDATION FOR SUSPENSION & TERMINATION
Charles J. Moga, Assistant Paraprofessional I

I recommend that the School Board approve Charles J. Moga's Suspension Without Pay, effective August 17, 2006, and Termination, effective fifteen (15) days after the August 16, 2006, Board Meeting, subject only to appeal under Section 120.68, Florida Statutes, unless a timely request for an administrative hearing is made within the fifteen (15) days stated herein pursuant to Section 120.569 and 120.57, Florida Statutes, wherein Mr. Moga will remain suspended without payment of salary and benefits until final School Board disposition is entered to the administrative hearing proceedings.

On or about November 8, 2005, Mr. Moga became the subject of a Professional Standards investigation into allegations that he struck an ESE student for whom he was responsible about the face and/or head with an open hand. At the conclusion of the investigation, the allegation of unnecessary physical force on a student was substantiated.

Sufficient just cause exists for Mr. Moga to be disciplined pursuant to Sections 1012.22(1)(f), 1012.27(5) and 1012.40 Florida Statutes; Florida Administrative Code 6B-4.009 Criteria for Suspension and Dismissal; Palm Beach County School District Policies 1.013 and 3.27, as well as Administrative Directive 3.27, and Article 3, Section C.8 of the Collective Bargaining Agreement between the Association of Educational Secretaries and Office Professionals and the School Board of Palm Beach County, for violations of the foregoing.

- 11/21/05 Professional Standards was advised of allegations against Mr. Moga.
- 05/03/06 Professional Standards investigation of Case #05/06-076 concluded.
- 05/08/06 Pre-disciplinary meeting (PDM) was held. Summary for the Record issued following PDM.
- 06/07/06 Employee Investigation Committee (EIC) reviewed case, found the allegations substantiated and recommended discipline ie., termination.
- 06/15/06 Chief of Human Resources reviewed and concurred with recommended discipline.
- 06/21/06 Chief Academic Officer (CAO) reviewed and concurred with recommended discipline.
- 08/01/06 Ten (10) day notification of public record to employee per Florida Statute 1012.31.
- 08/01/06 Superintendent's letter of notification to employee.

LEGAL SIGN-OFF: Yes No



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FLORIDA

KENYETTA HAYWOOD
Director of Employee Relations

ARTHUR C. JOHNSON, Ph.D.
SUPERINTENDENT OF SCHOOLS

EMPLOYEE RESOURCES
3370 FOREST HILL BLVD., A-115
WEST PALM BEACH, FL 33406-5780

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www.PalmBeachSchool.org

Certified Mail # 7000-0600-0022-3419-3605 & Regular U.S. Mail

August 1, 2006

Charles J. Moga
1617 NW 4th Street
Boca Raton, FL 33486

NOTICE OF SUSPENSION AND RECOMMENDATION FOR TERMINATION FROM EMPLOYMENT

Dear Mr. Moga:

Based upon substantial information presented to me, I must hereby inform you that I have clear and convincing evidence sufficient to warrant disciplinary action against you. I will recommend your suspension without pay and termination from employment with the School District at the August 16, 2006, School Board meeting.

On or about November 8, 2005, you became the subject of a Professional Standards investigation into allegations that you struck an ESE student for whom you were responsible about the face and/or head with an open hand. At the conclusion of the investigation, the allegation of unnecessary physical force on a student was substantiated.

Sufficient just cause exists for you to be disciplined pursuant to Sections 1012.22(1)(f), 1012.27(5) and 1012.40 Florida Statutes; Administrative Rule 6B-4.009 Criteria for Suspension and Dismissal; Palm Beach County School District Policies 1.013 and 3.27, as well as Administrative Directive 3.27, and Article 3, Section C.8 of the Collective Bargaining Agreement between the Association of Educational Secretaries and Office Professionals and the School Board of Palm Beach County, for violations of the foregoing.

Please be advised that I will recommend at the August 16, 2006, meeting of the School Board of Palm Beach County, Florida, that your employment terminate effective upon expiration of fifteen (15) days subsequent to the August 16, 2006, Board meeting and shall be subject only to appeal under Section 120.68, Florida Statutes, unless a timely request for an administrative hearing is made within the fifteen (15) days stated herein pursuant to Sections 120.569 and 120.57, Florida Statutes, wherein you will remain suspended without payment of salary and benefits until final School Board disposition is entered subsequent to the administrative hearing proceedings. This action is taken in accordance with Sections 1012.22(f) and 1012.27(5), Florida Statutes. Failure to timely request an administrative hearing shall waive all rights to request a DOAH hearing on such matters and shall be subject only to appeal rights under Section 120.68, Florida Statutes. You have a choice of filing a grievance or requesting a hearing before the Division of Administrative Hearings (DOAH).

Charles J. Moga
August 1, 2006
Page two

Should you desire a hearing, a request must be made in writing within or prior to the fifteen (15) days stated in this letter, and addressed to Gerald A. Williams, Chief Counsel to the School Board, 3318 Forest Hill Boulevard, C-302, West Palm Beach, Florida 33406. If you decide to appeal a decision made by the School Board with respect to any matters considered at this meeting or hearing, you will need a record of the proceedings, and for such purpose, you may need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence upon which the appeal is to be based. You shall have the responsibility at your own cost, to arrange for the transcript. You were previously advised, that the investigative report concerning this matter and its contents are considered public record and will be released, upon request, minus any allowable exemptions, ten (10) days after the date of that Notification of Public Record correspondence.

The August 16, 2006, School Board meeting will be held in the Board Room at 3300 Forest Hill Boulevard, West Palm Beach, Florida. The Board has set aside the time of 4:30 p.m. so that you or your representative may make an oral statement of no more than three minutes relative to your suspension and dismissal. If you or your representative intend to speak before the School Board, please immediately notify Ms. Alicia Palmer, Board Office, at (561) 434-8139.

Sincerely,



Arthur C. Johnson, Ph.D.
Superintendent

ACJ:AK:DD:KH:erh

- c. Ann Killets, Chief Academic Officer
Gerald A. Williams, Chief Counsel to the School Board
Darron Davis, Chief of Human Resources
Kenyetta V. Haywood, Director, Employee Relations
Melinda Wong, Director, Human Resources Customer Relations (*Personnel File*)
Vicki Evans-Paré, Associate Counsel for Personnel
Geoffrey McKee, Principal, Boca Raton High



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August 1, 2006

Charles J. Moga
1617 NW 4th Street
Boca Raton, FL 33486

RE: Notification of Public Record

Dear Mr. Moga:

As you are aware, the Professional Standards investigation concerning disciplinary violations you are alleged to have committed has been concluded. You were previously advised that the investigative file concerning this matter and its contents would be considered public record at the conclusion of the investigation.

This letter is to confirm that the above material will be released, upon request, minus any allowable exemptions, ten (10) days following your receipt of this letter. This notification is made consistent with Florida Statute 1012.31.

Sincerely

Kenyetta V. Haywood
Director of Employee Relations

KVH:erh

- c. Melinda Wong, Director, Human Resources Customer Relations (*Personnel File*)
Vicki Evans-Paré, Associate Counsel for Personnel