

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

JAMES E. MCCALISTER, SR., AS)
SUPERINTENDENT OF THE BAY)
COUNTY SCHOOL DISTRICT,)
)
Petitioner,)
)
vs.) Case No. 06-3301
)
BAY COUNTY SCHOOL BOARD,)
)
Respondent,)
)
and)
)
LARRY BOLINGER,)
)
Intervenor.)
_____)

RECOMMENDED ORDER

A formal hearing was conducted in this case on November 1, 2006, in Panama City, Florida, before Suzanne F. Hood, Administrative Law Judge with the Division of Administrative Hearings.

APPEARANCES

For Petitioner: Martha Harrell Chumbler, Esquire
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STATEMENT OF THE ISSUE

The issue is whether Respondent School Board of Bay County (the "School Board") has good cause under Section 1012.22(1)(a)2., Florida Statutes (2006), to reject the recommendation of Petitioner James E. McCalister, Sr., Superintendent of the Bay County School District (the "Superintendent"), to transfer the Intervenor Larry Bolinger ("Bolinger") from the position of principal of Bay High School ("Bay High") to the position of principal of Jinks Middle School ("Jinks").

PRELIMINARY STATEMENT

On June 28, 2006, the School Board voted unanimously to reject the Superintendent's recommendation to transfer Bolinger from Bay High to Jinks. The Superintendent filed a Petition for Formal Administrative Hearing with the School Board on July 27, 2006. The School Board referred the case to the Division of Administrative Hearings on September 1, 2006.

The undersigned issued a Notice of Hearing dated September 18, 2006. The notice scheduled the hearing for November 1, 2006.

On October 5, 2006, Bolinger filed a Motion to Intervene. In an order dated October 18, 2006, the undersigned granted the motion, subject to proof of standing at hearing.

On October 22, 2006, the School Board and Bolinger jointly moved for a continuance of the final hearing and for an order requiring the parties to submit to mediation. The motion was denied in an Order dated October 24, 2006.

On October 30, 2006, the parties filed a Joint Prehearing Stipulation. In the stipulation, the parties agree that Bolinger has standing to participate in this proceeding.

During the hearing, the parties offered the following exhibits: Joint Exhibit Nos. 1-4; Superintendent's Exhibit Nos. 1-5; and School Board's Exhibit Nos. 2-4 and 6-7. All of the exhibits were accepted as evidence.

The School Board presented the testimony of nine witnesses. The Superintendent testified on his own behalf and presented the testimony of one additional witness.

Bolinger presented no exhibits and called no witnesses. However, Bolinger was called as a witness during the School Board's case.

On November 15, 2006, the parties filed a Joint Motion for Additional Time to File Post-hearing Submittals. The undersigned granted the motion on November 27, 2006, in a Corrected Order Granting Extension of Time.

On November 15, 2006, the court reporter filed the two-volume transcript of the final hearing. The parties filed their proposed orders on December 5, 2006.

All references hereinafter shall be to Florida Statutes (2006) unless otherwise specified.

FINDINGS OF FACT

1. The Superintendent is the duly elected superintendent of the Bay County School District. He is serving his second consecutive term in that capacity.

2. The School Board consists of five duly elected members: Thelma Rohan, Ron Danzey, Johnny Brock, Jon McFatter, and Donna Allen.

3. Bolinger is an employee and former superintendent of the Bay County School District. The Superintendent defeated Bolinger for the superintendent's office in the 2000 general election. Bolinger was principal at Merritt Brown Middle School (Merritt Brown) during the 2004-2005 school year. He was principal at Bay High for the 2005-2006 school year. His proposed reassignment from Bay High to Jinks for the 2006-2007 school year is the subject of this proceeding.

4. Bay High, Jinks, and Merritt Brown are located in Panama City, Bay County, Florida.

5. Florida has an "A+ Plan for Education" that grades schools based on student performance. The school grade is determined by student scores on the Florida Comprehensive Assessment Test ("FCAT").

