

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

POLK COUNTY SCHOOL BOARD,

Petitioner,

vs.

Case No. 18-4169TTS

HOLLY SECKINGER,

Respondent.

_____ /

RECOMMENDED ORDER

Administrative Law Judge D. R. Alexander conducted a hearing in this case in Bartow, Florida, on January 9, 2019.

APPEARANCES

For Petitioner: Donald H. Wilson, Jr., Esquire
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For Respondent: Mark Herdman, Esquire
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STATEMENT OF THE ISSUE

The issue is whether just cause exists for Petitioner, Polk County School Board (School Board), to terminate Respondent's employment as a teacher.

PRELIMINARY STATEMENT

By letter dated April 19, 2018, the School Board informed Respondent, a classroom teacher, that because of her "serious misconduct," she was suspended, with pay, effective immediately, and that a recommendation would be made at the School Board's meeting on May 15, 2018, to terminate her effective the following day. Respondent timely requested a hearing, and the matter was referred by the School Board to the Division of Administrative Hearings requesting that a formal hearing be conducted.

At the final hearing, the School Board presented the testimony of six witnesses. School Board Exhibits 1 through 12 and 14 through 16 were accepted in evidence. Respondent testified on her own behalf. Respondent's Exhibits 1 and 2 were accepted in evidence.

A one-volume Transcript of the hearing has been prepared. The parties timely submitted proposed recommended orders (PROs), which have been considered.

FINDINGS OF FACT

A. Background

1. The School Board is charged with the duty to operate, control, and supervise public schools in Polk County. This includes the power to discipline classroom teachers. See §§ 1012.22(1)(f) and 1012.33, Fla. Stat. (2018)

2. Respondent is a classroom teacher and is certified in elementary education, exceptional student education (ESE), K-12, and English for Speakers for Other Languages. She holds a professional services contract pursuant to section 1012.33. Respondent began working for the School Board 23 years ago as a paraprofessional. After receiving her college degree in 2009, she moved into a teaching position. For her first 21 years of employment as a paraprofessional and teacher, she received no disciplinary actions or negative comments about her job performance.

3. On January 18, 2018, Respondent began working as a classroom teacher at Oscar J. Pope Elementary School (Oscar J. Pope). The school has nearly 500 students, of which approximately 100 receive ESE services. Ms. Griffin is the principal, while Mr. Huntley is the assistant principal.

4. Before transferring to Oscar J. Pope, Respondent's previous assignment was teaching ESE students at Auburndale Central Elementary School (Auburndale Central), designated as a failing school in school year 2017-2018. A failing school requires that the instructional staff spend extra time at the school or request a transfer. Because of personal family commitments, Respondent was unable to meet the extra time commitments and requested a transfer, which was approved in January 2018.

5. After the transfer was approved, Respondent was assigned initially as an inclusion teacher working with grades four and five with another inclusion teacher, Ms. King. Sch. Bd. Ex. 14. Both teachers were expected to work not only with ESE students, but also low-performing students. Except for her planning periods, resource periods, and a 25-minute lunch hour, Respondent was expected to be in the classroom throughout the day. Being in the classroom is especially important for an ESE teacher, as ESE students need more support than mainstream students. A classroom schedule was established initially for the period between January 29 and February 23, 2018, specifying the days and times that Respondent would be working with students in specific classes. Id. After this schedule ended in late February, Respondent was assigned to grade four only.

6. Respondent shared a "not very big office" with Ms. King. There was no wall or partition separating the desks of the two teachers, so each was "pretty aware of whatever the other was doing in that space." The office was located between two resource classrooms in the new wing of the school. A glass window between one resource room and the office enabled a person in the classroom to look into the office.

7. Another inclusion teacher, Ms. Bailie, was located in an office adjacent to Respondent's office. The two offices are separated by a window and wall. The quickest way for Ms. Bailie

to get to her classroom was to walk through Respondent's office. When the lights were off in Respondent's office, she assumed both Respondent and Ms. King were in the classroom and she would use the shortcut to get to her classroom.

8. A door near Respondent's office opened to the parking lot and was to be locked at all times. Because of heightened security concerns that were raised after the Parkland shooting on February 14, 2018, except before or after regular school hours, school personnel were instructed not to use the side door and to always enter the school through the front entrance. Also, visitors are required to enter the school through the front entrance so that they can be cleared and given a visitor's pass. If a teacher observes a visitor without a badge, the teacher is instructed to immediately report it to the administration. After the new security procedures were implemented, they were communicated to faculty and staff by emails and at meetings and planning sessions throughout the remainder of the school year.

