

IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO
FILE MOTION FOR REHEARING AND
DISPOSITION THEREOF IF FILED

THE SCHOOL BOARD OF
PALM BEACH COUNTY,
FLORIDA,

Appellant,

CASE NO. 1D08-0084

v.

STATE BOARD OF
EDUCATION, STATE OF
FLORIDA,

Appellee.

_____ /

Opinion filed December 2, 2008.

An appeal from an order of the Department of Education.

Ronald G. Meyer, Jennifer Blohm, and Janeia R. Daniels of Meyer and Brooks, P.A., Tallahassee; and Randall D. Burks and Gerald A. Williams, Office of Chief Counsel, School Board of Palm Beach County, West Palm Beach, for Appellant.

Deborah K. Kearney, General Counsel, Department of Education, Tallahassee; Bill McCollum, Attorney General, and Timothy Osterhaus, Deputy Solicitor General, Office of the Attorney General, Tallahassee, for Appellee.

PER CURIAM.

The School Board of Palm Beach County challenges the constitutionality of section 1002.335, Florida Statutes (2006), alleging it violates article IX of the Florida Constitution. We hold section 1002.335 is facially unconstitutional. *See Duval County Sch. Bd. v. State Bd. of Educ.*, 1D07-6041 (Fla. 1st DCA Dec. 2, 2008).

BROWNING, C.J., BARFIELD, and KAHN, JJ., CONCUR.