

THE SCHOOL BOARD OF DUVAL COUNTY, FLORIDA

In Re: Dismissal of Instructional Employee

DUVAL COUNTY SCHOOL BOARD,

Petitioner,

vs.

DOAH Case No.: 17-3640TTS

JASON PERRY,

Respondent.

FILED
2018 JUN -6 PM 2:02
DIVISION OF
ADMINISTRATIVE HEARINGS

FINAL ORDER

This matter came to be heard by The School Board of Duval County, Florida ("School Board") on May 14, 2018, for final agency action according to §120.57, Florida Statutes, regarding the Amended Recommended Order¹ issued by Administrative Law Judge Yolonda Y. Green on November 27, 2017. The Amended Recommended Order by Judge Green recommended that the Petitioner enter a final order sustaining Petitioner's termination of Respondent's employment with Duval County Public Schools. The School Board, having reviewed the complete record, hearing argument of counsel, and being fully advised in the premises, hereby **ORDERED** and **ADJUDGED** as follows:

FACTS

1. By letter dated March 17, 2017, Duval County Public Schools issued Respondent, Jason Perry, a Notice of Termination of Employment Contract and Immediate Suspension Without Pay ("Notice").
2. The Notice charged Respondent with misconduct in violation of the Principles of

¹ An Amended Recommended Order was submitted to the School Board, and all parties, by Judge Green on November 27, 2017, to correct the Appearances section of the Recommended Order.

Professional Conduct of the Education Profession in Florida (Florida Administrative Code 6A-10.081), specifically Rules 6A-10.081(1)(b) and (1)(c), and Rule 6A-10.081(2)(a)1, pending the School Board's approval at its April 4, 2017 meeting.

3. After the School Board's approval of the Notice at its April 4, 2017 meeting, Respondent timely filed with the School Board a request for an administrative hearing, challenging the District's allegations of misconduct in his disciplinary Notice and appealing the termination of his employment.

4. Upon receipt of Respondent's request for an administrative hearing, the School Board referred this case to the Division of Administrative Hearings ("DOAH") for assignment to an administrative law judge for hearing.

5. DOAH assigned Administrative Law Judge Yolonda Y. Green the case, and a hearing was held on August 24, 2017.

6. On November 27, 2017, Judge Green entered an Amended Recommended Order in which she recommends that Petitioner, School Board, enter a final order terminating the employment of Jason Perry as a teacher.²

7. Pursuant to §120.57, Florida Statutes, Judge Green submitted the Recommended Order, and subsequent Amended Recommended Order, to the School Board.

8. Neither party filed exceptions to the Recommended Order or Amended Recommended Order for the School Board's consideration.

9. An independent examination of the entire record reveals no reason to disturb Judge Green'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.

² Amended Recommended Order, p. 19.


WHEREFORE, IT IS ORDERED AND ADJUDGED, that:

1. Administrative Law Judge Green's Findings of Fact and Conclusions of Law are hereby adopted in their entirety.
2. Administrative Law Judge Green's recommendation to enter a final order terminating Jason Perry's employment for cause is hereby adopted.
3. Jason Perry's employment with Duval County Public Schools is terminated for cause.

DONE AND ORDERED this 31st day of May, 2018.

THE SCHOOL BOARD OF DUVAL COUNTY, FLORIDA


Paula D. Wright, Chairman


School Board 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 §120.68, Florida Statutes, and Florida Rules of Appellate Procedure 9.110(b) and (c) within thirty (30) days of the rendition of this Final Order.

Copies to:

Jason Perry
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Petitioner/Employee

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Hon. Yolonda Y. Green
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Tallahassee, Florida 32399-3060

Division of Administrative Hearings
Claudia Llado, Clerk of the Division
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May 14, 2018, Special Board Meeting - Final Order

Title

3. FINAL ORDER RE: DUVAL COUNTY SCHOOL BOARD V. JASON PERRY

Recommendation

That The School Board of Duval County, Florida, render a Final Order in the case of Duval County School Board v. Jason Perry, DOAH Case No. 17-3640TTS, which adopts, rejects or modifies all or part of the Amended Recommended Order issued by Yolanda Y. Green, Administrative Law Judge, Division of Administrative Hearings, dated November 27, 2017.

Description

The above referenced recommendation arises from the District's decision to terminate the employment of Jason Perry.

The Amended Recommended Order from Administrative Law Judge Yolanda Green recommends that The School Board of Duval County, Florida enter a Final Order terminating the employment of Jason Perry as an instructional employee of the Duval County Public Schools.

Gap Analysis

N/A

Previous Outcomes

N/A

Expected Outcomes

N/A

Strategic Plan Goal

Develop and Retain High Performing Team Members

Financial Impact

No financial impact to the District.

Contact

Sonita Young, Assistant Superintendent, Human Resource Services, (904) 390-2936

Attachments

None