

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

MIAMI-DADE COUNTY SCHOOL BOARD, )  
 )  
 Petitioner, )  
 )  
 vs. ) Case No. 02-3449  
 )  
 STEPHEN J. STARR, JR. )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

RECOMMENDED ORDER

Pursuant to notice, a formal hearing was held in this case on November 18 and 19, 2002, in Miami, Florida, before Patricia Hart Malono, a duly-designated Administrative Law Judge of the Division of Administrative Hearings.

APPEARANCES

For Petitioner: Denise Wallace, Esquire  
Miami-Dade County Public Schools  
1450 Northeast 2nd Avenue  
Suite 400  
Miami, Florida 33132

For Respondent: Stephen J. Starr, Jr., pro se  
1900 South Treasure Drive, #1-H  
North Bay Village, Florida 33141

STATEMENT OF THE ISSUE

Whether the Respondent committed the violations alleged in the letter from the Petitioner dated August 22, 2002, and in the Notice of Specific Charges filed October 12, 2002, and, if so, whether dismissal from employment is the appropriate penalty.

PRELIMINARY STATEMENT

In a letter dated August 22, 2002, the Miami-Dade County School Board ("School Board") notified Stephen J. Starr, Jr., that the School Board had taken action at its August 21, 2002, meeting to suspend him and initiate dismissal proceedings against him for gross insubordination, misconduct in office, and violation of School Board Rule 6Gx13-4A-1.21, Responsibilities and Duties. Mr. Starr timely requested an administrative hearing, and the School Board forwarded the matter to the Division of Administrative Hearings for assignment of an administrative law judge.

On October 21, 2002, the School Board filed its Notice of Specific Charges, in which it included 26 paragraphs of factual allegations to support its contention that Mr. Starr's employment with the School Board should be terminated. The School Board included three counts in the Notice of Specific Charges to support its contention that it has just cause to terminate Mr. Starr's employment: In Count I of the Notice of Specific Charges, the School Board incorporated all 26 paragraphs of factual allegations and charged that Mr. Starr's conduct, as described in these paragraphs, constituted a violation of School Board Rule 6Gx13-4A-1.21; in Count II, the School Board incorporated all 26 paragraphs of factual allegations and charged that Mr. Starr's conduct

constituted gross insubordination; and, in Count III, the School Board incorporated all 26 paragraphs of factual allegations and charged that Mr. Starr's conduct constituted misconduct in office.

At the hearing, the School Board presented the testimony of Alvin Brennan, Ph.D., Principal of Lake Stevens Middle School ("Lake Stevens"); Arnold Montgomery, Assistant Principal of Lake Stevens; and Barbara Moss, District Director of the School Board's Office of Professional Standards. Petitioner's Exhibits 1, 2, 5 through 7, 9, and 12 were offered and received into evidence. Mr. Starr testified in his own behalf, and Respondent's Exhibit 1 was offered and received into evidence. At the School Board's request, official recognition was taken of Section 231.36, Florida Statutes (2002),<sup>1</sup> and Rules 6B-4.009 and 6B-1.001, Florida Administrative Code.

The two-volume transcript of the proceedings was filed with the Division of Administrative Hearings on January 20, 2003, and the School Board timely filed proposed findings of fact and conclusions of law. Mr. Starr did not file a post-hearing proposal.

#### FINDINGS OF FACT

Based on the oral and documentary evidence presented at the final hearing and on the entire record of this proceeding, the following findings of fact are made:

1. The School Board is a duly-constituted school board charged with the duty to operate, control, and supervise all free public schools within the School District of Miami-Dade County, Florida. Article IX, Florida Constitution; Section 230.03, Florida Statutes (2002).

2. At the times material to this proceeding, Mr. Starr was employed by the School Board as a social studies teacher at Lake Stevens. After receiving a degree in political science from Loyola University, Mr. Starr enrolled in the social studies education program at Florida International University. Mr. Starr completed this program in the summer of 1998 and applied for a teaching position with the Miami-Dade County public school system. He was hired as a substitute teacher and placed in a substitute teacher pool so that he worked at various schools, and he also taught in the Adult Education Program at North Miami Senior High School.

3. Dr. Alvin Brennan became the principal of Lake Stevens in January 2000. In or around November 2000, he hired Mr. Starr to teach social studies at Lake Stevens.

4. At the times material to this proceeding, Arnold Montgomery was the assistant principal at Lake Stevens who, among other duties, supervised the social studies program, observed teachers' classroom performance, and acted as a

resource person regarding curriculum, instructional, and academic issues at the school.

5. In a Teacher Assessment and Development System Post-Observation Report dated January 18, 2001, Dina Carretta, an assistant principal at Lake Stevens, rated Mr. Starr acceptable in all six categories of the Teacher Assessment and Development System evaluation instrument.

Mr. Starr's failure to keep a standard grade book.

6. In early November 2001, Dr. Brennan learned that the State Department of Education intended to include Lake Stevens in a Full-Time Equivalency audit. The grade books of the teachers at Lake Stevens were to be reviewed as part of the audit to ensure that Lake Stevens accurately reported its full-time equivalents to the district so that the State could ultimately determine the accuracy of the number of full-time equivalents reported by the various school districts to the State.

7. On or about November 2, 2001, Dr. Brennan instructed all of the teachers at the school to turn over their grade books to him for review so that he could prepare for the audit. It is one of the responsibilities of a teacher to maintain a grade book that contains the attendance record and grades for each student in his or her classes.

8. Mr. Starr did not submit a grade book to Dr. Brennan in response to this instruction, and Dr. Brennan called Mr. Starr to his office and directed him to turn over his grade book. Mr. Starr told Dr. Brennan that he was experimenting with a computerized grade book and that only he could understand it.<sup>2</sup> Dr. Brennan explained to Mr. Starr that each teacher is required to keep complete and accurate grade books because funding is dependent on the number of students attending a school and because grade books are official documents that must be produced to parents who ask about their children's grades and attendance. Mr. Starr still did not provide his grade book to Dr. Brennan as instructed.

9. During roughly this same timeframe, Mr. Montgomery began preparations for an observation of Mr. Starr's classroom performance in accordance with the Professional Assessment and Comprehensive Evaluation System ("PACES"), which is a tool for evaluating teachers that came into use in the Miami-Dade County public school system in or about 1999. Mr. Montgomery intended to conduct an observation of Mr. Starr's classroom in late November 2001, and, in accordance with procedure, Mr. Montgomery scheduled a pre-observation conference with Mr. Starr for November 19, 2001.

