

Office of School Board Attorney  
Walter J. Harvey, Board Attorney

**SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. HARCOURT CLARK - DOAH CASE NO. 17-5796TTS**

On October 11, 2017, the School Board took action to suspend Harcourt Clark ("Respondent") without pay for ten (10) days for just cause, including, but not limited to: Misconduct in Office, Gross Insubordination and violation of School Board Policies 3210, *Standards of Ethical Conduct*, and 3210.01, *Code of Ethics*. Respondent timely requested an administrative hearing which was held on May 18, 2018, before Administrative Law Judge, Lisa Shearer Nelson, of the Division of Administrative Hearings ("DOAH").

On August 13, 2018, the Administrative Law Judge ("ALJ") issued her Recommended Order, recommending that the School Board rescind its suspension of Respondent and reimburse him back pay for the period of his suspension. In making this determination, the ALJ found that the employee's alleged inappropriate conduct did not amount to a violation of School Board policy and that it was insufficient to merit discipline.

We recommend that the School Board accept the ALJ's Recommended Order as the School Board's Final Order. Administration is in agreement with this recommendation. A copy of the Recommended Order is being furnished to the Board under separate cover along with a copy of the proposed Final Order for the Board's consideration.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, adopt the Recommended Order of the Administrative Law Judge in its entirety as its Final Order in the case of The School Board of Miami-Dade County, Florida v. Harcourt Clark, DOAH Case No. 17-5796TTS, thereby rescinding the suspension and awarding Respondent back pay for the period of his suspension.