

THE FLORIDA SENATE

IN RE: SUSPENSION OF
MARY BETH JACKSON

Executive Order No. 19-13

**SUPERINTENDENT JACKSON'S RESPONSE TO
GOVERNOR DESANTIS' BILL OF PARTICULARS**

COMES NOW, Mary Beth Jackson, Superintendent of Schools for Okaloosa County, Florida, and files this Response to Governor DeSantis' Bill of Particulars dated February 15, 2019, pursuant to Florida Senate Rule 12.9(4) and Special Master Goodlette's letter dated February 4, 2019, and states as follows:

INTRODUCTION

Mary Beth Jackson won her primary election and was re-elected in the General Election on November 8, 2016, by the voters of Okaloosa County to serve as Superintendent of Schools for Okaloosa County, Florida, for a second term commencing November 22, 2016. Superintendent Jackson dutifully served until January 11, 2019, when Governor DeSantis issued Executive Order 19-13 purporting to suspend Superintendent Jackson for alleged neglect of duty and incompetence. The allegations of Executive Order 19-13 and the Bill of Particulars, many of which are patently false and grossly inflammatory, fail to establish grounds sufficient to warrant removal of Superintendent Jackson from office for neglect of duty or incompetence.

AFFIRMATIVE DEFENSES AND CLAIMS IN AVOIDANCE

I. The Bill of Particulars Exceeds the Scope of the Executive Order

The Bill of Particulars is improper in that it purports to rely upon and assert allegations wholly unrelated to the issues identified in Executive Order 19-13. “[T]he Senate is bound to restrict its findings to the specific executive charges in the suspension order and cannot depart from them.” *State ex rel. Meyerson v. Askew*, 269 So. 2d 671, 675 (Fla. 1972).

Executive Order 19-13 suspends Superintendent Jackson for allegedly “fail[ing] her responsibilities and duties to the parents and students of the Okaloosa County School District due to her failure to provide adequate, necessary and frequent training, a lack of supervision of school district personnel, and a failure to implement adequate safe-guards, policies, and reporting requirements to protect the safety and well-being of the students” and for allegedly “contravene[ing] her oath of office . . . to ‘faithfully perform the duties’ of Superintendent,” which the Executive Order suggests constitute a “clear neglect of duty and incompetence” on the part of Superintendent Jackson “for the purposes of Article IV, section 7, of the Florida Constitution.” Executive Order, p. 4. The predicate for the suspension of Superintendent Jackson was a letter from the Commissioner of Education, Richard Corcoran, dated January 9, 2019, which itself is predicated on the contents of two

Okaloosa County Grand Jury Reports dated February 20, 2018 and June 13, 2018.¹
Id., p. 2-3.

The grand jury reports were based solely on allegations of conduct during the 2015-2016 school year relating to allegations and complaints made against Marlynn Stillions at Kenwood Elementary School involving alleged inappropriate physical contact with special needs students. *See* Grand Jury Report, February 20, 2018, p. 1. The grand jury reports alleged that personnel responsible for reviewing complaints for Okaloosa County School District confirmed the allegations but failed to take any disciplinary action against Ms. Stillions, failed to report Ms. Stillions to the Department of Children and Families, as required by law, failed to report the conduct to the Office of Professional Practices of the Department of Education, and failed to report the allegations to the parents of the child involved in the investigation. *Id.*

The grand jury reports further alleged that Superintendent Jackson failed to implement proper procedures for record management and mandatory reporting to both the Department of Children and Families and the Department of Education; failed to implement a proper procedure for removing any teacher who faces allegations that involve the health or safety of a student; and failed to provide

¹ The Grand Jury twice returned no bill against Superintendent Jackson relating to the conduct that allegedly forms the basis for her suspension under Executive Order 19-13.

adequate, necessary and frequent trainings for school district personnel, especially in the areas of ethics, child abuse and mandatory reporting obligations. Id. at 3-5.

