

**District School Board of Indian River County, Florida
6500 - 57th Street, Vero Beach, FL 32967**

It is hereby advised that if a person decides 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 that includes the testimony and evidence upon which the appeal is to be made.

Date: February 6, 2017

Time: 5:00 p.m.

Room: Teacher Education Center (TEC)

Special Business Meeting Agenda

I. CALL MEETING TO ORDER

II. PLEDGE OF ALLEGIANCE TO THE FLAG

III. CITIZEN INPUT

IV. ADOPTION OF ORDERS OF THE DAY

V. CONSENT AGENDA

A. Approval of Personnel Recommendations – Dr. Fritz

Attached is a list of personnel recommendations that includes personnel additions, terminations, and /or changes. Superintendent recommends approval.

VI. ACTION AGENDA

A. Approval to Terminate Instructional Employee, Ralph Vaughn – Dr. Fritz

1. The Superintendent recommends termination of instructional employee, Ralph Vaughn. The employee has requested a hearing to contest the termination recommendation. Copies of the Superintendent's Charging Letter and the letter from the employee's attorney requesting a hearing are attached to this agenda item. Therefore, the Superintendent's interim recommendation is to suspend the employee without pay pending the outcome of the requested hearing. Superintendent recommends approval.
2. The Superintendent also requests that the School Board determine who will hear the matter, either the School Board or an Administrative Hearing Officer assigned by the Division of Administrative Hearings. The School Board has the discretion to hear the case itself, or to refer the case to the Division of Administrative Hearings.

3. In the event the School Board determines it will hear the termination hearing, a date for the hearing will also need to be set. The hearing must be held within 60 days of the employee's request, or March 21, 2017. Of course, if the parties (the Superintendent and the employee) agree, the deadline to hold the hearing can be extended. In the event the Division of Administrative Hearings will handle the case, the date of the hearing will be set by that agency.

B. Approval to Terminate Instructional Employee, Alison Moody – Dr. Fritz

1. The Superintendent recommends termination of instructional employee, Alison Moody. The employee has requested a hearing to contest the termination recommendation. Copies of the Superintendent's Charging Letter and the letter from the employee's attorney requesting a hearing are attached to this agenda item. Therefore, the Superintendent's interim recommendation is to suspend the employee without pay pending the outcome of the requested hearing. Superintendent recommends approval.
2. The Superintendent also requests that the School Board determine who will hear the matter, either the School Board or an Administrative Hearing Officer assigned by the Division of Administrative Hearings. The School Board has the discretion to hear the case itself, or refer the case to the Division of Administrative Hearings.
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VII. ADJOURNMENT

Anyone who needs a special accommodation may contact the School District's American Disabilities Act Coordinator at 564-3175 (TTY 564-2792) at least 48-hours in advance of the meeting. NOTE: Changes and amendments to the agenda can occur prior to the meeting. All business meetings will be held in the Teacher Education Center (TEC) located in the J.A. Thompson Administrative Center at 6500 – 57th Street, Vero Beach, FL32967, unless otherwise specified. This meeting will be audio taped and available on the Board Meeting Site. The agenda can be accessed by Internet at <http://www.indianriverschools.org>.

CONSENT AGENDA 2/06/17

Personnel Recommendations

1. Instructional Changes
2. Instructional Leaves
Railton, Tammy – Citrus, 1/18/17-4/3/17
Reilly, Susan – Pelican Island, 1/23/17-4/24/17
3. Instructional Promotions
4. Instructional Transfers
5. Instructional Separations
Brown, Tanya – Gifford Middle, resignation 2/10/17
Davis, Karen – Rosewood Magnet, resignation 3/31/17
Jackson, Carole – Gifford Middle, retirement, entering DROP 2/1/17
6. Instructional Employment
Lewis, Katia – Alternative Center for Education, Social Studies
Teacher 2/8/17
Rodriguez, Ana – Alternative Center for Education, .6 Resource
Teacher 2/13/17
Spagnuolo, Bethany – SRMS, Art Teacher 2/7/17
7. Support Staff Changes
Poncinie, Kirsten – ESE, from .0 School Psychologist to .8 School
Psychologist 2/13/17
8. Support Staff Leaves
Titus, Susanne – Finance, 1/24/17-2/15/17
9. Support Staff Promotions
Gallagher, Rita – VBHS, from Sr. Secretary I to Registrar 2/1/17
10. Support Staff Transfers
Brown, Ruth – from Oslo Middle Cook to Dodgertown Cook 1/24/17
11. Support Staff Separations
Bradford Cohen, Dawn – VBHS, resignation 2/9/17
Nobles, Brian – Rosewood Magnet, resignation 2/3/17
12. Support Staff Employment
13. Administrative Separations
14. Administrative Employment
15. Administrative Leaves
16. Approval of Placement in Instructional Substitute Pool
Borlas, Christopher – Substitute Teacher 2/7/17
Cooley, Chelsea – Substitute Teacher 2/7/17
Fallon, Victoria – Substitute Teacher 2/7/17
Fromang, Starr – Substitute Teacher 2/7/17

