

THE SCHOOL BOARD OF LEE COUNTY, FLORIDA

NANCY J. GRAHAM, Ed.D,
SUPERINTENDENT OF SCHOOLS
FOR LEE COUNTY,

Petitioner,

v.

Case No. 13-0007
DOAH Case No. 13-1676

BARBARA RICE,

Respondent.

FINAL ORDER

THIS CAUSE came to be heard on this the 28th day of January, 2014, before the School Board of Lee County, Florida, and said School Board finds as follows:

1. Respondent is employed by the School Board as a custodian at Lexington Middle School. Respondent is an "educational support employee," as defined by § 1012.40(1)(a), Florida Statutes, and is a member of the Support Personnel Association of Lee County ("SPALC"). Her employment is governed by the collective bargaining agreement between SPALC and the School Board of Lee County.

2. On or about February 6, 2013, Respondent was referred to the Department of Professional Standards and Equity for insubordination, disrespect and inadequate job performance.

3. It was reported to Professional Standards and Equity that Respondent had on-going issues of insubordination and disrespect towards supervisors during the 2012-2013 school year.

4. Previously, Respondent was provided formal discipline regarding various incidents.

5. A predetermination conference, per the SPALC Agreement, was held with Respondent on March 14, 2013. The Respondent attended the predetermination conference and was provided an opportunity to respond to the allegations.

6. Subsequent to the predetermination conference, a determination was made that probable cause existed to discipline Respondent for her conduct. A letter was provided to the Respondent advising her that a recommendation would be made to the Superintendent that Respondent be terminated from her employment with the District and that she would be suspended without pay effective April 2, 2013.

7. On May 7, 2013, the School Board considered the Petition for Termination and took action to suspend the Respondent without pay. The Petition was then forwarded to the Division of Administrative Hearings and a Final Hearing was set.

8. The Final Hearing took place on September 10 and 11, 2013, before Administrative Law Judge (ALJ) Elizabeth W. McArthur.

9. The ALJ issued her Recommended Order on December 20, 2013.

10. The ALJ found in her Recommended Order that the School Board established by a preponderance of the evidence that the Respondent's actions constituted misconduct and violated State Board of Education rules, Florida Statutes, and School Board Policies.

11. On the basis of these findings, the ALJ recommended that the School Board enter a final order terminating Respondent from her position as an employee with the School District of Lee County.

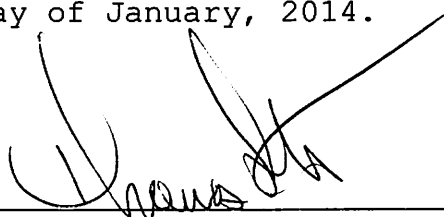
ACCORDINGLY, the Board adopts the ALJ's findings of fact, conclusions of law and the recommended penalty and incorporates them into this Final Order by reference.

It is ORDERED as follows:

12. Respondent's employment with the School District of Lee County is terminated effective end of the day January 28, 2014.

13. 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 28th day of January, 2014.



Thomas Scott, Chairman

Copies to:

Robert Dodig, Jr., Staff Attorney
Robert J. Coleman, Attorney for Respondent
Division of Administrative Hearings
Personnel File