

THE SCHOOL BOARD OF LEE COUNTY, FLORIDA

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

Petitioner,

v.

Case No. 14-0013
DOAH Case No. 14-2465

DEMETRIUS FELTON,

Respondent.

FINAL ORDER

THIS CAUSE came to be heard on this the 9th day of December, 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 Helping Teacher at Royal Palm Exceptional Center. 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"). His employment is governed by the collective bargaining agreement between SPALC and the School Board of Lee County.

2. On March 26, 2014, Respondent grabbed and shoved a male student after engaging in a verbal dispute with the same student. Respondent continued to pursue and attempted to

provoke the male student after multiple staff members intervened.

3. A pre-determination conference, per the SPALC Agreement, was held with Respondent on April 10, 2014. The Respondent attended the pre-determination conference with his attorney, Robert J. Coleman, and was provided an opportunity to respond to the allegations.

4. Subsequent to the pre-determination conference, a determination was made that probable cause existed to discipline Respondent for his conduct. A letter was provided to Respondent advising him that a recommendation would be made to the Superintendent that Respondent be terminated from his employment with the District and that he would be suspended without pay effective April 14, 2014.

5. On May 20, 2014, 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.

6. The Final Hearing took place on August 13, 2014, before Administrative Law Judge (ALJ) Elizabeth W. McArthur.

7. The ALJ issued her Recommended Order on October 8, 2014.

8. 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.

9. On the basis of these findings, the ALJ recommended that the School Board enter a final order terminating Respondent from his 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.

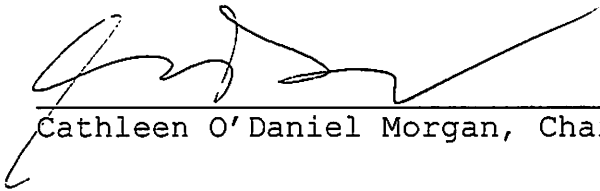
It is ORDERED as follows:

10. Respondent's employment with the School District of Lee County is terminated effective end of the day December 9, 2014.

11. 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 9th day of December, 2014.



Cathleen O'Daniel Morgan, Chairman

Copies to:

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