STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

CHARLIE CRIST, AS COMMISSIONER OF EDUCATION,	)	
Petitioner,	)	
vs.	)	Case No. 04-4093PL
NANCY S. LOWERY,	)	
Respondent.	)	

RECOMMENDED ORDER

Pursuant to notice, a formal hearing was held in this case before Carolyn S. Holifield, Administrative Law Judge, Division of Administrative Hearings, on January 19, 2005, by telephone conference call between Tallahassee and Tampa, Florida.

APPEARANCES

For Petitioner: Kelly B. Holbrook, Esquire
Broad and Cassell
100 North Tampa Street, Suite 3500
Post Office Box 3310
Tampa, Florida 33601-3310

For Respondent: No appearance

STATEMENT OF THE ISSUES

The issues in this case are whether Respondent, Nancy S. Lowery ("Respondent"), violated Subsections 231.2615(1)(c), (f), and (i), Florida Statutes (2001),[1/] and Florida Administrative Code Rule 6B-1.006(3)(a) and (e), as alleged in the

Administrative Complaint; and, if so, what penalty should be imposed.

PRELIMINARY STATEMENT

On September 27, 2002, Charlie Crist, then Commissioner of Education, issued an Administrative Complaint against Respondent. The material allegations in the Administrative Complaint were as follows:

> On or about February 1, 2002, Respondent failed to properly supervise students in her class and as a result she failed to protect the safety and well-being of the students. On this date, Respondent showed a movie unrelated to class activity. During the showing of the film, two students engaged in sexual conduct, which included oral sex.

By engaging in the alleged misconduct, the Administrative Complaint charges Respondent with three statutory violations and two rule violations. Count One charges that Respondent is guilty of gross immorality or an act involving moral turpitude in violation of Subsection 231.2615(1)(c), Florida Statutes (2001).[2/] Count Two states that Respondent, upon investigation, has been found guilty of conduct which seriously reduces her effectiveness as an employee of the Orange County School Board in violation of Subsection 231.2615(1)(f), Florida Statutes. Count Three states that Respondent violated the Principles of Professional Conduct for the Education Profession in Florida in violation of Subsection 231.2615(1)(i), Florida Statutes. Count

Four alleges that by engaging in the alleged conduct, Respondent failed to make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental health and/or physical safety as required in Florida Administrative Code Rule 6B-1.006(3)(a). Finally, Count Five charges that by engaging in the alleged misconduct, Respondent intentionally exposed a student to unnecessary embarrassment or disparagement in violation of Florida Administrative Code Rule 6B-1.006(3)(e).

On November 18, 2002, Respondent, through counsel, timely filed an Election of Rights form and requested the "Settlement Option." Pursuant to the terms of that option, Respondent requested 45 days to try to negotiate a settlement; and if an agreement was not reached within the designated time period, the matter would go to final hearing. On March 6, 2004, the Department of Education notified the Education Practices Commission that settlement negotiations had failed. Subsequently, on or about November 12, 2004, John Winn, the Commissioner of Education, forwarded the matter to the Division of Administrative Hearings for assignment of an Administrative Law Judge to conduct the final hearing and prepare a recommended order. Pursuant to notice issued November 29, 2004, the final hearing was scheduled for January 19, 2005.

On December 3, 2004, counsel for Respondent filed a motion to withdraw, which represented that said counsel had been unable to contact Respondent. The motion to withdraw was granted on December 29, 2004.

On January 4, 2005, Petitioner filed a Motion to Compel Responses to Petitioner's First Set of Interrogatories and Petitioner's Request for Production and a motion for discovery sanctions, which sought to have its request for admissions that were served on December 3, 2004, deemed admitted. On January 5, 2005, Petitioner filed an emergency motion to compel the deposition of Respondent, which represented that Respondent failed to appear at her deposition that was scheduled for December 20, 2004.

Prior to the evidentiary part of the hearing, Petitioner's counsel argued the above-referenced motions. Upon consideration of the motions, representations and argument of counsel, and the entire record in the case, the undersigned granted the motion for discovery sanctions, as related to the request for admissions. In accordance with that Order, the statements in the request for admissions were deemed admitted. Based on the foregoing ruling, Petitioner's counsel noted that she could forego discovery and that the issues in the motion to compel relating to Respondent's failure to respond to interrogatories and request for production of documents were moot. Therefore,

the undersigned made no ruling on the motion to compel as it related to those issues. Finally, no ruling was made on the emergency motion to compel the deposition of Respondent after counsel for Petitioner represented that, "at this point," the day of the final hearing, it was not likely that Respondent could be compelled to appear for her deposition.