10. In the notice of the pre-observation conference, Mr. Montgomery asked Mr. Starr to bring his grade book, lesson

plans, and three student folders to the conference. Mr. Starr did not attend the pre-observation conference and did not provide the materials that Mr. Montgomery had requested.

11. Mr. Montgomery followed up with Mr. Starr and asked him again to provide the requested documents; Mr. Starr responded that he would provide the documents, including the grade book, at a later time. Mr. Starr did not provide his grade book to Mr. Montgomery prior to or at the November 26, 2001, observation.

12. Dr. Brennan held a Conference-for-the-Record with Mr. Starr on December 7, 2001, to discuss Mr. Starr's failure to comply with Dr. Brennan's directive to provide him with a proper grade book; Ms. Carretta was also in attendance. It is noted in the Summary of the Conference-for-the-Record, dated December 13, 2001, that Mr. Starr was asked whether the United Teachers of Dade represented him, and he responded that he was not a member of the union.

13. In the Summary of the Conference-for-the-Record, Dr. Brennan recorded that the purpose of the conference was to discuss Mr. Starr's non-compliance with School Board Rule 6Gx13-4-1.21 and with administrative directives requiring that he properly maintain a grade book. Dr. Brennan explained to Mr. Starr during the conference the importance of maintaining a grade book to record daily attendance and grades for his

students and advised him that one of his responsibilities as a teacher was to maintain a proper grade book.

14. At the December 7, 2001, Conference-for-the-Record, Dr. Brennan advised Mr. Starr that, although there were authorized computer grade book programs, the program with which Mr. Starr was experimenting was not authorized. Dr. Brennan directed Mr. Starr not to use any computerized or computer-assisted grade books without first obtaining Dr. Brennan's approval and instructed him to ask Arnold Montgomery, an assistant principal at Lake Stevens, to help him set up and maintain a standard grade book.

15. Mr. Starr did not believe that he was required to get Dr. Brennan's approval for the use of a computer grade book "right off the bat."<sup>3</sup> In his view, the rules provided that Dr. Brennan had the authority to demand that he not use a computer grade book but that the School Board allowed computer grade books in general.

16. Mr. Starr continued to use his computerized "grade book," and he did not provide a grade book to Dr. Brennan or to Mr. Montgomery during the 2001-2002 school year, despite being instructed to do so on numerous occasions.<sup>4</sup> At some point, Mr. Starr provided Dr. Brennan with sheets of paper that Mr. Starr identified as his computerized grade book, but



Dr. Brennan was unable to understand the documents that Mr. Starr presented to him.

Mr. Starr's failure to adhere to Lake Stevens' discipline plan.

17. Currently, and at the times pertinent to this proceeding, Lake Stevens has in place a discipline plan developed by the school's Discipline Committee pursuant to which teachers are required to go through five steps before taking the sixth step of requesting administrative action with respect to students who presented discipline problems. This six-step discipline plan has the approval of the teachers and administrators at Lake Stevens.

18. Pursuant to the plan, the teachers at Lake Stevens are grouped into teams of six teachers, who work in collaboration in carrying out each step of the six-step discipline plan. It is Dr. Brennan's responsibility to ensure that the six-step discipline plan is implemented.

19. The main elements of the six-step discipline plan are as follows: When a student misbehaves in a teacher's classroom, the teacher first initiates a discussion about the student at the daily team meeting to determine whether any other teachers on the team have a problem with that student. If necessary, the team moves to the second step, which requires that the team conduct a conference with the parent(s) of the student. If the problem still is not resolved, the third step is initiated and

the student is required to confer with a school counselor. The fourth step in the six-step plan requires that the student meet with both the school counselor and the team. The fifth step is a parent/student conference with the school counselor and the team. If the problem has not been resolved after these five steps have been completed, the team then moves to the sixth step and the teacher is permitted to complete a referral sending the student to a school administrator for intervention.<sup>5</sup>

20. The referral must be routed through the team leader. Once the team leader approves a referral, the team leader meets with the administrator for the particular grade-level, and they decide the appropriate punishment for the student. If a teacher refers a student for administrative action before the first five steps in the plan are completed, the team leader sends the referral back to the teacher with instructions to follow the appropriate procedure.

21. According to Mr. Starr, there was chaos in his classroom by December 2001. Prior to this time, he had spoken with Dr. Brennan about the problems he was having maintaining discipline, and Dr. Brennan told him he needed to learn to handle the problems himself. Dr. Brennan insisted that Mr. Starr strictly adhere to the six-step discipline plan, and Dr. Brennan refused to provide direct assistance to Mr. Starr even though Mr. Starr repeatedly requested his assistance. In

Dr. Brennan's view, it is the teacher's responsibility to manage the learning environment, and it is not the responsibility of the principal to help the teachers maintain discipline in their classrooms.

22. To this end, Dr. Brennan encouraged Mr. Starr to work with the team of teachers on his grade level on a daily basis for assistance in managing his classroom. In addition, Dr. Brennan directed Mr. Starr to discuss techniques for classroom management with the members of a Professional Growth Team that was appointed in December 2001 to assist Mr. Starr and with Mr. Montgomery, who was available to assist Mr. Starr.

23. Mr. Starr resisted all efforts to assist him in managing his classroom. Mr. Starr absolutely refused to adhere to the six-step discipline plan during the entire 2001-2002 school year and repeatedly prepared referrals and sent students to the administrative offices without having completed even the first step of the six-step plan. Mr. Starr did not attend team meetings and isolated himself from the team. Because of his refusal to work with his team, it was very difficult for anyone to help Mr. Starr deal with students that he considered disruptive and defiant.

24. Mr. Starr refused to adhere to the six-step discipline plan because he disagrees with the philosophy of the plan; he believes that misbehavior must be addressed with immediate

consequences and that, because it took days to complete the five steps required before a referral could be made, the plan reinforced his students' perceptions that there were no consequences to defiance and disruption in his classroom.<sup>6</sup>

25. Mr. Montgomery had numerous conferences with Mr. Starr about his failure to follow the six-step discipline plan, specifically about his not following the first five steps in the plan, but, rather, going directly to the sixth step and referring misbehaving students to Dr. Brennan's office. Mr. Starr told Mr. Montgomery periodically throughout the 2001-2002 school year that the six-step discipline plan did not work for him and that he was not going to follow the plan.

