

IN THE CIRCUIT COURT OF  
THE SEVENTH JUDICIAL  
CIRCUIT, IN AND FOR ST.  
JOHNS COUNTY, FLORIDA

KATHERINE O'CONNELL,

Petitioner,

v.

CASE NO.:

SAINT JOHNS COUNTY SCHOOL  
BOARD,

Respondent.

\_\_\_\_\_ /

**PETITIONS FOR WRIT OF MANDAMUS**  
**AND FOR WRIT OF PROHIBITION**

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**I. PETITIONS FOR WRIT OF MANDAMUS AND WRIT OF PROHIBITION**

**Basis for Jurisdiction**

This Court has original jurisdiction pursuant to Article V, § 5(b), Florida Constitution, and Florida Rule of Appellate Procedure 9.030(c)(3) to issue writs of mandamus and writs of prohibition.

**Summary of the Matter**

Petitioner, Katherine O’Connell (“Ms. O’Connell”), is a principal at a public school in St. Johns County, Florida. Ms. O’Connell seeks a writ of mandamus to compel the St. Johns County School Board (“the Board” or “Board”) to hold a proper hearing on her suspension as Principal of Trout Creek Academy, and a writ of prohibition regarding any Board action until such time as Ms. O’Connell is provided the procedural due process rights to which she is entitled.

On May 20, 2026, Ms. O’Connell was placed on leave with pay pending the outcome of an investigation into purported ‘inappropriate conduct.’ On May 22, 2026, Ms. O’Connell was informed that her leave with pay was being extended until the end of her contract, at which time her contract with not be renewed. Ms.

O’Connell requested a hearing to challenge her suspension. The request was denied.

The Board held a publicly noticed meeting on June 9, 2026. Ms. O’Connell’s suspension with pay and non-renewal of her contract were placed on the consent agenda, without affording her the proper due process procedures, and without her being provided any specific notice of the charges against her.

Ultimately, the non-renewal of her contract was temporarily removed from the consent agenda. However, the Board continues to deny to Ms. O’Connell her procedural due process rights under the United States Constitution, Florida Statutes, Florida State Board of Education Administrative Rules, and Board Rules.

### **Statement of Relevant Facts**

Ms. O’Connell is the principal under contract for Trout Creek Academy (“Trout Creek”), a K-8 public school located in St. Johns County, Florida, in the St. Johns County Public School District (“District”). Her current contract expires on June 30, 2026.

Ms. O’Connell has held positions multiple positions in public education:

- eight (8) years as a principal;

- four (4) years as an assistant principal;
- six (6) years in other various school administrator positions; and
- eight (8) years as a classroom educator.

Ms. O’Connell has been rated through evaluation as “highly effective” as a principal in St. Johns County, Florida for the past five (5) years, and in 2024 was selected to open the then brand-new K-8 Trout Creek Academy.

Ms. O’Connell, upon being appointed to her position of principal at Trout Creek Academy, objected multiple times to having three self-contained behavioral units at Trout Creek Academy, as she stated staff did not have the proper training and professional teams to deal with violent students, creating a situation where staff could not adequately protect themselves or students from physical harm.<sup>1</sup>

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<sup>1</sup> In 2019, the Board was subject to a United States Department of Education Office of Civil Rights investigation regarding allegations that schools under the SJCSB were using excessive physical restraints in special education classes. See <https://ocrcas.ed.gov/sites/default/files/ocr-letters-and-agreements/04195002-a.pdf> . As a result of that investigation, self-contained behavioral units, outside of one specific school, the Evelyn Hamblen Center, are no longer allowed to receive training in, or use, of any type of physical restraint to prevent students who are self-injurious or causing harm to others, such as students, teachers and staff. Instead, staff are only allowed to use the UKERU method, which allows no use of physical restraints in any situation, but only allows verbal restraint and the use of pads, shin guards, etc. to protect staff and students from harm.

