

THE SCHOOL BOARD OF LEE COUNTY, FLORIDA

GREGORY K. ADKINS, Ed.D.,  
SUPERINTENDENT OF SCHOOLS  
FOR LEE COUNTY,

Petitioner,

v.

Case No. 18-3302TTS

PHYLLIS MILLER,

Respondent.

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**FINAL ORDER**

THIS CAUSE came to be heard on this the 23rd day of April 2019, before the School Board of Lee County, Florida, and said School Board finds as follows:

1. Respondent was an instructional employee and was governed by the collective bargaining agreement between the School Board and the Teachers Association of Lee County ("TALC"). Petitioner charges that on or about August 2, 2016, Respondent was placed on performance probation for poor performance during the 2016-2017 school year pursuant to §1012.34, Florida Statutes. Following the conclusion of Respondent's first period of performance probation, Respondent was informed in writing that her teaching performance was not at an acceptable standard and that she would be placed at a new work location for the 2017-2018 school year. In addition, Respondent was advised that a new period of performance probation would commence after the beginning of the 2017-2018 school year.

2. Petitioner charged that Respondent is incompetent pursuant to §1012.33, Florida Statutes as defined by Rule 6A-5.056(3), F.A.C. and did not satisfactorily correct performance deficiencies pursuant to §1012.34(4), Florida Statutes following her performance probation period.

3. On May 29, 2018 a Petition on for Termination was served upon Respondent who obtained counsel to represent her and requested a hearing through the Department of Administrative Hearings.

4. The original Petition was heard by the School Board on June 26, 2018, at which time the Board suspended Ms. Miller without pay pending receipt of the Recommended Order from the Administrative Law Judge.

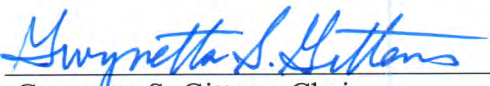
5. The Final Hearing took place on January 16<sup>th</sup>, 17<sup>th</sup> and 25, 2019, before Administrative Law Judge D.R. Alexander (ALJ).

6. The ALJ found in his Recommended Order that the School Board established “just cause” to terminate Respondent’s employment.

7. On the basis of these findings, on March 22, 2019 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.

8. 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.

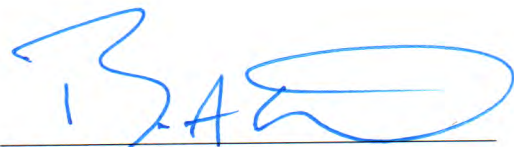
Ordered and entered on this, 23<sup>rd</sup> day April of 2019.

By:   
Gwynetta S. Gittens, Chair

Copies to:  
Phyllis Miller, Respondent  
Robert J. Coleman, Esq., Attorney for the Respondent  
Brian A. Williams, Staff Attorney  
Division of the Administrative Hearings  
Personnel File

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished on, this  
The 23rd day of April 2019, via Email to Respondent's Attorney, Robert J. Coleman, Esq.,  
info@colemanattys.com.



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Attorney for Petitioner  
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NOTICE

This Order may be appealed to the District Court of Appeal of Florida, Second District, P.O. Box 327, 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 Appeal. For further information, contact Brian A. Williams, Staff Attorney, 2855 Colonial Boulevard, Fort Myers, Florida 33966, telephone number (239) 335-1447.