

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

DUVAL COUNTY SCHOOL BOARD,

Petitioner,

vs.

CASE NO: 20-5259 TTS

THOMAS CAGGIANO,

Respondent.

DUVAL COUNTY SCHOOL BOARD FINAL ORDER

Pursuant to notice, this matter was heard before the Division of Administrative Hearings Administrative Law Judge Robert J. Telfer III according to Sec. 120.57(1), Florida Statutes. The subject matter of the hearing was whether there was just cause to reprimand and suspend Respondent Thomas Caggiano for five days without pay from his position as a teacher with Petitioner, the Duval County School Board pursuant to the April 6, 2021 *Amended Step III Progressive Discipline Notice*.

I. PROCEDURAL HISTORY

Following Judge Telfer granting on March 31, 2021 Petitioner's unopposed Motion for Leave to Amend the November 19th *Step III Discipline Notice*, the Duval County Public Schools issued Respondent a March 26, 2021 *Amended Step III Progressive Discipline Notice* – Written Reprimand and Suspension Without Pay pending School Board approval on April 6, 2021.

The *Amended Step III Notice* added an additional post and comments by Respondent for discipline without changing the associated discipline. The *Amended Step III Notice* charged Respondent with misconduct in violation of the Sec. 1006.147(2), Florida Statutes, Florida Administrative Rules 6A-5.056(1), (2)(b), and (5), 6A-10.081(1)(b) - (c), (2)(a)1, (2)(a)5 - 6, (2)(b)1, (2)(c)1, Duval County School Board Policy 6.80 (I) - (II) and 10.10 (IV)(a).

A final hearing was conducted on May 27, July 13, August 11 and 18, 2021 via Zoom web-conference platform. On November 15, 2021, Judge Telfer entered a *Recommended Order* which is attachment as Exhibit A. Therein, Judge Telfer recommends that the School Board enter a final school board order upholding the *Amended Step III Notice's* written reprimand and suspension without pay against Respondent, Thomas Caggiano, but reducing the suspension duration from five working days to three working days.¹

The *Recommended Order* provided that “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.”

II. RULING ON EXCEPTIONS

Respondent timely filed *Respondent's Exceptions to the Recommended Order* on November 29, 2021. A copy of the *Exceptions* is attached as Exhibit B. On January 11, 2022, the Duval County School Board held a quasi-judicial hearing regarding the *Recommended Order*. The School Board heard summary arguments for and against the *Exceptions* by respective counsel for both Respondent and the School Board.

Prior to convening the hearing, the Duval County School Board was provided access to the entire record, including all exhibits, transcripts, and orders filed with the Division of Administrative Hearings. Having reviewed specifically the *Recommended Order* and the March 26, 2021 *Amended Step III Notice* after counsels' arguments, the School Board found all of the exceptions were insufficient, which included expressly exceptions for Paragraphs 55-56, Paragraph 57, Paragraph 58, Paragraph 59, Paragraph 45, Paragraph 48, Paragraph 54 and Paragraph 61 and thereafter denied them.²

¹ *November 15, 2021 Recommended Order*, p. 30.

² Respondent's Exceptions To The Recommended Order were not numerically or alphabetically ordered but merely

III. FINDINGS

Based on the foregoing, the Duval County School Board deliberated and hereby adopts pursuant to Sec. 120.057, Florida Statutes the Findings of Fact and Conclusions of Law of the *Recommended Order* attached herein as Exhibit A. In addition, the Duval County School Board accepts the recommended penalty of the Administrative Law Judge also within the *Recommended Order* supporting Respondent Thomas Caggiano being issued a written reprimand and suspension without pay for three days, in addition to requiring Respondent Thomas Caggiano to complete a course in Culture Diversity.

IV. FINAL RULING

Based on the foregoing, the Duval County School Board hereby accepts and adopts the determination of the Administrative Law Judge and hereby enters a written reprimand suspending Respondent, Thomas Caggiano, without pay for three consecutive working days and requires his completion of a Culture Diversity course effective 11 of January, 2022.

DONE AND ADOPTED by the School Board of Duval County, Florida this 19 day of January, 2022.

THE SCHOOL BOARD OF DUVAL
COUNTY, FLORIDA

By: 
Darryl Willie, School Board Chairman

ATTEST:


School Board of Duval County Clerk

APPEAL OF FINAL ORDER

This Order may be appealed by filing two (2) copies of a Notice of Appeal accompanied by a filing fee, as provided in Sec. 120.68, Florida Statutes, and Florida Rules of Appellate Procedure 9.110(b) and (c) within thirty (30) days of rendition of this Final Order.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail, email or hand delivery to the following parties this ____ day of January, 2022

Kelly B. Mathis, Esquire Mathis Law Firm 3577 Cardinal Point Drive Jacksonville, Florida 32257	Hon. Richard Telfer III Division of Administrative Hearings The DeSoto Building 1230 Apalachee Parkway Tallahassee, Florida 32399
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