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Via Certified Mail

January 14, 2014

DIVISION OF
ADMINISTRATIVE
HEARINGS

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. Beverly Howard**
DOAH Case No.: 13-1505TTS

Honorable F. Scott Boyd:

The Duval County School Board has reviewed the record in DOAH case number 13-1505TTS. Following a Hearing on January 7, 2014, the Board issued the attached Final Order.

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

Cc: David A. Hertz, Esq.
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Jacksonville, Florida 32207
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State of Florida.
Division of Administrative Hearings
Claudia Llado, Clerk of the Division
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060

SCHOOL BOARD OF DUVAL COUNTY, FLORIDA

In Re: Dismissal of Instructional Employee

FILED

DUVAL COUNTY SCHOOL BOARD,)
)
 Petitioner,)
)
 vs)
)
 BEVERLY HOWARD,)
)
 Respondent.)

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DIVISION OF
ADMINISTRATIVE
HEARINGS DOAH Case No.: 13-1505TTS

FINAL ORDER

This matter came to be heard by the School Board of Duval County, Florida (“School Board”) on January 7, 2014, regarding the Recommended Order issued by Administrative Law Judge F. Scott Boyd (“ALJ”) on October 15, 2013. The Recommended Order by Judge Boyd recommended that the Petitioner enter a final order terminating the employment of Beverly L. Howard. The School Board, having reviewed the complete record and heard argument of counsel and being fully advised in the premises, it is hereby **ORDERED** and **ADJUDGED** as follows:

FACTS

On March 27, 2013, Dr. Nikolai P. Vitti, Superintendent of Duval County Public Schools (“District”), issued Respondent, Beverly Howard, a Notice of Termination of Employment Contract and Immediate Suspension Without Pay (the “Notice”) based on allegations of conduct which violated Code of Ethics Rules 6A-10.080 and 6A-10.081, Florida Administrative Code, applicable to teachers in Florida.

Respondent challenged her Notice, and a hearing was held by Judge Boyd, assigned by Florida’s Division of Administrative Hearings (“DOAH”). Judge Boyd was charged with

determining whether: (a) the charges in the Notice were supported by substantial and competent evidence; and (b) the termination complied with due process and other protections afforded to Ms. Howard under the Duval County Teacher Tenure Act, Laws of Florida, Chapter 21197 (1941), and s. 1012.33, Florida Statutes.

The hearing took place on August 27 and 28, 2013, and both parties were represented by counsel. In light of the testimonial and documentary evidence, and argument of counsel,¹ Judge Boyd issued a Recommended Order on October 15, 2013, which recommended that “Duval County School Board enter a final order terminating the employment of Beverly L. Howard.”

On November 1, 2013, Respondent emailed to Petitioner’s counsel its Exceptions to the Recommended Order. On December 9, 2013, Petitioner filed a Motion to Strike Respondent’s Exceptions for being untimely filed and for failure of proper service. At the hearing on January 7, 2014, the School Board heard argument concerning the Petitioner’s Motion to Strike Respondent’s Exceptions and granted Petitioner’s motion. Accordingly, there were no exceptions before the School Board at the time of its January 7, 2014 hearing.

An independent examination of the entire record reveals no reason to disturb the ALJ’s recommended disposition of this matter, and the School Board finds that the charges contained in the Notice have been sustained by competent 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 Beverly L. Howard’s employment for cause is hereby adopted.

¹ Petitioner filed a Proposed Recommended Order late, which was not considered by Judge Boyd. Respondent did not file a Proposed Recommended Order.

3. Ms. Howard's employment with Duval County Public Schools is terminated for cause.

DONE AND ENTERED this 14th day of January, 2014.

**THE SCHOOL BOARD OF DUVAL COUNTY,
FLORIDA**



Becki Couch, Chairman



School Board Clerk

APPEAL OF FINAL ORDER

This Order may be appealed by filing two copies of a Notice of Appeal accompanied by a filing fee, as provided in §120.68, Florida Statutes and Fla.R.App.P 9.100(b) and (c) within (30) days of the rendition of this Final Order.

Copies to:

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