26. Mr. Starr described the conditions in his classroom in a memorandum to Dr. Brennan dated March 5, 2002:

The situation in my classroom has become dangerous and untenable due to rampant student defiance. Students no longer obey what the instructor directs them to do, and they are no longer in compliance with any class rules. Lesson objectives are not being met due to the chaos, and there is a potential that student[s] may be injured.

Mr. Starr referred in his memorandum to a number of "management referrals" that he contended had not been processed by the administration, and he attributed the chaos in his classroom to "administrative neglect." Mr. Starr concludes his memorandum by stating: "The weakness in my management is due to lack of

administrative support because of inadequate follow-up."

Mr. Starr sent copies of this memorandum to the district office, the regional superintendent and the district superintendent of schools.<sup>7</sup>

27. Dr. Brennan responded to Mr. Starr's memorandum by discussing the situation in Mr. Starr's classroom with the administrator handling discipline matters for the sixth grade;<sup>8</sup> during the discussion, Dr. Brennan "question[ed] the validity of the statements that Mr. Starr was making in his letter."<sup>9</sup>

Dr. Brennan then referred Mr. Starr to the leader of his team and to the grade-level administrator for the sixth grade for a review of the six-step discipline plan. Dr. Brennan also instructed Mr. Starr to work with his team on discipline problems.

28. Dr. Brennan found it very difficult to assist Mr. Starr, however, because, in Dr. Brennan's view, Mr. Starr resisted all of the administration's efforts to help him with the discipline problems in his classroom and refused to implement the six-step discipline plan. In addition, many of the students identified by Mr. Starr as discipline problems were not causing problems for any of the other teachers on Mr. Starr's team.

Mr. Starr's refusal to complete prescriptive activities.

29. Mr. Starr was in his second year of an annual contract during the 2001-2002 school year and was, therefore, considered a new teacher subject to two formal PACES observations each year.

30. Whenever a PACES observation is scheduled, the teacher is notified at least a week in advance, and a pre-observation conference is scheduled. The teacher is told to bring to the pre-observation conference his or her grade book, lesson plans, and other materials for review so that everything will be in order at the time of the observation, and the teacher and the administrator who is to conduct the observation discuss the observation procedures.

31. Currently, and at the times material to this proceeding, new teachers at Lake Stevens are given a "free" observation, if necessary, in addition to the two required formal observations. The purpose of the free observation is to allow the administrator observing the teacher to identify the teacher's deficiencies, to discuss the deficiencies with the teacher, and to provide the teacher with assistance to remedy the deficiencies prior to the formal observation. A teacher who has deficiencies in the first observation is given a week or more to work on correcting any deficiencies before an official observation is conducted.

32. Mr. Montgomery scheduled a PACES observation of Mr. Starr's classroom performance for November 26, 2001. In preparation for this observation, Mr. Montgomery scheduled a pre-observation conference for November 19, 2002, and he directed Mr. Starr to bring with him to the meeting his grade book, his lesson plans, and three student folders. As noted above in paragraph 10, Mr. Starr did not attend the conference, and he did not produce any of the materials requested by Mr. Montgomery. Mr. Montgomery, therefore, did not have an opportunity to review these items prior to the observation.

33. Mr. Montgomery determined during the PACES observation on November 26, 2001, that Mr. Starr's classroom performance was deficient in a number of the components of the PACES evaluation instrument. Mr. Montgomery attributed these deficiencies in large part to Mr. Starr's failure to have a lesson plan prepared for his classes and to his inability to manage his classroom.

34. Had Mr. Starr's classroom performance been acceptable during the November 26, 2001, observation, that observation would have been considered his formal PACES observation. Mr. Starr's classroom performance had serious deficiencies, however, and the November 26, 2001, observation was treated as a "free" observation.

35. Mr. Montgomery met with Mr. Starr after the November 26, 2001, observation, discussed the deficiencies in

his classroom performance, and instructed him to provide the grade book, lesson plans, and student folders that Mr. Montgomery had previously requested before the formal PACES observation of his classroom performance.

36. Mr. Montgomery conducted a formal observation of Mr. Starr's classroom performance on December 3, 2001, after having given Mr. Starr one week's notice. Mr. Starr again failed to provide his grade book, lesson plans, or student folders, and Mr. Montgomery found his classroom performance deficient in five out of the seven PACES domains: Mr. Montgomery found that Mr. Starr was deficient in planning for teaching and learning; managing the learning environment; enabling thinking; classroom-based assessment of learning; and professional responsibility.<sup>10</sup>

37. On or about December 13, 2001, Mr. Montgomery and Dr. Brennan conferred with Mr. Starr to discuss his December 3, 2001, observation. Mr. Starr was provided with a copy of the observation and was told to work with a Professional Growth Team for assistance in correcting the deficiencies in his classroom performance. He was also directed to work with a buddy, a peer, and a master teacher to learn how to set up a grade book and to learn what must be included in a lesson plan.

38. A Professional Growth Team consists of two teachers, one selected by the teacher and one selected by Dr. Brennan.



Mr. Starr selected Ms. Davis and Dr. Brennan selected Ms. Scriven-Husband as members of the Professional Growth Team.<sup>11</sup> Dr. Brennan gave Ms. Davis and Ms. Scriven-Husband a general outline of Mr. Starr's deficiencies and advised them of the areas in which they were to work with Mr. Starr. The work of the Professional Growth Team was done under the supervision of Dr. Brennan, and he was advised that Mr. Starr was not completing the tasks given him by the Professional Growth Team.

39. One of the items Mr. Starr was to produce for the Professional Growth Team was a long-range plan. Dr. Brennan wanted Mr. Starr to produce a long-range plan so the Professional Growth Team could determine whether he knew how to plan a lesson. Dr. Brennan was advised that Mr. Starr did not provide such a plan to the Professional Growth Team. When Dr. Brennan questioned Mr. Starr about the plan, Mr. Starr replied that he intended to prepare it over the Christmas holidays. Dr. Brennan told him to provide the plan by the end of the day; Mr. Starr did not do so.