9. The Oscar J. Pope staff handbook provides that "staff should not use cellular phones during instructional time and team meetings. This includes text messaging, 'alarms,' etc. Phones should not be visible during the day unless approved by the administration." Sch. Bd. Ex. 15. The handbook does not specifically prohibit the use of cell phones in a teacher's office, so long as students are not present. All teachers have a

digital device issued by the school, which is to be used as a timer, or in the event of an emergency, to contact the administration.

10. Although the school used an ESE sign-in log to verify when a teacher entered and departed a classroom, this requirement was not implemented until sometime in March 2018. No logs were presented in this case to support any charges.

11. A Collective Bargaining Agreement (CBA) has been executed by the School Board and the Polk Education Association, Inc. Article 4.4-1 of the CBA provides for progressive discipline for teachers, starting with a verbal warning and escalating up through termination. Progressive discipline is administered in the following four steps: (1) verbal warning, (2) written warning, (3) suspension without pay for up to five days, and (4) termination. Sch. Bd. Ex. 16.

B. The Charges

12. The School Board's letter identifies five charges, some extremely broad, which occurred in the spring of 2018 and form the bases for the proposed termination of Respondent:

(a) On February 9, 2018, Ms. Griffin met with you to discuss the expectation that your lesson plans would be complete by the Sunday of each week and that you were to follow your daily schedule to ensure that you were in the classrooms to service your assigned students. During this conference, it was also brought to your attention that you had been observed on your cell phone during the day and that

cell phone use was only permitted during your lunch break or in the case of emergency, of which Administration would be made aware.

(b) On March 1, 2018, a conference was held with you and Ms. Griffin brought to your attention that you had again been observed on your cell phone and were not following your daily schedule.

(c) It was reported to Ms. Griffin on March 7, 2018, by her secretary and a service technician at the school that they had entered the inclusion teacher office area to find you asleep. They indicated that after a short period of time an alarm that had been set on your cell phone went off and awakened you. Another staff member had also reported to Ms. Griffin on another occasion that you were witnessed in the office area, with the lights off and on your cell phone, when you were scheduled to be in the classroom servicing students.

(d) On March 22, 2018, you were again found sleeping in your office by another staff member.

(e) On April 3, 2018, Ms. Griffin met with you after she learned that you had allowed a visitor into your office area, at the time another staff member was present, without requiring the visitor to be cleared through the front office. Ms. Griffin reminded you of the importance of school safety and that your actions could have caused a risk to the school, staff, and students.

Sch. Bd. Ex. 8. The charges are based mainly on observations made by other teachers, Mr. Huntley, and the school staff. Even though many of the underlying observations which support the charges in items (a) and (b) do not have a specific date and time, all occurred in January, February, or March 2018.

13. The termination letter also notes that while teaching at Auburndale Central in school year 2016-2017 and the first half of school year 2017-2018, Respondent received three progressive steps of disciplinary action. On May 25, 2017, she received a Verbal Warning (Step I) for failing to enter grades and not completing her Individualized Education Plans in a timely manner; on October 11, 2017, she received a Written Reprimand (Step II) for failing to post grades in a timely manner and not completing weekly lesson plans; and on December 18, 2017,^{1/} she was issued a three-day suspension without pay (Step III) for failure to post grades in a timely manner and not completing weekly lesson plans.

14. Respondent did not contest or grieve any disciplinary actions taken at Auburndale Central. Therefore, when she began teaching at Oscar J. Pope in January 2018, Respondent already had been subject to Steps I, II, and III of progressive discipline, and she was on notice that further disciplinary action could lead to her termination.

15. Although she did not contest the progressive discipline steps, Ms. Seckinger described a series of personal problems in her life while teaching at Auburndale Central in school years 2016-2017 and the first half of 2017-2018, which she contends played a role in her being disciplined. Her 25-year marriage had just ended in a divorce, she was caring for her father who had dementia and Parkinson's Disease, and she began a relationship

with a man who she says physically and mentally abused her on a daily basis. She also was jailed for 18 days in late December 2017 for domestic violence charges made by the man who was abusing her. The charges were later dismissed. After the charges were dropped, Respondent was transferred to Oscar J. Pope on January 17, 2018, to get a fresh start.

a. Meeting on February 9, 2018

16. In early February 2018, Ms. Griffin became concerned that Respondent was not in the classroom when scheduled, her lesson plans were not being completed on a timely basis, and she was using her cell phone in violation of school policy. On February 9, 2018, Ms. Griffin, Mr. Huntley, and Respondent met to discuss these concerns. Mr. Huntley prepared a comprehensive written summary of the meeting. Sch. Bd. Ex. 10.