At hearing, Petitioner presented the testimony of Bobby Davis, a former student at Oakridge High School, and Alfred Lopez, a senior manager and area administrator for the Orange County School District. Petitioner also presented the deposition testimony of Kari Sperre, the chairman of the Exceptional Education Department at Oakridge High School in the 2001-2002 school year. Petitioner's Exhibits 1 though 6 were also offered and received into evidence. Ms. Sperre's deposition was admitted into evidence as Petitioner's Exhibit 7. Respondent did not appear at hearing, and no evidence was presented on her behalf.

A Transcript of the proceeding was filed on February 2, 2005. Petitioner timely filed its Proposed Recommended Order. Respondent did not file a proposed recommended order or any other post-hearing submittal. Petitioner's Proposed Recommended Order has been considered in preparation of this Recommended Order.

FINDINGS OF FACT

1. At all times relevant to this proceeding, Respondent held a Florida Educator's Certificate No. 365470, issued by the Department of Education. The certificate covered the area of family and consumer science and was valid through June 30, 2002.

2. During the 2001-2002 school year, Respondent was a teacher at Oakridge High School ("Oakridge"), a school in the Orange County School District ("School District"), and taught exceptional education students.

3. On February 1, 2002, while employed as a teacher at Oakridge, Respondent showed the movie, "Jaws III," in her classroom to the students in her fourth-period class. That day there were about ten students in Respondent's fourth-period class.

4. Prior to or soon after starting the movie, Respondent turned off the lights in the classroom, and the lights remained off while the movie was playing.

5. While the movie was playing, the students in Respondent's class sat at their desks. However, at some point during the movie, D.C., a female student in the class, asked J.G., another student, if she (J.G.) gave "head." In response, J.G. answered in the affirmative. After J.G. responded, D.C. and G.J., a male student in the class, then coaxed J.G. to perform oral sex on G.J. Then, G.J. unzipped his pants and told

J.G. to put her head "down there," and she did so. At or near the same time, G.J. put his hand in J.G.'s pants. For most of the class period, J.G.'s head was in G.J.'s lap.

6. While J.G. was performing oral sex on G.J., some of the students in the class positioned their desks so that Respondent could not see what J.G. and G.J. were doing.

7. At all times relevant to this proceeding, B.D. was about 16-years-old and a student at Oakridge. B.D. was in Respondent's fourth-period class on February 1, 2002, and observed the events and incident described in paragraphs four through six.

8. Petitioner was in the classroom during the entire fourth period while "Jaws III" was playing. However, once the movie began playing, Petitioner was at the computer in the classroom "working on" or "typing" something.

9. Petitioner was working at the computer most of the class period and did not see J.G. and G.J. engaging in the inappropriate sexual conduct described in paragraph five.

10. At all times relevant to this proceeding, Kari Sperre was the chairman of the Exceptional Education Department at Oakridge, the department in which Respondent worked.

11. On the morning of February 1, 2002, Ms. Sperre took her class on a field trip. Ms. Sperre and her class returned to the school during the fourth period. As Ms. Sperre walked by

Respondent's classroom, she noticed that the lights in that classroom were out.

12. Later that day, it was reported to Ms. Sperre that J.G. had told another student, L.C., that she (J.G.) had performed oral sex on G.J.

13. Upon hearing this report, Ms. Sperre investigated the matter. Ms. Sperre first talked to L.C., a female student in the ninth grade at Oakridge. L.C., who was not in Respondent's fourth-period class, reported to Ms. Sperre that J.G. told her (L.C.) that she (J.G.) had performed oral sex on G.J.

14. After she spoke with L.C., Ms. Sperre then talked to J.G. Although initially reluctant to talk to Ms. Sperre, J.G. eventually told Ms. Sperre what had happened that day in Respondent's class. J.G. told Ms. Sperre that she had only recently transferred to Oakridge, that she was in Petitioner's fourth-period class, and that the lights in the class were out during class that day. J.G. also reported to Ms. Sperre that two students in the class, D.C., a female student, and G.J., a male student, encouraged her to perform oral sex on G.J. According to J.G., D.C. and/or G.J. told her that all she had to do was put her head underneath G.J.'s jacket and nobody would know what was going on. J.G. also told Ms. Sperre that G.J.'s pants were open and admitted that, "I just bent down and did it."