40. Mr. Montgomery scheduled an informal observation of Mr. Starr's classroom performance on or about February 8, 2002. Mr. Montgomery had spoken periodically with members of Mr. Starr's Professional Growth Team between the December 3, 2001, and February 8, 2002, observations and had been advised that Mr. Starr had not provided the Professional Growth Team

with his grade book, lesson plans, or student folders and that Mr. Starr had not sought the team's assistance in correcting the deficiencies identified in the December 3, 2001, observation.

41. Mr. Montgomery again instructed Mr. Starr to provide his grade book, lesson plans, and student folders prior to the February 2002 observation. In response to this instruction, Mr. Starr advised Mr. Montgomery that he used an electronic grade book and that his lesson plans were on his Palm Pilot because he felt that he had more flexibility using these tools than trying to work with written documents. Mr. Montgomery told Mr. Starr to provide hard copies of the lesson plans and the grade book, as required by the Miami-Dade County public school system procedures; Mr. Starr did not provide the requested documents to Mr. Montgomery.

42. Mr. Montgomery observed numerous deficiencies in Mr. Starr's classroom performance during the February 8, 2002, observation, and Mr. Montgomery discussed the results of the observation with Dr. Brennan.

43. Mr. Montgomery conducted a formal observation of Mr. Starr's classroom performance on March 1, 2002. Again, Mr. Montgomery noted a number of deficiencies in Mr. Starr's classroom performance, specifically in seven components of Domain I, Planning for Teaching and Learning; eight components of Domain II, Managing the Learning Environment; two components

of Domain V, Enabling Thinking; and one component of Domain VI, Classroom-Based Assessment of Learning.

44. Dr. Brennan discussed the results of the March 1, 2002, observation with Carnel White, the Region Superintendent for Lake Stevens, who instructed Dr. Brennan to proceed to develop a Professional Improvement Plan.<sup>12</sup> Dr. Brennan was, by this time, certain that Mr. Starr was not going to correct the deficiencies in his classroom performance, since the deficiencies noted in the March 1, 2002, observation were the same deficiencies noted in previous observations.

45. Mr. Starr met with Dr. Brennan and Mr. Montgomery in a Conference-for-the-Record on March 15, 2002, to discuss the results of the March 1, 2002, observation.<sup>13</sup> An extensive Professional Improvement Plan was developed for Mr. Starr during the Conference-for-the-Record: Mr. Starr was required to complete course work for Domains I, II, V, and VI; he was required to discuss with the Professional Growth Team 17 assigned readings and to submit written summaries of these readings to Dr. Brennan for his approval; and he was required to discuss with Dr. Brennan and identify for him techniques and strategies for 14 components in which he was deficient, to apply the new techniques and strategies, and to maintain and submit to Dr. Brennan logs charting the successes and failures in his application of these new classroom techniques and strategies.

All of the courses and plan activities in the Professional Improvement Plan were to be completed by April 9, 2002.<sup>14</sup>

46. Mr. Starr was advised at the March 15, 2002, Conference-for-the-Record that he should speak to Mr. Montgomery if he had any concerns about the Professional Improvement Plan.

47. Mr. Starr did not complete the plan activities set forth in the Professional Improvement Plan by the April 9, 2002, deadline. On April 9, 2002, Dr. Brennan called Mr. Starr to the office to ask him to submit the written plan activities required by the Professional Improvement Plan; although Mr. Starr presented himself at the main office, he refused to go into Dr. Brennan's office to meet with him. According to Dr. Brennan, Mr. Starr also advised him at this time that he did not intend to comply with any further administrative directives.

48. On April 10, 2001, after conferring with Dr. Brennan, Mr. White placed Mr. Starr in an alternate work assignment at his residence, pending a district-level Conference-for-the-Record requested by Mr. White. The district-level Conference-for-the-Record was held at the Office of Professional Responsibilities on April 12, 2002, to discuss Mr. Starr's failure to comply with the Professional Improvement Plan; his insubordination; his violation of Rule 6B-1.001, Florida Administrative Code; and his future employment status with the School Board.

49. The April 12, 2002, Conference-for-the-Record was conducted by Barbara Moss, District Director of the Office of Professional Standards, and Ms. Moss prepared a Summary of the Conference-for-the-Record dated May 3, 2002. In the summary, Ms. Moss noted that, prior to the conference, Mr. Starr asked to bring an attorney to the Conference-for-the-Record and to tape the proceedings and that he was told that attorneys and tape recordings were not permitted. Ms. Moss also noted that Mr. Starr accused Dr. Brennan of harassing him and that she discussed with Mr. Starr the procedure for reporting harassment and gave him an Equal Employment Opportunity packet. Ms. Moss further noted that Mr. Starr stated that he wanted to file a grievance against Dr. Brennan and that she explained the procedure for filing a grievance and gave him a copy of the Contract between the Miami-Dade County Public Schools and the United Teachers of Dade, which contained the formal union grievance procedure. Mr. Starr was not, however, a union member and did not have access to this procedure.

50. Mr. Starr's failure to comply with the plan activities specified in the Professional Improvement Plan dated March 15, 2002, was discussed at the April 12, 2002, Conference-for-the-Record. It is reported in the summary that Mr. Starr stated that he believed the evaluation process was designed to make him fail and that there was a conspiracy against him.

51. According to the Summary of the Conference-for-the-Record, Mr. Starr confirmed during the conference that he had told Dr. Brennan that he wouldn't comply with Dr. Brennan's directives, explaining that he defied Dr. Brennan because Mr. Starr perceived that Dr. Brennan was abusive and belligerent in his dealings with him. The summary also reflects that Mr. Starr's failure to provide Dr. Brennan with a student grade book and with attendance records was specifically discussed at the Conference-for-the-Record.

52. The summary of the April 12, 2002, Conference-for-the-Record reflects that Mr. Starr was issued the following directives: He was directed to comply with all administrative directives; to complete all Professional Improvement Plan activities and to submit them to Dr. Brennan by the end of the workday on April 15, 2002; to maintain a grade book, a record of students' attendance, and lesson plans; and to implement Lake Stevens' discipline plan to effect classroom management. Mr. Starr was also told to submit to Dr. Brennan by April 15, 2002, an updated grade book and student attendance records. Finally, Mr. Starr was advised that he could return to Lake Stevens and resume his teaching duties on April 15, 2002.

53. Mr. Starr indicated at the conclusion of the April 12, 2002, Conference-for-the-Record that he would comply with the directives.