These allegations form the sole basis for the conclusion in the Executive Order that Superintendent Jackson has committed “neglect of duty and incompetence” warranting her removal from office. Executive Order, p. 5. All of these allegations relate to acts or omissions that allegedly occurred during the 2015-2016 school year, and that relate specifically to the issues surrounding the allegations and complaints made against Marlynn Stillions at Kenwood Elementary School.

The same is true for the alleged failure of Superintendent Jackson to implement proper procedures for record management and mandatory reporting to both the Department of Children and Families and the Department of Education, to implement a proper procedure for removing any teacher who faces allegations that involve the health or safety of a student, and to provide adequate, necessary and frequent trainings for school district personnel, especially in the areas of ethics, child abuse and mandatory reporting obligations. To the extent the Executive Order relies on the absence of procedures and training to contend Superintendent Jackson was incompetent or neglected her duty, ultimately leading to the issues with Marlynn Stillions at Kenwood Elementary during the 2015-2016 school year,

all such alleged failures pre-date the Marlynn Stillions incident which occurred during the 2015-2016 school year.

Rather than providing particulars concerning the allegations relating to and preceding the Marlynn Stillions issues at Kenwood Elementary School which form the sole basis for Executive Order 19-13, the Bill of Particulars purports to identify issues and allege deficiencies wholly unrelated to Stillions or the grand jury reports. Specifically, the Bill of Particulars makes allegations relating to an incident involving Roy Frazier from 2016 (“Teacher Frazier Incident”), an incident involving Margaret Wolthers, Diana Lacroix and Carolyn Madison from late 2018 (“Teacher Wolthers Incident”), and an incident involving Sharon Burt from late 2018 (“Counselor Burt Incident”). None of these incidents are even mentioned in Executive Order 19-13, much less identified as a basis for the Governor’s suspension of Superintendent Jackson.

The Bill of Particulars may not raise new issues beyond those identified in Executive Order 19-13, as such issues are beyond the scope of the facts and issues that may be relied upon by the Senate in making its findings and determination regarding Superintendent Jackson’s removal from office. *State ex rel. Meyerson v. Askew*, 269 So. 2d 671, 675 (Fla. 1972). Therefore, the allegations relating to the Teacher Frazier Incident, Teacher Wolthers Incident, and Counselor Burt Incident

should be stricken from the Bill of Particulars, and the Governor should be prohibited from raising such allegations in this proceeding.

II. The Governor’s Authority to Remove an Official from Office Under Article IV, Section 7, Florida Constitution is Limited to Acts Occurring During the Officer’s Current Term of Office.

The Governor’s authority to remove a state officer from office is derived from Article IV, Section 7, Florida Constitution, which provides:

By executive order stating the grounds and filed with the custodian of state records, the governor may suspend from office any state officer not subject to impeachment . . . for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony, and may fill the office by appointment for the period of suspension.

“The power of suspension, being solely in the Governor, must be limited to the grounds stated in the Constitution.” *State ex rel. Hardie v. Coleman*, 155 So. 129, 134 (Fla. 1934).

In accordance with that limitation, this Court has long held that the Governor’s authority to suspend an officer under the Florida Constitution is limited to acts occurring during the current term of office of the suspended officer. *In re Advisory Opinion to Governor*, 60 So. 337 (Fla. 1912) (“The power thus given the Governor to suspend the incumbent of an office and to fill the office by appointment is necessarily confined to the current term of office.”); *Rosenfelder v. Huttoe*, 24 So. 2d 108 (Fla. 1945) (“No rule is better settled under our democratic

theory than this: when one is re-elected or reappointed to an office or position he is not subject to removal for offenses previously committed.”); *State ex rel. Turner v. Earle*, 295 So. 2d 609, 613 (Fla. 1974) (“Recognizing that there are divergent views, we find that the rule supported by the great weight of authority and specifically adopted by this Court in construing statutory and constitutional provisions authorizing the removal of public officers guilty of misconduct when such provisions do not refer to the term of office in which the misconduct occurred is that a public officer may not be removed from office for misconduct which he committed in another public office or in a prior term of office in the absence of disqualification to hold office in the future because of the misconduct.”) (internal citations omitted). Thus, the Governor’s authority to suspend as granted by Article IV, Section 7, of the Florida Constitution does not extend to acts preceding the officer’s current term.

