

Sarasota County School District explores its options on teacher

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The Sarasota County school district does not want to see Venice Elementary School teacher Diana O'Neill return to the classroom.

But a teachers union representative said Wednesday it may not have a choice.

An arbitrator ruled Tuesday that O'Neill must serve a four-week unpaid suspension for hitting her special education students on the head with water bottles, kicking one student and pulling the skin off the lip of another.

However, the binding ruling also said that O'Neill, 46, should not be fired and should be returned to her teaching job or an "equivalent" post.

The district says that means she should have a job that pays the \$80,000 a year she made before the accusations came to light in 2007.

They plan to meet with teachers union representatives and O'Neill to decide where O'Neill should be placed.

"I can't see any parents that are going to want their children to be in her classroom at this point," said School Board member Frank Kovach.

But teachers union director Barry Dubin said O'Neill has the right to return to teaching even though she was not fully exonerated.

"We're living in a country where we go by the rule of law," Dubin said. "She's been cleared in court and an arbitrator said she shouldn't be terminated."

O'Neill could still be fired if the state Department of Education revokes her teaching license for violating its code of conduct.

A DOE sanctioning board looks for "clear and convincing" evidence that a teacher abused students, a lower standard than in criminal court but sometimes higher than a school district's criteria because of union contracts.

It could be several months or years before O'Neill's case comes before the Education Practices Commission, a five-member sanctioning board made up of teachers, an administrator and a parent or police officer.

If the state investigator finds that there is enough evidence for a hearing, O'Neill could request a settlement. Or she could pursue a hearing in front of the commission, which would take several months to schedule.

The commission has broad powers to discipline teachers for offenses such as misuse of corporal punishment or the catchall "violations of professional conduct."

The Sarasota district's actions against O'Neill do not affect the DOE's licensing rulings.

"Ours are certificate actions; not employment actions," Commission Director Kathleen Richards said.

But if the commission votes to revoke or suspend her license, O'Neill could still lose her job.

"If they don't have a certificate, they can't be in the classroom," Richards said.

O'Neill, 46, was removed from her classroom in February 2008 after Venice police arrested her and accused her of abusing her profoundly disabled students. She was a special education teacher at the school for 18 years before that.

Patty Sherknus said her son was "a prisoner of sorts" in O'Neill's classroom. The arbitrator found that O'Neill kicked Sherknus' son.

"Way worse things happened to my son," Sherknus said.

Sherknus attended part of the arbitration hearing.

"I left," she said. "I knew there was no way they were going to hold O'Neill accountable. Everything was skewed towards the teacher and her rights."

She said she was not surprised by the arbitrator's decision. She called the district's handling of the O'Neill case a "mediocre defense of our children."

Sarasota Superintendent Lori White indicated Tuesday that O'Neill would likely not return to Venice Elementary.

But if O'Neill wants to continue teaching, officials could be caught between obeying the arbitration ruling and dealing with angry parents.

"She's not going to be in the classroom with my child," said Julie Klick, whose 9-year-old son has cerebral palsy and attends Gulf Gate Elementary School. "I can't imagine her from a liability standpoint that they'd let her in a classroom."

O'Neill's suspension is expected to start following the next School Board meeting, scheduled for Sept. 15. Until then she will continue working in the district's records department.