17. At the meeting, Respondent was told by Ms. Griffin that her lesson plans must be completed by Sunday of each week and that she must follow the daily schedule to ensure that she was in the classrooms to service the assigned students. Ms. Griffin emphasized that she wanted Respondent in the classroom, not in her office. Respondent was told to notify the principal if she was not in the classroom per her schedule. Finally, Respondent was directed to "stay off phones unless [she] has an emergency and have cleared it with [the principal] and/or Huntley." There is no evidence that during the meeting, Ms. Seckinger requested

specific instructions on when and how she could use her cell phone, and she did not offer a satisfactory explanation regarding the concern that she was not in her classroom when scheduled.

18. At hearing, Respondent pointed out that during her first week at Oscar J. Pope, she was supposed to "shadow" Ms. King to see what Ms. King did and to familiarize herself with the students. Unfortunately, Ms. King was on sick leave all that week, so Respondent's daily schedule with Ms. King was delayed. A regular schedule for splitting duties with Ms. King was established on January 29, 2018, and remained in effect until February 23, 2018.

19. While not specifically asserting that Ms. Griffin's criticisms were unfounded, at hearing Respondent pointed out that at the time of the conference, a fixed schedule had only been in place for a week, she had to rotate through three classrooms in two different buildings throughout the day, and she was never told prior to the conference that classroom attendance was a concern. Respondent informed the administrators that she would meet with Ms. King to formulate better scheduling plans.

b. March 1, 2018, Conference

20. Because of continued concerns that Respondent was not in the classroom when scheduled and she was continuing to use her cell phone in violation of school policy, Ms. Griffin conducted a second conference with Respondent on March 1, 2018. Mr. Huntley

also attended the conference and prepared contemporaneous notes of the meeting. Sch. Bd. Ex. 11.

21. Respondent again was told to be in the classroom when scheduled, be on time, remain in the classroom the entire schedule, and "stay off your phone, and do what's expected." Ms. Griffin warned her, "We can't have this conversation again." Although improper cell phone usage was a major concern, there is no evidence that Respondent asked Ms. Griffin or Mr. Huntley if her understanding of the cell phone policy was correct, or whether her usage complied with the policy. Similarly, even though her classroom attendance was a major concern, Respondent did not offer any reasonable explanation as to why she was not in the classroom when scheduled or assert that Ms. Griffin's concerns were unfounded. Except when she was on sick leave, there is no evidence that Respondent ever contacted Ms. Griffin to advise that she would not be in her classroom when scheduled.

22. Without giving specific dates or times, Ms. King testified that "there would be times [Respondent] would still be in her office during the time she should have been in a classroom," and "times" when she did not know where Respondent was. During school hours, Ms. King also observed Respondent on her cell phone in the office either conversing with someone she knew or texting. According to Ms. King, some of this cell phone usage occurred when she knew that Respondent should have been in

the classroom. However, students were never present in Respondent's office when this occurred.

23. Without giving specific dates or times, Ms. Bailie, who occupied an adjacent office, heard Respondent engaging in "cell phone conversations with people." "There were times when they were with gentlemen and it was obvious that they were getting to know each other, making dates and arranging to see each other to meet, that kind of thing." Ms. Bailie added that she knew when Respondent was not in the classroom when she was supposed to be because she could hear music and phone conversations coming from Respondent's office.

24. Once, while administering a writing test, Ms. Bailie had to go to Respondent's office to remind her to keep her voice down while on a cell phone call because it was disturbing her students.

25. Not surprisingly, Ms. King and Ms. Bailie were unable to provide specific dates and times when they observed Respondent on her cell phone or when she was not in the classroom. This is because there is no requirement that instructional staff keep a written log of every time they observe a colleague doing something that they believe may be a violation of school policy. The testimony of Ms. King and Ms. Bailie is persuasive and has been credited.