As discussed above, Executive Order 19-13 relies solely upon acts or failures allegedly occurring in the 2015-2016 school year and/or leading up to that school year which allegedly resulted in the incident involving Marlynn Stillions at Kenwood Elementary School. All such alleged events and/or failures precede Superintendent Jackson’s current term of office. Therefore, Governor DeSantis is without constitutional authority to suspend Superintendent Jackson for the events relating to the Stillions incident. Moreover, Executive Order 19-13 is

constitutionally invalid, and Superintendent Jackson should forthwith be reinstated as Superintendent of Schools of Okaloosa County, Florida.

GENERAL DENIAL AND FACTUAL BACKGROUND

Each and every factual allegation contained within Executive Order 19-13 and within the Bill of Particulars is denied except as expressly admitted herein.

At their core, the allegations of Executive Order 19-13 contend that Superintendent Jackson was incompetent and neglected her duty as Superintendent “due to her failure to provide adequate, necessary and frequent training, a lack of supervision of school district personnel, and a failure to implement adequate safeguards, policies, and reporting requirements to protect the safety and well-being of the students.” Executive Order 19-13, p. 4. The Bill of Particulars, while it contains a plethora of information wholly unrelated to the issues identified in the Executive Order, does little to further illuminate the particular alleged failures by Superintendent Jackson which purportedly led to or relate to the occurrence of the Stillions incident and which warrant her removal from office for incompetence or neglect of duty.

For example, on the issue of a lack of supervision of school district personnel, the Bill of Particulars simply alleges that, in essence, because the Stillions incident occurred, it must follow there was a failure to supervise school district personnel. BOP, p.8, ¶ 1. There are no facts to support such a blanket

contention, and certainly no support for the contention that the occurrence of isolated incidents, in and of themselves, constitutes a failure of the Superintendent to supervise school district personnel sufficient to establish incompetence or neglect of duty.

Similarly, on the issue of Superintendent Jackson's alleged failure to have adequate safeguards, policies, and reporting requirements to protect the safety and well-being of students, the Bill of Particulars fails to identify a single policy, procedure or reporting requirement that Superintendent Jackson was required to implement that would have addressed or prevented the Stillions incident, or any of the other incidents described in the Bill of Particulars, from occurring. For one, the School Board, not the Superintendent, is responsible for adopting policies. And, there has been a School Board policy in place for almost two decades requiring personnel to report suspected child abuse in accordance with chapter 39, Florida Statutes. *See* School Board Policy 4-29, Reporting Suspected Acts of Child Abuse, adopted October 23, 2000. Any alleged failure to report was not the result of a lack of having a policy requiring such reporting.

Further, the School Board in 2017, at the Superintendent's recommendation, amended many of its policies in the wake of the Stillions incident to further specify and incorporate the statutory reporting requirements relating to suspected abuse. *See* School Board Policy 4-29, Reporting Suspected Acts of Child Abuse, Neglect

or Abandonment, revised December 11, 2017. At the same time, the Board, at the Superintendent's recommendation, also instituted changes to the processes and procedures for investigating and resolving allegations involving suspected child abuse, including changes to more clearly specify some of the very things that the Bill of Particulars suggests should have been in place to prevent the incidents described in the Bill of Particulars. *See* School Board Policy Nos. 4-29, 4-30, 4-43, 6-28 and 6-33.