54. Finally, Mr. Starr requested at the April 12, 2002, district-level Conference-for-the-Record that Mr. White order Dr. Brennan to relieve him of the sixth period class, stating, according to the summary, that he was not capable of teaching six periods. Mr. White instructed Dr. Brennan to assign the sixth period to another teacher, which Dr. Brennan did.<sup>15</sup>

55. When Dr. Brennan did not receive Mr. Starr's completed Professional Improvement Plan activities by April 15, 2002, he extended the deadline to April 16, 2002. Mr. Starr did not provide the materials on April 16, 2002, and Dr. Brennan summoned Mr. Starr to his office.<sup>16</sup>

56. According to Dr. Brennan, Mr. Starr was disruptive when he arrived at the administrative offices in response to Dr. Brennan's summons on April 16, 2002. Mr. Starr announced in the main office, in front of several members of the school staff, that he was not going into Dr. Brennan's office, and he told Dr. Brennan not to summon him to Dr. Brennan's office again.<sup>17</sup>

57. Dr. Brennan telephoned Ms. Moss on April 16, 2002, after this incident, and advised her that Mr. Starr "had been blatant in his insubordination" and that either Mr. Starr would have to leave the Lake Stevens campus or he, Dr. Brennan, would leave.<sup>18</sup>

58. On April 17, 2002, Dr. Brennan conducted a PACES observation of Mr. Starr for his annual evaluation. The Observation Form for Annual Evaluation indicates that Dr. Brennan observed Mr. Starr's classroom performance from "12:30 to 12:50."<sup>19</sup> Mr. Starr again failed to have a lesson plan, and Dr. Brennan found that Mr. Starr was deficient in every component of the six PACES domains evaluated. The evaluation form reflects that a post-observation meeting was held on April 19, 2002, at which time Mr. Starr signed the evaluation form and wrote on the form that he did not agree with the evaluation.

59. On April 18, 2002, Dr. Brennan issued a notice advising Mr. Starr that a Conference-for-the-Record had been scheduled for April 22, 2002, to discuss Mr. Starr's failure to comply with the Professional Improvement Plan, gross insubordination, violation of the Code of Ethics and Principles of Professional Conduct of the Education Profession in Florida, and violation of School Board Rule 6Gx13-4A-1.21.

60. According to the Summary of the Conference-for-the-Record, the conference was held in Mr. Starr's absence because of "his refusal to comply with an administrative directive." Dr. Brennan referred in the summary to Mr. Starr's "refusal to report to the principal's office" and categorized the refusal as insubordination and conduct unacceptable for a School Board



employee. Assistant Principal Dina Carretta was the only person other than Dr. Brennan attending the Conference-for-the-Record.

61. During the April 22, 2002, Conference-for-the-Record, Dr. Brennan prepared a Professional Improvement Plan for PACES Domain VII, Professional Responsibilities, having found Mr. Starr deficient in that domain, because he failed to comply with the March 15, 2002, Professional Improvement Plan; failed to submit by the required date the activities set out in the Professional Improvement Plan; and failed to comply with "district and school site requirements regarding grade book and student's attendance records."

62. Mr. White again placed Mr. Starr on alternate work assignment at his residence, effective April 24, 2002. Ms. Moss included in the Summary of the Conference-for-the-Record held April 12, 2002, which she prepared on May 3, 2002, a notation that, on or about April 24, 2002, she spoke with Mr. Starr and advised him that he could resign his position if he did not wish to comply with administrative directives and the Professional Improvement Plan activities. According to the notation in the summary, Mr. Starr again affirmed that he would comply with the directives and the plan activities.

63. After she prepared the summary of the April 12, 2002, Conference-for-the-Record, Ms. Moss submitted it to the School Board's attorneys for review because Dr. Brennan and Mr. White

had recommended that Mr. Starr's employment with the Miami-Dade County public school system be terminated. The bases for the termination recommendation included gross insubordination, violation of School Board rules, and violation of the Code of Ethics of the Education Profession.

64. In July 2002, after it was decided that a recommendation would be made to the School Board that Mr. Starr be terminated as a teacher with the Miami-Dade County public school system, Ms. Moss met with Mr. Starr to advise him of the recommendation; she also gave Mr. Starr another opportunity to resign his position, which he refused.

Summary.

65. The evidence presented by the School Board is sufficient to establish with the requisite degree of certainty that Mr. Starr repeatedly refused to comply with directives and instructions from Dr. Brennan and Mr. Montgomery that were reasonable and within the scope of their authority and that, in at least one instance, Mr. Starr openly and publicly defied an order given by Dr. Brennan. Mr. Starr freely admits that there was a serious lack of discipline among the students in his classroom and that the problems were so severe that he was unable to teach and the students were unable to learn. Mr. Starr also admits that he defied Dr. Brennan in almost everything that Dr. Brennan directed him to do and that he was

repeatedly insubordinate towards Dr. Brennan. Although Mr. Starr's defiance of Dr. Brennan's directives consisted, for the most part, of a stubborn refusal to do as Dr. Brennan directed, Mr. Starr did cause a public disturbance in the main office by refusing to enter the principal's office when summoned on April 16, 2002, thereby openly defying Dr. Brennan's authority to summon Mr. Starr to his office. Mr. Starr's refusal to comply with reasonable administrative directives and his blatant defiance of Dr. Brennan reflected discredit on Mr. Starr as a teacher.

66. The evidence is also sufficient to establish with the requisite degree of certainty that, from December 2001, until he was removed from the classroom on April 24, 2002, Mr. Starr did not make any effort to work with Mr. Montgomery or with his Professional Growth Team to improve his teaching and class management deficiencies, nor did he make any effort to complete the activities set forth in the Professional Improvement Plan that were designed to assist him in achieving professional growth. Mr. Starr's failure to strive for professional growth by working to correct the deficiencies identified in Mr. Montgomery's December 3, 2001, and March 1, 2002, observations negatively affected his ability to teach his students.

