

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

PALM BEACH COUNTY SCHOOL BOARD,

Petitioner,

vs.

Case No. 19-6177

WILLIAM LATSON,

Respondent.

_____ /

RECOMMENDED ORDER

Upon proper notice, a final hearing in this matter was held on February 3 through 5, 2020, in West Palm Beach, Florida, and on April 16, 2020, by Zoom videoconference before Robert S. Cohen, a duly designated Administrative Law Judge (“ALJ”) of the Division of Administrative Hearings (“DOAH”).

APPEARANCES

For Petitioner: Thomas Martin Gonzalez, Esquire
GrayRobinson, P.A.
401 East Jackson Street, Suite 2700
Tampa, Florida 33602

For Respondent: Thomas E. Elfers, Esquire
Law Office of Thomas Elfers
14036 Southwest 148th Lane
Miami, Florida 33186

Craig J. Freger, Esquire
16247 Northwest 15th Street
Pembroke Pines, Florida 33028-1223

STATEMENT OF THE ISSUE

The issue is whether Respondent's employment with Petitioner as a high school principal should be terminated.

PRELIMINARY STATEMENT

On October 11, 2019, Donald E. Fennoy, II, Ed.D., Petitioner's ("Petitioner" or "School Board") superintendent of schools, issued a Notice of Recommendation for Termination of Employment. The letter informed Respondent ("Respondent" or "Dr. Latson") that at the School Board's October 30, 2019, meeting, the superintendent would recommend Respondent's suspension without pay and the termination of his employment. The letter further informed Respondent that he could appeal the superintendent's recommendation through the School Board's grievance procedure or by submitting a request for a hearing before DOAH and, if no grievance or request for hearing was filed by November 20, 2019, the termination would become effective on November 21, 2019. If a grievance or request for hearing was filed, the termination would be stayed and suspension without pay would remain in effect pending appeal. On October 30, 2019, the School Board adopted the superintendent's recommendations to suspend Respondent without pay and to terminate his employment. The stated basis for the superintendent's action was that just cause existed for Respondent to be disciplined pursuant to sections 1012.22(1)(f) and 1012.27(5), Florida Statutes; School Board Policies 1.013 and 3.27; and Florida Administrative Code Rules 6A-5.056(3)(a) (Incompetency) and 6A-5.046(2) (Misconduct in Office).

Respondent timely requested a hearing and the case proceeded to hearing. The parties filed a Pre-Trial Stipulation of the Parties (pre-hearing stipulation in DOAH terminology) on January 24, 2020. At hearing, Petitioner offered the testimony of Dr. Latson, Dr. Fennoy, Dr. Glenda

Sheffield, Mr. Keith Oswald, and Ms. Vicki Evans-Paré, and introduced Petitioner’s Exhibits 1 through 37, all of which were admitted into evidence. Respondent offered the testimony of Dr. Latson, Ms. Lisa Core, Dr. Arthur Johnson, Ms. Shari Fox, Ms. Rachel Ostrow, Ms. Bettina Hoffman, Mr. Aaron Ryan Wells, Mr. Robert Pinkos, Dr. Ben Marlin, and Ms. Mara Goron, and introduced Respondent’s Exhibits 1 through 51, all of which were admitted into evidence. All references to Florida Statutes are to the 2019 version in effect at the time of the matters relevant to these proceedings.

On June 5, 2020, the parties submitted proposed recommended orders, containing Findings of Fact and Conclusions of Law, and, in the case of Respondent, a post-hearing brief as well. These post-hearing submittals have been duly considered in this Recommended Order. Respondent also filed a Motion for ALJ to Wait at Least Thirty Days Before Issuing a Ruling on the Merits, to Allow for Petitioner to Withdraw Its Petition or for Respondent to File a Motion for Attorneys’ Fees Pursuant to F.S. §57.105. The undersigned granted this Motion on June 17, 2020, but the Motion became moot with Respondent’s Notice of Mootness being filed on July 6, 2020.

FINDINGS OF FACT

1. Beginning in 2011, Respondent was employed by Petitioner as the principal of Spanish River High School (“SRHS”).

2. As the principal of SRHS, Respondent was required to “perform such duties as may be assigned by the district school superintendent pursuant to the rules of the school board, [including] rules relating to administrative responsibility, instructional leadership in implementing the Sunshine State Standards and the overall educational program of the school to which the principal is assigned.” § 1012.28(5), Fla. Stat.; Palm Beach Sch. Bd. Policy 1.014.

3. The educational program which principals are charged with implementing is defined by Florida law. Section 1003.42(1), Florida Statutes, requires school boards to provide “all courses required for middle school promotion, high school graduation, and appropriate instruction designed to meet State Board of Education adopted standards [in the subject areas of reading and other language arts, mathematics, science, social studies, foreign languages, health and physical education, and the arts].”

4. Additionally, the State of Florida requires “members of the instructional staff of the public schools” to teach certain specified subjects “using books and materials that meet the highest standards for professionalism and historical accuracy.” § 1003.42, Fla. Stat. These specifically required teachings, which are defined and described in varying degrees of detail, include: the “history of the state”; “conservation of natural resources”; “the elementary principles of agriculture”; “flag education, including proper flag display and flag salute”; the “study” of Hispanic and women’s contributions to society; kindness to animals; the “history and content of the Declaration of Independence, including national sovereignty ... and how [these concepts] form the philosophical foundation of our government”; the “history, meaning, significance and effect of the provisions” of the United States Constitution; the “arguments in support of adopting our republican form of government, as they are embodied in the most important of the Federalist Papers”; and “the nature and importance of free enterprise to the United States economy.” Section 1003.42(2)(f) requires the teaching of the history of the United States, including the period of discovery, the Civil War, and the civil rights movement to the present, and includes the following direction:

American history shall be viewed as factual, not as constructed, shall be viewed as knowable, teachable, and testable, and shall be defined as the creation of a new nation based largely on the

universal principles stated in the Declaration of Independence.

Section 1003.42(2)(h), which requires Florida educators to teach the “history of African-Americans,” specifically requires instruction on:

The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and contributions of African Americans to society. Instructional materials shall include the contributions of African Americans to American society.

5. The teaching of the history of the Holocaust is mandated by section 1003.42(2)(g), which provides:

(2) Members of the instructional staff of the public schools, subject to the rules of the State Board of Education and the district school board, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards for professionalism and historical accuracy, following the prescribed courses of study, and employing approved methods of instruction, the following:

* * *

(g) The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.

