

**STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS**

**BROWARD COUNTY SCHOOL BOARD,**

**Petitioner,**

**v.**

**Case No. 15-4993TTS**

**BRUCE WEINBERG,**

**Respondent.**

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**RESPONDENT'S EXCEPTIONS TO RECOMMENDED ORDER**

The Respondent, BRUCE WEINBERG, excepts as follows to the Recommended Order issued on April 13, 2016:

1. The Respondent excepts to Finding of Fact 20, such finding is not supported by competent substantial evidence in the record.
2. The Respondent excepts to Finding of Fact 21, insofar as there is no competent substantial evidence in the record to support a finding that the Respondent's students were subjected by the Respondent to "conditions harmful to learning" and that they were intentionally exposed to unnecessary embarrassment or disparagement. The Respondent further excepts to the finding that his conduct disrupted his students' learning environment and reduced the Respondent's ability effectively to perform his duties. No substantial evidence in the record supports any of these findings. Indeed, none of the seven students who were called to testify by the Petitioner testified that he/she was embarrassed, disparaged or had his/her learning environment disrupted by the Respondent. Nor did any witness testify that the Respondent's ability to perform his duties effectively was reduced in any way as

a result of the Respondent's conduct on February 24, 2014.

3. The Respondent excepts to Finding of Fact 22, insofar as such finding is not supported by competent substantial evidence.
4. The Respondent excepts to Finding of Fact 23, insofar as the Administrative Law Judge determined that the Respondent failed to relate to his students. Such finding is not supported by any record evidence. Indeed, the students who were called to testify by the Petitioner related that the Respondent was a passionate, effective teacher. (Tr. 32, 54, 86, 102, and 124) Student MH took the Respondent's Drama I class and considered it a "very positive" experience. (Tr. 102) She had a "close" relationship with the Respondent and considered him a role model. (Tr. 106) Another of the Respondent's alleged victims, student SD, was a student in the Respondent's Drama I and English classes and considered both positive experiences. (Tr. 104) The Respondent was, in her view, one of the few teachers at Miramar High School who cared about his students. (Tr. 125-126) Student MJ testified that the Respondent was challenging his students to put on the best play possible and that the Respondent's passion for excellence was the reason she enrolled in the Respondent's Drama II class. (Tr. 71) Student RH testified that she enrolled in the Respondent Drama II class because the Respondent was a good teacher who was passionate about teaching drama. (Tr. 86)
5. The Respondent excepts to Finding of Fact 24, as such finding is not supported by competent substantial evidence.
6. The Respondent excepts to Finding of Fact 25 and Finding 26, as such findings are not support by competent substantial evidence. Thus, no evidence was presented by

the Petitioner of any prior directive being given to the Respondent, as relates to the Respondent's interactions with students, that the Respondent failed to abide by.

7. The Respondent excepts to Conclusion of Law 47, for the reasons set forth in paragraphs 1 and 2, above.
8. The Respondent excepts to Conclusion of Law 48, for the reasons set forth in paragraphs 3 and 4, above.
9. The Respondent excepts to Conclusion of Law 49, for the reasons set forth in paragraph 5, above.
10. The Respondent excepts to Conclusion of Law 50, for the reasons set forth in paragraph 6, above.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on April 27, 2016, I forwarded this document, via email transmission, to Tria Lawton-Russell, Esquire ([tria.lawton-russell@browardschools.com](mailto:tria.lawton-russell@browardschools.com)), Administrative Counsel, Broward County School District, 600 SE Third Avenue, 14<sup>th</sup> Floor, Ft. Lauderdale, FL 33301.



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