15. J.G. told Ms. Sperre that this incident occurred while the class was watching the movie and while Respondent was working on the computer.

16. At all times relevant to this proceeding, J.G. was classified as an exceptional education student, having been classified as educable mentally handicapped. A student classified as educable mentally handicapped has an IQ of below 70, well below the average IQ of 100.

17. After the February 1, 2002, incident that occurred in Respondent's class, J.G. was suspended from school for engaging in inappropriate conduct at school. Also, since the incident, J.G. withdrew from school and is no longer enrolled in the School District.

18. On February 1, 2002, Respondent violated several policies of the School District. First, the School District requires that teachers supervise their students at all times when they are in the classroom. In order to do this, the teacher should have the students within sight. This is especially important with regard to exceptional education students, who have special and unique challenges.

19. Respondent did not supervise her fourth-period class on February 1, 2002, although she was in the classroom. Instead of supervising her class, Respondent was working at the computer most of the class period and was unaware of what the students

were doing. Clearly, Respondent was not supervising her students, as evidenced by her failure to ever notice or observe the sexually inappropriate conduct by students in her class.

20. By failing to properly supervise her class on February 1, 2002, Respondent failed to protect her students from conditions harmful to their learning and/or physical health and/or safety.

21. The incident that occurred on February 1, 2002, in Respondent's class could have a negative impact on both the students who observed the incident, as well as the student who was encouraged to perform oral sex on the male student. The educable mentally handicapped student who was coaxed into performing the act could be the victim of teasing as a result of her involvement in the incident. According to Ms. Sperre, those students who witnessed the incident could also be negatively impacted by being exposed to and observing the incident. For example, many of the students in the exceptional education class could also be encouraged to engage in the same type of activity that they witnessed in Respondent's fourth-period class on February 1, 2002.

22. The School District has a policy that prohibits teachers from turning out all the lights in their classrooms during class time. This policy is for safety reasons and requires that even if there is a need to turn off the classroom

lights, at least one "bank" of lights must remain on at all times.

23. On February 1, 2002, Respondent violated the policy discussed in paragraph 22, by turning off all the lights at or near the beginning of the fourth period, and they remained off while the students were watching the movie. This violation contributed to Respondent's failure to supervise the students because with all the lights out, even though she was in the classroom, Respondent was unaware and unable to see what the students, including J.G. and G.J., were doing.

24. During the 2001-2002 school year, Oakridge had a policy that allowed teachers to show only movies that were educational or had some relevance to the lesson being taught in the class.

25. At the beginning of every school year, including the 2001-2002 school year, teachers at Oakridge are given faculty handbooks, which include various policies and procedures that they are required to read. In addition to these written policies and procedures, Oakridge administrators would "discuss" various "oral procedures" with teachers at facility meetings. It is unclear if the policies or procedures regarding the kinds of movies that could be shown at Oakridge and the prohibition against having all the lights off in classrooms at Oakridge were written or oral policies and/or procedures.

26. On February 1, 2002, Respondent violated the policy related to the kind of movies that are allowed to be shown in the classroom by showing the movie, "Jaws III." "Jaws III" is not an educational movie, nor was it relevant to any lesson being taught by Respondent at or near the time it was being shown to the students.

27. The School District investigated the February 1, 2002, incident, and thereafter, the committee reviewed the incident and voted unanimously to recommend that Respondent be terminated as a teacher in the School District. Despite the unanimous recommendation of termination, because Respondent's teaching contract for re-appointment was to be considered soon, instead of terminating Respondent, the School District decided that it would simply not recommend her for re-appointment for the 2002-2003 school year.

28. On February 20, 2002, after the February 1, 2002, incident was investigated, Oakridge's principal, J. Richard Damron, issued to Respondent a letter of reprimand and a letter of directives regarding the incident that occurred in Respondent's classroom on February 1, 2002. The letter of reprimand specifically referenced the February 1, 2002, incident and stated that Respondent had "failed to use reasonable care in supervising" the students in her class. Next, the letter of reprimand stated that a directive would be issued in a separate

correspondence that outlines the School District's expectations regarding Respondent's conduct in the future. Finally, the letter of reprimand noted that "should there be another incident of a similar nature in the future[,] discipline, up to and including dismissal could be recommended."