Since its inception in 2024, Trout Creek has struggled to be provided the resources needed for its ESE programs and classrooms. Ms. O’Connell repeatedly requested additional staffing support and training for the “EBD units[,]”<sup>2</sup> along with a behavioral interventionist from the District. Nearly all of Ms. O’Connell’s requests for additional infrastructure, staff, support and training went unanswered.

Trout Creek Academy continued to struggle to handle the students placed in the self-contained behavior units. In 2024, Ms. O’Connell’s interaction with a student resulted in her requiring knee surgery.

One student had stabbed others approximately six (6) times, had to be held in a separate classroom, eloped frequently, engaged in violence towards teachers (one teacher finally filed a police report), had set fires to his home. Despite this, the District refused to support Ms. O’Connell in her request to have the student moved to the Evelyn Hamblen Center.<sup>3</sup>

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<sup>2</sup> EBD refers to emotionally and behaviorally disturbed.

<sup>3</sup> Fla. Stat. § 1006.07 provides that “[t]he district school board shall provide for the proper accounting for all students, for the attendance and control of

One of the six (6) stabbing incidents described herein injured a kindergarten student earlier this school year. Then, on May 13, 2026, that same kindergarten student who had been previously stabbed, was stabbed by an entirely different student. The stabbing necessitated that the kindergartener be life flighted. An ESE District official stated to Ms. O’Connell that the District was lucky it was not the same student who had conducted the second stabbing of the life-flighted student.

The next week, on Tuesday, May 19, 2026, a number of Trout Creek yearbooks were handed out prematurely by students after being printed, prior to inventory, and prior to the scheduled release. The premature distribution of the yearbook was initially unknown to Ms. O’Connell, as she had been addressing administrative issues involving the stabbing of the kindergarten student the week prior, a matter which necessitated the involvement of the St. Johns County Sheriff’s Office major crimes unit.

That Tuesday evening, Ms. O’Connell began receiving text messages from multiple individuals of screenshots from social

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students at school, and for proper attention to health, safety, and other matters relating to the welfare of students.”

media posts of a picture of a yearbook page with a quote “Everybody hating, we just call them fans though!”, signed “Mrs. O’Connell.”

The quote is a lyric from the song *Trap Queen*, by rapper Fetty Wap.

Although the quote is attributed to her in the yearbook, Ms. O’Connell had no knowledge of the quote or how it made its way into the yearbook. Upon information and belief, a student who worked on the yearbook, signed in to the editing platform after Ms. O’Connell approved the final copy and added the additional page with the quote for printing. As no meaningful investigation was conducted, it is uncertain what role the art/yearbook teacher, Jodi Stobe, played as to the quote and its attribution to Ms. O’Connell.

The next day, on Wednesday, May 20, 2026, Ms. O’Connell received a request from District Human Resources department directing her to appear for an investigatory interview. Ms. O’Connell was not provided any notice as to what was the purpose of the interview and even asked the Assistant Superintendent if her job was in jeopardy. The response was inconclusive.

Ms. O’Connell promptly retained counsel and reported to the Human Resources department as directed. Upon arrival with counsel, Ms. O’Connell was informed by District Human Resources

that if she exercised her right to counsel, she would be immediately suspended.

Ms. O'Connell participated in the investigatory interview, which purported to be about the yearbook incident, without counsel, and provided written statements from employees at Trout Creek that established that she did not approve the quote attributed to her in the Trout Creek yearbook. One such statement was from the art/yearbook teacher, Jodi Stobe.

At the conclusion of the investigatory interview, Ms. O'Connell was given a written notice informing her that she was immediately placed on leave with pay pending an investigation into alleged inappropriate conduct. The notice prohibited her from being present on District property and further prohibited her from discussing her suspension with any parent, student, or co-worker.

St. Johns County Public Schools Superintendent Dr. Brennan Asplen ("Dr. Asplen") then posted to the social media page for the Trout Creek Academy Parent Teacher Organization a message stating that the District was looking for a new principal for Trout Creek Academy, and that it would "be sharing a brief survey with staff and families to gather your perspectives on the qualities and

characteristics you would like to see in the next school leader.” The District then released the letter citing the allegations of vague inappropriate misconduct to the local media.