6. The curriculum for teaching the Holocaust at SRHS included an assembly which all tenth-grade students were required to attend. Schools have discretion in constructing a curriculum. The school's principal is responsible for determining the contents of the curriculum. A school is not required to have a Holocaust assembly as part of its curriculum, but if an assembly is part of the curriculum, the assembly must be mandatory. A Holocaust assembly was "part of [SRHS's] mandatory curriculum for tenth-graders."

7. On April 13, 2018, the mother of a rising SRHS tenth-grader wrote to Dr. Latson "to discuss the Florida Mandate to include Holocaust Education each year in the student's curriculum" and specifically to ask "in what ways/classes is Holocaust education provided to all of the students."

8. Dr. Latson answered the parent in an email which included these statements:

[A]s far as [H]olocaust studies and the curriculum it can be dealt with in a variety of ways. The curriculum is to be introduced but not forced upon individuals as we all have the same rights but not all the same beliefs. Each year we do a Holocaust assembly and we target the 10th graders so every year that group will get a day[']s work with the [H]olocaust. We advertise it to the tenth grade parents as [there] are some who do not want their children to participate and we have to allow them the ability to decline.

9. The parent replied to Dr. Latson in another email:

Please clarify your statement: "The curriculum is to be introduced but not forced upon individuals as we all have the same rights but not all the same beliefs."

The Holocaust is a factual, historical event. It is not a right or a belief.

10. Dr. Latson responded with the following statements:

The clarification is that not everyone believes the Holocaust happened and you have your thoughts but we are a public school and not all of our parents have the same beliefs so they will react differently, my thoughts or beliefs have nothing to do with this because I am a public servant. I have the role to be politically neutral but support all groups in the school. I work to expose students to certain things but not all parents want their students exposed so they will not be and I can't force the issue I can't say the Holocaust is a factual, historical event because I am not in a position to do so as a school district employee. I do allow information about the Holocaust to be presented and allow students and parents to make decisions about it accordingly. I do the same with information about slavery, I don't take a position but allow for the information to be presented and parents to be parents and educate their students accordingly. I am not looking for a situation to divide but just to let all know I don't have a position on the topic, as an educator. My personal beliefs are separate and will always have no place in my profession. This is a very touchy subject, one I have had conversation with Rabbi Levin about. I am simply letting you know all we can do as a public school within our ability.

11. Dr. Glenda Sheffield, who currently is Petitioner's chief academic officer, was, at all times relevant to this matter, the instructional superintendent for Petitioner's south region, which included SRHS. In that earlier position, Sheffield was the immediate supervisor of the principals of more than 20 middle and high schools located in the south region, including Dr. Latson. Sheffield reported to Dr. Ian Saltzman who was the regional superintendent for the south region. Saltzman reported to Mr. Keith Oswald.

12. Oswald, at all times relevant to this matter, was Petitioner's deputy superintendent of schools. Oswald's duties included supervision of the regional and instructional superintendents who supervise the schools. Oswald was made aware of the email exchange between Dr. Latson and the

SRHS parent by Dianna Fedderman, Petitioner's assistant superintendent for curriculum, who had been told of it by Maureen Carter, Petitioner's Holocaust program planner, to whom the parent had forwarded the emails. Carter and Fedderman expressed concern about the content of the emails, which Oswald shared. He forwarded the email chain to Saltzman and Sheffield to take action. Oswald directed Saltzman and Sheffield to keep him informed about the counseling they were giving to Dr. Latson, to address the Holocaust studies at the school to strengthen them, and to meet with the parent and address her concern. The Palm Beach County School District ("District") did not publicize Dr. Latson's emails, deciding the matter would be handled at the regional level.

13. Dr. Latson was not disciplined for his statements to the parent. He was, however, counseled. Dr. Latson's counsel described the coaching as advising Dr. Latson of the need for "more circumspect e-mail, e-mail composition to parents." Dr. Latson testified that the "only criticism" he received was that he "could have worded a better email."

14. Sheffield did not feel the need to address the teaching of the Holocaust at SRHS because she knew from her own experience that the subject was, in fact, infused in the school's curriculum. She, therefore, focused her work with Dr. Latson on what she considered to be his poor choice of words.

15. Sheffield did work with the parent for "quite some time." Between April of 2018 and July of 2019, there were numerous meetings and interactions among and between Sheffield, Saltzman, Carter, Fedderman, and the parent. Dr. Latson had no doubt that the District was supportive of him during this time and, again, the "only criticism" he received was that he "could have worded a better email."

16. Dr. Latson's perception was that his emails to the parent were "not clear [and as I read them] some of the things weren't clear and some of it, in retrospect I could have just left out." Dr. Latson felt that his words to the parent "obviously gave her the belief that [he] did not believe in the

Holocaust, [and he] was just saying [he] wasn't going to affirm or deny it.” “[S]he kept bringing it back up, so that gave [him] the opinion that she didn't understand what that meant, even after it was clarified.”

17. When Sheffield was coaching Dr. Latson, she was not aware that he was allowing students to opt out of the Holocaust assembly because the students' parents did not want the students to be exposed to the contents of the assembly. There is some confusion on this point because Dr. Latson says he never said directly that a student might “opt out” of an assembly with his blessing, but that parents were always free to keep their children home from school for any reason (including not wanting them exposed to the serious nature of the assembly), subject only to District attendance requirements. There is no District or SRHS provision authorizing a parent to opt out of instruction on the Holocaust. If a principal were to allow that practice, she believed he would not be enforcing the mandatory curriculum for the Holocaust.

18. Oswald, who was to be kept informed of the efforts of Saltzman and the others, was told that Dr. Latson had acknowledged that his words were inappropriate. Like Sheffield, Oswald was not aware that Dr. Latson was allowing parents who wished to avoid the Holocaust assembly to “opt out” of it.

19. On May 9, 2019, the same parent sent an email to Saltzman and copied Superintendent Fennoy, Oswald, and Sheffield about a meeting held on May 6, 2019, attended by the complaining parent and School District personnel. The email included the following statement referring specifically to Dr. Latson's statements in his April 2018 emails:

There is one major issue that was not resolved at the meeting, and we do not think there is any resolution other than to remove Mr. Latson as principal from [SRHS]. Mr. Latson made his thoughts very clear at the meeting. When he tried to explain that he thinks his statements in his offensive and erroneous emails last year were

misunderstood, he ended up reiterating his offensive and erroneous views.