Gonzalez, Claudia – Substitute Teacher 2/7/17

Hines, DeAnna – Substitute Teacher 2/7/17

17. Approval of Placement in Support Staff Substitute Pool

CANCELLED



School District of Indian River County

6500 57th Street • Vero Beach, Florida, 32967 • Telephone: 772-564-3000 • Fax: 772-569-0424

Mark J. Rendell, Ed.D. - Superintendent

CHARGING LETTER – REVISED January 20, 2017

January 6, 2017

Mr. Ralph Vaughn
8602 Paso Robles Blvd.
Ft. Pierce, Florida 34951

VIA: Certified U.S. Mail and/or Hand Delivery

Dear Mr. Vaughn:

This letter charges you with acts or the failure to act when you had a duty to act as an employee of the School District of Indian River County, Florida ("the District"). These acts or omissions disqualify you from being employed with the District and constitute just cause for you to be terminated from your position with the District for misconduct in office and gross immorality. This correspondence will give you notice of the procedures that will be followed to terminate your employment and of your right to a hearing.

I will recommend at the School Board meeting on February 6, 2017, that your employment with the District be terminated. The School Board meeting will be held at the offices of the School Board of Indian River County, 6500 57th Street, Vero Beach, Florida, and the meeting commences at 5:00 p.m.

You have a right to a hearing as provided in School Board Policy 3140 and in Florida Statute Section 1012.33(6). If you want a hearing to challenge your recommended termination then you must make a written request for a hearing by delivering a copy of the written request to the Superintendent on or before 4:00 p.m. on January 23, 2017. The Superintendent's office is located at the School Board offices, 6500 57th Street, Vero Beach, Florida.

If you timely request a hearing prior to the deadline stated above, then on February 6, 2017, I will recommend that you be suspended without pay until the hearing process is completed. If you timely request a hearing in writing, a hearing will be held pursuant to the Florida Administrative Procedures Act, as set forth in Chapter 120, Florida Statutes, in Florida Statute Section 1012.33 and School Board Policies. This hearing will be either before the School Board or an administrative law judge assigned by the Florida Division of Administrative Hearings, as provided for in Florida Statute Section 1012.33(6). If you do not timely request a hearing, the School Board will consider my recommendation for termination to take effect immediately.

"Educate and inspire every student to be successful"

Shawn R. Frost
District 1

• Dale Simchick
District 2

• Laura Zorc
District 3

• Charles G. Searcy
District 4

• Tiffany M. Justice
District 5

"To serve all students with excellence"
Equal Opportunity Educator and Employer

My recommendation that you be discharged from employment is based on the fact that your acts or omissions disqualify you from being employed in the District and provide just cause for terminating your employment for misconduct in office and gross immorality in that:

You are a teacher in the Career and Technical Education area. During the 2013-14, 2014-15, 2015-16, and 2016-17 school years, you taught a class at Vero Beach High School where an industry certification test was administered. The results of these annual tests were used for several purposes:

1. Students who passed the test and earned industry certification received a certificate to demonstrate competency as they entered the work force,
2. Some students who passed the industry certification test qualified for a high school mathematics credit,
3. Industry certification results were used within the computation of School Grades at your school,
4. Industry certification results were used to allow you to personally qualify for an industry certification bonus up to \$2,000 annually, and
5. Results on your students' industry certification tests allow you to qualify for performance pay as an element of your evaluation.

On October 23, 2014, November 4, 2015, and April 8, 2016, you took the Adobe Dreamweaver test and/or Adobe Premiere Pro CC 2013 test/s yourself under several different fictitious student names. Some of these fake names on the rosters included "George George," "Sam Malone," and "George Washington." You admitted in your investigatory meeting you had done this under the names, "George Washington," "Speedy Gonzalez," and perhaps, "Abraham Lincoln." You took these tests under a proctor number assigned to you.