On Friday, May 22, 2026, Ms. O’Connell received a second letter from the District Human Resources department informing her again that she was being placed on administrative leave with pay until the end of her contract; that she was not permitted to be on any District property; and that she again was prohibited from discussing her leave with any parent, student, or co-worker. However, rather than provide any notice of what warranted such treatment, she was informed that her contract would not be renewed.

The District then released the documents regarding Ms. O’Connell’s continued suspension and notice of non-renewal to the media. Both Dr. Asplen’s post and the release of documents to the media created an uproar in the media, both locally, nationally, and internationally, regarding rumors of her suspension for inappropriate conduct, including social media sites.

As a result of the administrative leave, Ms. O’Connell was not allowed to attend the end of the school year celebrations planned

for students, nor was she allowed to attend the end of school year off-site celebrations with her staff.

On May 28, 2026, undersigned counsel for Ms. O’Connell sent correspondence to Dr. Asplen (the “May 28, 2026, Correspondence”), demanding notice of the charges against Ms. O’Connell and a hearing to challenge her disciplinary suspension pursuant to St. Johns County School Board Rule 6.52-4. The May 28, 2026, Correspondence also stated it appeared that the Board, by and through the Superintendent, retaliated against Ms. O’Connell for attempting to exercise her right to counsel under Fla. Stat. § 120.62(2). Undersigned counsel also requested public records related to the purported investigation of Ms. O’Connell.

Multiple days went by without any response, and undersigned counsel called counsel for the Board and District, Frank Upchurch, III, Esq., to inquire as to any response to the correspondence. Days later, Mr. Upchurch spoke with undersigned counsel and objected to media interviews given by Ms. O’Connell and undersigned counsel opining that it was inappropriate for the matter to be litigated in the media prior to *all of the facts coming out*.

Undersigned counsel asked Mr. Upchurch to provide facts supporting Ms. O’Connell’s removal. Mr. Upchurch stated that there were no disciplinary matters regarding the yearbook, but that issues existed regarding a miscommunication with the Exceptional Student Education (“ESE”) Department and other “issues.” Mr. Upchurch would not provide any further information regarding the other purported “issues” warranting her suspension.

Mr. Upchurch informed undersigned counsel that the Board would hold a school board meeting on Tuesday, June 9, 2026, at which time it would conduct a vote to uphold Ms. O’Connell’s suspension, and then subsequently vote to non-renew her annual contract. Mr. Upchurch further informed undersigned counsel was that the Board would not conduct an Administrative Hearing pursuant to Board Rules regarding her suspension as requested by Ms. O’Connell, as Mr. Upchurch considered those matters purely administrative, involving no due process protections and procedures, despite acknowledging the Board was planning on taking action as to the appropriateness of Ms. O’Connell’s suspension.

On June 3, 2026, the District made a public announcement that Ms. O’Connell would be replaced by Dr. Clay Carmichael.

On June 5, 2026, Mr. Upchurch provided some public records related to the actions taken against Ms. O’Connell. The document production is incomplete.

On June 8, 2026, undersigned counsel communicated with Mr. Upchurch again to ascertain with certainty what specifically was on the consent agenda for the upcoming Board meeting. Mr. Upchurch wrote that **“[a]dministrative suspension** is on agenda tomorrow, non-renewals are on July meeting agenda.” However, the consent agenda reflected that the non-renewal of Ms. O’Connell’s contract to be addressed by the Board through the consent agenda.

Further emails were exchanged and undersigned counsel wrote:

Frank, as one final follow up, the evidence that supports a vote by the board to approve the suspension should be made a part of the public record. At this time. I have no evidence whatsoever. The bottom line is that addressing this issue on the consent agenda is not appropriate. I’m [sic] am requesting that the matter be removed from any consideration at the meeting tomorrow until we have had an opportunity to figure out who’s on first, what’s on second.  
Thank you[.]