20. Saltzman informed Oswald that the way the parent characterized the meeting of May 6, 2019, was not accurate. The District, therefore, gave no consideration to the parent's call for Dr. Latson's removal from his position at SRHS and took no action in response to the parent's email.

21. On July 5, 2019, the *Palm Beach Post* ("*Post*") published an article headlined, "Spanish River High's principal refused to call the Holocaust a fact: A mother pushed for a year to address what she described as a school leader's failure to separate truth from myth."

22. Petitioner was aware before its publication that the article was being written. Oswald made a statement to the reporter writing the story. Oswald's comments were reported in the article:

Oswald, who oversees all the county's principals, said he agreed with the mother that Latson's email messages were inappropriate but were not reflective of who he was as an educator. Latson, he said, is a popular school leader whose school does more Holocaust education than most campuses and has led the school successfully for years. He should not be judged, he said, solely by a pair of email messages. "It was a hastily, poorly written email that he apologized for," Oswald said. "That's some of the challenge that we face when we email back and forth instead of picking up the phone."

23. Dr. Latson was also aware that the article was being written. The District's communications director, Claudia Shea, worked with him to prepare a statement to be given to the writer. That statement was reported in the article:

In a statement to The Post, Latson apologized for the way he expressed himself in his emails, saying it was not indicative of his actual beliefs or regard for historical fact. "I regret that the verbiage that I used when responding to an email message from a parent, one year ago, did not accurately reflect my

professional and personal commitment to educating all students about the atrocities of the Holocaust,” Latson wrote. “It is critical that, as a society, we hold dear the memory of the victims and hold fast to our commitment to counter anti-Semitism,” he continued. He pointed out that [SRHS’s] educational offerings on the Holocaust exceed the state’s requirements. The Holocaust is taught, he said, in ninth- and 10th-grade English classes, as an elective course and in an annual assembly featuring a keynote speaker.

24. The reaction to the publication of the article on July 5, 2019, was “complete outrage, chaos.” Oswald testified to the article’s impact:

Q. Can you tell us how it was expressed?

A. It was expressed ... phone calls, e-mails, meeting with State representatives, locally to the White House. It was completely consuming of all my time on the following days.

Q. The following day being the 6th?

A. There and forward.

25. The public reaction to the publication of the article and its impact on the District is not disputed. Dr. Latson himself acknowledged it in an email he sent to Oswald and others in the District at 3:36 p.m. on Saturday, July 6, 2019:

The release of this article is having the effect the parent who wants to discredit me desired. It is causing a rift in the community, students and parents are attempting to defend me to those in the community who do not know me. I am not the public relations expert but I am wondering if something should come out from me to clear this up. Me not saying anything is fueling questions in the community. I am getting this daily from parents. My parent groups are trying to stop the negativity but they are asking if a statement can come out from me addressing this issue. They state that I have always been vocal and got ahead of things so it is the parents['] expectation to hear

from me and not doing so is causing questions.
Your thoughts?

26. In response to Dr. Latson's email, Oswald telephoned, telling him "not to make any statements and to not say anything and that we are working internally with the communications department about this." Oswald specifically directed Dr. Latson not to make any further contact at that time. Oswald told Dr. Latson that they would talk on Monday, July 8, 2019.

27. Dr. Latson testified that Oswald emailed his response to Dr. Latson's July 6, 2019, email. No such email from Oswald was produced, but Dr. Latson's telephone records indicate that he received a telephone call from Oswald on July 6, 2019, at 4:56 p.m., which lasted eight minutes. Dr. Latson acknowledged that this telephone call could have been Oswald's response to his email. In any event, he did confirm being told that "we weren't going to respond" to the article.

28. The District continued to support Dr. Latson after the article was published. Before he left for vacation, he received a phone call from Sheffield, who told Dr. Latson that she was supporting him. Sheffield, having taken her current position as chief academic officer, was not Dr. Latson's supervisor on July 6, 2019. She learned of the article's publication while traveling back from her vacation. She nevertheless called Dr. Latson to ask how he was faring and to tell him to "hold [his] head high" and "[w]e're going to get through this working together." In the telephone conversation, Dr. Latson expressed the hope that "this doesn't ruin [his] reputation." He also spoke with Dr. Arthur Johnson, the representative of the principal's association and his friend and former superintendent. Johnson told Dr. Latson to "hold on and let's see what's happening."

29. On Monday, July 8, 2019, Oswald called Dr. Latson at 7:36 a.m., and they spoke for five minutes. Oswald told Dr. Latson that the "Post article was starting to cause somewhat of a problem for [Oswald] and the District and [Oswald] wanted me to take a voluntary reassignment." Dr. Latson told

Oswald that he “needed to discuss [the reassignment] with [his] family” because he believed that his voluntary acceptance of a reassignment meant that the District could place him where they wanted and that might affect his compensation, and he “had an issue with that.”

30. There is some variance between Dr. Latson’s testimony that he informed Oswald he would “try to get back” to him by noon, and Oswald’s testimony that Dr. Latson “stated he would get back to him that morning.” Dr. Latson admits “that Oswald requested a call back by noon.” Dr. Latson testified that, because he was on vacation, he was not obligated to call Oswald back before noon and, also, testified that, if he had been told to contact Oswald, that would be a directive he had to obey. It is, however, undisputed that Dr. Latson at least told Oswald he would “try” to get back to him by noon and undisputed that, even though he spoke with “individuals” about the reassignment, he made no effort to communicate with Oswald before noon of July 8, 2019.

31. After speaking with Dr. Latson at 7:36 a.m., Oswald attempted to communicate with him no fewer than six times before noon on July 8, 2019, because of the urgency of the worsening situation. Oswald called Dr. Latson at 8:21 a.m., 9:35 a.m., 10:32 a.m., and 10:42 a.m., and texted him at 8:22 a.m. and 10:32 a.m. When Dr. Latson did not answer the telephone calls, Oswald left voicemails, increasing with urgency, saying the situation was escalating and asking him to return his call.

32. In response to an automated text sent from Dr. Latson’s phone--indicating he was driving and could not receive notifications, but informing the caller to “reply urgent” to send a notification with the original message--Oswald texted him the word “urgent” twice at or around 10:32 a.m. Oswald received no response from Dr. Latson.

