

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DR. ERIC J. SMITH, AS)
COMMISSIONER OF EDUCATION,)
)
Petitioner,)
)
vs.) Case No. 08-5955PL
)
ALLISON MARIE REOPEL,)
)
Respondent.)
_____)

RECOMMENDED ORDER

Pursuant to notice, a final hearing was held in this case on May 19 and June 3, 2009, in Orlando, Florida, before Susan B. Harrell, a designated Administrative Law Judge of the Division of Administrative Hearings.

APPEARANCES

For Petitioner: Ron Weaver, Esquire
Post Office Box 5675
Douglasville, Georgia 30154-0012

For Respondent: Gary D. Wilson, Esquire
Jill S. Schwartz & Associates, P.A.
180 North Park Avenue, Suite 200
Winter Park, Florida 32789-7401

STATEMENT OF THE ISSUES

The issues in this case are whether Respondent violated Subsections 1012.795(1)(c), 1012.795(1)(f), and 1012.795(1)(i), Florida Statutes (2006),¹ and Florida Administrative Code

Rules 6B-1.006(3)(a), 6B-1.006(3)(e), and 6B-1.006(3)(h), and, if so, what discipline should be imposed.

PRELIMINARY STATEMENT

On July 24, 2008, Petitioner issued an Administrative Complaint against Respondent, Allison Marie Reopel (Ms. Reopel), alleging that she engaged in an inappropriate romantic and sexual relationship with a student in violation of Subsections 1012.795(1)(c), 1012.795(1)(f), and 1012.795(1)(i), Florida Statutes, and Florida Administrative Code Rules 6B-1.006(3)(a), 6B-1.006(3)(e), and 6B-1.006(3)(h). Ms. Reopel requested an administrative hearing, and, on December 1, 2008, the case was forwarded to the Division of Administrative Hearings for assignment to an Administrative Law Judge to conduct a final hearing.

The final hearing was originally scheduled for February 12, 2009, but was continued twice. The parties entered into a Joint Pre-hearing Stipulation in which the parties stipulated to certain facts contained in Section E of the Joint Pre-hearing Stipulation. Those facts have been incorporated into this Recommended Order.

At the final hearing, Petitioner called the following witnesses: Edward Leonard Smith, Michael Scott Hanson, Luz Vanessa Schaeffer, Maxine Risper, Nestor Juan Velazquez, Rosa Cruz Flores, Melissa Lee Moser, Rose Stewart Kellam, and

Tiffany Marie Pagan. Petitioner's Exhibits 1 and 2 were admitted in evidence.

At the final hearing, Ms. Reopel testified in her own behalf and called the following witnesses: Marianne Pena, Angel Manuel Pagan, Maria Santiago Pagan, and Tiffany Marie Pagan. Respondent's Exhibits 1 through 7, 9, 11, and 12 were admitted in evidence.

The five-volume Transcript was filed on July 23, 2009. On July 31, 2009, Petitioner filed Petitioner's Unopposed Motion for Extension of Time to File Proposed Recommended Orders. The motion was granted, and the time for filing proposed recommended orders was extended to August 13, 2009. Petitioner timely filed Petitioner's Proposed Recommended Order on August 13, 2009. Respondent, Alison Marie Reopel's Proposed Recommended Order arrived at the Division of Administrative Hearings at 5:03 p.m. on August 13, 2009, which meant the Proposed Recommended Order was deemed filed as of August 14, 2009. On August 14, 2009, Ms. Reopel filed an unopposed motion to accept her Proposed Recommended Order. The motion was granted by Order dated August 17, 2009. Careful consideration has been given to the parties' Proposed Recommended Orders in the preparation of this Recommended Order.

FINDINGS OF FACT

1. Ms. Reopel holds Florida Educator's Certificate 973284, covering the area of social science. The certificate is valid through June 30, 2008.

2. At all times pertinent to the allegations in the Administrative Complaint, Ms. Reopel was employed as a social studies teacher and an assistant softball coach at Oak Ridge High School (Oak Ridge) in the Orange County School District (School District). In April 2007, Ms. Reopel was 25 years old.