6. Fred Goodwin was the principal at Bay High for 27 years. Mr. Goodwin's final year at Bay High was the 2004-2005 school year. He retired after Bay High received a school grade of "D" for two consecutive years.

7. Bay High's 2004-2005 school score improved by 28 points over the score received during the previous year. The school would have received a grade of "C" for the 2004-2005 school term but for the failure of more than 50 percent of the lowest scoring 25 percent of Bay High's students ("the lowest quartile") to make gains on the FCAT exam.

8. Relevant to the subject of Bay High's performance on the FCAT in recent years, the School Board opened Arnold High School ("Arnold") on Panama City Beach in 1998. The new high school resulted in a significant reduction in Bay High's student population because all of the beach students previously had attended Bay High. In order to increase the student population at Bay High and the school's academic performance, the School Board started a Magnet program at Bay High.

9. Bay High was given \$250,000 through a grant to get the Magnet program started. The School Board also provided Bay High with extra teaching units for every year of the Magnet program's existence.

10. Along with the Magnet program, the Advanced International Certificate of Education ("AICE") program was initiated at Bay High. One purpose of starting the AICE program at Bay High was to attract high-performing students. Despite such efforts, Bay High received a school score of "D" during the 2003-2004 and 2004-2005 school years.

11. In the years prior to Goodwin's retirement, Bay High experienced significant problems in areas other than academics. The problems included, but were not limited to the following: (a) the school grounds and facilities were deplorable; (b) many students wandered campus during class time unattended; (c) teacher morale was low; (d) administrators, including Goodwin, were not visible on campus or at school events; (e) students and teachers were disciplined inconsistently; and (f) instructional class time was interrupted for nonacademic events.

12. Knowing that the principal position at Bay high would be vacant after the 2004-2005 school year, the Superintendent advertised the position. Bolinger did not apply to fill the position.

13. The general practice is that during the advertising process, some applicants for a position are screened out simply based upon an assessment of the application. A committee then selects and interviews five applicants. After the interviews, the committee sends the Superintendent the names of three applicants for the position advertised.

14. In the case of the vacancy for principal at Bay High, the Superintendent did not select any of the top three applicants. Instead, he placed the applicants at other schools.

15. On June 21, 2005, the Superintendent contacted Bolinger. The Superintendent requested Bolinger to meet at the Superintendent's office.

16. At the meeting, the Superintendent offered the Bay High principal position to Bolinger. The Superintendent's offer did not foreclose Bolinger's option to remain as principal at Merritt Brown.

17. In the course of their discussion regarding the Bay High position, Bolinger told the Superintendent that he had four years left in the Deferred Retirement Option Program ("DROP"). Bolinger stated that he would take the job at Bay High with the understanding that he would be the Bay High principal for the remaining four years before his retirement.^{1/} The Superintendent agreed that Bolinger would be allowed to stay at Bay High until his time in the DROP program was complete.

18. Bollinger also told the Superintendent that if he was going to Bay High as principal, he must have two assistant principals. The Superintendent agreed to this condition.

19. Randall McElheney and William Harrison are businessmen in Panama City, Florida, with close connections to Bay High as alums, parents, and volunteers. For the 2005-2006 school year, Mr. McElheney and Mr. Harrison served as business partners in the Partnership to Advance School Success (PASS) program. The PASS program is a cooperative effort between the State, the School Board, Bay High, and the business partner to improve the academic status of individual schools.

20. Prior to the June 21, 2005, meeting between the Superintendent and Bolinger, the Superintendent told Mr. McElheney that there was only one person that could turn Bay High around. That person was Bolinger.

21. After Bolinger accepted the position at Bay High, the Superintendent contacted several other School Board members to inform them of his decision. The Superintendent told Mr. Danzey that Bolinger was the one person in the school district that could lead Bay High. The Superintendent told Ms. Allen that Bolinger was the best person for the Bay High job. Mr. McFatter understood the Superintendent to believe that there was no one else in the district other than Bolinger who could handle the

Bay High job. All of the School Board members supported the Superintendent's decision to transfer Bolinger to Bay High.