In February 2018, Superintendent Jackson also put in place a new person in charge of Human Resources, Marcus Chambers, the now acting Superintendent of Schools in Okaloosa County, upon the resignation of the prior person in that role. In taking that role, Mr. Chambers was responsible for overseeing training of personnel on mandatory reporting of suspected child abuse, as well overseeing the investigation of suspected acts of child abuse and recommending appropriate discipline upon the conclusion of such investigations.

Those policy revisions and personnel changes were already in place when the Teacher Wolthers Incident and Counselor Burt Incident occurred. The unfortunate fact is that best policies and procedures cannot prevent all incidents from ever occurring, and Superintendent Jackson's alleged failure to have policies or procedures in place that would prevent such incidents, which unfortunately are not all preventable, does not constitute incompetence or neglect of duty.

Finally, the alleged failure to adequately train school personnel is unfounded. For one, there is no law that establishes how frequently personnel must be trained on reporting of suspected child abuse, or ethics, or otherwise. Nonetheless, upon initially taking office in November 2012, Superintendent Jackson began almost immediately to review the training of personnel in the school district. Superintendent Jackson instituted changes to ensure that every new hire go through a new employee training, including specific training on the mandatory reporting of suspected child abuse. Similarly, new teachers must additionally go through a new teacher induction training where they also are trained on the mandatory reporting of suspected child abuse. Administrators from across the school district meet at least annually at a summer retreat for presentations on a whole host of topics, including the mandatory reporting of suspected child abuse. And, principals are requested to cover that material with each of their schools during the pre-planning process that occurs prior to the beginning of each school year. Given the amount of training provided to district employees, the knowledge of the mandatory reporting requirement is akin to breathing—it permeates the teaching environment to its core.

These trainings and refreshers are not new. They have been ongoing since well before the 2015-2016 school year. There is absolutely no support for the

contention that teachers and other school personnel were not aware of the requirement to report suspected child abuse.

Nonetheless, after the Stillions incident, Superintendent Jackson directed even additional training for all personnel on the mandatory reporting of suspected child abuse, including having the Department of Children and Families come in and provide training on that issue. Every person in the school district was required to attend and sign off. Nonetheless, the Teacher Wolthers Incident and Counselor Burt Incident occurred after the enhanced training. Again, unfortunately, no amount of training is necessarily going to prevent incidents from occurring, or prevent individuals from failing to report. Certainly these isolated incidents do not suggest incompetence or neglect of duty on the part of Superintendent Jackson.

Finally, as to the allegation in the Bill of Particulars that the teachers and counselors at issue were not removed from the classroom upon notification to the district of a potential concern, that is simply patently false. In each incident described in the Bill of Particulars the individual alleged to have engaged in improper conduct was immediately removed from the classroom and placed on administrative leave pending the conclusion of the investigation. To suggest those individuals were simply left in the classroom is unsupported by the facts.

The facts alleged in Executive Order 19-13 and in the Bill of Particulars fail to demonstrate failures on the part of Superintendent Jackson sufficient to

constitute incompetence or neglect of duty, and Superintendent Jackson should immediately be reinstated to office.

RESPONSE TO FACTUAL ALLEGATIONS

Each and every factual allegation contained within Executive Order 19-13 and within the Bill of Particulars is denied except as expressly admitted herein.

I. Teacher Frazier Incident

As discussed above, the Teacher Frazier incident is not identified in Executive Order 19-13 and is improper to consider in this proceeding. The portions of the Bill of Particulars relating to the Teacher Frazier Incident should be stricken from the record.

Teacher Frazier was removed from the classroom and placed on administrative leave immediately upon commencement of the investigation by Investigator Farley. Teacher Frazier retired from teaching at the end of the 2015-2016 school year and did not return to the classroom for the 2016-2017 school year.

II. Teacher Stillions Incident

Teacher Stillions was removed from the classroom and placed on administrative leave immediately upon commencement of the investigation by

Investigator Farley. Teacher Stillions never returned to the classroom at Kenwood Elementary.