When asked the purpose of taking the tests, you indicated that the computers in your classroom were sometimes not operational and froze. You stated that you were attempting to ensure that students could take the test without problems. The proper procedure to address technological issues is to submit a help ticket to the technology department. District records show that you had submitted help tickets before, but that none were submitted in close proximity to the testing window. In fact, the last one you submitted was on January 21, 2015 (months apart from the issues in question). The purported purpose you have indicated is not plausible. Your actions of accessing the exam yourself prior to implementation with students created a material breach in the testing confidentiality requirements.

Further, the test was supposed to be administered in one seating. Based on evidence gathered in the District's investigation, it is clear by your own admission that you and a colleague implemented a practice, whereby students would unplug their computer data-wires, which caused the testing period to "freeze" overnight and students could resume their test the next day. This action allowed students to see the test questions, and have an additional night to prepare for the completion of the test the subsequent day. You indicated that this was done to ensure students had the full time period to complete the test. However, there were alternate ways to allow sufficient time within the existing school schedule, which would not have given students a full 23 hours after seeing the test questions to continue studying for the test. This action is in violation of testing protocols required for administration by Certiport, the testing company, and the School District (See attachment).

In fact, your actions of accessing the test, releasing the questions, and giving students time during the test when they could prepare after having seen the test caused the testing company, Certiport, to invalidate all of your school's tests for the 2015-16 and 2016-17 school years.

The impacts of this include:

1. All students' tests were invalidated for the 2015-16 and 2016-17 school years, causing them to lose their industry certification.
2. Your actions place students' math credits in jeopardy.
3. The school grade is at risk of being altered by the Florida Department of Education.
4. The reputation of Vero Beach High School as being a school that operates with integrity has been compromised.
5. Current students will be unable to use assessments administered by Certiport because the company has suspended Vero Beach High School from using the program.
6. Your actions constitute attempted fraud, given that you are eligible for industry certification bonuses in the amount of \$2,000 per year for student industry certification performance.
7. Your actions also constitute attempted fraud, because you are eligible for salary increases for student performance, which is in part based on industry certification results.

Accordingly, your actions place you in violation of Florida Administrative Code 6A-10.081 Principles of Professional Conduct for the Education Profession in Florida and School Board Policy 3210, specifically:

(1)(b) The educator's primary professional concern will always be for the student and for the development of the student's potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgment *and integrity* (italics for emphasis).

(1)(c) Aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.

(2)(a)4. ... (the individual) shall not intentionally suppress or distort subject matter relevant to the student's academic program.

(2)(c)1. ... (the individual) shall maintain honesty in all professional dealings, and

(2)(c)8. ... shall not submit fraudulent information on any document in connection with professional activities

Furthermore, your actions violate Florida Administrative Code 6A-10.083(2)(c), which defines, "An intentional violation of test or exam security protocols with the purpose of altering the results for the personal benefit of the educator or which results in a negative impact upon a student or school, such as the invalidation of a student's results/score or requiring a student to re-take a test or use an alternate assessment measure," as an act of gross immorality.

Additionally, the District has sufficient cause to demonstrate that you have violated Board Policy 2623, which requires adherence to Test Administration and Security rules established under State Statute. Specifically, your actions are in violation of FS 1008.24 as follows: A person may not knowingly and willfully...

1(a) give examinees access to test questions prior to testing;

1(b) copy, reproduce, or use in any manner inconsistent with test security rules, all or any portion of any secure test booklet;

Your actions violate the Certiport Testing Protocols, which you electronically agreed to follow. The specific violations include failure to:

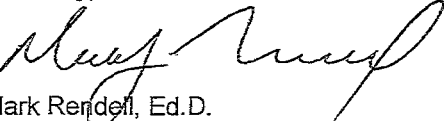
- Ensure security of the examination environment and session during a candidate's test session.
- Verify time limits and use of only approved materials (if stipulated) during the examination process.
- Proctor will treat examination materials as confidential and keep them secure.

Your actions also constitute attempted fraud as defined by Policy 8700. Fraud is defined as the intentional, false representation or concealment of a material fact in order to personally benefit. In this case, your improper implementation of testing protocols and abuse of your role as a proctor allowed you to gain financially through performance pay and industry certification pay.

You have the right to obtain representation of your choice to assist you, if you should desire representation. If you take no action or fail to timely request a hearing in writing, then the School Board will act on my recommendation to terminate your employment at the February 6, 2017, School Board meeting.

