

**School District of Okeechobee County, Administrative Office  
700 SW 7<sup>th</sup> Avenue, Okeechobee, FL 34974**

**Okeechobee County District School Board  
Employment Termination Hearing  
(Evidentiary Hearing)  
Open to the Public**

**AGENDA**

**August 28, 2014 at 1:00 p.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 or Order - Chairman Arnold
- II. Introduction of the Parties and Board Members - Chairman Arnold
- III. Introductory Statement - Chairman Arnold

This is an evidentiary hearing on the recommendation of the Superintendent for the termination from employment of Tom Bonasera. The hearing is being held in accordance with School Board Policy 6.52, and Florida Statutes §§1012.33, 120.569 and 120.57. This hearing involves disputed questions of fact.

A Court Reporter will record the proceedings and administer the oath to all persons testifying as witnesses. The Superintendent has the burden of proof and will present his 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 10 minutes each.

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 his case, call his witnesses, and introduce his 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's 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's testimony.

VII. Closing Statements. Limited to 10 minutes each.

A. Superintendent

B. Employee

C. School Board Members - any final questions

VIII. Close Evidence

IX. School Board Member Deliberation and Decision - Chairman Arnold

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**

1. **Did Employee violate State Board Rule 6A-5.056, section 1 by committing an act that was inconsistent with the standards of public conscience and good morals; that brings the individual concerned or the education profession into public disgrace or disrespect and impairs the individual's service in the community?**

a. If no to question (1), find in favor of Employee on Question (1), and move to question (2).

- b. If yes to question (1), is such behavior a terminable offense?
- c. If no to question (1b) find in favor of Employee on Question (1b) and move to question (3).
- d. If yes to question (1b), find in favor of the Superintendent and move to question (2).

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2. **Did Employee violate State Board Rule 6A-10.080 (3), section 3 by committing an act of misconduct in office and failing to be 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?**

- a. If no to question (2), find in favor of Employee on Question (2) and move to question (3),
- b. If yes to question (2), is such behavior a terminable offense?
- c. If no to question (2b), find in favor of Employee on Question (2b) and move to question (3).
- d. If yes to question (2b) find in favor of superintendent and move to question (3)

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3. **Did Employee violate State Board Rule 6A-5056 (2)(e) by engaging in behavior that reduces the ability of his colleagues' ability to effectively perform duties?**

- a. If no to Question (3), find in favor of Employee on Question (3) and move to Question (4).
- b. If yes to Question (3), is such behavior a terminable offense?
- c. If no to Question (3b), find in favor of Employee on Question (3b) and move to Question (4).
- d. If yes to Question (3b), find in favor of Superintendent on Question (3b) and move to Question (4).

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4. **Did Employee violate School Board Policy 6.56 failing to adhere to qualities of integrity, high ideals and human understanding?**

- a. If no to Question (4), find in favor of Employee on Question (4) and move to Question (5).
- b. If yes to Question (4), is such behavior a terminable offense?
- c. If no to Question (4b), find in favor of Employee on Question (4b) and move to question (5).
- d. If yes to Question (4b), find in favor of Superintendent on Question (4b) and move to Question (5).

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5. **Did Employee violate School Board Policy 6.103 by failing to maintain good moral character?**

- a. If no to Question (5), find in favor of Employee on Question (5) and move to question (6).
- b. If yes to Question (5) is such behavior a terminable offense?
- c. If no to Question (5b) find in favor of Employee on Question (5b) and move to Question (6).
- d. If yes to Question (5b) find in favor of Superintendent and move to Question (6).

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6. **Did Employee violate School Board Policy 6.45, Florida Statute 893.13 and Florida Statute 465.0276(1)(a) by dispensing medicinal drugs without a license as a pharmacist or otherwise authorized by law to do so?**

- a. If no to Question (6), find in favor of Employee on Question (6) and move to Question (7).
- b. If yes to Question (6), is such behavior a terminable offense?

- c. If no to Question (6b), find in favor of Employee on Question (a) and move to Question (7).
- d. If yes to Question (6b) find in favor of Superintendent and move to Question (7).

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**7. Did Employee violate Florida Statute 1012.33 by committing an act of immorality, misconduct in office, gross insubordination or wilful neglect of duty?**

- a. If no to Question (7), find in favor of Employee on Question (7) and move to Question (8).
- b. If yes to Question (7), is such behavior a terminable offense?
- c. If no to Question (7b), find in favor of Employee on Question (7b) and move to Question (8).
- d. If yes to Question (7b) find in favor of Superintendent on Question (7b) and move to Question (8).

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**8. Did Employee violate State Board Rule 6A-10.081(4) which states that a teacher (c) shall not use institutional privileges for personal gain or advantage; (d) shall accept no gratuity, gift, or favor that might influence professional judgment; (e) shall offer no gratuity, gift, or favor to obtain special advantages and State Board Rule 6-10.018(5) which requires that the individual (a) shall maintain honesty in all professional dealings; (f) shall not use coercive means or promise special treatment to influence professional judgment of colleagues; and (n) shall report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education Rules?**

- a. If no to Question (8), find in favor of Employee on Question (8) and move to Question (9).
- b. If yes to Question (8), is such behavior a terminable offense?
- c. If no to Question (8b), find in favor of Employee on Question (8b) and move to Question (9).

- d. If yes to Question (8b) find in favor of Superintendent on Question (8b) and move to Question (9).

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9. **Did Employee violate School Board Policy 6.55 by failing to report to the Superintendent alleged misconduct by any School Board Employee that affects the health, safety or welfare of a student as required by Florida Statutes and School Board Policy?**

- a. If no to Question (9) find in favor of Employee.
- b. If yes to Question (9) is such behavior a terminable offense?
- c. If no to Question (9b) find in favor of Employee.
- d. If yes to Question (9b) find in favor of Superintendent.

X. **Establish Schedule for Preparation of Final Order and Approval by School Board - Chairman Arnold**

XI. **Adjourn the Hearing - Chairman Arnold**

Anyone who needs a special accommodation of this meeting may contact the School District's Secretary at 863-462-5000 x 226 at least 48 hours in advance of the meeting. Note: The meeting will not be televised or videotaped.