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ELECTRONIC FILING--eALJ

May 13, 2016

Ms. Claudia Llado
Clerk of the Division
Division of Administrative Hearings
Florida Department of Administration
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

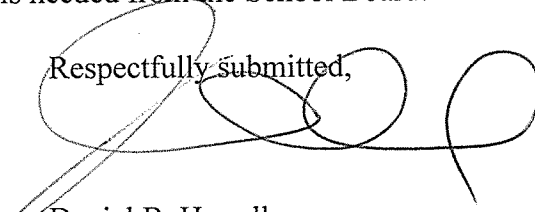
Re: St. Lucie County School Board v. Randolph Lockridge, DOAH Case No. 15-4929

Our File No. 500-001

Dear Ms. Llado:

In accordance with Section 120.57(1)(m), Fla. Stat., this confirms the filing by electronic means, as required by Section 120.52(5), Fla. Stat., of a copy of the Final Order entered by The School Board of St. Lucie County, Florida, in the above matter on May 10, 2016. Please advise if any additional information or documentation is needed from the School Board.

Respectfully submitted,



Daniel B. Harrell
Attorney for The School Board of St. Lucie County

DBH/mm
Enclosure

cc: Mr. E. Wayne Gent
Ms. Christine L. Harrison
Mr. Nicholas Anthony Caggia, Esquire
Ms. Barbara Lee Sadaka, Esquire

SCH 0500001 RLockridge DOAH Final Order LTR

BEFORE THE SCHOOL BOARD
OF ST. LUCIE COUNTY, FLORIDA

ST. LUCIE COUNTY SCHOOL BOARD,
Petitioner,

DOAH Case No. 15-4929

vs.

RANDOLPH LOCKRIDGE,
Respondent.

FINAL ORDER

THIS CAUSE came before The School Board of St. Lucie County, Florida (“School Board”), as governing body of The School District of St. Lucie County, Florida (“District”), for final agency action in accordance with Section 120.57(1)(k) and (l), Florida Statutes.

Appearances

For Petitioner: Barbara L. Sadaka, Esq.
School Board of St. Lucie County, Florida
4204 Okeechobee Road
Fort Pierce, FL 34947

For Respondent: Nicholas A. Caggia, Esq.
Law Office of Thomas L. Johnson, P.A.
510 Vonderburg Drive, Suite 309
Brandon, FL 33511

Introduction

The Respondent Randolph Lockridge is an Exceptional Student Education (“ESE”) Behavior Technician employed by the Petitioner School Board. The Petitioner, by and through the Superintendent of Schools, sought to terminate the Respondent for just cause in accordance with Florida Statute §1012.40(b) and School Board Policy 6.301(3)(b) for alleged misconduct infractions including:

- i. Insubordination
- viii. Immoral or indecent conduct

- ix. Abusive or discourteous conduct or language to . . . students . . .
- xii. Negligence
- xiv. Unsatisfactory work performance
- xvi. Neglect of duty
- xix. Violation of any rule, policy, regulation, or established procedure
- xxvii. Inappropriate method of discipline
- xxix. Any violation of the Code of Ethics of the Education Profession;

The Respondent requested a formal administrative hearing and one was held on January 20, 2016, before an Administrative Law Judge (“ALJ”) of the Division of Administrative Hearings. On April 4, 2016, the ALJ entered a Recommended Order finding (at pp.30-33) that Respondent had violated School Board Rule 6.301 (3)(b):

- (xix) Violation of any rule, policy, regulation, or established procedure;
- (i) Insubordination
- (viii) Immoral or indecent conduct;
- (ix) Abusive or discourteous conduct toward (*sic*) students;
- (xii) Negligence;
- (xvi) Neglect of duty;
- (xiv) Unsatisfactory work performance;
- (xxxviii) Inappropriate methods of discipline;
- (xxix) Any violation of the Code of Ethics of the Education Profession;

Further, the ALJ’s findings included (Recommended Order at p. 33):

- (a) Respondent failed to exercise the best professional judgment (Fla. Admin. Code R. 6A-10.080);
- (b) Respondent failed to always have the concern for students as his primary professional concern (Fla. Admin. Code R. 6A-10.080); and
- (c) Respondent failed to make a reasonable effort to protect the students from conditions harmful to learning and/or to the student’s mental and/or physical health and/or safety (Fla. Admin. Code R. 6A-10.081)

The ALJ concluded that the Respondent violated the Code of Ethics of the Education Profession in Florida with which all the St. Lucie County School District employees were required to abide. Recommended Order at p.33.