33. Between 7:36 a.m. and noon on July 8, 2019, Dr. Latson placed nine and received four telephone calls to and from friends, family members,

colleagues, and Johnson. Apparently, his cellular phone was functioning during this time.

34. At approximately 12:33 p.m., not having heard back from Dr. Latson, Oswald sent Dr. Latson a text and an email informing him that Oswald was reassigning him to the District Office. Dr. Gonzalo La Cava, Petitioner's chief of human resources, also left Dr. Latson a voicemail about the reassignment. Oswald's text to Dr. Latson was as follows: "I have left you numerous messages to contact me. I am reassigning you to the district office. Please call me ASAP."

35. Dr. Latson's argument, as opposed to his testimony, explaining his failure to respond to Oswald on July 8, 2019, is inconsistent. Dr. Latson initially justified his lack of a response to Oswald by arguing that the text he received from Oswald about being removed as principal of SRHS "did not seem to invite a response." In fact, that text closed with the words, "Please call me ASAP." In his Answer, Dr. Latson alleged that after he received the message about the re-assignment, he "attempted to email Oswald, but the message did not go through." At hearing, Dr. Latson testified that he tried to text Oswald around 12:30 p.m., but the text did not go through. He also testified that he attempted to email Oswald at 9:30 p.m. from Jamaica.

36. Dr. Latson explains his lack of response to Oswald by saying he was already on the phone whenever Oswald was trying to call and the calls could not have gone through. His telephone records, however, showed that other calls he was making during this time were interrupted and he was able to connect with the incoming caller.

37. It is undisputed that Dr. Latson received Oswald's communication telling him that he was being reassigned to the District Office. He admits he told Oswald he would "try" to get back to him specifically to tell Oswald whether he would accept the voluntary assignment. Dr. Latson's failure to respond to Oswald's several attempts to speak with him is consistent with a decision not to accept the voluntary reassignment.

38. Contradicting testimony was given at hearing regarding whether Dr. Latson's request to travel to Jamaica in July had even been approved or known about by Petitioner. A District spreadsheet showing a week-long leave beginning July 8, 2019, was offered into evidence and removed any doubt as to whether Dr. Latson was on recognized or approved leave.

39. The public reaction that followed publication of the July 5, 2019, article was somewhat lessened by news of Dr. Latson's reassignment, and, "after he was reassigned, there was some calming in the District." The reassignment was widely publicized. The New York Times published an article datelined July 8, 2019, under the headline, "Principal Who Tried to Stay Politically Neutral About Holocaust Is Removed."

40. Although he did not respond to Oswald, Dr. Latson did email the faculty and staff at SRHS. The email was obtained by the author of the July 5, 2019, article. His email opened with the paragraph:

I have been reassigned to the district office due to a statement that was not accurately relayed to the newspaper by one of our parents. It is unfortunate that someone can make a false statement and do so anonymously and it holds credibility but that is the world we live in.

41. Dr. Latson describes his email as "a necessary and righteous denial of a false allegation." He describes the "false statement"--the statement that was "not accurately relayed to the newspaper by a parent"--to be that "I was hesitant and I wouldn't--I avoided confrontation with Holocaust deniers [and] that was not true [and] it also stated that, you know, I denied that the Holocaust occurred [and] that's not true." "She can fear my reluctance, but I had no reluctance, so that would be an incorrect statement." However, in explaining his reasoning, Dr. Latson admits that the statements of the parent contained in the article were reported as the parent's opinion and that, although she did not doubt that he knew the Holocaust was real, she "feared" that his reluctance to say so stemmed from a desire to "avoid

confronting parents who deny the Holocaust reality.” He also made clear that the “statement” that was “relayed” by the parent to which he referred in his email to staff were, in fact, the statements that he had written in April of 2018.

42. Dr. Latson believes that as an educator mandated by law to teach the history of the Holocaust, he is required--by the very statute which imposes that duty, to be tolerant of those who would deny that the Holocaust is historical fact, to the point of allowing some to avoid attending Holocaust remembrance assemblies required of all students.

43. In his email to the complaining parent, Dr. Latson wrote that he could not, as a school district employee, say “the Holocaust is a factual, historical event.” At hearing, he testified that, although he could as a District employee state whether he believes the Holocaust to be a fact, he had the “option to be politically neutral.” In his email to the parent, Dr. Latson wrote that he advertised the tenth-grade Holocaust assembly “as there are some who do not want their children to participate and we have to allow them the ability to decline.” At hearing, Dr. Latson testified that he advertised the assembly so parents would know, in case a teacher marked a child who was attending the assembly absent. He testified that some parents do not want their children to attend the Holocaust assembly because of the graphic nature of the teaching materials used, and he is not “going to force a child to sit in a room where their parents don’t want them to be.” The District’s absence policy can be used to allow students to stay home from school during the Holocaust remembrance assembly, if the parents so desire. He believes that the statute mandating the teaching of the Holocaust as history requires that he be tolerant of those who do not want their children to be shown the graphic images of the atrocities, but that they could still learn from the required teachings through other means.

44. Dr. Latson sent an email to faculty and staff at SRHS on the afternoon of July 8, 2019. Oswald, Fennoy, and the District did not learn of Dr. Latson’s

statement concerning the complaining parent in this email until late that evening.

45. Dr. Latson testified it was a common practice for principals leaving a school to inform the staff of their departure so they can prepare themselves for a change in administration, which generally means that an entering principal might do things a bit differently. He believed it was important to deliver the message of his leaving as early as possible. He admitted he wrote the email to staff quickly and did not take the time to fully consider the repercussions of his words regarding the complaining parent. He was frustrated that he had lost the support of the District at the time he wrote the email, after having received their support prior to that time. He admitted he did not do a good job of expressing his frustration, but he never believed the email would be seen by anyone but the faculty and staff at SRHS.

46. While news of Dr. Latson's reassignment had dampened the public reaction which the District was dealing with after publication of the July 5, 2019, article, Dr. Latson's statement in the email re-energized the public. Instead of reconciliation over his poorly worded April 2018 emails, Dr. Latson's placement of blame on the parent undermined the apology and made matters worse. There was "complete outrage [by District personnel] that he would do that to a parent." An article which appeared in the *Post* on July 9, 2019, was headlined, "More calls for Spanish River High principal's firing after he blames parent." The article included the sub-heading, "Principal William Latson's farewell message prompted an anti-hate group and two Boca-area legislators to join calls for his termination." On July 10, 2019, the *Post* published an article headlined, "In defiant farewell, ousted principal blames parent." Dr. Latson does not dispute that the public reaction to his email was negative, which he learned of while he was still in Jamaica.

