

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

BROWARD COUNTY SCHOOL BOARD,

Petitioner,

DOAH CASE No. 14-3011TTS

vs.

SSBM Agenda: 08-23-16-1

CHRISTOPHER MARSHALL,

Respondent.

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**FINAL ORDER**

THIS CAUSE came before THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA (“THE SCHOOL BOARD”) on August 23, 2016<sup>1</sup> to (1) consider the Recommended Order entered on March 24, 2016, by John G. Van Laningham, Administrative Law Judge (hereinafter “ALJ”) of the State of Florida Division of Administrative Hearings; (2) Petitioner’s Exceptions to the Recommended Order and Respondent’s Exceptions to the Recommended Order; and (3) the parties responses thereto.

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, having received and reviewed the record and having heard oral arguments presented by representatives on behalf of the parties, and being fully advised in the premises:

IT IS THEREUPON ADJUDGED that:

1. THE SCHOOL BOARD accepts Petitioner’s Exception No. 1 as to the ALJ’s Finding of Fact #16 through 24 and 27 in the Recommended Order and rejects the findings based upon a review of the entire record as it they are not based upon competent substantial evidence.

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<sup>1</sup> The 90 day time period in which a final order must be rendered was waived by consent of the parties.

2. THE SCHOOL BOARD accepts Petitioner's Exception No. 2 as to the ALJ's Finding of Fact #28 and 29 in the Recommended Order and rejects the findings based upon a review of the entire record as they are not based upon competent substantial evidence.

3. THE SCHOOL BOARD accepts Petitioner's Exception No. 1 as to the ALJ's Conclusion of Law #41 in the Recommended Order and finds that its substituted conclusion of law or interpretation of the administrative rule is as or more reasonable of that which is being rejected.

4. THE SCHOOL BOARD accepts Petitioner's Exception No. 2 as to the ALJ's Conclusion of Law #42 in the Recommended Order and finds that its substituted conclusion of law or interpretation of the administrative rule is as or more reasonable of that which is being rejected.

5. THE SCHOOL BOARD rejects Respondent's Exception No. Ai as to the ALJ's Finding of Fact #4 in the Recommended Order.

6. THE SCHOOL BOARD rejects Respondent's Exception No. Aii as to the ALJ's Finding of Fact #9 in the Recommended Order.

7. THE SCHOOL BOARD rejects Respondent's Exception No. Aiii as to the ALJ's Finding of Fact #10 in the Recommended Order.

8. THE SCHOOL BOARD rejects Respondent's Exception No. Aiv as to the ALJ's Finding of Fact #11 in the Recommended Order.

9. THE SCHOOL BOARD rejects Respondent's Exception No. Bi as to the ALJ's Conclusion of Law #26, Exception No. Bii as to Conclusion of Law #39, and Biii as to Conclusion of Law #42 in the Recommended Order.

10. Except as otherwise noted herein, the Recommended Order is adopted in its entirety and is incorporated herein by reference (see Recommended Order and Exceptions to the Recommended Order attached hereto as composite Exhibit "A").

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida this 13<sup>th</sup> day of September, 2016.

THE SCHOOL BOARD OF BROWARD  
COUNTY, FLORIDA

By Rosalind Osgood  
DR. ROSALIND OSGOOD, CHAIR

Filed in Official School Board Records the  
13<sup>th</sup> day of September, 2016.

[Signature]  
Supervisor, Official School Board Records

Copies furnished to:

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## **APPEAL OF FINAL ORDER**

Pursuant to Section 120.68, Fla. Stat., a party to this proceeding may seek judicial review of this Final Order in the appropriate district court of appeal by filing a notice of appeal with Noemi Gutierrez, Agency Clerk, Official School Board Records, The School Board of Broward County, Florida, 600 Southeast Third Avenue – 2nd Floor, Fort Lauderdale, Florida 33301, on or before thirty (30) days from the date of this Final Order. A copy of the notice and a copy of this Final Order, together with the appropriate filing fee, must also be filed with the Clerk, Fourth District Court of Appeal, 1525 Palm Beach Lakes Boulevard, West Palm Beach, Florida 33401-2399. If you fail to file your notice of appeal within the time prescribed by laws and the rules of court, you will lose your right to appeal this Final Order.