3. In the 2006-2007 school year, Tiffany Pagan was a senior at Oak Ridge. She turned 18 years of age on April 6, 2007. She was not a student in one of Ms. Reopel's academic classes. At Oak Ridge, a student was not to assist a teacher unless the student had been assigned to the teacher as a student assistant. Ms. Pagan was not a student assistant assigned to Ms. Reopel. However, Ms. Pagan was a member of the girls' softball team for which Ms. Reopel coached. Ms. Pagan was part of a work-study program at Oak Ridge, in which she took some academic classes and then left the school campus to work. Once a student who was participating in the work-study program completed classes, the student was to leave the campus.

4. Ms. Pagan has engaged in a sexual relationship with more than one girl while she was a student at Oak Ridge.

Ms. Pagan did not make it a secret that she liked girls, and Ms. Reopel was aware that Ms. Pagan was a lesbian.

5. In April 2007, Ms. Reopel's classroom was a portable classroom with windows facing a covered hallway located outside the classroom. In order to see into the classroom from the outside, one would have to lean toward the window and press one's face to the glass. Based on Ms. Reopel's and Ms. Pagan's independent drawings of the configuration of the classroom, Ms. Reopel's desk was located in a corner area of the classroom where no windows were located and near an area in which three-drawer file cabinets were placed in front of the windows. Based on their description of the location of the room's furnishings, it would be difficult at best to see the desk from outside the classroom while walking past the classroom.

6. On April 12, 2007, Edward Smith, a technology support representative at Oak Ridge, was inventorying the computer equipment at the school. At mid-day, he went to Ms. Reopel's classroom and found it locked.² Using his master key, he entered the classroom. The lights were off, but there was sufficient light coming from the windows so that he could see clearly.

7. He walked into the classroom, thinking that there was no one in the room because the lights were out. He heard a movement and looked up. Mr. Smith saw Ms. Reopel sitting in a chair behind and slightly to the right side of her desk. There

was a female student on the floor on her knees facing Ms. Reopel. The student had her left arm propped on the desk. Mr. Smith does not recall seeing any papers on the floor near Ms. Reopel and the student.

8. Mr. Smith observed Ms. Reopel make two downward and upward motions as if she were pulling her clothes up. Ms. Reopel asked Mr. Smith if she could help him, and he told her that he was counting computers. He counted the computers in the room and left. Neither Ms. Reopel nor the student got up. The student never turned around.

9. After Mr. Smith exited the classroom, he went past the windows and looked toward the classroom. He could not see inside the classroom. After making sure that he was past the classroom windows, he used his radio to call the assistant principal at Oak Ridge, Michael Scott Hanson, to let the assistant principal know what he had just seen.

10. Mr. Hanson and Mr. Smith advised Maxine Risper, the principal at Oak Ridge, of what Mr. Smith had seen. Ms. Risper advised Orange County School District Employee Relations (Employee Relations) of the situation. The following day Ms. Reopel was relieved of her classroom duties and told to report to Employee Relations.

11. After some investigation, it was revealed that Ms. Pagan was the student that Mr. Smith had seen in

Ms. Reopel's classroom. Ms. Pagan was called into Ms. Risper's office to discuss the incident with Ms. Reopel. At first, Ms. Pagan denied any relationship with Ms. Reopel, but later admitted that she did have a relationship with Ms. Reopel. Ms. Pagan said that the relationship had not begun until she turned 18 years old.

12. Ms. Pagan's mother was called to come to the school. When Mrs. Pagan learned of the allegations, she became angry with her daughter. Ms. Pagan wanted to know whether the incident would affect Ms. Pagan's graduation.

13. The day after the incident, April 13, 2007, Melissa Moser, the head softball coach and Ms. Reopel's friend and colleague, became concerned that Ms. Reopel was not at school. That evening, she went to Ms. Reopel's apartment to learn why Ms. Reopel had not been at school. Ms. Reopel told Ms. Moser that the day before she and her boyfriend had been caught in her classroom while involved in sexual activity, and that was why she had been relieved of her teaching duties.

14. On Monday, April 16, 2007, Ms. Moser had heard students talking about Ms. Reopel not returning to the classroom. That evening Ms. Moser sent a text message to Ms. Reopel asking Ms. Reopel whether Ms. Reopel's having been relieved of teaching duties had anything to do with Ms. Pagan. At first, Ms. Reopel replied that it did not, but, after further

questioning, Ms. Reopel told Ms. Moser that nothing physical had happened with Ms. Pagan until Ms. Pagan was 18 years old.