Mr. Upchurch “disagreed.”

The same day, undersigned counsel sent further correspondence to the Board (the “June 8, 2026, Correspondence”), again setting forth Ms. O’Connell’s rights to due process and the lack thereof. The June 8, 2026, Correspondence again requested that any consideration regarding Ms. O’Connell’s employment status be removed from the consent agenda pending resolution of the described due process issues. Specifically, the June 8, 2026, Correspondence stated in relevant part:

[y]our consent agenda to “approve” Ms. O’Connell’ suspension, couched as an “administrative leave with pay”, violates Florida statutes, SJCSB Rules, and constitutional due process rights. I am requesting that any item regarding Ms. O’Connell be removed from the agenda noticed for the hearing tomorrow, Tuesday, June 9, 2026, and any further consideration of Ms. O’Connell’s suspension with pay be properly noticed, and all evidence submitted be made part of the record of that agenda.

Mr. Upchurch via email, copying the Superintendent and all Board members, disagreed with the legal positions of the June 8, 2026 Correspondence, and stated in relevant response, “[in my

opinion] subject to [School Board] approval, ***the superintendent [has] the authority to suspend employee with pay*** pending non-renewal” and in additional communication stated that “[t]his is not a [Fla. Stat. §] 1012.33 disciplinary suspension, period.”

On Tuesday, June 9, 2026, the Board conducted its scheduled meeting (the “June 9, 2026 Board Meeting”).<sup>4</sup> Dr. Asplen was absent from the meeting, and in his place was his Chief of Staff, Paul Abbatinozzi (“Mr. Abbatinozzi”), who according to the District’s websites, drafted and submitted the consent agenda, in addition to Wayne King, Deputy Superintendent of Human Resources & Federal Programs (and two other District staff members). The consent agenda included two items related to Ms. O’Connell: her “administrative leave with pay” and her non-reappointment.

Public comment was held and many people, including Mr. O’Connell herself, her staff, previous staff, and school parents spoke regarding their support of Ms. O’Connell and their disagreements and disappointment with the manner in which the

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<sup>4</sup> The Board Meeting video recording and transcript is available online at: <https://www.stjohns.k12.fl.us/news/sjcsb-meeting-2026-6-9/> (“Board Meeting Recording”). The portions of the Board Meeting relating to the Consent Agenda, and Ms. O’Connell are located at approximately 2:02:55 through 2:15:25.

District was handling the matter. Ms. O’Connell noted that in her 14 years in the District she was unaware of any principal who had not had their contracts reappointed, but instead, even upon the finding of egregious misconduct, had simply been placed in other administrative District positions or moved to other schools. Some individuals commented that this was primarily an issue of parent bullying, that the District needed to support their staff and employees more, and that the Board needed to consider enacting a parent code of conduct.

After Public Comment, the Board moved the consent agenda. Just prior to the Board vote on the consent agenda, Board Member Anthony Coleman, Sr. (“Board Member Coleman”), requested confirmation from Mr. Upchurch and Mr. Abbatinozzi that the Board’s Consent Agenda did not include anything regarding the memorandum that the Board had received the night prior to the June 9, 2026, Board Meeting regarding leave of absence and Rule 6,<sup>5</sup> and specifically, the non-renewal and/or termination of Ms.

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<sup>5</sup> Presumably, this was the June 8, 2026 Correspondence.

O’Connell’s contract under the Consent Agenda item “O-3”, titled “resignations, retirement and terminations”.

Mr. Upchurch told Board Member Coleman that the “memorandum” was not related and both Mr. Upchurch and Mr. Abbatinuzzi told the Board that the contract non-renewal was not on the consent agenda. They were incorrect. The consent agenda, prepared at least in part by Mr. Abbatinuzzi, was crafted to resolve the contract non-renewal without either discussion or debate by the Board.