At the time of the investigation, Investigator Farley, who had been with the district for many years, was the designated contact to receive information and updates from the Department of Children and Families concerning ongoing investigations of suspected child abuse. During his investigation, Investigator Farley contacted the Department of Children and Families, discussed the allegations against Teacher Stillions, and was told that there were no indicators of abuse based on the conduct of Teacher Stillions. This information was relayed to the Assistant Superintendent of Human Resources by Investigator Farley, along with a copy of his investigative report which made no finding of confirmed abuse by Teacher Stillions.

Upon conclusion of the investigation Teacher Stillions was transferred from Kenwood Elementary School. Additionally, the Assistant Superintendent of Human Resources requested additional training for Kenwood Elementary School, as well as a refresher on the requirement for mandatory reporting of suspected child abuse. There were no subsequent issues of any kind relating to Ms. Stillions or her interaction with students during the 2016-2017 school year, after which she no longer taught in Okaloosa County Schools.

In May 2017, the Department of Children and Families (“DCF”) opened an investigation into the Stillions incident. The Okaloosa County Sheriff’s Office similarly opened an investigation into the matter around that same time. The investigator for DCF and the Sheriff’s Office conducted joint interviews of all the witnesses, some of which they met with multiple times. On or about July 17, 2017, DCF closed its investigation, concluding that there were no indicators of child abuse. Prior to closing her file, the DCF investigator testified that she conferred with the Sheriff’s Office investigator who confirmed that the Sheriff’s Office was also closing its file with no findings of abuse. Subsequently, DCF opened a second investigation in August 2017. DCF also later closed that investigation, concluding again that there were no indicators of abuse.

III. Teacher Wolthers Incident

As discussed above, the Teacher Wolthers incident is not identified in Executive Order 19-13 and is improper to consider in this proceeding. The portions of the Bill of Particulars relating to the Teacher Wolthers Incident should be stricken from the record.

The Teacher Wolthers incident occurred in late 2018 even after the policies, procedures and personnel changes were made in the wake of the Stillions incident. The fact that such an incident occurred does not in and of itself establish incompetence or neglect of duty on the part of Superintendent Jackson. Indeed, the

Assistant Superintendent in charge of Human Resources at the time, Marcus Chambers, has been selected by Governor DeSantis as Acting Superintendent of Schools for Okaloosa County during the pendency of Superintendent Jackson's suspension. To the extent the occurrence of the incident in and of itself constituted incompetence or neglect of duty on the part of Superintendent Jackson, it is hard to imagine a scenario where the person most directly in charge of Human Resources, including training of individuals on the reporting of suspected child abuse, as well as being responsible for overseeing investigations of such conduct, could be selected to replace Superintendent Jackson.

IV. Counselor Burt Incident

As discussed above, the Counselor Burt incident is not identified in Executive Order 19-13 and is improper to consider in this proceeding. The portions of the Bill of Particulars relating to the Counselor Burt Incident should be stricken from the record.

The Counselor Burt incident occurred in late 2018 even after the policies, procedures, and personnel changes, including additional training on the mandatory reporting of suspected child abuse, were made in the wake of the Stillions incident. The fact that such an incident occurred does not in and of itself establish incompetence or neglect of duty on the part of Superintendent Jackson. Indeed, the Assistant Superintendent in charge of Human Resources at the time of the

Counselor Burt Incident, Marcus Chambers, has been selected by Governor DeSantis as Acting Superintendent of Schools for Okaloosa County during the pendency of Superintendent Jackson's suspension. To the extent the occurrence of the incident in and of itself constituted incompetence or neglect of duty on the part of Superintendent Jackson, it is hard to imagine a scenario where the person most directly in charge of Human Resources at the time of the Counselor Burt Incident, including responsibility for training of individuals on the reporting of suspected child abuse and for overseeing investigations of such conduct, could be selected to replace Superintendent Jackson.