29. On February 20, 2002, Principal Damron issued written directives to Respondent which required her to do the following: (1) establish a safe, caring, and nurturing environment conducive to learning and the physical and psychological well-being of students; (2) refrain from showing films that are not directly associated with lessons that contribute to the education of children; (3) keep children under her [Petitioner's] direct supervision at all times and not leave students alone, with other teachers, or be absent from her duties unless she makes prior arrangements with the principal or one of the assistant principals; and (4) comply with all district and school directives, policies, rules, and procedures.

30. Respondent's job performance as a teacher at Oakridge for the 2001-2002 school year was evaluated in March 2002. The results of the evaluation are reported on the School District's form entitled, Instructional Personnel Final Assessment Report ("Assessment Report"). The Assessment Report dated March 25, 2002, noted two areas in which Respondent "Needs Improvement": (1) Professional Responsibilities; and (2) Classroom Management

and Discipline. Respondent was rated as "Effective" in four areas: (1) Curriculum Knowledge; (2) Planning and Delivering Instruction; (3) Assessment of Student Performance; (4) Development and Interpersonal Skills.

31. On March 25, 2002, the same day the Assessment Report was completed, Principal Damron notified Respondent that he was not recommending her for re-appointment for the 2002-2003 school year. According to the letter, Principal Damron decided to not recommend Respondent for re-appointment "based upon performance-related reasons and the temporary contract" that she held at that time.

32. Alfred Lopez, a senior manager with the Orange County School District, testified that by failing to supervise the students in her fourth-period class on February 1, 2002, Respondent's effectiveness as a teacher in the School District had "definitely" been reduced.

33. Ms. Sperre testified that she would not ever want Respondent employed in a school in Orange County in which she (Ms. Sperre) was employed.

34. Notwithstanding the beliefs of Mr. Lopez and Ms. Sperre, based on the letter of reprimand and the letter of directives issued on February 20, 2002, it appears that Respondent continued to teach at Oakridge after the February 2002 incident through the end of the school year.

Furthermore, no evidence was presented which established that after the incident, Respondent was reassigned, relieved of, or otherwise removed from her position as an exceptional education teacher at Oakridge after the incident.

CONCLUSIONS OF LAW

35. The Division of Administrative Hearings has jurisdiction over the parties and subject matter in this case pursuant to Section 120.569 and Subsection 120.57(l), Florida Statutes (2004).

36. Petitioner seeks to take disciplinary action against Respondent's teaching certificate and other administrative actions, including the imposition of fines. Because these actions are penal in nature, Petitioner bears the burden to prove the allegations in the Administrative Complaint by clear and convincing evidence. Department of Banking and Finance v. Osborne Stern & Co., 670 So. 2d 932 (Fla. 1996); Ferris v. Turlington, 510 So. 2d 292 (Fla. 1987).

37. The Administrative Complaint alleges that Respondent committed acts prohibited by Subsections 231.2615(1)(c), (f), and (i), Florida Statutes, and Florida Administrative Code Rule 6B-1.006(3)(a) and (e).

38. For violations of Section 231.2615, Florida Statutes, the Education Practices Commission is authorized to: (1) revoke or suspend the teaching certificate; (2) impose an

administrative fine, not to exceed $2,000 for each violation or count; (3) place the teacher on probation; (4) restrict the authorized scope of the teacher's practice; and/or (5) reprimand the teacher in writing, with a copy to be placed in the certification file of such person. § 231.262(7)(b)-(f), Fla. Stat. (2001).[3/]

39. Subsection 231.262(7)(g), Florida Statutes, authorizes the Education Practices Commission to impose administrative sanctions upon a person whose teaching certificate has expired for acts committed while that person possessed a teaching certificate.

40. According to Subsection 231.2615(1), Florida Statutes, the Education Practices Commission may impose disciplinary actions on a certificate holder or any other person within the Commission's jurisdiction, if such person

> (c) Has been found guilty of gross immorality or an act involving moral turpitude;
>
> * * *
>
> (f) Upon investigation, has been found guilty of conduct which seriously reduces that person's effectiveness as an employee of the district school board;
>
> * * *
>
> (i) Has violated the Principles of Professional Conduct for the Education Profession prescribed by the State Board of Education rules.