Indeed, during the exchange with Board Member Coleman, Mr. Upchurch stated that the “investigation” had been completed, and that District HR staff<sup>6</sup> conducted their investigation

with an eye toward possible disciplinary action under Florida Statute 1012.33. Staff made the decision to recommend that she not be disciplined under **that process**, and instead recommended that she be placed on administrative leave, subject to board approval, and pending the superintendent’s recommendation of, um, that she be non-reappointed, which is not on today’s agenda.

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<sup>6</sup> Although Mr. Upchurch stated that the investigation was conducted by HR, for reasons unknown, a District ESE Compliance Specialist who had assisted at Trout Creek Academy, and was subordinate to Ms. O’Connell, conducted part of the investigation.

Mr. Upchurch continued to make these statements despite his previous written communications to Board members and undersigned counsel, stating that Ms. O’Connell had been suspended with pay. The public objected to that statement.

Ultimately, after vocal public objection to the proceedings, Mr. Abbatinozzi confessed that “the agenda as stated is the leave and non-reappointment which is effective July 1, is on today’s agenda.” Board Member Coleman made a motion to remove Ms. O’Connell’s non-renewal/termination from the Consent Agenda, to be noticed for a later meeting.

Although Board Member Coleman also suggested that the Board defer voting on those matters until it was settled what type of leave Ms. O’Connell was on, the Board voted to approve Ms. O’Connell’s “administrative leave with pay” as that matter remained on the consent agenda. The Board did so in the absence of any evidence against Ms. O’Connell, as none was presented or entered into the record, and despite the absence of clarity as to the nature of Ms. O’Connell’s “leave.”

During the time leading up to the June 9, 2026, Board Meeting and since its conclusion, Ms. O’Connell has attempted to

communicate with the District HR offices, requesting information regarding potential reassignment to a teaching position, sick leave payout in the amount of 515 hours, and the possibility and financial implications of early retirement. The District HR offices have been instructed to not communicate with Ms. O'Connell, and Mr. Upchurch has stated that all communication must go through him. Indeed, undersigned counsel has also been informed by District staff that all Board members and District staff have been instructed to not communicate with undersigned counsel or Ms. O'Connell.

On June 11, 2026, Mr. Upchurch informed undersigned counsel that if Ms. O'Connell wishes to consider retirement, that District "HR would need to receive her retirement or resignation letter no later than June 25 to be effective June 30, 2026[.]" Ms. O'Connell and undersigned counsel are still attempting to work these matters out with the District to no avail.

Additionally, on June 11, 2026, a local publication, the St. Johns Citizen published an article with an unnamed District official offering reasons for Ms. O'Connell's pending termination which stated

the yearbook uproar was viewed by some internally as the last straw in a broader pattern of concern over her tenure.

The source said O’Connell had been under scrutiny over unrelated complaints from some parents and teachers, including disputes about school climate and disciplinary matters.

See De Haan, Noah, ST. JOHNS CITIZEN, *Trout Creek Principal Challenges Non-Reappointment over Fetty Wap Quote at School Board Meeting*, Jun. 11, 2026. Available online at:

<https://sjcitizen.com/trout-creek-principal-challenges-non-reappointment-over-fetty-wap-quote-at-school-board-meeting/>.<sup>7</sup>

Ms. O’Connell has not been given any notice of these purported charges against her, despite demand. Ms. O’Connell has not been given a hearing to challenge these unsupported allegations.

These accusations and lack of due process procedures have significantly impacted Ms. O’Connell’s liberty interests. Ms. O’Connell has received anonymous threats, which have been reported to the St. Johns County Sheriff’s Office. Ms. O’Connell,

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<sup>7</sup> According to Ms. O’Connell the only issues that she is aware of are complaints from parents with ESE students at Trout Creek Academy. These issues lie with the District, and the District apparently has been wrongfully and maliciously attributing these issues to her.

despite multiple efforts, has been unable to find or secure a comparable position in education that affords her the ability to continue to participate in the Florida Retirement System (“FRS”), and the District is attempting to force her into retirement prior to any vote on her contract. Ms. O’Connell has been rejected for employment by multiple surrounding counties. Given the financial implications facing Ms. O’Connell, the District and the Board have adversely impacted Ms. O’Connell’s property and liberty interests.