If you have any questions concerning this matter or the procedures that are being followed regarding my recommendation that your employment be terminated, please contact School Board Attorney Suzanne D'Agresta at the law offices of Garganese, Weiss & D'Agresta, P.A., 111 North Orange Avenue, Suite 2000, P.O. Box 2873, Orlando, Florida 32802, or call Mrs. D'Agresta at (407) 425-9566, or have your attorney or other representative contact Mrs. D'Agresta.

Sincerely,



Mark Rendell, Ed.D.
Superintendent

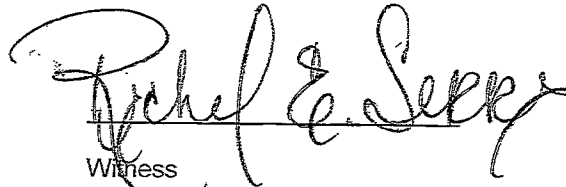
Cc: William Fritz, Assistant Superintendent for Human Resources and Risk Management
Shawn O'Keefe, Principal, Vero Beach High School
Suzanne D'Agresta, School Board Attorney
Mark Wilensky, Attorney
Personnel File

January 20, 2017

I hereby acknowledge receipt of the attached Charging Letter from Dr. Mark Rendell, Superintendent of Schools.


Ralph Vaughn

1-20-17
Date


Witness

1-20-2017
Date

CANCELLED

JAN 23 2017

DUBINER & WILENSKY, L.L.C.
ATTORNEYS AT LAW
1200 Corporate Center Way, Suite 200, Wellington, FL 33414-2108
Tel: (561) 655-0150 Fax: (561) 833-4939

MICHAEL DUBINER
MARK WILENSKY

January 20, 2017

Dr. Mark J. Rendell
6500 57th Street
Vero Beach, FL 32967

RE: Ralph Vaughn

Dear Dr. Rendell:

The undersigned represents the interests of Ralph Vaughn.

I have reviewed a copy of your correspondence to my client entitled "Charging Letter." I have subsequently been advised by a member of your staff that a corrected charging letter is being delivered to my client today, a copy of which will be forthcoming to me, but which I have not yet seen. Regardless of the new wording of the charging letter, pursuant to Section 1012.33 Florida Statutes (2015), the applicable School Board Policies, and the Collective Bargaining Agreement, Mr. Vaughn hereby notifies you of his intent to exercise his right to a hearing pursuant to Chapter 120 Florida Statutes (2015), to challenge your recommendation that he be terminated from his position as a teacher with the School District of Indian River County.

Your letter indicates that upon the submission of this request, you will recommend that the School Board suspend Mr. Vaughn without pay. Pursuant to School Board Policy 3140, Mr. Vaughn wishes to contest that recommendation. As I have yet to see the corrected charging letter, I am not certain as to when that recommendation will be considered by the Board. If the corrected charging letter does not do so, please advise me of the forum in which you intend to make that recommendation, so that Mr. Vaughn may receive due process with regard to that proposed action and avail himself of the opportunity to be heard in opposition to the recommendation.

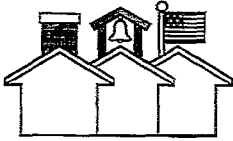
Very truly yours,

DUBINER & WILENSKY, L.L.C.



MARK WILENSKY

MW/rap



School District of Indian River County

6500 57th Street • Vero Beach, Florida, 32967 • Telephone: 772-564-3000 • Fax: 772-569-0424

Mark J. Rendell, Ed.D. - Superintendent

CHARGING LETTER – REVISED January 20, 2017

January 6, 2017

Ms. Alison Moody
926 17th Avenue
Vero Beach, FL 32960

VIA: Certified U.S. Mail and/or Hand Delivery

Dear Ms. Moody:

This letter charges you with acts or the failure to act when you have a duty to act as an employee of the School District of Indian River County, Florida ("the District"). These acts or omissions disqualify you from being employed with the District and constitute just cause for you to be terminated from your position with the District for misconduct in office and gross immorality. This correspondence will give you notice of the procedures that will be followed to terminate your employment and of your right to a hearing.

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You have a right to a hearing as provided in School Board Policy 3140 and in Florida Statute Section 1012.33(6). If you want a hearing to challenge your recommended termination then you must make a written request for a hearing by delivering a copy of the written request to the Superintendent on or before 4:00 p.m. on January 23, 2017. The Superintendent's office is located at the School Board offices, 6500 57th Street, Vero Beach, Florida.

