

District School Board Employment Termination Hearing
4/25/2013

School District of Indian River County's J.A. Thompson Administrative Center
1990 25th Street, Vero Beach, FL 32960

Indian River County District School Board
Employment Termination Hearing
(Evidentiary Hearing)
Open to the Public

AGENDA

April 25, 2013 at 9:00 a.m.

It is hereby advised that if a person decided to appeal any decision made by the Board with respect to any matter considered at this meeting, he/she will need to ensure that a verbatim record is made which includes the testimony and evidence upon which the appeal is to be made.

I **Call Meeting to Order – Chairman Johnson**

(Announcement: Please turn off all cell phones. Cell phones, even when set to a silent mode, can cause loud disturbances within the rooms audio enhancement system.)

II. **Introduction of the Parties – Chairman Johnson**

III. **Introductory Statement – Chairman Johnson**

This is an evidentiary hearing on the recommendation of the Superintendent for the termination from employment of Alan Seiden. The hearing is being held in accordance with School Board Policy 3.17, and Florida Statutes §§1012.33, 120.569, and 120.57. This hearing involves disputed questions of fact.

A Court Reporter will transcribe the proceedings and administer the oath to all persons testifying as witnesses. The Superintendent has the burden of proof and will present her case first. The parties will be provided an opportunity to make an opening statement limited to not more than 10 minutes each; and, at the conclusion of all the evidence, the parties will be provided an opportunity to make closing statements limited to not more than 15 minutes each. While the School Board typically only allows 5 – 10 minutes for such summary statements, it was felt additional time was appropriate in this matter.

Once the evidentiary portion of this employee termination hearing has concluded, the School Board Members will deliberate and rule on the recommendation from the Superintendent.

The School Board's attorney will explain to the School Board Members any evidentiary issues or questions of procedure, as these questions arise during the course of the hearing.

- IV. Opening Statements. Limited to 10 minutes each.
 - A. Superintendent
 - B. Employee
- V. Superintendent's Case
The Superintendent will present her case, call her witnesses, and introduce her exhibits. The Employee shall have the right to cross-examine witnesses and object to exhibits. The School Board Members shall have the right to ask questions at the conclusion of each witness' testimony.
- VI. Employee's Case
The Employee will present his case, call his witnesses, and introduce his exhibits. The Superintendent shall have the right to cross-examine witnesses and object to exhibits. The School Board Members shall have the right to ask questions at the conclusion of each witness' testimony.
- VII. Closing Statements. Limited to 15 minutes each.
 - A. Superintendent
 - B. Employee
 - C. School Board Members— any final questions
- VIII. Close Evidence
- IX. School Board Member Deliberation and Decision – Chairman Johnson
A majority vote of the membership of the School Board shall be required to sustain the Superintendent's recommendation. It is now time for the School Board to have its discussion and vote on the recommendations of the Superintendent, or it can reschedule and continue the discussions and have a vote at a later date, as long as all discussions and votes are conducted in accordance with §286.011, Florida Statutes.

FINALIZE BELOW QUESTIONS AFTER CLOSE OF EVIDENCE

- a. Did Employee violate Rule 6B-1.001, Florida Administrative Code, by inappropriately handling a student's behavior, which caused a significant escalation of the matter, and by engaging in improper and aggressive physical and verbal actions towards a student?
- b. If no to question (a), find in favor of Employee on question (a), and move to question (f).
- c. If yes to question (a), is such behavior a terminable offense?
- d. If no to question (c), find in favor Employee on question (c) and move to question (f).
- e. If yes to question (c), find in favor of Superintendent and move to question (f).

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- f. Did Employee violate Rule 6B-1.006(3)(a),(b), and (e), Florida Administrative Code, by inappropriately handling a student's behavior, which caused a significant escalation of the matter?
- g. If no to question (f), find in favor of Employee on question (f) and move to question (k).
- h. If yes to question (f), is such behavior a terminable offense?
- i. If no to question (h), find in favor of Employee on question (h) and move to question (k).
- j. If yes to question (h), find in favor of Superintendent and move to question (k).

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- k. Did Employee violate Rule 6B-1.006(3)(a),(b), and (e), Florida Administrative Code, by engaging in improper and aggressive physical and verbal actions towards a student?
- l. If no to question (k), find in favor of Employee on question (k) and move to question (p).

- m. If yes to question (k), is such behavior a terminable offense?
- n. If no to question (m), find in favor of Employee on question (m) and move to question (p).
- o. If yes to question (m), find in favor of Superintendent and move to question (p).

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- p. Did Employee violate Rule 6A-5.056, Florida Administrative Code, by committing acts which constitute misconduct in office?
- q. If no to question (p), find in favor of Employee on question (p) and move to question (u).
- r. If yes to question (p), is such behavior a terminable offense?
- s. If no to question (r), find in favor of Employee on question (r) and move to question (u).
- t. If yes to question (r), find in favor of Superintendent and move to question (u).

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- u. Did Employee violate School Board Policy 2.17 by inappropriately handling a student's behavior, which caused a significant escalation of the matter, and by engaging in improper and aggressive physical and verbal actions towards a student?
- v. If no to question (u), find in favor of Employee on question (u) and move to question (z).
- w. If yes to question (u), is such behavior a terminable offense?
- x. If no to question (w), find in favor of Employee on question (w) and move to question (z).
- y. If yes to question (w), find in favor of Superintendent and move to question (z).

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- z. Did Employee violate School Board Policy 2.19, by inappropriately handling a student's behavior, which caused a significant escalation of the matter, and by engaging in improper and aggressive physical and verbal actions towards a student?
- aa. If no to question (z), find in favor of Employee on question (z) and move to question (ee).
- bb. If yes to question (z), is such behavior a terminable offense?
- cc. If no to question (bb), find in favor of Employee on question (bb) and move to question (ee).
- dd. If yes to question (bb), find in favor of Superintendent and move to question (ee).

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- ee. Did Employee violate School Board Policy 3.41, by inappropriately handling a student's behavior, which caused a significant escalation of the matter, and by engaging in improper and aggressive physical and verbal actions towards a student?
- ff. If no to question (ee), find in favor of Employee on question (ee) and move to question (jj).
- gg. If yes to question (ee), is such behavior a terminable offense?
- hh. If no to question (gg), find in favor of Employee on question (gg) and move to question (jj).
- ii. If yes to question (gg), find in favor of Superintendent and move to question (jj).

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- jj. If no to questions (c), (h), (m), (r), (w), (bb), and/or (gg), is totality of conduct a terminable offense?
- kk. If no question (jj), find in favor of Employee on question (jj).
- ll. If yes to question (jj), find in favor of Superintendent on question (jj).

- X. Establish Schedule for Preparation of Final Order and Approval by the School Board – Chairman Johnson
- XI. Adjourn the Hearing – Chairman Johnson

Anyone who needs a special accommodation for this meeting may contact the School District's American Disabilities Act Coordinator, at 564-3060 (TTY 564-8507) at least 48 hours in advance of the meeting. Note: The meeting will not be televised or videotaped. The agenda can be accessed by Internet at http://www.indianriverschools.org .