RESPONSE TO SPECIFIC CHARGES

In the section "Specific Charges" of his Bill of Particulars, the Governor improperly attempts to impose statutory duties and standards upon Superintendent Jackson which are imposed upon county school boards. Accordingly, Superintendent Jackson objects to such efforts and responds to the allegations set forth in the section titled "Specific Charges" as follows:

1. Section 1001.32(3), Florida Statutes, speaks for itself. To the extent the Governor seeks to impose a greater duty than that imposed by law, such allegations are denied. Superintendent Jackson denies that she neglected her duty or was otherwise incompetent. Superintendent Jackson further denies that any of her actions caused any instances of child abuse or neglect.

2. Section 1001.41, Florida Statutes, addresses the powers of a school district board, not a school district superintendent. As such, the statute is inapplicable to the present case. Superintendent Jackson denies that she neglected her duty or was otherwise incompetent. Superintendent Jackson further denies that any of her actions caused any instances of child abuse or neglect.
3. Denied.
4. Denied. Teacher Frazier was removed from the classroom and placed on administrative leave upon receipt of the allegations of misconduct. Teacher Frazier elected to retire after the 2015-2016 school year rather than be reassigned.
 - a. Section 1012.796(5), Florida Statutes, speaks for itself. To the extent the Governor seeks to impose a greater duty than that imposed by law, such allegations are denied.
 - b. Denied.
 - c. Denied. Teacher Frazier was removed from the classroom and placed on administrative leave upon receipt of the allegations of misconduct.
 - d. Denied
5. Denied.
 - a. Admitted.

6. Denied. Teacher Stillions was removed from the classroom and placed on administrative leave upon receipt of the allegations of misconduct. Upon conclusion of the investigation, Teacher Stillions was reassigned from Kenwood Elementary School to another school.

a. Section 1012.796(5), Florida Statutes, speaks for itself. To the extent the Governor seeks to impose a greater duty than that imposed by law, such allegations are denied.

b. Denied. Teacher Stillions was removed from the classroom and placed on administrative leave upon receipt of the allegations of misconduct.

c. Denied.

d. Denied.

7. Denied.

a. Admitted.

8. Denied.

a. Admitted.

9. Section 1001.42, Florida Statutes, addresses the powers and duties of a school district board, not a school district superintendent. The statute clearly provides that school district boards possess and exercise the authority to adopt policies, not school district superintendents. As such, the statute is inapplicable to the present case. Superintendent Jackson denies that she neglected her duty or was

otherwise incompetent. Superintendent Jackson further denies that any of her actions caused any instances of child abuse or neglect.

- a. Section 1001.42, Florida Statutes, speaks for itself. To the extent the Governor seeks to impose a greater duty than that imposed by law, such allegations are denied. Superintendent Jackson denies that she neglected her duty or was otherwise incompetent. Superintendent Jackson further denies that any of her actions caused any instances of child abuse or neglect.
- b. Section 1001.42, Florida Statutes, speaks for itself. To the extent the Governor seeks to impose a greater duty than that imposed by law, such allegations are denied. Superintendent Jackson denies that she neglected her duty or was otherwise incompetent. Superintendent Jackson further denies that any of her actions caused any instances of child abuse or neglect.
- c. Section 1001.42, Florida Statutes, speaks for itself. To the extent the Governor seeks to impose a greater duty than that imposed by law, such allegations are denied. Superintendent Jackson denies that she neglected her duty or was otherwise incompetent. Superintendent Jackson further denies that any of her actions caused any instances of child abuse or neglect.

- d. Section 1001.42, Florida Statutes, speaks for itself. To the extent the Governor seeks to impose a greater duty than that imposed by law, such allegations are denied. Superintendent Jackson denies that she neglected her duty or was otherwise incompetent. Superintendent Jackson further denies that any of her actions caused any instances of child abuse or neglect.
- e. Without knowledge, and therefore denied.
- f. Denied.
- g. The investigation referenced by the Governor speaks for itself; otherwise denied.
- h. The investigation referenced by the Governor speaks for itself; otherwise denied.
- i. Denied.
- j. Denied.