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1. Students who passed the test and earned industry certification received a certificate to demonstrate competency as they entered the work force,
2. Some students who passed the industry certification test qualified for a high school mathematics credit,
3. Industry certification results were used within the computation of School Grades at your school,
4. Industry certification results were used to allow you to personally qualify for an industry certification bonus up to \$2,000 annually, and
5. Results on your students' industry certification tests allowed you to qualify for performance pay as an element of your evaluation.

Prior to the administration of the exams in April 2016, you took the QuickBooks exam yourself under the alleged supervision of a proctor. On one occasion, you took the exam to earn your own certification renewal. On two other occasions, by your own admission, you took and visually shared the actual exam in front of your class to prepare them for when they subsequently took the exam themselves.

Your actions of accessing the test and sharing it with your students caused the testing company, Certiport, to invalidate all of your students' tests. In fact, your actions of accessing the test, releasing the questions, and giving students time during the test when they could prepare after having seen the test caused the testing company, Certiport, to invalidate all of your school's tests for the 2015-16 and 2016-17 school years.

The impacts of this include:

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Furthermore, your actions violate Florida Administrative Code 6A-10.083(2)(c), which defines, "An intentional violation of test or exam security protocols with the purpose of altering the results for the personal benefit of the educator or which results in a negative impact upon a student or school, such as the invalidation of a student's results/score or requiring a student to re-take a test or use an alternate assessment measure, as an act of gross immorality.

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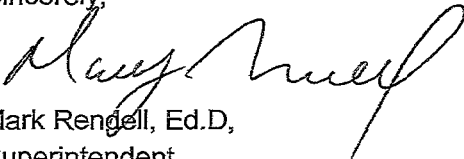
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Sincerely,

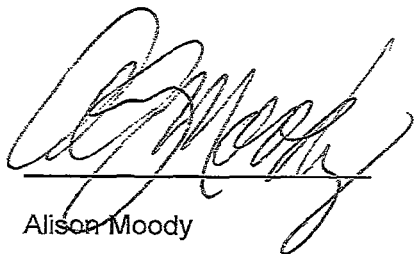


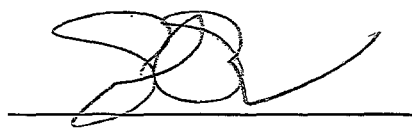
Mark Rendell, Ed.D,
Superintendent

- C William Fritz, Ph.D., Assistant Superintendent of Human Resources and Risk Management
Shawn O'Keefe, Principal, Vero Beach High School
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Personnel File

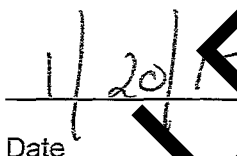
January __, 2017

I hereby acknowledge receipt of the attached Charging Letter from Dr. Mark Rendell,
Superintendent of Schools.


Alison Moody


Witness


Date


Date

CANCELLED

JAN 23 2017

DUBINER & WILENSKY, L.L.C.
ATTORNEYS AT LAW
1200 Corporate Center Way, Suite 200, Wellington, FL 33414-2108
Tel: (561) 655-0150 Fax: (561) 833-4939

MICHAEL DUBINER
MARK WILENSKY

January 20, 2017

Dr. Mark J. Rendell
6500 57th Street
Vero Beach, FL 32967

RE: Alison Moody

Dear Dr. Rendell:

The undersigned represents the interests of Alison Moody.

I have reviewed a copy of your correspondence to my client entitled "Charging Letter." I have subsequently been advised by a member of your staff that a corrected charging letter is being delivered to my client today, a copy of which will be forthcoming to me, but which I have not yet seen. Regardless of the new wording of the letter, pursuant to Section 1012.33 Florida Statutes (2015), the applicable School Board Policies, and the Collective Bargaining Agreement, Ms. Moody hereby notifies you of her intent to exercise her right to a hearing pursuant to Chapter 120 Florida Statutes (2015), to challenge your recommendation that she be terminated from her position as a teacher with the School District of Indian River County.

Your letter indicates that upon the submission of this request, you will recommend that the School Board suspend Ms. Moody without pay. Pursuant to School Board Policy 3140, Ms. Moody wishes to contest that recommendation. As I have yet to see the corrected charging letter, I am not certain as to when that recommendation will be considered by the Board. If the corrected charging letter does not do so, please advise me of the forum in which you intend to make that recommendation, so that Ms. Moody may receive due process with regard to that proposed action and avail herself of the opportunity to be heard in opposition to the recommendation.

Very truly yours,

DUBINER & WILENSKY, L.L.C.


MARK WILENSKY

MW/rap