47. The personal impact of Dr. Latson's statement in the July 8, 2019, email was demonstrated by those who testified on behalf of him. Dr. Latson conceded that he did not know the reasons for his reassignment at the time

he wrote the email to SRHS faculty and staff. He wrote to his staff that he was reassigned because of a statement inaccurately relayed to the newspaper. He believes the statement to be that he did not want to confront Holocaust deniers. In fact, in the predetermination hearing, Dr. Latson's representative began the defense with the statement that the District "cannot remove a principal or adversely transfer him for not being zealous enough in a parent's personal crusade against anti-Semitism." That is not how Dr. Latson's supporters saw it. The record makes clear that the controversy was about Dr. Latson's earlier words, specifically, that, as a public educator who was mandated to teach the history of the Holocaust, he thought it would be improper for him to state that the Holocaust was a fact since he would not be acting in a neutral manner as an educator.

48. Shari Fox, the Magnet Academy coordinator at SRHS, testified that she specifically asked Dr. Latson, "What is controversial about the Holocaust?" His response was that he did not think it was controversial in the beginning, but it has more recently come to his attention that Holocaust deniers exist, which makes its existence controversial.

49. Mr. Aaron Ryan Wells, a SRHS teacher and debate coach, described a news article that "was essentially fabricated in the sense that it didn't give all the facts, basically creates the disaster that removes a man of three decades from his post." Because of Dr. Latson's treatment, Wells "treads lightly even when teaching geography." He has had inquiries regarding whether the Holocaust is even an appropriate subject for high school students. This incident detracts from the power of the course that introduces the skill that is supposed to be introduced with these types of students, namely tolerance and respect for others who may be different from you. He took from Dr. Latson's reassignment the lesson that a single parent can question how you teach a subject, which could potentially result in your reassignment or termination as an educator should you fail to bend to the parent's wishes.

50. The lesson and perception that Wells and others took from Dr. Latson's removal was that you should not teach controversial subjects. In fact, and as a matter of law, the State of Florida does not consider the occurrence of the Holocaust to be controversial. It does not and cannot prevent any student or parent from holding the absurd "belief" that the Holocaust did not happen. It can and does mandate that the student will be taught that history is not opinion or belief and that the Holocaust did occur. Through his actions, Dr. Latson caused a great number of people to doubt the commitment of the District to honor that mandate. His unilateral attribution of the reasons for his termination caused further disruption in the SRHS community.

51. Many SRHS faculty and staff were left with the idea that Dr. Latson was reassigned because of the April 2018 emails, and were left with a sense of "injustice" and "unfairness." The Community, the faculty, and the staff were angry, and some of that anger was directed at the complaining parent and her student. Dr. Latson's allocation of blame to the parent and pointing out a "false statement" also sowed discontent among the faculty and staff, directed towards the District. Because Dr. Latson's email stating the reasons for his reassignment were the April 2018 emails and, what he considered to be, a false statement from a parent, the faculty and staff felt that the District did not support the staff.

52. Prior to learning of Dr. Latson's July 8, 2019, email, the District had not taken any action to terminate him. Dr. Latson believes he was terminated because of outside pressure, to satisfy the not insignificant group of public officials and members of the public who called for his resignation. But those calls were made some time before he was terminated. Despite those calls, the District took Dr. Latson at his word, that he had been misunderstood, that his emails could be worded better, and that he understood the parents' perception of his views.

53. After the newspaper article of July 5, 2019, was published, when Oswald faced the reaction of the public and public officials, the District stood by Dr. Latson. The article itself contained Oswald's defense of Dr. Latson, that he had written a poorly worded email. Even after Dr. Latson made no effort to contact Oswald before noon on July 8, 2019, the District did not move to terminate him. He was reassigned.

54. Not until Dr. Latson made clear that he had not been misinterpreted in his "neutrality" statements to the complaining parent and it was clear to the District personnel involved that he was not walking back these statements, did Fennoy conclude that Dr. Latson's employment was incompatible with the District's commitment to teach the Holocaust. At some level, Dr. Latson believed that parents who do not want their children to be taught the Holocaust should be allowed to keep their children out of school on that day. He believed that he had a professional obligation to be neutral on matters of historical fact, even as espoused by members of, for example, the Flat Earth Society. Further, he believed that a statute that mandated the teaching of the Holocaust in a way that promoted tolerance required the teacher to be tolerant of those who said the history to be taught was, in fact, not history.

55. Johnson, a long-serving principal, former Palm Beach County school superintendent, and now a consultant to principals, testified that no progressive discipline was imposed on Dr. Latson. Respondent admitted into evidence a document entitled "The Discipline Process, A Guide for Principals and Department Heads." He testified the manual is still in existence and used by the District. Describing the process, Johnson discussed how, typically, "we start from the bottom and move to the top," beginning with a verbal reprimand, followed by a written reprimand, then a short-term suspension, followed by a longer-term suspension, and, ultimately, a termination. He noted that there are occasional instances where discipline can go from "zero to one hundred, all the way to termination," but these must

involve “very serious offenses” that “put the District at risk.” He testified that the initial problem here was “an overly zealous parent’s intolerance of Dr. Latson’s tolerance.” He believes that an educator’s role is to be neutral and provide both sides of an issue. “You stick with the facts.” “You present both sides of the story. And you as a teacher or administrator may have to become very neutral, meaning you can’t advocate.” “We are definitely not in a position to proselytize or to indoctrinate young people,” he testified. He did admit that Dr. Latson could have used better language to communicate his thoughts on neutrality and to communicate with faculty and staff via email.

56. Dr. Ben Marlin, another former Palm Beach County school superintendent, concurred with Johnson’s analysis and the appropriateness of exercising progressive discipline in this case. He likened the process to a ladder, with the penalty growing more severe the higher you climb. He testified that he would not have terminated Dr. Latson under the circumstances of this case. He would have resolved the matter through a meeting with a possible verbal reprimand. If the behavior occurred again, he would consider a written reprimand. Subsequent violations would result in more severe penalties.