15. By letter dated April 17, 2008, Employee Relations requested Ms. Reopel to attend a meeting to discuss the allegations. By letter dated April 18, 2008, Ms. Reopel submitted her resignation to the School District.

16. Both Ms. Reopel and Ms. Pagan deny that any romantic relationship existed between them until after Ms. Pagan graduated from high school. However, Ms. Pagan made statements to numerous witnesses concerning her romantic involvement with Ms. Reopel prior to April 12, 2007.

17. During the 2006-2007 school year, Nestor Velazquez was a classmate and close friend of Ms. Pagan. In February 2007, Ms. Pagan told Mr. Velazquez that she was having sexual relations with another female. At the time, Ms. Pagan did not reveal the identity of her lover. During this time, Ms. Pagan was also having romantic relationships with another female, Marianne Pena, and a male.

18. Sometime between March 13 and April 12, 2007, Ms. Pagan confided to Mr. Velazquez that she had been having a sexual relationship with Ms. Reopel. Ms. Pagan described sexual acts that had occurred with Ms. Reopel, including the use of sexual aids. While at the Oak Ridge school library, Ms. Pagan and her friend, Liz Ortiz, told Mr. Velazquez about an incident

in which Ms. Reopel, Ms. Ortiz, Ms. Pagan, and Cindy Rivera had gone to Ms. Reopel's apartment where Ms. Reopel and Ms. Pagan had sex in the bedroom and the other couple had sex in the living room. Ms. Pagan told Mr. Velazquez that Ms. Reopel's cat had scratched one of the females in the living room on the female's buttock, while she was engaged in sexual activity.

19. Mr. Velazquez's mother, Rosa Cruz Flores, became good friends with Ms. Pagan, Ms. Ortiz, and Ms. Rivera. All three students came to Ms. Flores' home at various times. Ms. Pagan and Ms. Flores had worked at the same movie theater. Ms. Pagan would tell Ms. Flores personal things. Ms. Flores knew that Ms. Pagan dated both males and females. Ms. Pagan had told Ms. Flores about her relationship with a person, Ms. Pagan referred to as "baby."

20. In March 2007, Ms. Flores, had a birthday party for Mr. Velazquez. Ms. Pagan arrived at the party late. As she was talking to Ms. Flores, Ms. Pagan began texting a message on her telephone. Ms. Flores asked Ms. Pagan to whom she was texting, and Ms. Pagan replied that it was "baby." Ms. Ortiz and Ms. Rivera, who were also at the party, urged Ms. Pagan to tell Ms. Flores the identity of "baby." Ms. Pagan told Ms. Flores that she was dating her softball coach, Ms. Reopel.

21. Ms. Pagan had sent a text message to Ms. Reopel to come to the party to pick her up. Ms. Reopel did go to

Ms. Flores' home to get Ms. Pagan. Ms. Reopel did not get out of her vehicle, and Ms. Flores did not see Ms. Reopel.

22. Ms. Flores candidly admitted that during the birthday party, she served alcoholic beverages to underage students, including Ms. Pagan. Ms. Flores claims that she had 12 Smirnoff beverages, which were served to the party attendees. Ms. Pagan claimed that she drank "a whole six-pack . . . maybe a little less." Ms. Pagan claims that she called Ms. Reopel to come and get her because she was intoxicated and that there was no one else to take her home because Ms. Flores was the only adult at the party, and the rest of the attendees did not have cars. Ms. Pagan further contends that she called Ms. Reopel as an emergency measure because she could not let her father know that she had been drinking and that Ms. Reopel had told her softball team that they could call her in an emergency. Ms. Pagan's testimony is not credible. Ms. Pagan had been texting messages to Ms. Reopel while Ms. Pagan was at the party and prior to texting a request for a ride home from the party. Such action indicates that Ms. Pagan was not making an emergency call for help to Ms. Reopel in the context of a student calling a teacher for help. The request was made in the context of a relationship that went beyond teacher and student. Additionally, it is not credible that Ms. Flores would have allowed Ms. Pagan to consume a six-pack of alcoholic beverages.

