

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

BROWARD COUNTY SCHOOL BOARD,

Petitioner,

v.

JOANNA MARIE HERRING,

Respondent.

_____ /

**THE BROWARD COUNTY SCHOOL BOARD'S DISMISSAL WITH
PREJUDICE OF RESPONDENT'S REQUEST FOR ADMINISTRATIVE
HEARING**

THIS CAUSE concerns the request for the AMENDED REQUEST FOR ADMINISTRATIVE HEARING ("Amended Request") filed by JOANNA MARIE HERRING ("Herring") with the Broward County School Board (hereinafter "School Board"). (Exhibit A).

1. § 1012.33, Fla. Stat., provides in part:

(6)(a) Any member of the instructional staff, excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract for just cause as provided in paragraph (1)(a). The district school board must notify the employee in writing whenever charges are made against the employee and may suspend such person without pay; but, if the charges are not sustained, the employee shall be immediately reinstated, and his or her back salary shall be paid. **If the employee wishes to contest the charges, the employee**

must, within 15 days after receipt of the written notice, submit a written request for a hearing.... (emphasis added)

2. Pursuant to § 1012.33, Fla. Stat., and Chapter 120, Florida Statutes,

Herring was notified in the Administrative Complaint, that:

If you wish to contest the charges, you must, within 15 calendar days after receipt of the written notice, submit a written request for a hearing to Robert W. Runcie, Superintendent, Broward County School District, 600 3rd Ave., Ft. Lauderdale, FL, 33301. If timely requested, such hearing shall be conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120, Florida Statutes.

FAILURE TO TIMELY REQUEST A HEARING WILL RESULT IN A WAIVER OF THE RIGHT TO CONTEST THE CHARGES.
(original emphasis)

3. On or about July 17, 2019, the School Board served Herring with an Administrative Complaint seeking a three (3) day suspension of Herring's employment with the School Board.

4. In order for her request to be timely, Herring was required to submit her request for hearing on or before August 1, 2019.

5. On or about August 6, 2019, Herring served her untimely Petition for Administrative Hearing (Exhibit "A").

6. Florida Statutes § 120.569(c) provides, “(c) . . . A petition shall be dismissed if it is not in substantial compliance with these requirements or it has been untimely filed. . . .”

The Petitioner requests that the School Board dismiss Herring’s Request for Administrative Hearing and relinquish jurisdiction to the School Board.

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

The School Board of Broward County, Florida dismisses Herring’s Request for Administrative Hearing with prejudice.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida this _____ day of August 2019.

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

By _____
HEATHER P. BRINKWORTH, CHAIR

Filed in Official School Board Records the
_____ day of _____, 2019.

Supervisor, Official School Board Records

Copies furnished to:

DOUGLAS G. GRIFFIN, ESQUIRE
Assistant General Counsel
Office of the General Counsel
Broward County School Board
600 S.E. Third Avenue – 11th Floor
Fort Lauderdale, Florida 33301

ROBERT F. MCKEE, ESQUIRE
KATHERINE HEFFNER, ESQUIRE
ROBERT F. MCKEE, P.A.
1718 E. 7th Avenue
Suite 301
Tampa, Florida 33605

ROBERT W. RUNCIE, Superintendent of Schools
Office of the Superintendent
The School Board of Broward County, Florida
600 Southeast Third Avenue - 10th Floor
Fort Lauderdale, Florida 33301

NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to Section 120.68, Fla. Stat., a party to this proceeding may seek judicial review of the School Board's Dismissal in the appropriate district court of appeal by filing a notice of appeal with Noemi Gutierrez, Agency Clerk, Official School Board Records, The School Board of Broward County, Florida, 600 Southeast Third Avenue – 2nd Floor, Fort Lauderdale, Florida 33301, on or before thirty (30) days from the date of this Dismissal. A copy of the notice and a copy of this Dismissal, together with the appropriate filing fee, must also be filed with the Clerk, Fourth District Court of Appeal, 1525 Palm Beach Lakes Boulevard, West Palm Beach, Florida 33401-2399. If you fail to file your notice of appeal within the time prescribed by laws and the rules of court, you will lose your right to appeal this Dismissal.

SCHOOL BOARD OF BROWARD COUNTY

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

No Case No.

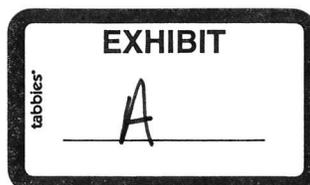
JOANNA MARIE HERRING,

Respondent.

PETITION FOR ADMINISTRATIVE HEARING

The undersigned, on behalf of JOANNA MARIE HERRING, hereby requests that an administrative hearing be convened to allow Ms. Herring to challenge the recommendation of the Superintendent that she be suspended from her position without pay with the Broward County School Board. In support of this request, the School Board is shown as follows:

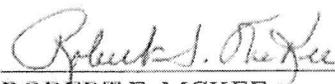
- 1. Identification of Respondent:** Joanna Marie Herring
2120 NW 62nd Avenue
Hollywood, FL 33024
- 2. Date when Respondent Was Advised of Recommended Agency Action:** By letter dated July 15, 2019, hand delivered to Ms. Herring on July 17, 2019, and received by counsel on August 5, 2019, with attached Administrative Complaint, the Respondent was notified that the Superintendent will recommend to the School Board that the Respondent be suspended from her position without pay.
- 3. Statement Regarding Substantial Interest:** The Respondent's substantial interests are affected inasmuch as the Respondent will suffer a loss of income.



4. **Statement of Disputed Material Facts:** Respondent denies the factual allegations set forth in paragraphs 6 through 54 of the Administrative Complaint.
5. **Statement of Relevant Facts:** No cause exists for the suspension without pay of the Respondent's employment by the Broward County School Board.
6. **Rules and Statutes Requiring Reversal of the Proposed Disciplinary Action:** There is no just cause to suspend the Respondent without pay from her teaching position pursuant to any relevant Florida Statute, Rule 6A-10.081, F.A.C., relevant School Board Policy, the Respondent's employment contract, School Board Rules and Regulations, the Code of Ethics of the Education Profession, and/or the Employee Disciplinary Guidelines promulgated by the School Board.
7. **Relief sought:** Reimbursement of lost wages.
8. **Statement with file number:** No file number was provided to Respondent at this time.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 6, 2019, I forwarded this document, via email transmission to Robert W. Runcie (supt_runcie@browardschools.com), Superintendent of Schools, Kathleen C. Wright Admin Building, 600 SE 3rd Avenue, Ft. Lauderdale, FL, 33301; and to Barbara Myrick, Esquire (barbara_myrick@browardschools.com).



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