## **II. ARGUMENT**

### **Standard of Review**

“In order to be entitled to a writ of mandamus the petitioner must have a clear legal right to the requested relief, the respondent must have an indisputable legal duty to perform the requested action, and the petitioner must have no other adequate remedy available.” *Huffman v. State*, 813 So. 2d 10, 11 (Fla. 2000).

A writ of prohibition is appropriate to prevent quasi-judicial bodies from making termination decisions without the basic due process protections mandated by the Administrative Procedures Act. *See State ex rel. Allen v. Bd. of Pub. Instruction*, 214 So. 2d 7 (Fla. 4th DCA 1968). A school board is an agency under the

Administrative Procedures Act, Fla. Stat. § 120.62. *Sch. Bd. v. Survivors Charter Sch., Inc.*, 3 So. 3d 1220, 1230-31 (Fla. 2009).

**Ms. O’Connell is entitled to Due Process Protections**

Due process requires “notice of the charges; an explanation of the evidence against the employee; and an opportunity for the employee to present his side of the story.” *Krieger v. Fla. Fish & Wildlife Conservation Comm’n*, 220 So. 3d 511 (Fla. 3d DCA 2017) (citing *Cleveland Board of Education v. Loudermill*, 470 U.S. 532, 546 (1985)). Additionally, it is uncontested that “government employees are entitled to a meaningful opportunity for a name clearing hearing after an employer [publicizes] allegedly false and stigmatizing information” regarding an employee. *Johnston v. Borders*, 724 F. App’x 762 (11th Cir. 2018) (citing *Cotton v. Jackson*, 216 F.3d 1328, 1330 (11th Cir. 2000); *Buxton v. Plant City*, 871 F.2d 1037, 1045-46 (11th Cir. 1989)).

Further, under Florida Statute § 1012.33(6)(b):

Any member of the district administrative or supervisory staff, including any principal [...] may be suspended or dismissed at any time during the term of the contract; however, the charges against him or her must be based on immorality,

misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a plea of guilty, regardless of adjudication of guilt, any crime involving moral turpitude, as these terms are defined by rule of the State Board of Education.

[...]

***In cases of suspension by the district school board or by the district school superintendent, the district school board shall determine upon the evidence submitted whether the charges have been sustained and, if the charges are sustained, shall determine either to dismiss the employee or fix the terms under which he or she may be reinstated.*** If such charges are sustained by a majority vote of the full membership of the district school board and the employee is discharged, his or her contract of employment shall be canceled. Any decision adverse to the employee may be appealed by him or her pursuant to s.120.68, provided such appeal is filed within 30 days after the decision of the district school board.

*Emphasis added.* As such, once suspended, the Board is obligated to review the charges and evidence against Ms. O'Connell, and make a determination as to discharge or reinstatement. *Id.*

Consistent with Fla. Stat. § 1012.33(6)(b), Board Rule 6.52 – Suspension and Dismissal, additionally provides as follows:

1. Authority to Suspend. No employee may be suspended from duty except by the School Board or the Superintendent in accordance with this

rule. An employee may only be suspended for just cause.

2. Suspension With Pay. The School Board delegates to the Superintendent as its designee the authority to suspend a member of the staff with pay when it is in the best interest of the District for a period extending to and including the next meeting of the School Board.

[...]

4. Appeal of Suspension. An instructional or administrative employee who wishes to contest the suspension shall submit to the Superintendent a written request for a hearing before the School Board within fifteen (15) days after receipt of the notice of suspension. The hearing shall be conducted before the School Board within sixty (60) days of the request. Paragraph 7 addresses the appeal rights of educational support employees. An employee who accepts the suspension shall be deemed to waive all further rights to due process.