23. Sometime in the spring of 2007, Ms. Flores went to Oak Ridge to pick up Mr. Velazquez. While she was there, Ms. Flores saw Ms. Pagan, who began to tell Ms. Flores about the cat scratching one of the girls at Ms. Reopel's apartment. During the conversation, Ms. Pagan confided that she and Ms. Reopel had been having sex in another room when the scratching incident took place.

24. On April 17, 2007, Ms. Pagan wrote a letter to Ms. Ortiz concerning the incident with Ms. Reopel on April 12. Ms. Pagan wrote:

I feel like my whole life is slowly coming to an end. I don't know what I will do if this all ends really badly. My life as I know it will be nothing. I just don't know what to do! I don't think I will be able to handle this. I have dealt with something like this before but its different this time because I didn't love the other person. I love her so much and what have I done, I have ruined her life. I don't deserve to have her love me. I don't even deserve to have her in my life at all. I don't deserve to have anything good in my life. But then I can't be without her because then I feel like nothing.

Ms. Pagan now claims that the love for Ms. Reopel to which she was referring was just the love that a friend has for another friend and not a romantic love. Given statements that Ms. Pagan made to others concerning her relationship with Ms. Reopel, Ms. Pagan's assertion that she was not talking about a romantic love is not credible.

25. After the April 12, 2007, incident between Ms. Pagan and Ms. Reopel, Ms. Flores got a telephone call from a friend who told her about the incident. Ms. Flores tried to contact a local television station concerning the incident, but was put on hold. Ms. Flores contacted Mr. Velazquez's father and told him what she had heard. Mr. Velazquez contacted another television station about what Ms. Flores had told him.

26. A reporter from the television station contacted Ms. Flores for an interview, but Ms. Flores refused to give an interview. Mr. Velazquez did talk to the reporter and gave his views on the matter.

27. Ms. Flores went to see Ms. Risper. At that point, Ms. Risper was still investigating the allegations against Ms. Reopel. Ms. Flores told Ms. Risper that Ms. Pagan was probably the student who was involved in the incident.

28. As a result of the incident of April 12 and the attention that resulted from the media and students at Oak Ridge, Ms. Pagan was not allowed to walk with her classmates at Oak Ridge for graduation. Ms. Pagan did walk with students from Freedom High School at graduation and did receive a diploma from Oak Ridge. Additionally, as a result of the situation created by the relationship between Ms. Reopel and Ms. Pagan, Ms. Pagan's brother, who had been attending Oak Ridge, was transferred to another high school.

29. As of the date of the final hearing, Ms. Reopel and Ms. Pagan were engaged in a romantic lesbian relationship and were living together in the home of Ms. Pagan's parents. Both Ms. Reopel and Ms. Pagan claim that their romantic relationship did not begin until after Ms. Pagan graduated from high school. Their contention is not credited.

30. Based on the clear and convincing evidence presented, Ms. Reopel and Ms. Pagan had begun an inappropriate personal relationship prior to Ms. Pagan turning 18 years old and prior to Ms. Pagan's graduation from high school.

CONCLUSIONS OF LAW

31. The Division of Administrative Hearings has jurisdiction over the parties to and the subject matter of this proceeding. §§ 120.569 and 120.57, Fla. Stat. (2008).

32. Petitioner has the burden to establish the allegations by clear and convincing evidence. Department of Banking and Finance v. Osborne Stern and Co., 670 So. 2d 932 (Fla. 1996). Petitioner has alleged that Ms. Reopel violated Subsections 1012.795(1)(c), 1012.795(1)(f), and 1012.795(1)(i), Florida Statutes, and Florida Administrative Code Rules 6B-1.006(3)(a), 6B-1.006(3)(e), and 6B-1.006(3)(h) by engaging "in an inappropriate romantic and sexual relationship with student, T.P." during the 2006-2007 school year.

33. Subsection 1012.795(1), Florida Statutes, provides:

(1) The Education Practices Commission may suspend the educator certificate of any person as defined in s. 1012.01(2) or (3) for a period of time not to exceed 5 years, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for that period of time, after which the holder may return to teaching as provided in subsection (4); may revoke the educator certificate of any person, thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for a period of time not to exceed 10 years, with reinstatement subject to the provisions of subsection (4); may revoke permanently the educator certificate of any person thereby denying that person the right to teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students; may suspend the educator certificate, upon order of the court, of any person found to have a delinquent child support obligation; or may impose any other penalty provided by law, provided it can be shown that the person:

* * *

(c) Has been guilty of gross immorality or an act involving moral turpitude.

