

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

**SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY FLORIDA v. JAVIS WHEELER, DOAH Case No. 12-0017TTS**

On December 14, 2011, the School Board took action to suspend and initiate dismissal proceedings against Jarvis Wheeler, a School Security Monitor with Miami-Dade County Public Schools, for just cause including, but not limited to, misconduct in office and violation of School Board Policies 3210, Standards of Ethical Conduct; 3210.01, Code of Ethics; and 5630, Corporal Punishment and Use of Reasonable Force as a result of an altercation with a middle school student. Mr. Wheeler requested an administrative hearing. The hearing was held on March 9, 2012 before Administrative Law Judge Cathy M. Sellers ("ALJ").

At the conclusion of the case, the ALJ submitted an Order finding that the School Board established just cause for discipline against Mr. Wheeler for violation of the above-referenced School Board policies and upheld the School Board's suspension without pay. However, in lieu of dismissal, the ALJ recommended the continuation of the existing suspension without pay through August 14, 2012. This action results in a penalty of an eight-month suspension without pay.

We recommend acceptance of the ALJ's Recommended Order as the School Board's Final Order together with the parties' agreement that Respondent's reinstatement shall take effect on August 16, 2012 at a location to be determined in the Northern Region of the District.

A copy of the Recommended Order is being furnished to the Board under separate cover with a copy of the proposed Final Order for the Board's consideration.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida enter a Final Order accepting the Administrative Law Judge's Recommended Order in the case of The School Board of Miami-Dade County, Florida v. Jarvis Wheeler, DOAH Case No. 12-0017TTS sustaining the discipline of Respondent with a suspension without pay and suspending Respondent without pay through August 14, 2012.