22. Not everyone in the community agreed with the Superintendent's decision. The Superintendent knew that some people, unidentified here, opposed the transfer in part for political reasons. The Superintendent also knew that Bolinger would "ruffle some feathers" and upset certain individuals as he made needed changes at Bay High.

23. On or about June 23, 2005, the Superintendent transferred Bolinger from Merritt Brown to Bay High for the 2005-2006 school year. Bolinger started working at Bay High that same day. The School Board subsequently voted unanimously to approve the reassignment.

24. Bolinger signed a one-year written contract with the School Board for the 2005-2006 school year. The written contract provides as follows in pertinent part:

THIS CONTRACT entered into between THE SCHOOL BOARD OF BAY COUNTY, FLORIDA, party of the first part, hereinafter called "the School Board," and Larry Bolinger (0061), party of the second part, hereinafter called "the Employee."

* * *

1. The School Board agrees to employ the Employee in a position of PRINCIPAL for a period of 12 calendar months beginning July 1, 2005 (same being hereinafter

referred to as the "employment period") . .
. .

* * *

10. It is expressly understood and agreed by and between the parties hereto . . . that neither the Employee nor the School Board owes any further contractual obligation to the other after the last day of the employment period.

25. The Superintendent has never recommended that the School Board contract with administrative personnel in excess of one year.

26. During his first year at Bay High, Bolinger was able to resolve many of the school's past problems. With the help of the PASS program business partners, the grounds and facilities were cleaned. The business partners also worked with Bolinger to implement incentive programs to motivate student academic achievement. Attendance improved and students were in class during instructional time.

27. Bolinger established clear definitive roles for each administrator. Teacher and staff morale increased as a clear chain of command and written policies eliminated favoritism. Student discipline became consistent and non-discriminatory. Bolinger and other administrators were visible on campus and at school events. All administrators were accessible to faculty, students, and parents. The faculty was included in decisions regarding the school.

28. Most important, during the 2005-2006 school year, Bay High improved its school score from a "D" to a "C". The school was eligible to receive a score of "B" on the FCAT, with a numeric score that was 11 points higher than the score received in 2004-2005. However, because less than 50 percent of the lowest quartile made adequate gains on the test, Bay High received a "C".

29. Beginning around the start of 2006, Bolinger heard rumors that he was going to be removed from his position because he had ruffled some feathers at Bay High. Certain individuals had complained to the Superintendent when they became upset with Bolinger for changing the status quo.

30. Through out the year, Bolinger frequently consulted with the Superintendent about problems at the school. The Superintendent always reassured Bolinger that he was "doing the right thing" and needed to "keep on track." The Superintendent encouraged Bolinger to be sensitive to students, teachers, and staff, but to keep his focus on improving student performance, especially the performance of the lowest quartile.

31. In May 2006, the Superintendent met with Bolinger. At the meeting, the Superintendent stated that he would recommend Bolinger back as a principal, but not at Bay High. Bolinger stated that he felt betrayed because he had been loyal to the Superintendent. The Superintendent stated that he did not see

it that way. The Superintendent never gave Bolinger any other reason for the decision.

32. Once the transfer became public knowledge, the Superintendent and School Board members received e-mails from Bay High students, staff, parents, and community members. A significant majority of these e-mails discussed the improvements that Bay High made under Bolinger's leadership. They expressed support for his remaining at Bay High. School Board members also received telephone calls from the public for and against Bolinger's impending transfer from Bay High.

33. The School Board members and Bay High's business partners questioned the Superintendent's decision to remove Bolinger as principal at Bay High. The Superintendent would not give anyone a reason, except to say to a couple of people, "That man is going to do what I tell him to do."

34. Mr. McElheney, one of Bay High's business partners, funded a radio and sign campaign advocating that Bolinger remain at Bay High. The radio messages urged the public to attend the School Board meeting on May 30, 2006.

