

Office of Superintendent of Schools
Board Meeting of June 18, 2003

June 4, 2003

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. MARLON PEARCE - DOAH CASE NO. 02-2540

On June 19, 2002, the School Board suspended and initiated dismissal proceedings against Marlon Pearce, a middle school teacher, for just cause, including, but not limited to, misconduct in office, gross insubordination, and willful neglect of duty, conduct unbecoming a School Board employee and violation of School Board Rules 6Gx13-5D-1.07, *Corporal Punishment Prohibited*, 6Gx13-4-1.08, *Violence in the Workplace*, and 6Gx13-4A-1.21, *Responsibilities and Duties*. A hearing was requested and the case was tried on March 18, 2003, before DOAH Administrative Law Judge Eleanor M. Hunter.

By recommended order entered May 2, 2003, the Administrative Law Judge found that there was just cause to terminate Respondent's employment on charges of misconduct in office, gross insubordination, and violation of School Board rules, and recommended that the School Board enter a final order terminating Marlon Pearce from further employment with the School Board.

RECOMMENDED: That The School Board of Miami-Dade County, Florida enter a final order in the case of The School Board of Miami-Dade County, Florida v. Marlon Pearce, DOAH Case No. 02-2540, adopting the Administrative Law Judge's Recommended Order sustaining the suspension without pay of Marlon Pearce and terminating his employment with The School Board of Miami-Dade County, Florida, as of June 19, 2002, and denying any claim for back pay.

LMG/pyc

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