26. On March 15, 2018, Respondent administered a mock test to her class, which was intended to replicate the atmosphere of the actual test. She was assisted by a paraprofessional, Ms. Thompson. Instead of assisting the students during the test, Respondent sat next to a single student with her cell phone out and looking at it the entire period. The incident was reported by Ms. Thompson to the school administration.

27. According to Respondent, she understood that she could use her cell phone when she was in her office with no student contact. She considered lunchtime and planning time as "her time," and she could use "her time" to "take care of my personal business." Other usage was "strictly for the alarms to move between the classes and work e-mails," as she had to change classrooms up to 11 times per day.

28. Ms. Bailie had a somewhat similar understanding of when cell phones could be used. She testified that teachers can use their cell phones if they are in their offices without students. On the other hand, Ms. King testified that teachers were "only supposed to use [cell phones] during maybe our lunch [hour] or before and after school, not during school hours."

29. During a formal observation by Mr. Huntley in late March, Respondent kept her cell phone on the table while instructing the students. The alarm function (timer) on the cell phone was used as an aid to let her know when to end the class.

Mr. Huntley said nothing at the time, but he raised the issue during the conference on April 3, 2018.

30. Mr. Huntley testified that starting on February 1, 2018, and continuing into March, he taught writing to Respondent's fourth grade class. He noted that Respondent was supposed to be in the classroom, but "more than once" she was late, or she would leave the classroom early. He acknowledged, however, that he never spoke with Respondent about her attendance, and he admitted he did not know if she was working in another classroom during part of the time he was teaching her class. In any event, his concerns about her classroom attendance were expressed to Ms. Griffin and discussed at the conference.

c. March 7, 2018, Incident

31. The School Board alleges that on March 7, 2018, the principal's secretary, Ms. Tributino, and a service technician entered Respondent's office and found her asleep. This charge includes a second allegation that "another staff member had also reported to Ms. Griffin on another occasion that you were witnessed in the office area, with the lights off and on your cell phone, when you were scheduled to be in the classroom servicing students."

32. Respondent arrived in her classroom on March 7, 2018, around 8:00 a.m. and says she was not feeling good. After the class ended around 8:45 a.m., she began feeling "worse," so at

8:55 a.m., she sent Ms. Griffin an email stating, "I'm feeling really bad may I please go home?" Resp. Ex. 1. Later that morning, the request was approved.

33. Between 9:45 a.m. and 10:00 a.m., Ms. Tributino and a service technician entered Respondent's office to repair a printer. The lights were turned off and Respondent was at her desk with her head down and asleep. Not wanting to embarrass Respondent, Ms. Tributino kicked the door "pretty hard" before entering the room but Respondent did not stir. After a short period of time, they observed an alarm on Respondent's cell phone go off, which awakened her.

34. Respondent says she heard the two enter her office and knew they were not there to see her, so she stayed at her desk with her head down. Although she denied that she was sleeping, this assertion has been rejected. Both Ms. Griffin and Ms. Tributino testified that Respondent submitted the email requesting permission to go home after she was caught sleeping in order to justify her conduct. Both were mistaken, however, as Respondent's Exhibit 1 shows clearly that the email was sent to Ms. Griffin an hour before the incident.

35. Ms. Bailie testified that there were "several times" when she walked through Respondent's office during the day to get to her classroom and she found the lights off, the door closed, and Respondent at her desk with her head down and asleep.

d. Sleeping in Office on March 22, 2018

36. On March 22, 2018, the School Board alleges Respondent was observed sleeping in her office by "another staff member." According to Ms. King, she returned to her office during lunch hour and observed the lights off and Respondent asleep at her desk. After about ten minutes, Respondent woke up.

37. March 22 was "field day," when students participate in various athletic events, and teachers assist the coaches who supervise the events. Respondent was assigned to help a coach in the 50-yard dash, while Ms. King worked the water station. Except for lunch hour, both teachers were not in their office. Because no classes were being taught that day, Respondent's "extended" lunch hour was at least "an hour," and she was not scheduled to return to field day activities until around 1:45 p.m. Respondent decided to order a pizza from a local restaurant, which was to be delivered around 12:55 p.m. at the school's front entrance. At 12:42 p.m., Respondent sent an email to the principal's secretary requesting that she be contacted when her pizza was delivered. Resp. Ex. 2.