35. After speaking with the School Board members, the Superintendent instituted a teacher hiring freeze. The hiring freeze allowed teachers to interview for positions throughout the district but prohibited anyone from being hired. The Superintendent did not want a teacher being hired at a school

expecting certain individuals to be the administrators and then change his or her mind after an administrative change.

36. At the May 30, 2006, School Board meeting, the Superintendent recommended the retention of Bolinger, and several other principals and assistant principals, as employees of the School District for the 2006-2007 school year. The Superintendent's recommendation did not identify the particular school to which Bolinger, or any other principal or assistant principal, would be assigned. This was a departure from the custom of making administrative recommendations, including the school assignment for each administrator.

37. At the May 30, 2006, meeting, the School Board allowed for public comment. At times growing heated, 47 people, consisting of students, parents, teachers, staff, and community members, spoke at the meeting. Again, a significant majority spoke positively of Bolinger and the difference he was making at Bay High. Many people requested that the Superintendent reconsider his decision.

38. After the public comment portion of the meeting, the Superintendent stated that he did not intend to reconsider his decision about transferring Bolinger and would not give a reason for his decision. The School Board then unanimously voted to approve the recommendations as submitted without school assignments and with the understanding that no principals or

administrators would be transferred from their current assignments without School Board approval.

39. The School Board met again on June 28, 2006. At that time, the Superintendent made a recommendation to the School Board to transfer five administrators, one of which was the transfer of Bolinger to the position of principal at Jinks. Once again, the Superintendent refused to give the School Board a reason for his decision to transfer Bolinger. The Superintendent would not reveal the name of the person who would replace Bolinger as principal at Bay High.

40. Mr. McFatter made the following motion at the June 28, 2006 meeting:

A transfer of the principal from Bay High School this close to the beginning of the school year, coupled with the Superintendent's hiring freeze, will in a number of ways adversely affect the student and staff of Bay High School and will severely disrupt the operation of the school for the upcoming year. Given the history of Bay High School, it is particularly crucial that this not occur. It is a school that has experienced two "D" school years, and under Mr. Bolinger's leadership, started down the right road to recovery becoming a "C" school for the 2005-2006 school year. This eleventh hour disruptive recommendation will have an adverse effect on student achievement at Bay High School for the 06-07 school year. Based upon these findings of good cause, I move that the School Board reject the Superintendent's recommendation that Larry Bolinger be laterally moved from the principal-ship at Bay High to the principal-ship at Jinks Middle School.

41. The School Board unanimously voted in favor of the motion and to reject the Superintendent's recommendation to transfer Bolinger. This was the first time Mr. Brock, Ms. Allen, and Mr. McFatter had ever voted to reject an administrative personnel recommendation made by any school superintendent. Mr. Brock has served on the School Board for 10 years, Ms. Allen for four years, and Mr. McFatter for two years.

42. Ms. Rohan voted to reject the recommended transfer because of her belief that the Superintendent breached his oral contract with Bolinger regarding Bolinger's length of stay as principal of Bay High.

43. At the meeting, Mr. McFatter voted to reject the recommended transfer of Bolinger for the following reasons: (a) the transfer would have occurred too close to the beginning of the school year and that, coupled with the hiring freeze, would adversely affect the students and staff at Bay High; (b) the transfer would interrupt operations at the school; and (c) improvement was made at Bay High under Bolinger's leadership after it experienced two "D" years.

44. During the hearing, Mr. McFatter stated that he voted to reject the recommendation because "everything [at Bay High] was positive in regard to the kids and their achievements. And

to derail it without explanation was unacceptable and to my mind was good cause."

45. At the June 28, 2006, meeting, Mr. Danzey voted to reject the Superintendent's recommendation to transfer Bolinger because there were improvements at Bay High under Bolinger. Mr. Danzey thought it was too soon for another change in principals at Bay High and that the leadership at the school needed to stay in place.