67. Mr. Starr refuses to accept responsibility for the lack of discipline in his classroom. Rather, he faults Dr. Brennan for failing to help him impose discipline on those students who were misbehaving and defying Mr. Starr's authority. According to Mr. Starr, the six-step discipline plan did not work, and, once the students realized that there were no consequences if they behaved badly, it was impossible for him to manage the students in his classes. Mr. Starr also believes that, if Dr. Brennan cared about Mr. Starr's professional development, Dr. Brennan would have "developed a specific strategy of corrective action for students that were defiant" towards him.<sup>20</sup>

68. Mr. Starr considers his defiance of and insubordination towards Dr. Brennan "principled," and he believes that he had "no other reasonable recourse" but was forced by Dr. Brennan to defy Dr. Brennan's administrative directives.<sup>21</sup> Additionally, Mr. Starr justifies his refusal to complete the Professional Improvement Plan activities, to keep a standard grade book, to adhere to the six-step discipline plan, and to prepare lesson plans on the grounds that Dr. Brennan behaved towards him in an abusive and belligerent manner and attempted to set him up for termination. It may well be, as Mr. Starr contends, that Dr. Brennan began losing patience with Mr. Starr, as the 2001-2002 school year progressed; it may well

be that Dr. Brennan's manner towards Mr. Starr became increasingly abrupt; and it may well be that Dr. Brennan could have provided Mr. Starr with more assistance than he was willing to provide. Whatever Dr. Brennan's failings as Mr. Starr's principal, however, Mr. Starr was not justified in defying Dr. Brennan, in refusing to obey Dr. Brennan's directives, and in generally behaving in a manner inappropriate for a teacher.

#### CONCLUSIONS OF LAW

69. The Division of Administrative Hearings has jurisdiction over the subject matter of this proceeding and of the parties thereto pursuant to Sections 120.569 and 120.57(1), Florida Statutes (2002).

70. Because this case is a proceeding to terminate Mr. Starr's employment with the School Board and does not involve the loss of a license or certification, the School Board has the burden of proving the allegations in the Notice of Specific Charges by a preponderance of the evidence. McNeill v. Pinellas County School Board, 678 So. 2d 476 (Fla. 2d DCA 1996); Allen v. School Board of Dade County, 571 So. 2d 568, 569 (Fla. 3d DCA 1990); Dileo v. School Board of Lake County, 569 So. 2d 883 (Fla. 3d DCA 1990).

71. The preponderance of the evidence standard requires proof by "the greater weight of the evidence," Black's Law Dictionary 1201 (7th ed. 1999), or evidence that "more likely

than not" tends to prove a certain proposition. See Gross v. Lyons, 763 So. 2d 276, 289 n.1 (Fla. 2000)(relying on American Tobacco Co. v. State, 697 So. 2d 1249, 1254 (Fla. 4th DCA 1997) quoting Bourjaily v. United States, 483 U.S. 171, 175 (1987)).

72. Section 230.23(5), Florida Statutes (2001), provides that a school board has the power to suspend and dismiss employees as follows:

(f) Suspension and dismissal and return to annual status.--Suspend, dismiss, or return to annual contract members of the instructional staff and other school employees; however, no administrative assistant, supervisor, principal, teacher, or other member of the instructional staff may be discharged, removed or returned to annual contract except as provided in chapter 231.

73. Prior to his suspension, Mr. Starr was employed with the School Board under an annual contract as a second-year teacher. Section 231.36, Florida Statutes (2001), provides in pertinent part:

(1)(a) Each person employed as a member of the instructional staff in any district school system shall be properly certificated pursuant to s. 231.17 or employed pursuant to s. 231.1725 and shall be entitled to and shall receive a written contract as specified in chapter 230. All such contracts, except continuing contracts as specified in subsection (4), shall contain provisions for dismissal during the term of the contract only for just cause. Just cause includes, but is not limited to, the following instances, as defined by rule of the State Board of Education: misconduct in

office, incompetency, gross insubordination, willful neglect of duty, or conviction of a crime involving moral turpitude.

\* \* \*

(6)(a) Any member of the instructional staff, excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract for just cause as provided in paragraph (1)(a). . . .

74. In Count I of the Notice of Specific Charges, the School Board charged Mr. Starr with violating School Board Rule 6Gx13-4A-1.21, Responsibilities and Duties, by engaging in conduct unbecoming a School Board employee. Rule 6Gx13-4A-1.21 provides in pertinent part:

I. Employee conduct.

All persons employed by The School Board of Miami-Dade County, Florida, are representatives of the Miami-Dade County Public Schools. As such, they are expected to conduct themselves, both in their employment and in the community, in a manner that will reflect credit upon themselves and the school system.

Unseemly conduct or the use of abusive and/or profane language in the workplace is expressly prohibited.

75. Based on consideration of the elements that must be proven to establish a violation of School Board Rule 6Gx13-4A-1.21 and on the findings of fact herein, it is concluded that the School Board has satisfied its burden of proof by a preponderance of the evidence that Mr. Starr engaged in conduct

in his employment that did not reflect credit on him as a School Board employee.

76. In Count II of the Notice of Specific Charges, the School Board charged Mr. Starr with gross insubordination. Rule 6B-4.009(4), Florida Administrative Code, defines "gross insubordination" as "a constant or continuing intentional refusal to obey a direct order, reasonable in nature, and given by and with proper authority." Based on consideration of the elements that must be proven to establish gross insubordination, and on the findings of fact herein, it is concluded that the School Board has satisfied its burden of proof by a preponderance of the evidence that Mr. Starr is guilty of gross insubordination. The record is replete with evidence that Mr. Starr consistently refused to comply with the reasonable directives given him by Dr. Brennan and Mr. Montgomery during the 2001-2002 school year, and, indeed, Mr. Starr admits that he willfully defied Dr. Brennan's directives on numerous occasions.

77. In Count III of the Notice of Specific Charges, the School Board charged Mr. Starr with misconduct in office, which is defined in Rule 6B-4.009, Florida Administrative Code, as follows:

(3) Misconduct in office is defined as a violation of the Code of Ethics of the Education Profession as adopted in Rule 6B-1.001, FAC., and the Principles of Professional Conduct for the Education



Profession in Florida as adopted in Rule 6B-1.006, FAC., which is so serious as to impair the individual's effectiveness in the school system.

78. Based on the representation of the School Board at the final hearing, the School Board's charge that Mr. Starr committed misconduct in office is predicated on allegations that he violated Rule 6B-1.001(1),(2) and/or (3), Florida Administrative Code.<sup>22</sup> Rule 6B-1.001, Florida Administrative Code, the Code of Ethics of the Education Profession, provides:

(1) The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.

(2) The educator's primary professional concern will always be for the student and for the development of the student's potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.

(3) Aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.