5. Dismissal. An employee is subject to dismissal for just cause by the School Board. Just cause includes, but is not limited to, the following instances, as defined by rule of the State Board of Education:

- a. immorality;
- b. misconduct in office ;
- c. incompetency;
- d. two consecutive annual performance evaluation ratings of unsatisfactory under Florida Statute 1012.34;
- e. two annual performance evaluation ratings of unsatisfactory within a 3-year period under Florida Statute 1012.34;
- f. three consecutive annual performance evaluation ratings of needs improvement or a

combination of needs improvement and unsatisfactory under Florida Statute 1012.34;  
g. gross insubordination;  
h. willful neglect of duty; or  
i. being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.

Except as provided in paragraph 7 below, ***in any dismissal proceeding in which the substantial interest of the employee is affected***, or in which the employee has a property interest, the employee shall be entitled to a hearing on the merits of the case in accordance with the provisions of Chapter 120, Administrative Procedures Act and shall be provided due process as required by law. An employee who wishes to request a hearing shall submit a written request to the Superintendent within fifteen (15) days of receipt of the Superintendent's notice of intention to recommend dismissal, or notice of dismissal, whichever is received first.

The Superintendent may elect, in the exercise of discretion, to refer any such proceeding to a hearing before the School Board in accordance with its rules, or to the Department of Administrative Hearings, in accordance with applicable statutory procedure.

Emphasis added.

Ms. O'Connell does not dispute Mr. Upchurch's position on behalf of the District and the Board that the Superintendent has the right to suspend her with pay. However, Ms. O'Connell disagrees with the assertion that the analysis ends there and that she has no right to due process protections simply because the

Board and District, by way of procedural slight of hand, clumsily attempts to convert a disciplinary suspension to an administrative leave with non-renewal of her contract. Ms. O'Connell clearly has not only a property interest in her contract as an employee of the District but also substantial liberty interest in her professional reputation and name.

No provisions exist to suspend an employee for disciplinary reasons, with pay or without, in Florida Statutes or Board Rule, without due process protections. Mr. Upchurch's position that her suspension (and the Board's pending substantive termination of her employment couched as a simple non-renewal of her contract) is purely administrative is arbitrary and capricious. The Superintendent was required to present to the Board the allegations against her, supported by evidence. The Board was then required to make a decision with respect to the evidence. Ms. O'Connell's due process rights were clearly violated.

The Board has a clear obligation to provide Ms. O'Connell a hearing under its own local Board Rule 6.52-4. However, regardless of the jurisdiction in which the hearing proceeds, any such hearing

must meet the standards articulated in Fla. Stat. § 120.569 –  
Decisions which affect substantial interests.

Ms. O’Connell has demanded notice of the charges against her and demanded that all evidence in any support of her suspension be placed in the record, and that the Board provide a vote on such evidence. These requests have been denied.

The District and the Board have failed to give her notice of the specific charges against her. Instead, the only notice provided to her was

- she was under investigation for “inappropriate conduct”;
- Mr. Upchurch’s vague statements that it was not about the yearbook, the facts had not yet come out, and that the issues were related to miscommunications with the ESE Department at the District;
- the Superintendent’s public post stating that parent input would be given on “qualities and characteristics” of the replacement principal (inferring that Ms. O’Connell lacks the requisite qualities and characteristics); and
- an unnamed District official who was quoted in a publication that the yearbook was the “last straw” in a pattern of unidentified behavior.

The District, in concert with its counsel, has arbitrarily and capriciously concluded that, by and through a parallel process that they deem administrative, can discipline employees, publish false and defamatory statements regarding them, and avoid due process scrutiny.

In the event that the District provides Ms. O'Connell some sort of palliative hearing, it is rendered worthless in the absence of any specific charges against her. That said, Ms. O'Connell requests that this Court mandate that the District provide Ms. O'Connell notice of the specific charges against her and mandate that the District conduct a hearing pursuant to Board Rule 6.52 and Fla. Stat. § 1012.33.