57. The testimony of the two former superintendents was not challenged or rebutted by Petitioner. No witnesses were called to state that progressive discipline was not applicable to this matter.

58. Fox testified “we have to stay neutral in all of these topics [including the Holocaust] and just explain the facts to the students and guide the information and the discussion.” Fox specifically testified she does not believe Dr. Latson is Anti-Semitic.

59. According to SRHS history teacher, Ms. Rachel Ostrow, the teacher’s role is “to present the facts, to guide the discussion amongst the students. But I lay out the facts from every point of view and then we discuss the content.” Ostrow specifically testified she does not believe Dr. Latson is Anti-Semitic.

60. On July 17, 2019, Dr. Latson received notice that an administrative investigation had been opened by the Department of Employee and Labor Relations related to Ethical Misconduct. An investigative report was authored by Ms. Vicki Evans-Paré on August 23, 2019. On September 26, 2019, Dr. Latson received a copy of the investigative file, including the written investigative report.

61. On October 7, 2019, a predetermination meeting was held to allow Dr. Latson to respond to the allegations, produce any documents that he believed would be supportive of his position, or rebut information in the investigation materials he was provided. He submitted a written response to the potential charges and his representatives, Dr. Thomas E. Elfers and Johnson provided oral presentations.

62. Dr. Latson's response at the predetermination meeting again compared the Holocaust to a belief, claiming that "constitutional liberty interests are involved: an interest in not being forced to reveal information about personal beliefs and an interest in being forced to make statements about one's views." The response preached neutrality in the presentation of "various hot buttons or touchy subjects."

63. Dr. Latson believed his body of work as an educator should have been taken into account and should not have resulted in a termination of his employment. He had never been disciplined previously by the District or the Educational Practice Commission in 26 years as an educator. He had received a "highly effective evaluation" for each of his eight years as the principal of SRHS, and the highest possible evaluation for 25 of his 26 years as an educator.

64. Under his leadership, Dr. Latson oversaw the raising of SRHS from a "B" to an "A" rating in 2012, which was maintained throughout his tenure as principal. He achieved many successes as principal, such as significantly raising the school's national academic ranking, being recognized by the District as the highest performing Palm Beach County school in advanced

academic studies, and creating a school environment described by teacher Wells as “phenomenal,” and engendering an atmosphere of trust among the teachers, as stated by Fox and Ostrow at hearing.

65. When asked by his counsel at hearing, Dr. Latson unequivocally stated that he is not Anti-Semitic. This statement was unrebutted by Petitioner.

66. On October 11, 2019, however, based upon the information presented to him from the investigation and the predetermination meeting, Fennoy informed Dr. Latson that there was just cause, which can be substantiated by clear and convincing evidence, to warrant his termination from his position as a principal, and that Fennoy would recommend Dr. Latson’s suspension without pay and termination of employment at the October 30, 2019, School Board meeting.

CONCLUSIONS OF LAW

67. DOAH has jurisdiction over the parties and subject matter of these proceedings pursuant to sections 120.569, 120.57(1), and 1012.33, Florida Statutes.

68. The School Board is responsible for the operation, control, and supervision of all free public schools within the District. Art. IX, § 4(b), Fla. Const.; §§ 1001.30, .32, Fla. Stat. The School Board’s powers and duties include providing for the suspension and dismissal of employees. § 1012.22(1)(a), (f), Fla. Stat.

69. Fennoy is the superintendent of schools for the District. The superintendent’s power and duties include making recommendations for the suspension without pay and termination of School Board employees. § 1012.27(5)(a), Fla. Stat.

70. Petitioner bears the burden of proving the charges against Respondent by a preponderance of the evidence. § 120.57(1)(j), Fla. Stat.; *Sublett v. Sumter Cty. Sch. Bd.*, 664 So. 2d 1178, 1179 (Fla. 5th DCA 1995); *Allen v.*

Sch. Bd. of Dade Cty., 571 So. 2d 568, 569 (Fla. 3d DCA 1990) (citing *Dileo v. Sch. Bd. of Dade Cty.*, 569 So. 2d 883 (Fla. 3d DCA 1990)). The preponderance of the evidence standard requires proof by “the greater weight of the evidence” or evidence that “more likely than not” tends to prove a certain proposition. *See Gross v. Lyons*, 763 So. 2d 276, 280 n.1 (Fla. 2000) (citations omitted); *see also Williams v. Eau Claire Pub. Sch.*, 397 F.3d 441, 446 (6th Cir. 2005) (holding the trial court properly defined the preponderance of the evidence standard as “such evidence as, when considered and compared with that opposed to it, has more convincing force and produces ... [a] belief that what is sought to be proved is more likely true than not true”). No presumption of correctness is given to the preliminary determination of Petitioner to terminate Dr. Latson’s employment. *Fla. Dep’t of Transp. v. J.W.C. Co.*, 396 So. 2d 778, 785 (Fla. 1st DCA 1981). This proceeding is considered to be de novo. § 120.57(1)(k), Fla. Stat.

71. Section 1012.33(6)(b) provides that a principal may be suspended or dismissed at any time during the term of his contract on charges based on:

Immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or being found guilty of, or entering a plea of guilty, regardless of adjudication of guilt, any crime involving moral turpitude, as these terms are defined by rule by the State Board of Education.

72. Rule 6A-5.056 defines “just cause” as the basis for dismissal actions against instructional personnel and defines “misconduct in office” as follows:

[“]Just cause” means cause that is legally sufficient. Each of the charges upon which just cause for a dismissal action against specified school personnel may be pursued are set forth in Sections 1012.33 and 1012.335, F.S.

* * *

(2) “Misconduct in Office” means one or more of the following:

(a) A violation of the Code of Ethics of the Education Profession in Florida adopted in Rule 6A-10.080, F. A. C;

(b) A violation of the Principles of Professional conduct for the Education Profession adopted in Rule 6A-10.081, F. A. C.;

(c) A violation of the adopted school board rules;

(d) Behavior that disrupts the student’s learning environment;

(e) Behavior that reduces the teacher’s ability or his or her colleagues’ ability to effectively perform duties.

73. Florida Administrative Code Rule 6A-10.081(2), “Principles of Professional Conduct for the Education Profession in Florida,” provides, in relevant part:

(2) Florida educators shall comply with the following disciplinary principles. Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator’s certificate, or other penalties as provided by law.