* * *

(f) Upon investigation, has been found guilty of personal 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 State Board of Education rules.

34. Section 1012.795, Florida Statutes, does not define the terms "gross immorality" and "moral turpitude." Instructive in defining the terms "immorality" and "moral turpitude" in Subsection 1012.795(1)(c), Florida Statutes, are the rules relating to disciplinary actions which may be taken by school districts. Florida Administrative Code Rules 6B-4.009(2) and 6B-4.009(6) provide:

(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 statute fixes the moral turpitude.

35. Florida Administrative Code Rule 6B-1.006 provides:

(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.

* * *

(h) Shall not exploit a relationship with a student for personal gain or advantage.

36. Petitioner has established by clear and convincing evidence that an inappropriate personal and physical relationship existed between Ms. Reopel and Ms. Pagan prior to Ms. Pagan's turning 18 years of age and prior to Ms. Pagan's graduation from high school. Mr. Smith found Ms. Reopel and Ms. Pagan in a locked classroom at lunch time with the lights out. There was no reason for Ms. Pagan to be in the classroom with Ms. Reopel. Ms. Pagan was not assigned as a student assistant to Ms. Reopel, and Ms. Pagan was finished with her classes for the day and should not have been on the campus. Although, the evidence did not clearly establish that the two

women were engaged in sexual activity on April 12, 2007, their positions in relation to one another when Mr. Smith entered the classroom and their actions upon his entrance are suggestive that the relationship between the two women was more than a student helping a teacher sort papers. If nothing inappropriate was happening, the natural reaction of Ms. Pagan would have been to turn and look at the person who had unlocked the door and entered the room. Ms. Pagan never turned around. If Ms. Pagan had been sorting papers for Ms. Reopel and papers were around the desk, as Ms. Pagan claimed, Mr. Smith would have seen the papers. He did not recall seeing any papers on the floor. The position of Ms. Pagan when Mr. Smith entered the room, on her knees in front of Ms. Reopel with her arm on the edge of Ms. Reopel's desk, while Ms. Reopel was seated in her chair, is not a position that one would take while sorting papers.

37. After Mr. Smith reported what he saw to Oak Ridge administration and the rumors started circulating, Ms. Reopel told Ms. Moser that she had gotten caught with her boyfriend in the classroom. Later when Ms. Moser asked if Ms. Pagan was involved, Ms. Reopel confessed to Ms. Moser that nothing physical had happened between her and Ms. Pagan until Ms. Pagan had turned 18 years old. When Ms. Pagan was confronted by Ms. Risper, Ms. Pagan also said that nothing had happened until she was 18 years old.

38. The letter that Ms. Pagan wrote to Ms. Ortiz after the April 12 incident shows that Ms. Pagan was in love with Ms. Reopel and that Ms. Pagan believed that Ms. Reopel was in love with her. The letter clearly shows that the relationship between Ms. Pagan and Ms. Reopel was more than an appropriate student-teacher relationship.

39. Ms. Pagan was very open about her relationships with other women, and it was no secret that Ms. Pagan had sexual relationships with women. Thus, given Ms. Pagan's willingness to discuss her personal life with others, it is credible that she told both Nestor Velazquez and Ms. Flores about her romantic relationship with Ms. Reopel prior to Ms. Pagan graduating from high school.

40. Ms. Reopel and Ms. Pagan are currently in a sexual relationship and are living together in Ms. Pagan's parents' home. According to both Ms. Reopel and Ms. Pagan their affair did not start until less than a month after Ms. Pagan graduated from high school. Their testimony is not credible, and their current sexual relationship gives credence to an inappropriate relationship while Ms. Pagan was a student at Oak Ridge.