**The Failure to seek Mandamus and Prohibition could Result in a Loss of Ms. O'Connell's Due Process Rights<sup>8</sup>**

In order for Ms. O'Connell to state due process claims against the District and the Board, she must show that the state provides no other adequate remedy at law. Mandamus has been found by

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<sup>8</sup> This Petition is in no manner to be construed as a waiver of any additional rights that Ms. O'Connell may have, such as rights to proceed against District officials for defamation, or to proceed against the District and/or Board for violations of Florida's Public Employee Whistleblower Act. *See, i.e., Johnston*, 724 Fed. App'x at 767.

several courts to be the exclusive adequate remedy at law for some procedural due process violations. *See Cotton*, 216 F.3d at 1333. However, mandamus cannot remedy the procedural due process notice violations impacting Ms. O’Connell’s liberty interests under Florida law. *See Johnston*, 724 F. App’x at 767.

Further, the failure of the Board to conduct a hearing on Ms. O’Connell’s suspension would leave her in a situation where there is no record to review if she sought judicial review at the Florida Department of Administrative Hearings under Fla. Stat. § 120.68, or through a petition for writ of certiorari for that action or any final action impacting her substantial interests. *See i.e., Johnston*, 724 F. App’x at 767 (certiorari unavailable as remedy for liberty interest violations as there “was no record for a Florida court to review”); *27 Entrepreneurs Brickell LLC v. Fla. Dep’t of Revenue*, 427 So. 3d 586, 588 (Fla. 5th DCA 2026) (remand required for full evidentiary hearing under Fla. Stat. § 120.68 when there is no record to review). As such, failing to provide a hearing in an effort to deny Ms. O’Connell her due process rights would additionally result in a waste of time and resources. *See, i.e., Gadsden State Bank v. Lewis*, 348 So. 2d 343, 347 (Fla. 1st DCA 1977) (“[P]ublic and private

interest will frequently be better served by hearings before the agency decides.”).

While due process property interests may easily be remedied by mandamus, as discussed *infra*, that is not always the case with an individual’s liberty interests. As the Board has denied her a proper hearing on her “suspension with pay”, it would not be appropriate for the Board to take up any further decision to not-renew her contract with the District. Fla. Stat. § 1012.33(b)(6) states that the Board “shall” make a determination upon the evidence, *prior* to any discharge. Any termination or suspension proceedings impacting substantial interest must be done in accordance with the APA.

Unless this Court issues a writ of prohibition mandating that no further quasi-judicial proceedings occur, absent Ms. O’Connell’s due process rights under the APA, Ms. O’Connell will suffer continuing damage to her name and reputation, without any adequate remedies at law. *See State ex rel. Allen*, 214 So. 2d 7.

### **III. CONCLUSION**

The actions of the District and the Board constitute a departure from the essential requirements of law causing irreparable harm to Ms. O’Connell.

#### **IV. RELIEF REQUESTED**

Petitioners respectfully request that this Court:

1. Accept jurisdiction to review this Petition;
2. Enter an Order to Show Cause to the St. Johns County School Board as to why the Petitions for Writ of Mandamus and Writ of Prohibition should not be granted;
3. Compel the St. Johns County School Board to hold a hearing on Ms. O'Connell's suspension, or direct the Superintendent of the St. Johns County School Board refer the hearing to the Florida Department of Administrative Hearings;
4. Prohibit the St. Johns County School Board from noticing any agenda item at any public meeting regarding Ms. O'Connell until such time as they have afforded Ms. O'Connell a hearing so as to protect her due process rights; and
5. Grant such further relief as the Court deems just and proper.

Respectfully submitted this 16<sup>th</sup> day of June, 2026.

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**s/ John D. Webb**

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 16, 2026, a copy of this Petition has been filed in the Florida E-Portal, and that a copy has been sent by Electronic Mail to the following:

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**CERTIFICATE OF COMPLIANCE**

I HEREBY CERTIFY that this petition complies with Florida Rule of Appellate Procedure 9.045, as this Petition was prepared in Bookman Old Style, 14-point font, and contains 5,543 words.

Dated this 16<sup>th</sup> day of June, 2026.

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