The ALJ also determined that the Respondent's violation of the above-mentioned School Board rules and/or sections of the Code of Ethics constituted "just cause" for Respondent's termination from the position of ESE behavior technician. Recommended Order at p. 33.

The ALJ recommended that a final order be entered by the St. Lucie County School Board terminating Respondent from his position as an ESE behavior technician. Recommended Order at pp. 34-35. The Recommended Order has been forwarded to the School Board in accordance with Section 120.57(1), Florida Statutes and is attached to and made a part of this Final Order.

Neither party filed exceptions to the Recommended Order. On April 29, 2016, the Superintendent as Petitioner filed a motion ("Superintendent's Motion") requesting that the School Board adopt the Recommended Order and enter a Final Order finding that the Respondent violated School Board rules and/or sections of the Code of Ethics and terminating Respondent from his position as an ESE behavior technician.

* * *

Determination

The School Board met on May 10, 2016, in Fort Pierce, St. Lucie County, Florida, to take final agency action. Upon consideration of the Recommended Order and the Superintendent's Motion, the School Board adopts the findings of fact, conclusions of law, and recommendation set forth in the Recommended Order.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that:

Respondent violated School Board Rule 6.301 (3)(b):

- (xix) Violation of any rule, policy, regulation, or established procedure;
- (i) Insubordination
- (viii) Immoral or indecent conduct;
- (ix) Abusive or discourteous conduct or language to students;

- (xii) Negligence;
- (xvi) Neglect of duty;
- (xiv) Unsatisfactory work performance;
- (xxxviii) Inappropriate methods of discipline;
- (xxix) Any violation of the Code of Ethics of the Education Profession;

Further,

- (a) Respondent failed to exercise the best professional judgment (Fla. Admin. Code R. 6A-10.080);
- (b) Respondent failed to always have the concern for students as his primary professional concern (Fla. Admin. Code R. 6A-10.080); and
- (c) Respondent failed to make a reasonable effort to protect the students from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety (Fla. Admin. Code R. 6A-10.081).

By his conduct, Respondent violated School Board Rule 6.301(3)(b) as outlined above and the Code of Ethics of the Education Profession in Florida with which all the St. Lucie County School District employees were required to abide.

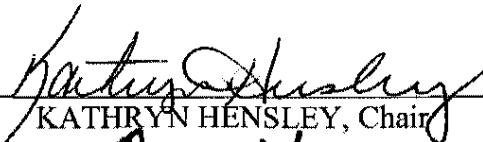
Respondent's violation of the above-mentioned School Board rules and/or sections of the Code of Ethics constitute "just cause" for Respondent's termination from the position of ESE behavior technician.

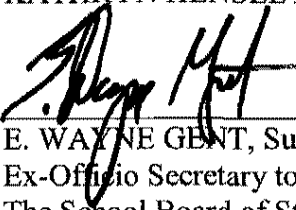
Respondent is hereby terminated from his employment with The School Board of St. Lucie County, Florida, as of the effective date of this Final Order. The Final Order shall take effect upon filing with the Superintendent of Schools as Secretary to THE SCHOOL BOARD OF ST. LUCIE COUNTY, FLORIDA.

A copy of this Final Order shall be provided to the Division of Administrative Hearings within 15 days of filing, as set forth in Section 120.57(1)(m), Florida Statute.

DONE AND ORDERED this 10th day of May, 2016.

THE SCHOOL BOARD OF ST. LUCIE COUNTY,
FLORIDA

By: 
KATHRYN HENSLEY, Chair

Attest: 
E. WAYNE GENT, Superintendent and
Ex-Officio Secretary to
The School Board of St. Lucie County, Florida

* * *

NOTICE OF RIGHT TO APPEAL

Any party adversely affected by this Final Order may seek judicial review pursuant to Section 120.68, Fla. Stat., and Fla. R. App. P. 9.030(b)(1)(C) and 9.110. To initiate an appeal, one copy of a Notice of Appeal must be filed, within the time period stated in the Fla. R. App. P. 9.110, with the Superintendent as Ex-Officio Secretary of The School Board of St. Lucie County, Florida, 4204 Okeechobee Road, Fort Pierce, Florida 34947. A second copy of the Notice of Appeal, together with the applicable filing fee, must be filed with the appropriate District Court of Appeal.

Attachment: Recommended Order

Copies Furnished to:
Barbara L. Sadaka, Esq.
Nicholas A. Caggia, Esq.
Daniel B. Harrell, Esq.
Clerk, Division of Administrative Hearings