10. Denied.

- a. Admitted.
- b. Admitted.

11. Paragraph 11, including all subparagraphs a. through j., makes conclusions of law to which no response is deemed necessary. Section 1012.796(1)(d)3,

Florida Statutes, speaks for itself. To the extent the Governor seeks to impose a greater duty than that imposed by law, such allegations are denied.

12. Denied, including all subparagraphs a. through c.

13. Section 1001.41, Florida Statutes, addresses the powers of a school district board, not a school district superintendent. As such, the statute is inapplicable to the present case. Superintendent Jackson denies that she neglected her duty or was otherwise incompetent. Superintendent Jackson further denies that any of her actions caused any instances of child abuse or neglect or were not otherwise conducted with the best interest of the health safety and welfare of the district's students as the primary objective.

a. Denied.

b. Section 1001.42(6), Florida Statutes, speaks for itself. Otherwise denied.

14. Section 1001.42(8), Florida Statutes, addresses the powers and duties of a school district board, not a school district superintendent. As such, the statute is inapplicable to the present case. Superintendent Jackson denies that she neglected her duty or was otherwise incompetent. Superintendent Jackson further denies that any of her actions caused any instances of child abuse or neglect.

a. Denied.

b. Denied.

- c. Denied.
- d. Admitted.
- e. Denied, as phrased.
- f. Denied.
- g. Denied, as phrased.
- h. Denied, as phrased.
- i. Denied.
- j. Denied.
- k. Denied.

15. Section 1001.51(19), Florida Statutes, speaks for itself. To the extent the Governor seeks to impose a greater duty than that imposed by law, such allegations are denied. Otherwise, denied.

16. Section 1001.51(12)(b), Florida Statutes, speaks for itself. To the extent the Governor seeks to impose a greater duty than that imposed by law, such allegations are denied. Otherwise, denied.

17. Section 1012.796(5), Florida Statutes, speaks for itself. To the extent the Governor seeks to impose a greater duty than that imposed by law, such allegations are denied. Otherwise, denied.

- a. The report speaks for itself.
- b. Denied.

c. Denied.

d. Admitted.

18. Denied.

19. Section 1012.27(5)(b), Florida Statutes, speaks for itself. To the extent the Governor seeks to impose a greater duty than that imposed by law, such allegations are denied. Otherwise, denied.

20. Section 39.201, Florida Statutes, speaks for itself. To the extent the Governor seeks to impose a greater duty than that imposed by law, such allegations are denied. Otherwise, denied.

21. Denied.

22. Denied.

23. Section 1001.42, Florida Statutes, addresses the powers and duties of a school district board, not a school district superintendent. The statute clearly provides that school district boards possess and exercise the authority to adopt policies, not school district superintendents. As such, the statute is inapplicable to the present case. Otherwise, denied.

a. Denied.

24. Denied, including all subparagraphs a. through d.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 1, 2019, a true copy of the foregoing has been filed via email with Dudley Goodlette, Special Master, Goodlette.Dudley@flsenate.gov, and served via email to Nicholas Primrose, Counsel for the Governor, nicholas.primrose@eog.myflorida.com.

/s/ George T. Levesque _____

George T. Levesque

Florida Bar No. 555541

D. Ty Jackson

Florida Bar No. 41216

GrayRobinson, P.A.

301 South Bronough Street

Suite 600 (32301)

Post Office Box 11189

Tallahassee, Florida 32302

Telephone (850) 577-9090

Facsimile (850) 577-3311

Email george.levesque@gray-robinson.com

Secondary emails:

teresa.barreiro@gray-robinson.com

mari-jo.lewis-wilkinson@gray-robinson.com

Attorneys for Mary Beth Jackson