

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

BEFORE THE SCHOOL BOARD OF INDIAN RIVER COUNTY, FLORIDA

INDIAN RIVER COUNTY SCHOOL BOARD,

Petitioner,

vs.

DOAH No. 16-0272TTS

JOSEPH NATHANIEL,

Respondent.

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**SCHOOL BOARD FINAL ORDER**

Pursuant to notice, a formal evidentiary hearing was held October 17 through 19, 2016, before the Division of Administrative Hearings by Administrative Law Judge John G. Van Laningham. The subject matter of the hearing was whether Respondent got into an altercation with a student which allegedly involved taunting, pushing and yelling; and, if so, whether such conduct constitutes just cause for Petitioner's dismissing Respondent from his position as a school teacher, as specified in the Charging Letter dated December 18, 2015.

Judge Van Laningham issued a Recommended Order on January 31, 2017. Judge Van Laningham determined Petitioner failed to prove the charges against Respondent and recommended the School Board enter a Final Order exonerating Respondent of all charges brought against him.

Neither party submitted exceptions to the Recommended Order.

FILED  
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DIVISION OF  
ADMINISTRATIVE HEARINGS

Pursuant to §120.57, Florida Statutes, the School Board adopts the Findings of Fact, the Conclusions of Law and the Recommendation contained in the Recommended Order attached hereto. Respondent is exonerated of the charges set out in the December 18, 2015 Charging Letter.

DONE AND ADOPTED by the School Board of Indian River County, Florida this 23<sup>rd</sup> day of February 2017.

**THE SCHOOL BOARD OF INDIAN  
RIVER COUNTY, FLORIDA**

By: Charles G. Searcy  
Charles G. Searcy, Chairman

ATTEST:

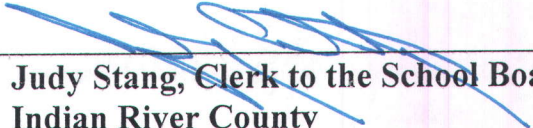
Mark J. Rendell  
Mark J. Rendell, Ed.D., Superintendent

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by regular mail on this 24<sup>th</sup> day of February 2017, to: **John G. Van Laningham, Administrative Law Judge**, Department of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; **Mark J. Rendell, Superintendent, School District of Indian River County**, 6500 57<sup>th</sup> Street, Indian River, Florida 32967; **Jason L. Odom, Esquire, Gould Cooksey Fennell, P.A.**, 979 Beachland Boulevard, Vero Beach, Florida 32963; **Mark Wilensky, Esquire**,

**Dubiner & Wilensky, L.L.C.**, 1200 Corporate Center Way, Suite 200, Wellington, Florida 33414; **Pam Stewart, Commissioner of Education**, Department of Education, Turlington Building, Suite 1514, 325 West Gaines Street, Tallahassee, Florida 32399; and, **Matthew Mears, Esquire, General Counsel**, Department of Education, Turlington Building, Suite 1244, 325 West Gaines Street, Tallahassee, Florida 32399.

By: \_\_\_\_\_

  
**Judy Stang, Clerk to the School Board of  
Indian River County**  
6500 57<sup>th</sup> Street  
Vero Beach, Florida 32967

**NOTICE OF RIGHTS OF APPEAL**

Notice is hereby given that this is a final agency order and a party adversely affected may seek judicial review. Judicial review is sought pursuant to the provisions in §120.68, Florida Statutes. Judicial review shall be sought in the appellate district where the agency maintains its headquarters or where a party resides or as otherwise provided by law. Appellate proceedings are instituted by filing a Notice of Appeal or Petition for Review in accordance with the Florida Rules of Appellate Procedure within 30 days after the rendition of the order being appealed.