* * *

(b) Obligation to the public requires that the individual:

1. Shall take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.

2. Shall not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.

* * *

(c) Obligation to the profession of education requires that the individual:

1. Shall maintain honesty in all professional dealings.

74. School Board Policy 3.02 is titled “Code of Ethics” and provides, in relevant part:

4. Accountability and Compliance

Each employee agrees and pledges:

a. To provide the best example possible; striving to demonstrate excellence, integrity and responsibility in the workplace.

* * *

e. To create an environment of trust, respect and non-discrimination, by not permitting discriminatory, demeaning or harassing behavior of students or colleagues.

f. To take responsibility and be accountable for his or her acts or omissions.

* * *

h. To cooperate with others to protect and advance the District and its students.

* * *

j. To be efficient and effective in the delivery of all job duties.

75. Rule 6A-5.056(3) defines “incompetency”:

(3) “Incompetency” means the ability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.

(a) “Inefficiency” means one or more of the following:

1. Failure to perform duties prescribed by law;
2. Failure to communicate appropriately with and relate to students;
3. Failure to communicate appropriately with and relate to colleagues, administrators, subordinates, or parents;

4. Disorganization of his or her classroom to such an extent that the health, safety or welfare of the students is diminished; or
5. Excessive absences or tardiness.

Dr. Latson did not fail to perform any duties required by law.

76. Dr. Latson ensured that the Holocaust and other statutorily required areas of study were taught at SRHS. He personally involved himself in the annual Holocaust remembrance assemblies and personally escorted Holocaust survivors to classrooms to meet the students and tell their stories. He never instructed an educator not to teach the approved Holocaust curriculum every year that he served as principal at SRHS. By all accounts, he communicated well with students, teachers, and parents, except for the one parent. Dr. Latson made some unfortunate choices in expressing his thoughts in his interaction with the parent whose emails precipitated this entire series of events. His choice of words and methods of trying to express that everyone at SRHS has the right to their individual beliefs, even if they differed from the required, approved curriculum were unfortunate. Rather than carefully choosing his words when speaking with a parent who, despite her not testifying at hearing, seemed to be passionate about the required teaching of the Holocaust, he offended her by making an endorsement, of sorts, of Holocaust deniers. All of Dr. Latson's actions surrounding Holocaust studies at SRHS, and his clear statement at hearing that he is not Anti-Semitic, negate his improvident choice of words espousing "neutrality" when talking to the one parent.

77. Rule 6A-5.056(4) defines "gross insubordination" as:

[T]he intentional refusal to obey a direct order, reasonable in nature, and given by and with proper authority; misfeasance, or malfeasance as to involve failure in the performance of the required duties.

One of the elements of insubordination is willfulness or an “intentional refusal to obey a direct order.” See, e.g., *Dolega v. Sch. Bd. of Miami-Dade Cty.*, 840 So. 2d 445, 446 (Fla. 3d DCA 2003); and *Rosario v. Burke*, 605 So. 2d 523, 524 (Fla. 2d DCA 1992). See also *Krieger v. Fla. Fish & Wildlife Conser. Comm'n*, 220 So. 3d 511, 514 (Fla. 3d DCA 2017) (“direct contravention of the orders”). While Respondent showed less than diligent behavior, under the circumstances of what was happening at home, and in his sporadic answering of telephone calls while vacationing in Jamaica, his actions did not rise to the level of gross insubordination. However, Dr. Latson knew that his supervisors, all the way up the chain of command, were anxious and disturbed about the escalation of events surrounding the newspaper articles, as well as the local, state, and national attention being given to his statements, as reported. Accordingly, he should have made a far greater effort to communicate with Oswald or another administrator at the School District.

78. Mitigating Circumstances, Florida Administrative Code Rule 6A-11.007(3), lists the circumstances as follows:

- (a) The severity of the offense.
- (b) The danger to the public.
- (c) The number of repetitions of offenses.
- (d) The length of time since the violation.
- (e) The number of times the educator has been previously disciplined by the Commission.
- (f) The length of time the educator has practiced and the contribution as an educator.
- (g) The actual damage, physical or otherwise, caused by the violation.
- (h) The deterrent effect of the penalty imposed.
- (i) The effect of the penalty upon the educator’s livelihood.
- (j) Any effort of rehabilitation by the educator.
- (k) The actual knowledge of the educator pertaining to the violation.

79. Concerning his farewell letter to faculty and staff at SRHS, while his actions in accusing the complaining parent of having made a false statement in the email was a poor and uncalled for choice of words on his part, Petitioner did not provide evidence that Dr. Latson's words violated a direct order from his supervisors or from the School Board's reasonable policies. Therefore, just cause for his termination resulting from gross insubordination was not proven by a preponderance of the evidence.

80. The most glaring omission from this proceeding is that the complaining parent did not testify at the hearing. Had she appeared, the undersigned and the parties would have heard first-hand her version of the conversations between Dr. Latson and her, whether by email, telephone, or face-to-face. She could have been placed under oath and asked directly whether she believed Dr. Latson was or is Anti-Semitic. Instead, at hearing, her only words were from emails written nearly two years before. Not a single witness was called by Petitioner (or Respondent, of course) who testified that he or she believed Dr. Latson was either Anti-Semitic or ever espoused Anti-Semitic beliefs throughout his entire career as an educator. No evidence of Dr. Latson's insensitivity to those of the Jewish faith, either direct or indirect was offered. This entire matter hinged on this offending behavior: (1) a poor choice of words concerning respect for others' opinions, even if they may be heinous or uninformed; (2) an ill-advised statement in his farewell email to faculty and staff at SRHS directly blaming a parent for the situation in which he now found himself; and (3) his lack of communication with his supervisors during a political crisis caused by the *Post* article that, at least to an extent, sensationalized a poor way of expressing himself, while he was vacationing with his family. This entire mess would have been avoided had Dr. Latson done two things: (1) chosen his words more carefully so that, rather than giving any credence to Holocaust deniers, he would have stated that he personally believes the Holocaust is a historical fact, but understands that in today's world, there are people who refuse to believe what is right before their

eyes as facts; and (2) simply not blamed the offended parent for his poorly chosen method of communicating his “neutrality” regarding some people’s beliefs that the Holocaust never occurred. Had he done these two things, the issue of the telephone calls not being returned would never have occurred, because there would have been no article in the *Post* and, ultimately, no reassignment followed by a termination of his employment as principal at SRHS. Any competent evidence of Anti-Semitism, either direct or indirect, on Dr. Latson’s part, is sorely lacking.

