

THE SCHOOL BOARD OF LEE COUNTY, FLORIDA

JOSEPH BURKE, Ed.D., )  
SUPERINTENDENT, )  
 )  
Petitioner, ) Case No. 12-0005  
 ) DOAH Case No. 12-0769  
v. )  
 )  
WILLIE SPARROW, )  
 )  
Respondent. )

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**FINAL ORDER**

THIS CAUSE came to be heard on this the 7<sup>th</sup> day of August, 2012, before the School Board of Lee County, Florida, and said School Board finds as follows:

1. Willie Sparrow ("Respondent") is employed by The School Board as a teacher. 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 §1012.33, Florida Statutes. The Superintendent has authority to recommend dismissal of Respondent, and the School Board has authority to dismiss Respondent from his employment. §§1012.27(5) and 1012.22(1)(f), Florida Statutes.

2. On or about November 3, 2011, the District's Department of Professional Standards and Equity received a complaint from Lehigh Senior High School regarding the Respondent.

3. During the 2010-2011 and 2011-2012 school years the Respondent hugged, touched, grabbed and groped female students against their will.

4. On December 7, 2011, a Pre-Determination Conference was conducted providing the Respondent an opportunity to explain his conduct. The Respondent attended the Conference with his attorney, Robert J. Coleman.

5. On December 13, 2011, the Respondent was notified via certified letter that he was being recommended for termination.

6. On February 21, 2012, the School Board suspended the Respondent without pay.

7. The final hearing took place on April 24, 2012, before Administrative Law Judge (ALJ) Elizabeth W. McArthur.

8. The ALJ issued her Recommended Order on July 18, 2012.

9. The ALJ found in her Recommended Order that the School Board established by a preponderance of the evidence that the Respondent committed misconduct in office and he should be dismissed from his employment as a teacher pursuant to §1012.33, Florida Statutes.

10. The ALJ's Recommended Order is hereby incorporated into this Final Order by reference.

It is ORDERED as follows:

11. Respondent's employment with the School District of Lee County is terminated effective end of the day August 7, 2012.

12. 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 7<sup>th</sup> day of August 2012.

  
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Mary Fischer, M.A., Chairman

Copies to:

Robert Dodig, Jr., Staff Attorney  
Robert Coleman, Respondent's Attorney  
Division of Administrative Hearings  
Personnel File