

THE SCHOOL BOARD OF LEE COUNTY, FLORIDA

LAWRENCE D. TIHEN, Ph.D.)
SUPERINTENDENT)
FOR LEE COUNTY SCHOOLS,)
)
Petitioner,)
)
v.)
)
PATRICIA SLADE,)
)
Respondent.)

Case No. 11-0012

FINAL ORDER

THIS CAUSE came to be heard on this the 6th day of December, 2011, before the School Board of Lee County, Florida, and said School Board finds as follows:

1. Respondent, Patricia Slade ("Respondent"), has been employed with the District since August 19, 1997. She is currently assigned as a teacher at Lehigh Acres Elementary School. Respondent is an "instructional employee," as defined by §1012.01(2)(a), Florida Statutes, and is governed by the collective bargaining agreement between the School Board and the Teachers Association of Lee County ("TALC"). The standard for the discipline of instructional personnel is "just cause" pursuant to the TALC Agreement and §1012.33(1)(a), Florida Statutes. The Superintendent has authority to recommend dismissal of Respondent, and the School Board has authority to

dismiss Respondent from her employment pursuant to §§1012.27(5) and 1012.22(1)(f), Florida Statutes.

2. On or about March 24, 2011, it was reported to the District's Department of Professional Standards and Equity that the Respondent improperly supervised her pre-kindergarten students during their nap time by falling asleep on multiple occasions.

3. As a result, the Department of Professional Standards and Equity initiated an investigation into the allegations.

4. The investigation confirmed that the Respondent had improperly supervised her students on numerous occasions.

5. As a result of the foregoing allegations the Respondent was suspended with pay and benefits on March 25, 2011.

6. A predetermination conference was scheduled with Respondent for April 14, 2011, to review the allegations and to give her an opportunity to respond.

7. The Respondent attended the predetermination conference, accompanied by her union representatives, Donna Mutzenard and Mark Castellano.

8. Subsequent to the predetermination conference, a determination was made that probable cause existed to discipline Respondent for her conduct. A certified letter dated May 4,

2011, was sent to Respondent, advising her of the probable cause determination. The letter also advised that a recommendation would be made to the Superintendent that Respondent be terminated from her employment with the District.

9. The Respondent was personally served with a Petition for Termination of Employment on May 16, 2011.

10. The Respondent, through her attorney, requested an administrative hearing before the Florida Division of Administrative Hearings.

11. On June 21, 2011, the Petition for Termination was heard by the School Board. The Respondent was suspended without pay at that time pending the results of the administrative hearing. The Petition was then forwarded to the Division of Administrative Hearings.

12. The final hearing took place on September 1, 2011, by video teleconference in Tallahassee and Fort Myers, Florida, before Thomas P. Crapps, a designated Administrative Law Judge (ALJ) of the Division of Administrative Hearings (DOAH).

13. The ALJ issued his Recommended Order on November 15, 2011.

14. The ALJ found in his Recommended Order that the School Board has shown by a preponderance of the evidence "just cause" to terminate Respondent's employment.

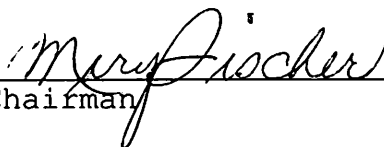
ACCORDINGLY, the Board adopts the ALJ's findings of fact, conclusions of law and incorporates them into this Final Order by reference.

It is ORDERED as follows:

15. Respondent's employment with the School District of Lee County is terminated effective end of the day December 6, 2011.

16. This Order may be appealed to the District Court of Appeal of Florida, Second District, P.O. Box 327, 1005 E. Memorial Boulevard, Lakeland, Florida 33802, telephone number (863) 499-2290. The appeal must be filed within thirty (30) days of the date of this Order by filing a Notice of Appeal with the School Board and a second copy with the District Court of Appeals. For further information, contact Robert Dodig, Jr., Staff Attorney, 2855 Colonial Boulevard, Fort Myers, Florida 33966, telephone number (239) 335-1447.

ENTERED on this the 6th day of December, 2011.


Chairman

Copies to:
Robert Dodig, Jr., Staff Attorney
Personnel File