

BEFORE THE SCHOOL BOARD OF SARASOTA COUNTY, FLORIDA

SARASOTA COUNTY SCHOOL BOARD,

Petitioner,

DOAH Case No. 19-003135

v.

JOY DEAL,

Respondent,

FINAL ORDER

This action came before the School Board of Sarasota County, Florida ("School Board") for hearing following: (1) issuance of the Recommended Order¹ dated February 11, 2021 by Administrative Law Judge Hetal Desai in *Sarasota County School Board v. Joy Deal, DOAH Case # 19-003135* pursuant to Florida Statute 120.57(1)(k), ("Recommended Order"); (2) the submission of 48 written exceptions to the Recommended Order by Respondent (collectively "Exceptions")², and (3) with consideration of the written responses to Respondent's exceptions filed by Petitioner ("Response to Exceptions")³. The administrative proceedings that led to issuance of the Recommended Order were based on an underlying action taken by Petitioner that affected the Respondent's substantial interests and involved disputed issues of material fact.

The School Board conducted this hearing ("Hearing") so that it could: (1) address the merits of adopting the Recommended Order, including the recommendations therein, (2) evaluate the merits of Respondent's Exceptions, and (3) enter this Final Order in accordance with Florida Statute 120.57(1).

¹ The Recommended Order is attached hereto as **Exhibit 1**.

² Respondent's Exceptions are attached hereto as **Composite Exhibit 2**.

³ Petitioner's Response to Exceptions is attached as **Exhibit 3**.

The Hearing occurred as scheduled at the School Board's chambers on April 13, 2021. At the Hearing, the School Board was represented by counsel who advised the School Board regarding its procedural obligations regarding the application of Florida Statute 120.57 to the Recommended Order and Respondent's Exceptions. The School Board retained separate and independent counsel that: (1) represented Petitioner at the underlying administrative proceedings that were the subject of the Recommended Order, (2) appeared at the Hearing to represent the interests of Petitioner, and (3) advocated on Petitioner's behalf at the Hearing regarding both the merits of adopting the Recommended Order, including the recommendations contained therein, and Respondent's Exceptions. Although Respondent was noticed in advance in writing of the Hearing and her right to counsel or other representation at the Hearing, Respondent appeared at the Hearing *pro se* without counsel or other representation.

Prior to the Hearing, each School Board member was provided with all record documents outlined in Florida Statute 120.57(1)(f) and the School Board's rulings regarding each of Respondent's Exceptions and the Recommended Order were made based on the entire record as a whole and argument made at the Hearing by Petitioner and Respondent. Prior to the Hearing, the School Board distributed a copy of the Hearing's written agenda to Respondent⁴. The Hearing's agenda consisted of 49 separate agenda items – one for each of the 48 specific Exceptions and 1 agenda item for the School Board's determination regarding whether to adopt the Recommended Order and what discipline to impose, if any. Due to misnumbering of the Exceptions by Respondent in her initial submission and given that Respondent filed 3 addendum exception submissions, the Exceptions were re-ordered in the Hearing's agenda in chronological order based on where the provision of the Recommended Order that was subject to the specific Exception was located within

⁴ A copy of the Hearing's agenda is attached hereto as **Exhibit 4**.

the Recommended Order. At the Hearing, Respondent's Exceptions were addressed in the order that they appeared in the Hearing's agenda.

The Hearing was held in person at its scheduled time and was conducted as a public hearing in conformance with the requirements of Florida Statute 286.011. All School Board members were present at the Hearing and each School Board member voted on each individual agenda item. The Hearing lasted for nearly 5 hours. Respondent made a lengthy opening statement prior to the School Board's consideration of the Hearing agenda, made oral argument prior to the School Board's consideration of each of Respondent's Exceptions, and made argument prior to the School Board's determination regarding the Recommended Order and the recommendations contained therein. The Hearing was transcribed by a certified court reporter retained by the School Board. At the Hearing, the School Board ruled individually on each of the 49 agenda items.

