



Duval County Public Schools

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FILED

2012 NOV 15 AM 11 36

DIVISION OF
ADMINISTRATIVE
HEARINGS

November 14, 2012

Honorable F. Scott Boyd
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

Re: Duval County School Board (DCSB) vs. Kristopher J. Hunter
DOAH Case No.: 12-2080TTS

Honorable F. Scott Boyd:

The Duval County School Board has reviewed the record in DOAH case number 12-2080TTS. Following a Hearing on November 5, 2012, 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,

Brian K. McDuffie, Esq.
Executive Director, Policy and Compliance

Attach: Final Order of Dismissal

Cc: Kristopher Hunter
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Stephen J. Powell
Assistant General Counsel
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1601 Atlantic Boulevard
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Clerk of the Division of Administrative Hearings
Division of Administrative Hearings
The DeSoto Building
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STATE OF FLORIDA
DUVAL COUNTY SCHOOL BOARD

FILED

2012 NOV 15 AM 11 36

In Re: Dismissal of Instructional Employee

November 5, 2012

DIVISION OF
ADMINISTRATIVE
HEARINGS

DUVAL COUNTY SCHOOL BOARD,

Employer/Petitioner,

DOAH Case No.: 12-2080TTS

vs.

KRISTOPHER J. HUNTER,

Employee/Respondent.

FINAL ORDER OF DISMISSAL

On May 8, 2012, the Superintendent of Duval County Public Schools issued to Kristopher J. Hunter a Notice of Termination of Employment Contract and Immediate Suspension Without Pay ("Notice of Termination") based on allegations that he engaged in a physical altercation with a student in violation of DCSB policies, Florida Department of Education ("FDOE") Rules 6B-1.001(1), (2) and (3), and 6B-1.006(3)(a), and Florida law.

Mr. Hunter challenged his termination and, at his request, the above-styled case was opened and a hearing was held by the Honorable F. Scott Boyd, an Administrative Law Judge ("ALJ") assigned by the State of Florida's Division of Administrative Hearings ("DOAH"). 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 Mr. Hunter 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.

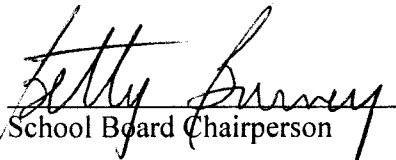
The hearing took place on August 14, 2012. Both parties were represented by legal counsel, and the ALJ took evidence and sworn testimony of several witnesses. In light of the testimonial and documentary evidence, the argument of counsel, and both parties’ proposed recommended orders, the Honorable F. Scott Boyd issued a Recommended Order on October 3, 2012, which recommends the entry of a final order terminating Mr. Hunter’s employment for cause. Neither party filed exceptions to the Recommended Order.

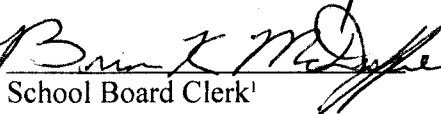
An independent examination of the entire record before us reveals no reason to disturb the ALJ’s recommended disposition of this matter, and the Board finds that the charges contained in the 8 May 2012 Notice of Termination have been sustained by competent and substantial evidence of record.

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

1. Administrative Law Judge F. Scott Boyd’s Findings of Fact and Conclusions of Law are hereby **ADOPTED** in their entirety.
2. Administrative Law Judge F. Scott Boyd’s recommendation to enter a final order terminating Kristopher J. Hunter’s employment for cause is hereby **ADOPTED**.
3. Mr. Hunter’s employment with Duval County Public Schools is **TERMINATED** for cause.

Entered this 5th day of November, 2012, by majority vote
of the Duval County School Board.


School Board Chairperson


School Board Clerk¹

NOTICE OF RIGHT TO APPEAL

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 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.

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.

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

Copies to:

Hon. F. Scott Boyd
Administrative Law Judge
Division of Administrative Hearings
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