

Embattled teacher will retain her job

District is told it can't fire her over treatment of disabled students

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Venice Elementary School special education teacher Diana O'Neill will be suspended and undergo a job change but she will not be fired, as the Sarasota School District had desired, an employment arbitrator ruled Tuesday.

O'Neill was under fire after she was accused by the district of hitting, kicking, pushing and otherwise abusing her severely disabled students. She was arrested and charged with four counts of child abuse, but was acquitted of those charges in February.

Following the acquittal, the district sought to have O'Neill fired, arguing that her treatment of four profoundly disabled students was a "flagrant violation of her responsibilities as a teacher."

While finding that O'Neill got rough with her students — including hitting them on the head with water bottles, kicking a student and pulling the skin off the lip of another — arbitrator Mark Lurie said because the district knew about O'Neill's behavior but never disciplined her for her misconduct or even gave her a verbal warning, she could not be fired. The decision cannot be appealed.

Venice Elementary School Principal Theresa Baus said she talked to O'Neill about her behavior and warned her not to hit or hurt the students, but never notified her that she was being given a verbal warning.

None of O'Neill's actions made it into her personnel file and no one who witnessed her getting physical with students ever called the Child Abuse Hot Line, as required by law, Lurie wrote.

It was not until two classroom aides came forward in January 2008, with a log detailing what they say are dozens of instances of abuse, that Baus called the hot line after being advised by her bosses to do so.

Lurie ruled that after a four-week suspension and counseling O'Neill be allowed to return to her \$80,000-a-year teaching job, or one similar.

"We were disappointed in the results," said School Superintendent Lori White. "You agree to abide by the decision."

White also said that O'Neill would not likely return to Venice Elementary School, where two aides documented months of rough treatment in a classroom.

O'Neill's attorney said she was happy that the arbitrator dismissed the most serious allegations in this case.

"We are pleased that this is now over and that Mrs. O'Neill will be able to go back in the classroom where she belongs," said attorney Mary Aspros in a written statement. "This has been an extremely stressful ordeal for Mrs. O'Neill, her family and friends, as well as the entire school system, and she is looking forward to putting this all behind her."

Parents of children in O'Neill's class feared she would be back in the classroom.

"It's awful," said Katie DiPierro, who said her daughter was wrapped in a constraint and kicked by O'Neill. "She should never be allowed to be near any child, especially the defenseless."

O'Neill was removed from her classroom in February 2008 after Venice police arrested her and accused her of abusing her profoundly disabled students. She had been a special education teacher at the school for 18 years before her arrest.

O'Neill still faces the possibility of having her teaching license revoked, according to the teacher's union. A Florida Department of Education official would not discuss the status of its investigation.