Upon due consideration by the School Board, it is ordered and adjudged that:

1. The entire Recommended Order dated February 11, 2021, including its Findings of Fact, Conclusions of Law, and the recommendations made therein, is adopted and incorporated herein by reference, without modification.

2. Respondent's employment with the School Board of Sarasota County, Florida, is hereby terminated.

3. Each of Respondent's 48 Exceptions to the Recommended Order are rejected, based on the unanimous vote of each School Board member regarding each of the Exceptions, as outlined below.

4. Respondent's Exceptions are specifically rejected, as followed:

a. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 1** despite it concerning neither a Finding of Fact, a Conclusion of Law, nor a Recommended Disposition. After reviewing the specific provision of

the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding this Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 1;

b. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 2** despite it concerning neither a Finding of Fact, a Conclusion of Law, nor a Recommended Disposition. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding this Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 2;

c. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 3** despite it concerning neither a Finding of Fact, a Conclusion of Law, nor a Recommended Disposition. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding this Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 3;

- d. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 4** despite it concerning neither a Finding of Fact, a Conclusion of Law, nor a Recommended Disposition. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding this Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 4;
- e. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 5** despite it concerning neither a Finding of Fact, a Conclusion of Law, nor a Recommended Disposition. After reviewing the specific provision of *the Recommended Order challenged by this specific Exception, the specific* Exception in question submitted by Respondent, the Response to Exceptions regarding this Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 5;
- f. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 6** despite it concerning neither a Finding of Fact, a Conclusion of Law, nor a Recommended Disposition. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding this Exception, and in consideration of the record as a whole and the

arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 6;

g. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 7** despite it concerning neither a Finding of Fact, a Conclusion of Law, nor a Recommended Disposition. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding this Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 7;

h. ~~The School Board considered Respondent's Exception contained in~~ **Hearing Agenda Item 8** despite it concerning neither a Finding of Fact, a Conclusion of Law, nor a Recommended Disposition. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding this Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 8;

i. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 9** despite it concerning neither a Finding of Fact, a Conclusion of Law, nor a Recommended Disposition. After reviewing the specific provision of

the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding this Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 9;

- j. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 10** despite it concerning neither a Finding of Fact, a Conclusion of Law, nor a Recommended Disposition. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding this Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 10;
- k. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 11** despite it concerning neither a Finding of Fact, a Conclusion of Law, nor a Recommended Disposition. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding this Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 11;

- l. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 12** despite it concerning neither a Finding of Fact, a Conclusion of Law, nor a Recommended Disposition. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding this Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 12;
- m. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 13** despite it concerning neither a Finding of Fact, a Conclusion of Law, nor a Recommended Disposition. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding this Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 13;
- n. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 14**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 14 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

- o. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 15**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by *Respondent and counsel for Petitioner regarding this specific Exception*, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 15 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;
- p. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 16**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 16 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

q. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 17**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by *Respondent and counsel for Petitioner regarding this specific Exception*, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 17 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

r. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 18**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 18 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

s. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 19**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 19 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

t. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 20**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 20 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

- u. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 21**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by *Respondent and counsel for Petitioner regarding this specific Exception*, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 21 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;
- v. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 22**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 22 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

- w. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 23**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by *Respondent and counsel for Petitioner regarding this specific Exception*, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 23 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;
- x. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 24**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 24 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

y. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 25**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by *Respondent and counsel for Petitioner regarding this specific Exception*, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 25 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

z. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 26**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 26 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

aa. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 27**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 27 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

bb. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 28**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 28 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

cc. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 29**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by *Respondent and counsel for Petitioner regarding this specific Exception*, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 29 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

dd. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 30**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 30 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

ee. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 31**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by *Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 31 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;*

ff. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 32**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 32 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

gg. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 33**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by *Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 33 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;*

hh. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 34**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 34 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

ii. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 35**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 35 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

jj. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 36**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 36 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

kk. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 37**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by *Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 37 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;*

ll. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 38**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by

Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 38 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

mm. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 39**. This Exception challenged one of the Recommended Order's Findings of Fact. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, pursuant to Florida Statute 120.57(1)(L) the School Board rejected Respondent's Exception contained in Hearing Agenda Item 39 because the challenged provision of the Recommended Order was supported by competent substantial evidence and the proceedings upon which it was based complied with the essential requirements of law;

nn. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 40**. This exception challenged one of the Recommended Order's Conclusions of Law. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at

the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 40 pursuant to Florida Statute 120.57(1)(L) because the challenged provision of the Recommended Order was reasonable;

oo. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 41**. This exception challenged one of the Recommended Order's Conclusions of Law. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 41 pursuant to Florida Statute 120.57(1)(L) because the challenged provision of the Recommended Order was reasonable;

pp. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 42**. This exception challenged one of the Recommended Order's Conclusions of Law. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 42 pursuant to Florida Statute 120.57(1)(L) because the challenged provision of the Recommended Order was reasonable;

- qq. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 43**. This exception challenged one of the Recommended Order's Conclusions of Law. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 43 pursuant to Florida Statute 120.57(1)(L) because the challenged provision of the Recommended Order was reasonable;
- rr. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 44**. This exception challenged one of the Recommended Order's Conclusions of Law. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 44 pursuant to Florida Statute 120.57(1)(L) because the challenged provision of the Recommended Order was reasonable;
- ss. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 45**. This exception challenged one of the Recommended Order's Conclusions of Law. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question

submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 45 pursuant to Florida Statute 120.57(1)(L) because the challenged provision of the Recommended Order was reasonable;

tt. The School Board considered Respondent's Exception contained in **Hearing Agenda Item 46**. This exception challenged one of the Recommended Order's Conclusions of Law. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 46 pursuant to Florida Statute 120.57(1)(L) because the challenged provision of the Recommended Order was reasonable;

uu. The School Board considered Respondent's exception contained in **Hearing Agenda Item 47**. This Exception challenged one of the Recommended Order's Conclusions of Law. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing

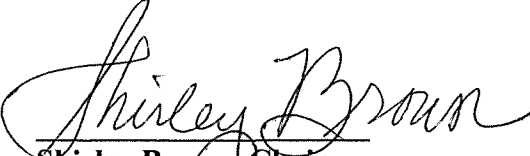
Agenda Item 47 pursuant to Florida Statute 120.57(1)(L) because the challenged provision of the Recommended Order was reasonable and also because this specific Exception was untimely filed;

- vv. The School Board considered Respondent's exception contained in **Hearing Agenda Item 48**. This Exception challenged one of the Recommended Order's Conclusions of Law. After reviewing the specific provision of the Recommended Order challenged by this specific Exception, the specific Exception in question submitted by Respondent, the Response to Exceptions regarding Respondent's Exception, and in consideration of the record as a whole and the arguments made at the Hearing by Respondent and counsel for Petitioner regarding this specific Exception, the School Board rejected Respondent's Exception contained in Hearing Agenda Item 48 pursuant to Florida Statute 120.57(1)(L) because the challenged provision of the Recommended Order was reasonable and also because this specific Exception was untimely filed;

5. Moreover to the extent any of the evidentiary rulings of the Administrative Law Judge could be considered erroneous, any error was harmless.

6. This is a Final Order is appealable to the Second District Court of Appeals as permitted and in accordance with the Florida Rules of Appellate Procedure and Ch. 120, Florida Statutes. Any appeal must be filed within thirty (30) days of rendition of this final order in accordance with Rule 9.110(c) of the Florida Rules of Appellate Procedure.

DONE AND ORDERED this 19th day of April, 2021, at Sarasota, Florida.


Shirley Brown, Chair
School Board of Sarasota County

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided via email or certified mail to:

Respondent Joy Deal, *pro se*, 4503 Hale St., Sarasota, FL, 34233 (via certified mail)

Counsel for Petitioner Rob Robinson at rob@robrobison.law

Dated: April 19, 2021

SHUMAKER, LOOP & KENDRICK, LLP
240 South Pineapple Avenue
Post Office Box 49948
Sarasota, Florida 34230-6948
(941) 366-6660
(941) 366-3999 (fax)
pduggan@shumaker.com
Attorney for School Board of Sarasota County

By: /s/ Patrick J. Duggan