41. Florida Administrative Code Rule 6B-1.006 reads in pertinent part:

> Principles of Professional Conduct for the Education Profession in Florida.
>
> (1) The following disciplinary rule shall constitute the Principles of Professional Conduct for the Education Profession in Florida.
>
> (2) Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law.
>
> (3) Obligation to the student requires that the individual:
>
> (a) Shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
>
> * * *
>
> (e) Shall not intentionally expose a student to unnecessary embarrassment or disparagement.

42. Count One of the Administrative Complaint alleges misconduct in violation of Section 231.2615(1)(c), Florida Statutes, in that Respondent has been guilty of gross immorality or an act involving moral turpitude. Petitioner has failed to prove this allegation.

43. Florida Administrative Code Rule 6B-4.009 is instructive in defining the terms "immorality" and "moral

turpitude." That Rule provides, in pertinent part, the following:

> (2) Immorality is defined as conduct that is inconsistent with the standards of public conscience and good morals. It is conduct sufficiently notorious to bring the individual concerned or the education profession into public disgrace or disrespect and impair the individual's service in the community.
>
> * * *
>
> (6) Moral turpitude is a crime that is evidenced by an act of baseness, vileness or depravity in the private and social duties which, according to the accepted standards of the time a man owes to his or her fellow man or to society in general, and the doing of the act itself and not its prohibition by statutes fixes the moral turpitude.

Respondent's conduct, failing to supervise her class and other policy infractions, does not constitute gross immorality or acts involving moral turpitude.

44. Count Two of the Administrative Complaint alleges misconduct in violation of Subsection 231.2615(1)(f), Florida Statutes, in that Respondent, upon investigation, has been found guilty of personal conduct which seriously reduces her effectiveness as an employee of the School District. Petitioner failed to prove this allegation.

45. Petitioner presented no evidence that Respondent's "personal conduct," failing to supervise students and comply with other school policies and procedures, seriously reduced her

effectiveness as an employee in the School District. To the contrary, the evidence established that after the incident, which is the subject of this proceeding, Respondent continued to teach at Oakridge after the February 1, 2002, incident, and until the end of the 2001-2002 school year. In view of the fact that Respondent taught at Oakridge without any noted problems, Petitioner failed to establish that Respondent's conduct surrounding the February 1, 2002, incident constituted personal conduct which seriously reduced her effectiveness as a teacher.

46. Count Three of the Administrative Complaint alleges that Respondent has engaged in misconduct by violating Subsection 231.2615(1)(i), Florida Statutes, in that she violated the Principles of Professional Conduct for the Education Profession in Florida prescribed by the State Board of Education. The specific provisions within the Principles of Professional Conduct for the Education Profession in Florida are addressed in Count Four and Count Five of the Administrative Complaint.

47. Count Four of the Administrative Complaint alleges misconduct in violation of Florida Administrative Code Rule 6B-1.006(3)(a) in that Respondent failed to make reasonable effort to protect a student from conditions harmful to learning and/or to the student’s mental health and/or physical safety. Petitioner has established by clear and convincing evidence that

Respondent is guilty of the conduct proscribed in Florida Administrative Code Rule 6B-1.006(3)(a).

48. The undisputed evidence established that Respondent failed to supervise the exceptional education students in her class; that during that class period, she turned off all the lights in the class and showed a movie that was not educational or related to any instruction. There is no evidence that Respondent condoned the conduct that occurred in her class or would have allowed it had she been aware of it. Nonetheless, as a result of Respondent's failure to supervise the students in her class, a mentally handicapped student was coaxed to and did, in fact, perform oral sex on another student. Because Respondent did not supervise her students, she failed to make reasonable efforts to protect J.G. from conditions harmful to the student's mental health.

49. Count Five of the Administrative Complaint alleges misconduct in violation of Florida Administrative Code Rule 6B-1.006(3)(e) in that Respondent intentionally exposed a student to unnecessary embarrassment or disparagement. Petitioner failed to prove this allegation. A violation of this provision requires that the person covered by the Rule have either the specific intent to embarrass or a general intent to act in a way which one could expect to result in embarrassment or disparagement. See School Board of Pinellas County v. Ray,

Case No. 94-1631 (DOAH June 13, 1994). Petitioner failed to prove that Respondent violated Florida Administrative Code Rule 6A-1.006(3)(e).