46. Ms. Allen voted to reject the recommended transfer of Bolinger because keeping the leadership at Bay High was best for the future of the school, its students, and faculty. Ms. Allen did not believe that anyone but Bolinger could implement his plan for improvement of Bay High as well as Bolinger himself.

47. Mr. Brock voted to reject the Superintendent's recommended transfer of Bolinger because improvements were being made at Bay High, students were feeling better about themselves, and removing Bolinger would harm the students. Mr. Brock stated that the Superintendent's action was the equivalent of "pull[ing] the carpet" out from under the Bay High students.

48. At some point in time after recommending the transfer of Bolinger, the Superintendent proceeded to advertise the principal's position at Bay High as open for the 2006-2007 school year. During his deposition and at the hearing, the Superintendent revealed for the first time that he considered

two applicants to be qualified for the Bay High job: Bill Payne and Mackie Owens. At the time of the rejection of Bolinger's recommended transfer, the School Board members were not aware that the Superintendent might consider one of these two individuals to be the principal of Bay High.

49. Payne had applied for the same position in 2005 and had not been selected by the Superintendent. For the 2005/2006 school term, Payne served as an assistant principal at Bay High under Bolinger.

50. If the School Board had approved the recommended transfer of Bolinger, the School Board members would not have had an opportunity to consider the assignment of a Bay High principal until the July School Board meeting.

51. Due to the School Board's rejection of the Superintendent's recommended transfer, Bolinger remains principal of Bay High. The Superintendent has not revealed the name of the person he would recommend to be principal at Bay High should Bolinger be transferred.

52. During his deposition and during the hearing, the Superintendent testified that there were multiple factors that precipitated his decision to transfer Bolinger. First, there was an incident that involved the announcing of Bay High's Top ten seniors for 2006.

53. In late April or early May 2006, the Superintendent requested that Bolinger delay announcing the ten seniors with the highest cumulative grade point average because one student erroneously believed that he should be valedictorian at Bay High. The student's parents wanted an opportunity to appeal the issue to the School Board on the following Wednesday. The Superintendent and Bolinger agreed that the announcement would not be made until the end of the week after the School Board meeting.

54. On Wednesday, the School Board listened to the parents' appeal. The School Board took no action to change the decision of the school and the Superintendent that the student academically ranked third behind co-valedictorians.

55. That evening after the School Board meeting, Ms. Rohan, Chairperson of the School Board, went to Bay High where some teachers and staff members were planning an awards ceremony for Thursday morning. Learning that the decision was final, the teachers requested permission from Bollinger to include the Top 10 announcement in the Thursday awards program.

56. Bolinger agreed to make the Top 10 announcement on Thursday. He made this decision because he thought the issue regarding the identity of the valedictorian was resolved and because some of the Top 10 students were not going to be in school on Friday.

57. On Thursday after the announcement, the Superintendent received a call from a parent of the disappointed student. The parent was upset because Bay High announced the Top 10 on Thursday instead of waiting until Friday as anticipated by the parent.

58. The Superintendent contacted Bolinger to inquire about the decision to make the announcement on Thursday. Bollinger explained that it was just a spur of the moment decision. Bolinger offered to apologize to the student's parents over any misunderstanding about the timing of the announcement.

59. Shortly thereafter, Ms. Rohan informed the Superintendent that she had been to Bay High on Wednesday evening planning for the Top 10 announcement the next day. Ms. Rohan's statement led the Superintendent to erroneously believe that Bolinger had lied when he said the announcement was a spur of the moment decision.

60. The incident involving the Top 10 announcement was the biggest factor that the Superintendent considered when deciding to transfer Bolinger. If Bolinger had waited until Friday to make the academic awards, the Superintendent probably would have recommended that Bolinger return to Bay High for additional years.

61. Another factor that motivated the Superintendent to transfer Bolinger involved a facilities improvement request from

Bay High, which the Superintendent rejected. The Superintendent erroneously believed that Bolinger sent parents to pressure him to change his mind.