41. Petitioner has established by clear and convincing evidence that Ms. Reopel violated Subsection 1012.795(1)(c), Florida Statutes, by having a romantic relationship with Ms. Pagan while Ms. Pagan was a student at Oak Ridge where

Ms. Reopel taught. It does not matter whether Ms. Pagan was 18 years old at the time she and Ms. Reopel engaged in a physical, romantic relationship. The relationship began while Ms. Pagan was a student at Oak Ridge. Teachers are traditionally held to a high moral standard in a community. Adams v. Professional Practices Council, 406 So. 2d 1170, 1172 (Fla. 1st DCA 1981). A teacher becoming romantically involved with a student is a serious act of misconduct which constitutes a flagrant disregard of proper moral standards.

42. Petitioner has established by clear and convincing evidence that Ms. Reopel violated Subsection 1012.795(1)(f), Florida Statutes. Her relationship with Ms. Pagan while Ms. Pagan was a student at Oak Ridge seriously reduced Ms. Reopel's effectiveness as a teacher. Rumors were circulating among the students at Oak Ridge about the relationship. The local news media reported the relationship, and information about the relationship appeared on websites. Such notoriety would reduce Ms. Reopel's effectiveness as teacher in both the eyes of parents and students.

43. Petitioner has established by clear and convincing evidence that Ms. Reopel violated Subsection 1012.795(1)(i), Florida Statutes, by violating Florida Administrative Code Rules 6B-1.006(3)(a), 6B-1.006(3)(e), and 6B-1.006(3)(h). By engaging in a romantic relationship with a student, Ms. Reopel

failed to make a reasonable effort to protect the student from conditions harmful to learning and to the student's mental health as required by Florida Administrative Code Rule 6B-1.006(3)(a). A teacher is supposed to serve as a role model to students and to maintain the proper teacher-student relationship with students, and, to do otherwise, results in an atmosphere which is not conducive to learning.

44. By engaging in a romantic relationship with a student, Ms. Reopel intentionally exposed the student to unnecessary embarrassment in violation of Florida Administrative Code Rule 6B-1.006(3)(e). The relationship was reported by the local television station. Rumors were circulating at Oak Ridge about the relationship. Because of the relationship, Ms. Pagan was unable to walk with her graduating class at Oak Ridge to receive her diploma.

45. By engaging in a romantic relationship with Ms. Pagan while Ms. Pagan was a student at Oak Ridge, Ms. Reopel exploited the teacher/coach relationship with Ms. Pagan to satisfy Ms. Reopel's need for an intimate relationship in violation of Florida Administrative Code Rule 6B-1.006(3)(e). Although Ms. Pagan may have been a willing participant in the relationship, Ms. Reopel had the responsibility to maintain a relationship with Ms. Pagan that did not include romantic overtones.

RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that a final order be entered finding that Ms. Reopel violated Subsections 1012.795(1)(c), 1012.795(1)(f), and 1012.795(1)(i), Florida Statutes; finding that Ms. Reopel violated Florida Administrative Code Rules 6B-1.006(3)(a), 6B-1.006(3)(e), and 6B-1.006(3)(h); and permanently revoking her teaching certificate.

DONE AND ENTERED this 21st day of September, 2009, in Tallahassee, Leon County, Florida.



SUSAN B. HARRELL
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 21st day of September, 2009.

ENDNOTES

^{1/} Unless otherwise indicated, all references to the Florida Statutes are to the 2006 version.

^{2/} Ms. Reopel contends that the room was locked pursuant to the Oak Ridge policy which required teachers to keep their doors locked after the school bell rang for class so that tardy students could not enter the classroom. This explanation for

the locking of the classroom is not credible because at the time Mr. Smith found the door locked, there was no class in session and it was lunch time. Thus, there would be no reason to lock the door to keep tardy students from entering the classroom.

COPIES FURNISHED:

Ron Weaver, Esquire
Post Office Box 5675
Douglasville, Georgia 30154-0012

Gary D. Wilson, Esquire
Jill S. Schwartz & Associates, P.A.
180 North Park Avenue, Suite 200
Winter Park, Florida 32789-7401

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

Deborah K. Kearney, General Counsel
Department of Education
Turlington Building, Suite 1244
325 West Gaines Street
Tallahassee, Florida 32399-0400

Marian Lambeth, Bureau Chief
Bureau of Professional Practices Services
Department of Education
Turlington Building, Suite 224-E
325 West Gaines Street
Tallahassee, Florida, 32399-0400

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.