50. Petitioner failed to establish that Respondent intentionally exposed J.G. to unnecessary embarrassment or disparagement. The fact that Respondent failed to supervise her students and turned off the lights in the classroom while showing a movie, does not establish that Respondent had either the specific or general intent necessary to prove a violation of Florida Administrative Code Rule 6A-1.006(3)(e).

51. Petitioner recommended that the Education Practices Commission impose the following penalties: (1) suspend Respondent's teaching certificate for one year; (2) upon employment in a public or private position requiring a teaching certificate, place Respondent on probation, with restrictions, for two years; (3) require Respondent to take a three-credit college course in classroom management within the first year of probation; and (4) issue a letter of reprimand.

52. Pursuant to Section 231.262, Florida Statutes, the one-year suspension of Respondent's teaching certificate is not authorized by law. It is undisputed that Respondent had a teaching certificate in February 2002, when the misconduct took place and that the certificate was effective only through

June 2002. Given that Respondent does not presently have a teaching certificate, there is no certificate to suspend.

53. Even though Respondent's license has expired, the Education Practices Commission is authorized to impose administrative sanctions against her for acts committed while she possessed a teaching certificate. Petitioner's recommended penalties: a two-year probationary period, upon employment in a position requiring a teaching certificate; a requirement to take a classroom management course; and a letter of reprimand are administrative sanctions permitted by Subsection 231.262(7)(g), Florida Statutes.

RECOMMENDATION

Based upon the foregoing Findings of Fact and Conclusions of Law, it is

RECOMMENDED that the Education Practices Commission issue a final order finding that Respondent violated Subsection 231.2615(1)(i), Florida Statutes, and Florida Administrative Code Rule 6A-1.006(3)(a), but did not violate Subsections 231.2615(1)(a) and (f), Florida Statutes, and Florida Administrative Code Rule 6A-1.006(3)(e). It is further

RECOMMENDED that the final order impose the following administrative sanctions on Respondent:

1. Upon employment in any public or private position requiring an educator's certificate, Respondent shall be placed

on two years' probation with the conditions that during this period, she shall:

a. Notify the Education Practices Commission, upon employment and immediately upon termination of employment in any public or private position requiring a Florida educator's certificate;

b. Have her immediate supervisor submit annual performance reports to the Education Practices Commission;

c. Violate no law and fully comply with all School District regulations, school rules, and the State Board of Education;

d. Satisfactorily perform assigned duties in a competent, professional manner; and

e. Bear all costs of complying with the terms of this probation.

2. Enroll in and successfully complete a three-hour college course in classroom management within the first year of probation and submit to the Bureau of Education Standards an official college transcript verifying successful completion of the course with a grade of "B" or higher. This course must be taken in person, and a correspondence or on-line course will not satisfy this requirement.

3. Issue a letter of reprimand, with a copy to be placed in Respondent's certification file.

DONE AND ENTERED this 18th day of March, 2005, in Tallahassee, Leon County, Florida.

CAROLYN S. HOLIFIELD
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 18th day of March, 2005.

ENDNOTES

[1/] Section 231.2615, Florida Statutes, is now Subsection 1012.795(1), Florida Statutes (2004).

[2/] Unless otherwise indicated, all citations are to Florida Statutes (2001).

[3/] Section 231.262, Florida Statutes, is now Subsection 1012.796, Florida Statutes (2004).

COPIES FURNISHED:

Kathleen M. Richards, Executive Director
Education Practices Commission
Department of Education
325 West Gaines Street, Room 224
Tallahassee, Florida 32399-0400

Marian Lambeth, Program Specialist
Bureau of Educator Standards
Department of Education
325 West Gaines Street, Suite 224-E
Tallahassee, Florida 32399-0400

Kelly B. Holbrook, Esquire
Broad and Cassel
100 North Tampa Street, Suite 3500
Post Office Box 3310
Tampa, Florida 33601-3310

Nancy Lowery
6033 Oak Bend Street
Apartment 11203
Orlando, Florida 32835

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.