79. Based on consideration of the elements that must be proven to establish misconduct in office, and on the findings of fact herein, it is concluded that the School Board has satisfied its burden of proof by a preponderance of the evidence that

Mr. Starr committed misconduct in office. The School Board has proven by the greater weight of the evidence that Mr. Starr consistently refused to take advantage of the assistance offered to him to improve his classroom performance and that he, therefore, failed to strive for professional growth.

Mr. Starr's refusal to comply with administrative directives and with the activities set forth in the Professional Improvement Plan dated March 15, 2002, constitute violations of Department of Education Rule 6B-1.001(2), Florida Administrative Code.

80. The offense of misconduct in office has two elements, however. In order to prove that Mr. Starr is guilty of misconduct in office, the School Board must also prove that the violations of Rule 6B-1001(2), Florida Administrative Code, were so serious that the violations caused Mr. Starr's effectiveness as an employee of the School Board to be impaired. See McNeill v. Pinellas County School Board, 678 So. 2d 476, 477 (Fla. 2d DCA 1996)("The School Board bears the burden of proving, by a preponderance of the evidence, each element of the charged offense which may warrant dismissal.") Based on the findings of fact herein, the School Board has satisfied its burden of proof by a preponderance of the evidence that Mr. Starr's offenses were so serious that his effectiveness as a teacher employed by the School Board was impaired. By his own admission, Mr. Starr's classroom was chaotic by March 5, 2002, rendering it

impossible for him to teach or for the students to learn. By April 17, 2002, when Dr. Brennan performed his annual evaluation of Mr. Starr, Mr. Starr's classroom performance was deficient in every component of every domain of the PACES evaluation, notwithstanding the efforts made during the 2001-2002 school year to assist Mr. Starr in improving his teaching skills.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Miami-Dade County School Board enter a final order

(1) Finding that Stephen J. Starr, Jr., violated School Board Rule 6Gx13-4A-1.21 and committed gross insubordination and misconduct in office;

(2) Sustaining his suspension; and,

(3) Terminating his employment as a teacher with the Miami-Dade County public school system.

DONE AND ENTERED this 31st day of March, 2003, in Tallahassee, Leon County, Florida.

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PATRICIA HART MALONO  
Administrative Law Judge  
Division of Administrative Hearings  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 31st day of March, 2003.

ENDNOTES

- <sup>1</sup>/ Chapters 230 and 231, Florida Statutes were repealed effective January 7, 2003, after the events that gave rise to this proceeding.
- <sup>2</sup>/ Mr. Starr learned of the electronic grade book from colleagues. Mr. Starr could not afford the computer program that his colleagues were using for their grade books, so he set about devising his own using the Excel program and developing his own code to record the students' grades. When he tried to print out the grade book, Mr. Starr had problems translating his code into grades and so was unable to generate an intelligible hard copy of the grade book.
- <sup>3</sup>/ Transcript at page 318.
- <sup>4</sup>/ Mr. Starr testified that, although he never provided a grade book to Dr. Brennan, he did prepare a standard grade book, that he showed the grade book to "them" in December 2001, and that Mr. Montgomery approved the grade book. Having considered this testimony and the testimony of Mr. Montgomery that he never received a grade book from Mr. Starr, Mr. Starr's testimony is rejected as not persuasive.
- <sup>5</sup>/ A "referral" is an official action taken by a teacher to request administrative intervention with respect to a student who behaves inappropriately in the classroom. The referral is made on an official School Board form, and, once the referral document is submitted, the administrator is required by School Board procedures to respond. The Code of Student Conduct specifies several types of discipline that may be imposed after a referral, including suspension. In most cases, a school administrator will not discipline a student without a teacher referral.
- <sup>6</sup>/ Mr. Starr also thinks the discipline plan was not adopted in accordance with state statutes and School Board rules. Mr. Starr contends that the discipline plan is illegal because it violates Section 232.271, Florida Statutes (2001), by denying teachers the right to remove disruptive students from their classrooms. Even if the six-step discipline plan were not

consistent with the provisions of Section 232.271, Florida Statutes (2001), it is not within the jurisdiction of the Division of Administrative Hearings to determine the legality of the Lake Stevens discipline plan in this proceeding.

<sup>7</sup>/ Mr. Starr testified that he was reluctant to prepare this memorandum because he did not want to go over Dr. Brennan's head; he had hoped that Dr. Brennan would "eventually come around and do something about the defiance in my classroom." Transcript at page 322.

<sup>8</sup>/ Most probably, this administrator was Mr. Montgomery, though Dr. Brennan did not mention by name the administrator to whom he spoke.

<sup>9</sup>/ Transcript at page 56.

<sup>10</sup>/ Mr. Starr testified that, for the December 3, 2001, observation, he "didn't want to put on a show for Mr. Montgomery . . . and I did not give him a lesson plan. I did not give him the three folders that he requested and I continued as I taught, just like how I was teaching everyday, barely getting the kids to sit down." Transcript at page 322. Mr. Starr claims, however, that the students behaved very well during Mr. Montgomery's observations.

<sup>11</sup>/ Mr. Starr describes Ms. Davis as being very helpful and sympathetic towards him, and he testified that he cooperated with her. He objected to Dr. Brennan's appointment of Ms. Scriven-Husband to his Professional Growth Team because they had a bad working relationship. Mr. Starr believes her appointment to his Professional Growth Team was another attempt by Dr. Brennan to ensure Mr. Starr's failure and to set him up for termination.

<sup>12</sup>/ Dr. Brennan first discussed his concerns about Mr. Starr with Mr. White at the monthly meeting held at the School Board's Office of Professional Standards, after Mr. Starr's December 3, 2001, formal observation. Thereafter, Dr. Brennan kept Mr. White informed about certain of Mr. Starr's behaviors that caused Dr. Brennan concern, especially because, in Dr. Brennan's view, these behavior patterns were having a negative impact on Lake Stevens's instructional program. Specifically, Dr. Brennan testified that parents were requesting that Dr. Brennan remove their children from Mr. Starr's classes and place them in the classes of the other sixth-grade social studies teacher.

<sup>13/</sup> Dr. Brennan noted in the Summary of the Conference-for-the-Record that the conference was originally scheduled for March 7, 2002, but could not be held at that time due to Mr. Starr's "unauthorized absences from the workplace" from Thursday, March 7, 2002, through Thursday, March 14, 2002.

