

FILED

2010 MAR 15 P 1:38

DIVISION OF
ADMINISTRATIVE
HEARINGS

March 5, 2010

Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060


Re: Duval County School Board (DCSB) vs. Edna Bowman
DOAH Case No.: 08-4819

Honorable P. Michael Ruff:

The Duval County School Board has reviewed the record in DOAH case number 09-3004. Following a Hearing on March 2, 2010, the Board issued the attached Final Order of Dismissal.

If you have any questions regarding this matter, please do not hesitate to contact me.

Respectfully,



Sonita Young
Executive Director, Policy and Compliance

Attach: Final Order of Dismissal

Cc: Edna J. Bowman, pro se
1043 Talbot Avenue
Jacksonville, Florida 32205

David J. D'Agata
Assistant General Counsel
Office of General Counsel
117 West Duval Street, Suite 480
Jacksonville, Florida 32202

Clerk of the Division of Administrative Hearings
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

STATE OF FLORIDA
DUVAL COUNTY SCHOOL BOARD

In Re: Dismissal of Instructional Employee

March 2, 2010

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DIVISION OF
ADMINISTRATIVE
HEARINGS

DUVAL COUNTY SCHOOL BOARD,

Employer/Petitioner,

DOAH Case No.: 09-3004

vs.

EDNA BOWMAN,

Employee/Respondent.

FINAL ORDER OF DISMISSAL

On May 7, 2009, the Superintendent of Duval County Public Schools issued to Edna Bowman a Notice of Termination of her employment as a teacher based on a history of professional incompetence.

Ms. Bowman challenged her termination and, at her request, the above-styled case was opened and a hearing was held by an Administrative Law Judge ("ALJ") assigned by the State of Florida's Division of Administrative Hearings ("DOAH"). In sum, it was the ALJ's mission to determine: (a) whether the charges in the Notice of Termination are supported by competent and substantial evidence; and (b) whether the termination complied with due process and other protections afforded to Ms. Bowman under the Duval County Teacher Tenure Act, Laws of Florida, Chapter 21197 (1941)("Tenure Act"), Chapter 120 of the Florida Statutes, and the Collective Bargaining Agreement between the School District and Duval Teachers United.

The hearing took place on October 26, 2009. The Duval County School Board was represented by David D'Agata, from the Office of General Counsel. Ms. Bowman appeared pro se. Throughout the hearing, the ALJ took evidence and heard sworn testimony of witnesses presented by the Duval County School Board. Ms. Bowman did not present any witnesses, but did testify on her own behalf. In light of the testimonial and documentary evidence, the argument of counsel, and both parties' proposed

recommended orders, the Honorable P. Michael Ruff issued a Recommended Order on January 12, 2010 which recommends the entry of a final order terminating Ms. Bowman's employment for cause.

An independent examination of the entire record before us reveals no reason to disturb the ALJ's recommended disposition of this matter, and the Board finds that the charges contained in the May 7, 2009 have been sustained by competent and substantial evidence of record.

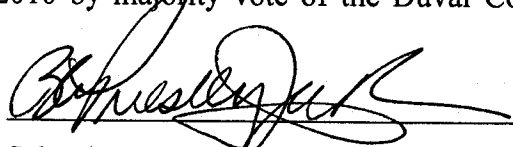
Therefore, in light of the foregoing, it is **ORDERED** that:

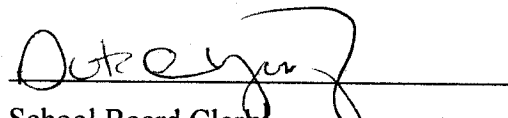
1. Administrative Law Judge P. Michael Ruff's Findings of Fact and Conclusions of Law are hereby **ADOPTED** in their entirety, and all exceptions to the same are hereby **REJECTED** and **DENIED**.

2. Administrative Law Judge P. Michael Ruff's recommendation to enter a final order terminating Ms. Bowman's employment for cause is hereby **ADOPTED**.

3. Ms. Bowman's employment with Duval County Public Schools is **TERMINATED for cause**.

Entered this 2nd day of March, 2010 by majority vote of the Duval County School Board.


School Board Chairperson


School Board Clerk

NOTICE OF RIGHT TO APPEAL

Pursuant to § 120.68, Fla. Stat., and associated provisions of Florida's Administrative Procedure Act, Employee/Respondent has the right to appeal this Final Order to the Circuit Court of the Fourth Judicial Circuit in and for Duval County, Florida or to

¹ For purposes of instituting an appeal from this Final Order, the School Board Clerk's signature indicates that this Final Order was rendered, *i.e.*, filed, with the School Board Clerk as of the date of this Order.

Florida's First District Court of Appeal.² In order to exercise this right, *Employee/Respondent must file a notice of appeal or petition for review in accordance with the Florida Rules of Appellate Procedure within thirty (30) days after rendition of this Final Order.* Failure to timely file a notice of appeal or petition for review as described herein shall constitute a waiver of Employee/Respondent's right to appeal.

Copies to:

Honorable P. Michael Ruff
Administrative Law Judge
Division of Administrative Hearings
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Tallahassee, Florida 32399-3060

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² An appeal may also be filed where the appellant resides if outside of the appellate district where DCSB maintains its headquarters.