62. In April 2006, Bay High's PASS business partners spoke to the Superintendent about some needed facility improvements at Bay High. The Superintendent agreed to send the district's Director of Facilities to review a list of suggested needs. One of the improvements was a new baseball dugout, with lockers and a batting cage, as requested by Bay High's baseball boosters. The Superintendent asked the business partners to follow up with him about the dugout issue in the future.

63. Bolinger, as principal of Bay High, approved the facilities request before sending it to the Superintendent. The Superintendent rejected any request for improvements that were not academically related. Bolinger did not request that the business partners pressure the Superintendent about his rejection of any part of the facilities request, much less a baseball dugout.

64. Bay High's business partners had a follow-up appointment with the Superintendent on the morning that Bolinger's recommended transfer became public knowledge. The business partners intended to discuss alternative means of funding the construction of the new dugout. However, the sole issue addressed at the meeting was Bolinger's transfer. There

was no pressure applied to the Superintendent about his rejection of any improvement at Bay High.

65. A third factor that the Superintendent considered was that he thought the district would be better served if Bolinger served as a middle school principal. According to the Superintendent, Bolinger had been very successful as principal at Merritt-Brown. The Superintendent knew Bolinger was a good disciplinarian and believed he could solve some alleged problems at Jinks. However, the Superintendent subsequently had a conversation with the principal at Jinks which resolved any such problems.

66. During the hearing, the Superintendent presented the expert testimony of William Montford, former Leon County School Superintendent and currently Executive Director of Florida Association of District School Superintendents. Mr. Montford's expert testimony is accepted, limited to his experience as a school superintendent.

67. A school superintendent serves the role of Chief Executive Officer of the school district. For that reason, a superintendent needs control over district personnel and the discretion regarding the placement of those employees. In making those decisions, a superintendent should consider the input from school board members, teachers, parents, and student. Ultimately, it is the superintendent's responsibility to

recommend what he or she believes is best - in terms of personnel placement - for the entire school district.

CONCLUSIONS OF LAW

68. The Division of Administrative Hearings has jurisdiction over the parties and the subject matter of this proceeding pursuant to Sections 120.569 and 120.57(1), Florida Statutes.

69. The Superintendent has standing to initiate this proceeding. Bollinger has standing to participate as a party intervenor.

70. The School Board has the burden of proving by a preponderance of the evidence that it had good cause to reject the Superintendent's recommendation to transfer Bolinger. See Dileo v. School Board of Dade County, 569 So. 2d 883, 884 (Fla. 3d DCA 1990).

71. A school superintendent has statutory authority to recommend the transfer of the school district's employees. See § 1012.27(4), Fla. Stat.

72. The School Board's responsibilities are set forth in Section 1012.22(1)(a), Florida Statutes, which states as follows in pertinent part:

(a) Positions, qualifications, and appointments.—

1. The district school board shall act upon written recommendations submitted by the district school superintendent for

positions to be filled, for minimum qualifications for personnel for the various positions, and for the persons nominated to fill such positions.

2. The district school board may reject for good cause any employee nominated.

73. Case law has held that the aforementioned good cause standard applies when a school board rejects the recommended transfer of personnel by a superintendent. See Von Stephen v. School Board of Sarasota County, 338 So. 2d 890, 893 (Fla. 2d DCA 1976).

74. "Good cause" has not been statutorily defined. Historically, the question of good cause has dealt with whether a nominee is "morally or professionally disqualified" for a certain position. See Von Stephens, 338 So. 2d at 895.

75. In Spurlin v. School Board of Sarasota County, 520 So. 2d 294, 296 (Fla. 2d DCA 1988), the court stated that "Von Stephens does not attempt to define 'good cause' within any boundary." The Court explained further that

[a]s amorphous and unbounded as the words "good cause" may seem when not specifically elaborated upon by the legislature, we are unwilling to ascribe to the expression a limitation which forecloses a school board from exercising its ability to decline a recommendation for a lawful, rational, non-arbitrary, non-statutory reason.