38. Respondent denies that Ms. King observed her in her office sleeping that day, because it would have been during lunch hour, and she "never put [her] head down on the desk or was sleeping or anything in there." This assertion is directly at odds with the testimony of Ms. Tributino, Ms. Bailie, and

Ms. King and has been rejected. Even though she was sleeping for a few minutes, Respondent returned to her field day assignment at 1:45 p.m.

e. Unauthorized Visitor in Office on April 3, 2018

39. The School Board alleges that on April 3, 2018, Respondent allowed a visitor into her office area without requiring the visitor to be cleared through the front office and given a visitor badge to wear.

40. On April 3, 2018, Ms. Bailie observed Respondent bring "a gentleman through [the outside door]," show him her classroom, show him Ms. Buretti's classroom, and introduce him to the other teachers. Contrary to school policy, the male did not have a visitor's badge. By then, teachers had been told "numerous times" that anyone entering the school should have a visitor's badge. No students were present at the time.

41. Ms. King also confirmed this incident. She related that while sitting at her desk eating lunch, the door to the parking lot opened and two persons entered the room. One was Respondent, while the other was a male. He did not have a visitor's badge. Respondent introduced the man to Ms. King, and he then left the building a few minutes later.

42. Ms. Griffin learned about the incident the same day and met with Respondent that afternoon. When Ms. Griffin asked Respondent about the incident, Respondent initially denied that a

visitor was in her office. After Ms. Griffin said she would produce witnesses to the incident, Respondent admitted that a visitor had entered the building through the side door. Respondent told Ms. Griffin she was not aware of the policy, apologized, and promised that it would not occur again.

43. At hearing, Respondent said her friend, Michael, had brought her lunch. After the two ate lunch on benches outside her office in the parking lot, he asked to see her office, so the two entered the building through the side door. According to Respondent, he went into the classroom, but not her office, and then departed after "two minutes at the most." She denied lying to the principal about the incident, saying she was accused of taking Michael into the classroom and office, but, parsing words, says she was denying only that he had entered her office. Despite widespread dissemination of the security protocol, Respondent assumed it was okay for Michael to enter the building without a visitor badge when there were no students present. This assertion is not credible.

44. Ms. Bailie described another occasion (before the April 3 incident) when Respondent's son came to pick her up at school, and, while there, he came through the side door to use the restroom. However, this charge is not in the termination letter and has not been considered.

C. The Aftermath

45. After the conference on April 3, Ms. Griffin drafted a letter to the superintendent requesting that Respondent be terminated because of "an ongoing continuous pattern of unprofessional, inappropriate and disruptive behavior being displayed by [Respondent]." Sch. Bd. Ex. 7. She added that since February 9, 2018, there "continued to be ongoing problems with this employee which [I] now deem to be insubordinate in nature." Id. Based on these considerations, Ms. Griffin concluded that Respondent is either "unwilling, incapable, or incompetent in her ability to make effective changes" and that she could not continue to be an effective teacher at her school. The School Board's termination letter followed on April 19, 2018.

CONCLUSIONS OF LAW

46. This is a disciplinary proceeding in which the School Board seeks to terminate Respondent from her teaching position.

47. Respondent is a classroom teacher and her employment with the School Board is governed by an instructional staff contract. §§ 1012.01(2)(a) and 1012.33, Fla. Stat. The terms of her employment are also governed by the CBA.

48. The School Board is authorized to suspend or dismiss instructional personnel pursuant to sections 1012.22(1)(f), 1012.33(1)(f), and 1012.33(6)(a), but only for just cause.

49. To terminate Respondent, the School Board bears the burden of proving by a preponderance of the evidence that Respondent committed the serious misconduct alleged, and that the violations constitute just cause for dismissal. Cropsey v. Sch. Bd. of Manatee Cnty., 19 So. 3d 351, 355 (Fla. 2nd DCA 2009).

50. "Just cause" is defined as including "the following instances, as defined by rule of the State Board of Education: immorality, misconduct in office, incompetency, gross insubordination, [or] willful neglect of duty." § 1012.33(1)(a), Fla. Stat.

51. The State Board of Education has adopted Florida Administrative Code Rule 6A-5.056 (which replaced and amended former rule 6B-4.009) setting forth instances of "just cause" to suspend or dismiss specified school personnel. The rule defines "just cause" as "cause that is legally sufficient" and provides the following definitions:

(2) "Misconduct in Office" means one or more of the following:

* * *

(d) Behavior that disrupts the student's learning environment; or

(e) Behavior that reduces the teacher's ability or his colleagues' ability to effectively perform duties.