<sup>14/</sup> Dr. Brennan advised Mr. Starr at the March 15, 2002, Conference-for-the-Record that his 90-Calendar Day Performance Probation period was to begin the following day and that a determination would be made at the conclusion of the probation period whether he had satisfactorily corrected the performance deficiencies. Mr. Starr's termination was not, however, based on his failure to correct performance deficiencies.

<sup>15/</sup> At the beginning of the 2001-2002 school year, Dr. Brennan asked Mr. Starr to give up his planning period and teach a sixth class in exchange for a supplement to his pay. Mr. Starr had misgivings about accepting the assignment because he considered himself a beginning teacher and felt that he needed his planning period. In spite of his misgivings, Mr. Starr agreed to accept the additional class because he wanted to assist Dr. Brennan.

Mr. Starr stated in his grievance, Respondent's Exhibit 1, that he repeatedly asked Dr. Brennan to relieve him of the additional teaching period so that he would have a planning period and could devote more time to lesson planning and other school duties and that Dr. Brennan repeatedly refused to assign the additional teaching period to another teacher. There is insufficient persuasive evidence in the record to permit this assertion to be the basis for a finding of fact. Rather, the evidence suggests that Mr. Starr apparently believed that, as the school year progressed and it became apparent to Dr. Brennan that Mr. Starr was experiencing more and more difficulties controlling his classroom and presenting his lessons, Dr. Brennan should have taken the initiative and relieved him of the extra class.

<sup>16/</sup> Mr. Starr testified that he refused to complete the Professional Improvement Plan because he believed that Dr. Brennan gave him an insurmountable task in the March 15, 2002, plan, especially since he was teaching six classes and had no planning period and was also acting as chess coach. Mr. Starr interpreted the Professional Improvement Plan as just another instance of abuse by Dr. Brennan.

<sup>17</sup>/ Mr. Starr disputes Dr. Brennan's assessment that he was "disruptive" at his office on April 16, 2002: "I tried to -- well, at this point I was aware that Dr. Brennan was out to fire me and I wasn't necessarily cooperative, but I was not disruptive. I was reasonably in defiance to some of his abusive policies and directives. Particularly, the discipline policy." Transcript at page 330.

<sup>18</sup>/ Transcript at page 280.

<sup>19</sup>/ Appendix B to Respondent's Exhibit 1.

<sup>20</sup>/ Transcript at page 325.

<sup>21</sup>/ Transcript at page 306. Mr. Starr filed a grievance against Dr. Brennan with the School Board's office of Legislative and Labor Relations and Governmental Affairs. The grievance was dated May 28, 2002, and was filed on the School Board's Grievance Form, with a narrative of the bases for Mr. Starr's charges against Dr. Brennan and several other documents included as attachments. Among other things, Mr. Starr charged Dr. Brennan with gross negligence and maleficence toward the students and Mr. Starr, accusing Dr. Brennan of ignoring the "rampant defiance, disorder, and otherwise chaos in my classroom"; he charged Dr. Brennan with violations of the Code of Student Conduct and the Florida School Code, accusing Dr. Brennan of violating laws specifically designed to guarantee rights to teachers in disciplinary matters and of violating the state laws regarding the responsibilities of the Educational Excellence School Advisory Council at Lake Stevens; he charged Dr. Brennan with violations of the state law permitting teachers to send students to the principal's office to maintain effective discipline in the classroom, accusing Dr. Brennan of not allowing him or other teachers to send students to his office when they created problems in the classroom; he charged Dr. Brennan with abuse of power, accusing Dr. Brennan of setting out "predetermined and premeditatedly to fail me in his personal observation" by finding Mr. Starr deficient in every component of all six domains of the PACES annual evaluation after a 20-minute observation and by refusing Mr. Starr's repeated requests that he be relieved of the sixth class he agreed to teach at the beginning of the school year, and he charged Dr. Brennan with harassing him on the basis of his religious and political beliefs. Mr. Starr concluded his complaint with the following: "Throughout this entire year, Principal Brennan has never given me one encouraging word or positive complement

[sic]. Working under his authority has not been in any way uplifting; the atmosphere is one of intimidation and fear." Respondent's Exhibit 1.

In a letter to the Superintendent of the Miami-Dade County public school system dated May 29, 2002, Mr. Starr requested a conference to discuss "the topic of a false visage appearing functionality established by a vindictive leader," and he stated that he had "boldly defied this man [Dr. Brennan] at the risk of my own career. His attitude and treatment towards teachers is demeaning and degrading." Mr. Starr attached a copy of his official grievance to the letter to the Superintendent.

Mr. Starr was aware that his grievance was not a labor matter, but he did not know how to get his complaints heard. Mr. Starr was not a member of the union and, therefore, did not have access to the union grievance procedures. He contends, however, that, had he known about the Whistleblower law, he would have called and gotten help in dealing with Dr. Brennan. Nonetheless, Mr. Starr hoped that someone in the Miami-Dade County public school system who received a copy of his grievance would direct him to the appropriate place to file his complaint, but no one did.

Finally, Mr. Starr prepared a memorandum directed to Ms. Moss dated July 17, 2002, entitled Statement for the Conference-for-the-Record. Mr. Starr prepared this statement for the conference that Ms. Moss scheduled to advise him of the recommendation for his termination mistakenly thinking that it was a formal Conference-for-the-Record. In the memorandum, Mr. Starr states:

Anytime I have acted contrary to a directive of Principal Brennan; the law has been on my side. . . . When after an extended period of abating the very essence of my commission as a Florida Teacher and the Law itself, I should have no recourse but to disobey the cause of the abuse. Therefore, the events that have taken place, my actions, are objective and not rebellious; as Dr. Brennan's directives no longer possess [sic] moral authority.



<sup>22/</sup> The School Board did not identify in Count III of the Notice of Specific Charges the violations on which it predicated its charge that Mr. Starr's conduct constituted misconduct in office. At the hearing, the School Board's attorney was asked to identify the provisions of the Code of Ethics of the Education Profession and of the Principles of Professional Conduct for the Education Profession in Florida on which the School Board based its charge of misconduct in office.

COPIES FURNISHED:

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NOTICE OF RIGHT TO SUBMIT EXCEPTIONS

All parties have the right to submit written exceptions within 15 days from the date of this recommended order. Any exceptions to this recommended order should be filed with the agency that will issue the final order in this case.