See Spurlin, 520 So. 2d at 296. Thus, good cause is not confined to whether an individual recommended by a

superintendent in morally or professionally qualified for the position to which the individual was nominated.

76. In this case, the School Board had reason to believe that Bolinger's transfer after one very successful year at Bay High, so close to the beginning of the next school year, would adversely impact the forward progress of the school under the A+ Plan. The transfer would damage the morale of the students, faculty, staff, parents, and community members, who had rallied to improve Bay High academically and in other areas such as attendance, discipline, and pride in the physical facility under Bolinger's strong leadership. In the absence of any reason for the Superintendent's action, the School Board was not required to risk Bay High's future by approving the Superintendent's proposed transfer of Bolinger, the one person that the Superintendent recently considered the best and only person who could "fix" Bay High. In one year, Bolinger may have "ruffled some feathers" but he certainly made substantial gains towards "fixing" Bay High.

77. There is no legal prohibition against a school board rejecting for "good cause" a superintendent's recommended transfer based upon the performance of the school and the impact such transfer would have on the school. Under the facts of this case, the School Board had "good cause" not to approve

Bolinger's transfer based on lawful, rational, non-arbitrary, non-statutory reasons.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is

RECOMMENDED:

That the School Board enter a final order rejecting the Superintendent's recommendation to transfer Larry Bolinger.

DONE AND ENTERED this 22nd day of January, 2007, in Tallahassee, Leon County, Florida.



SUZANNE F. HOOD
Administrative Law Judge
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Filed with the Clerk of the
Division of Administrative Hearings
this 22nd of January, 2007.

ENDNOTE

^{1/} The following hearing testimony provides the most persuasive evidence regarding the details of the June 21, 2005, conversation between the Superintendent and Bollinger:

A He then said, "Yes, I'd like you to take over Bay High. I'll let you have one assistant principal of your choosing."

And I said, "Well Mac, I've done some thinking about this since the rumors have been out about who would and who would not be principal." And I said, "I like to think ahead, and if the possibility come (Sic) up, I wanted to know." I said, "I'm going to need two assistant principals and a few other things." And so we began discussing it.

Q And was this just kind of a back and forth discussion of what it would take to induce you to accept the position at Bay High School?

A Yes. And, in fact, I had already accepted it. I told him, I said, "Mac", I said, "I'm going to do this for three reasons." I said, "Number one, you asked me. You succeeded me in this office. I used to sit in that chair, and when I asked a principal to do a job, I expected him or her to go do it." And I said, "I will do it for you."

And I said, "Secondly, I love Bay High. I taught there for ten years. I have many relatives that have gone through Bay High." I said, "I know or feel like I know what some of the problems are, and I believe I can lend a contribution."

And, thirdly, this is my fourth year at Merritt Brown. I believe the school is running well. I believe that I can honestly leave it and go on and take on another challenge.

Q When you discussed taking on that other challenge with the superintendent, was there any discussion of your retirement status, the number of years you had to remain in the district, things of that nature?

A Yes, that was the other issue. I said, "now, my"—I believe my exact words, "well now, Mac, this is my big one now, this is the last big one." I said, "I've just finished my first year of DROP, you asked me

to go to Merritt Brown four years ago, I went that at your request. This is it. Now, I don't want to move. Because," I said, "besides that, it's going to take four years. If half of what I hear is wrong with Bay High, it's going to take somebody at least four years to clean it up."

And he nodded and agreed and said yes.

I said, "So, this is it."

He said, "I have no problem with that at all, no problem with that at all."

Q And when he said that, that was in response to your saying this is the last move and you have four more years, and it will take at least that long to turn the school around.

A That is correct. I went on to say, I like to joke around, and I said, "Mac, besides that, it I can't clean it up in four years, you need to fire me anyway."

And he laughed, too, and he said, "You're right."

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the final order in this case.