* * *

(4) "Gross insubordination" means the intentional refusal to obey a direct order, reasonable in nature, and given by and with proper authority; misfeasance, or malfeasance as to involve failure in the performance of the required duties.

(5) "Willful neglect of duty" means intentional or reckless failure to carry out required duties.

52. In its PRO, the School Board contends that just cause exists to terminate Ms. Seckinger because her actions constitute gross insubordination and willful neglect of duties within the meaning of the rule.

53. To constitute gross insubordination, a teacher's conduct must be more than an isolated incident of refusing to comply with an order. Rather, such conduct must be on a constant or continuing basis. Smith v. Sch. Bd. of Leon Cnty., 405 So. 2d 183, 185 (Fla. 1st DCA 1981). "Constant" has been defined as continually recurring and persistent. Rutan v. Pasco Cnty. Sch. Bd., 435 So. 2d 399, 400 (Fla. 2d DCA 1983). A repeated failure to comply with a direct order "is a tacit refusal to comply with [a directive]." Dolega v. Sch. Bd. of Miami-Dade Cnty., 840 So. 2d 445, 446 (Fla. 3d DCA 2003).

54. In meetings conducted on February 9 and March 1, 2018, Respondent was told by the principal to "stay off the phone" unless it was an emergency. While the school policy offers Respondent some flexibility in using a cell phone in her office

when no students are present, the more persuasive evidence supports a conclusion that Respondent exhibited a constant and recurring pattern of using her cell phone for personal matters, even when she was supposed to be in class. This conduct constitutes gross insubordination in that she failed to comply with at least two direct orders, reasonable in nature, given by proper authority.

55. Respondent also was instructed by Ms. Griffin to be in the classroom when scheduled, and to notify her if she was going to be absent. Except when taking sick leave, there is no evidence that Ms. Seckinger ever notified Ms. Griffin that she would not be in her classroom. Testimony by Ms. King and Ms. Bailie persuasively established that on numerous occasions Respondent was not in the classroom when scheduled, to the extent they reported her absence to the principal. Her continued absence caused disruption to the learning environment of the ESE students, who require more support than mainstream students. Such conduct constitutes gross insubordination in that she failed to comply with at least two direct orders, reasonable in nature, given by proper authority. Fla. Admin. Code R. 6A-5.056(4).

56. The word "willful" implies that the teacher must intentionally refuse to comply with a reasonable and lawful order. Even though she never overtly refused to comply with an order, her repeated failure to be in the classroom when

scheduled, and to limit her cell phone usage, is a tacit refusal to comply with Ms. Griffin's directives. Dolega, supra. The evidence supports a conclusion that by repeatedly failing to carry out her duties, Respondent's conduct constitutes a willful neglect of duties. Fla. Admin. Code R. 6A-5.056(5).

57. Finally, Respondent admits that she violated school policy by allowing a visitor to access the building without first being cleared at the front entrance and wearing a visitor's badge.

58. The charges of gross insubordination and willful neglect of duties are supported in this case by a preponderance of the evidence and justify Respondent's termination.

59. While termination is a harsh penalty, it is noted that during the preceding 12 months, Respondent was disciplined three times, including being suspended for three days, without pay, for various infractions. Therefore, she was on notice that any further misconduct could result in termination. Under these circumstances, it is somewhat surprising that Respondent did not walk softly, follow all directions given by superiors, and, at a minimum, ask for instructions on how to comply with school protocol and satisfy Ms. Griffin's concerns.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is

RECOMMENDED that the Polk County School Board enter a final order terminating Respondent's employment as a teacher for gross insubordination and willful neglect of duties.

DONE AND ENTERED this 27th day of February, 2019, in Tallahassee, Leon County, Florida.



D. R. ALEXANDER
Administrative Law Judge
Division of Administrative Hearings
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Filed with the Clerk of the
Division of Administrative Hearings
this 27th day of February, 2019.

ENDNOTE

^{1/} Although the termination letter states that the three-day suspension was imposed by a letter dated July 28, 2017, School Board Exhibit 6 indicates that the discipline was imposed by letter dated December 18, 2017, and the three-day suspension was served on January 9 through 11, 2018.

COPIES FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this Recommended Order. Any exceptions to this Recommended Order should be filed with the agency that will issue the Final Order in this case.