81. The Holocaust, “the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity,” is to be taught in Florida “for the purposes of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions.” § 1003.42(2)(g), Fla. Stat. When teaching about such significant, and sometimes disturbing, subjects as the Holocaust, the history of African Americans, and the study of Hispanic and women’s contributions to the United States, an individual educator’s specific spoken words matter greatly. This is especially true when that person is a public figure within the education community, such as Dr. Latson. From everyone who testified on his behalf, and from many who testified for the School Board, before this unfortunate series of incidents, Dr. Latson was a highly respected, even beloved, educator. Regardless of the outcome here, his record has been tainted due to small missteps on his part, that, while clumsy, were for the most part well intended. Dr. Latson, throughout his otherwise stellar career, has had a proven record of ensuring that Holocaust and all other state-mandated curricula were properly taught under his leadership.

82. Johnson, as a former principal and superintendent in Palm Beach County and elsewhere, testified, as set forth in paragraph 55 above, that progressive discipline is currently employed by the District. There was no evidence presented by the District that Dr. Latson’s behavior in this matter rose to the level of a “serious offense” or one that “puts the District at risk,” to

justify a termination without any prior lesser levels of discipline. Under the facts as presented and applying those facts to the relevant law, Dr. Latson's actions do not warrant termination. *See Quiller v. Duval Cty. Sch. Bd.*, 171 So. 3d 745, 746 (Fla. 1st DCA 2015)(following progressive discipline mandated by the school board was required "unless a severe act of misconduct warranted circumventing the steps."). Regardless of the ultimate discipline imposed in this matter, his time at SRHS has been tainted by this entire series of events. His poor choices, while not severe enough to warrant termination, do support the School Board's original decision to transfer him to another position within the District. Further, his statement that the parent who complained about his neutrality language in his email to her and his statement in his farewell email to the faculty and staff at SRHS that she had made false statements to the media, showed poor judgment on his part and even led many faculty members to fear retaliation by the administration should they speak their minds on this or other subjects that may be controversial to some. These acts of poor judgment on Dr. Latson's part should result in a verbal or written reprimand, the lowest rungs on the ladder of progressive discipline.

83. The teachers who testified on Dr. Latson's behalf, without exception, glowingly spoke of their complete confidence in Dr. Latson as a principal and as a proponent of Holocaust studies as mandated and as enhanced by his academic assemblies in memory of the Holocaust. In order to streamline the hearing, the undersigned strongly suggested that Dr. Latson reduce the number of teachers and students he had listed in the pre-hearing stipulation due to their testimony, at some point, being likely to become cumulative and repetitive. From the sampling of teachers Dr. Latson called, the undersigned is confident that the other dozen or so witnesses from SRHS who could have been called would have spoken no less highly of Dr. Latson's dedication to the school, to the faculty, and, most importantly, to the students.

84. Dr. Latson's 26-year record as an educator makes the decision to terminate his employment, in light of the facts adduced at hearing, all the more puzzling. The undersigned fully appreciates the pressure brought to bear on the superintendent, his deputies, and most likely, all of the School Board members, by well-informed and well-meaning politicians at the local, state, and national levels. It is commendable that respected, elected or appointed officials from the District heed the concerns of not only the parents and students of SRHS, but of interested parties such as those described by Fennoy and others who exerted some pressure on them to make a rapid and decisive move concerning Dr. Latson after the series of articles in the *Post*. Despite the external pressures, the District maintained its faith in Dr. Latson and stood behind him, offering him a voluntary, followed by an involuntary, transfer when he was dilatory in getting in touch with them at a crucial moment for them while he was vacationing in Jamaica. Clearly, in the eyes of Petitioner, the single statement in the faculty email about the complaining parent's false statements was the final straw for Petitioner. While that is understandable at some level, the punishment imposed on Dr. Latson was too severe in light of 26 years of service, including eight laudable years as principal at SRHS. Therefore, the undersigned concludes that the penalty should be limited in this case, as set forth in paragraph 81 above.


85. In conclusion, the record in this case fails to establish by a preponderance of the evidence that Respondent engaged in misconduct in office, incompetence, or gross insubordination. There was, therefore, no just cause for his suspension and termination. The transfer of Dr. Latson to another position within the District, a discretionary move, however, is warranted based upon his poor choices in communicating to a parent his "neutral" position on the factual basis for the Holocaust; his failure to timely connect with his superiors during his vacation when a voluntary transfer was still on the table; and his poor choice of words concerning a parent being

untruthful in an otherwise appropriate letter to his faculty and staff communicating his departure. It is not surprising that the totality of these events resulted in his superintendent's loss of confidence and created confusion and, to a lesser extent, fear among some of his former faculty at SRHS.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Palm Beach County School Board enter a final order rescinding the suspension and termination of Dr. Latson; awarding him his lost wages for the period beginning with his suspension without pay; and transferring him to a position within the District, as determined by the superintendent, commensurate with his qualifications.

DONE AND ENTERED this 13th day of August, 2020, in Tallahassee, Leon County, Florida.



ROBERT S. COHEN
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 13th day of August, 2020.

COPIES FURNISHED:

Thomas E. Elfers, Esquire
Law Office of Thomas Elfers
14036 Southwest 148th Lane
Miami, Florida 33186
(eServed)

Thomas Martin Gonzalez, Esquire
GrayRobinson, P.A.
401 East Jackson Street, Suite 2700
Tampa, Florida 33602
(eServed)

Craig J. Freger, Esquire
16247 Northwest 15th Street
Pembroke Pines, Florida 33028-1223
(eServed)

Matthew Mears, General Counsel
Department of Education
Turlington Building, Suite 1244
325 West Gaines Street
Tallahassee, Florida 32399-0400
(eServed)

Richard Corcoran
Commissioner of Education
Department of Education
Turlington Building, Suite 1514
325 West Gaines Street
Tallahassee, Florida 32399-0400
(eServed)

Donald E. Fennoy II, Ed.D., Superintendent
Palm Beach County School Board
3300 Forest Hill Boulevard, C-316
West Palm Beach, Florida 33406-5869

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.