

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

DR. ERIC J. SMITH, )  
AS COMMISSIONER OF EDUCATION, )  
 )  
Petitioner, )  
 )  
vs. ) Case No. 09-6693PL  
 )  
HEATHER P. IVANYI, )  
 )  
Respondent. )  
\_\_\_\_\_ )

RECOMMENDED ORDER

On April 22, 2010, a duly-noticed hearing was held in Inverness, Florida, before Lisa Shearer Nelson, an Administrative Law Judge of the Division of Administrative Hearings.

APPEARANCES

For Petitioner: Edward T. Bauer, Esquire  
Brooks, LeBoeuf, Bennett,  
Foster & Gwartney, P.A.  
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For Respondent: Mark Herdman, Esquire  
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STATEMENT OF THE ISSUES

The issues to be determined are whether Respondent violated the provisions of Section 1012.795(1)(d), (g) and (j), Florida Statutes (2008), and Florida Administrative Code Rule 6B-1.006(3)(a), (e), and (f); (4)(b); and (5)(a) and (h), as alleged in the Administrative Complaint, and if so, what penalty should

be imposed for the proven violations?

PRELIMINARY STATEMENT

On September 2, 2009, Dr. Eric J. Smith as Commissioner of Education filed a nine-count Administrative Complaint against Respondent, Heather P. Ivanyi, charging her with violating Section 1012.795(1)(d), (g) and (j), Florida Statutes (2008), and Florida Administrative Code Rule 6B-1.006(3)(a), (e), and (f); (4)(b); and (5)(a) and (h). The charges stemmed from allegations that she placed an autistic child in a seclusion room against the wishes of his parents; that the child was injured as a result of this placement; and that she falsified a parental consent form to submit as proof that parental consent had been obtained.

Respondent disputed the allegations in the Administrative Complaint and requested a hearing pursuant to Section 120.57(1), Florida Statutes. On December 9, 2009, the case was referred to the Division of Administrative Hearings for the assignment of an administrative law judge, and on December 23, 2009, a Notice of Hearing was issued scheduling the case for hearing on March 11 and 12, 2010. At the request of Petitioner, the case was rescheduled for April 22 and 23, 2010, and proceeded as scheduled. At hearing, Petitioner presented the testimony of Teresa Royal, Matthew McCraine, Paul Heinz, Dr. V.K.,<sup>1/</sup> and Anita Moon. Petitioner's Exhibits numbered 1 through 24 were admitted into evidence. Respondent presented the testimony of Carol Murphy, Keith Posta, Jeanette Brew, Wayne Ellis, Greg Elliot,

Stephanie Hopper, Jack Vino and Heather Ivanyi. Respondent's Exhibits numbered 1 through 8 were admitted into evidence.

The two-volume Transcript of the hearing was filed with the Division on June 11, 2010, and Petitioner's Proposed Recommended Order was filed on June 21, 2010. At Respondent's request, the deadline for filing proposed recommended orders was extended to July 6, 2010, and Respondent's Proposed Recommended Order was filed within that timeframe. Both submissions have been carefully considered in the preparation of this Recommended Order.

Unless otherwise indicated, all references to Florida Statutes are to the Florida Statutes (2008).

#### FINDINGS OF FACT

1. Petitioner is the state agency responsible for the certification and regulation of public school teachers in the State of Florida.

2. Respondent holds Florida Educator's Certificate number 807545, covering the area of varying exceptionalities, valid through June 30, 2014. At all times material to these proceedings, Respondent was employed as an exceptional education teacher at Crest School in the Citrus County School District (School District). She began her employment at Crest School in 2005. During her previous employment in Dade County, she had been named Teacher of the Year, and immediately prior to the

incident at issue in this case, she was nominated as Crest School's candidate for Teacher of the Year in Citrus County.

3. Crest School is a school limited to students with intellectual or behavioral disabilities.

#### Safety Procedures at Crest School

4. Students attending Crest School are exceptional education students who are required by state and federal law to have Individual Education Plans (IEPs) that are developed after an IEP meeting involving instructional staff and the student's parents. While an individual instructor can draft suggested changes in between IEP meetings conducted for a student, a teacher cannot unilaterally change a student's IEP.

5. The student population at Crest School presents significant challenges in terms of student safety. The school has developed a "safe school plan" for which all personnel receive training. The safe school plan includes the use of "codes" for different levels of required intervention. A Code 1 signifies that the student is in control but is disturbing the educational process of other students. In this instance, the student is placed in time-out. Assistance is requested in order to have specific staff member(s), as opposed to a crisis intervention team, assist with the student.

6. A Code 2 is called when a student is endangering himself or herself or others. In this instance, the Code 2 team is used, and Crisis Prevention Intervention (CPI) techniques are employed.

A team approach is used, and decisions are formulated by the team as a group. The first priority is to ensure that everyone is safe, and then to use CPI techniques to, hopefully, diffuse the situation. Approaches used in response to a Code 2 include clearing the room of other students, and/or taking the disruptive student to a designated time-out area, which may be in the classroom or may be a separate Behavioral Transition Room (BTR), or a secured seclusion room.

7. Respondent used the term "time-out" interchangeably, to reference use of any of the above-referenced locations.

8. A Code requesting assistance is called by using handheld radios that most teachers, including Respondent, carried, or by pressing a call button in the classroom. Some if not all members of a Code 2 team should be able to respond in a minute or less.

9. The CPI team response in a particular instance should be guided by the student's IEP, and what interventions are authorized for that student. In approximately April 2008, Crest School also adopted a policy that required signed parental consent before a student could be placed in a BTR. At the time of the incident at issue in this case, however, in practice, IEPs were not always followed because not all members of a CPI team were familiar with the IEP for the student whose behavior was at issue. Similarly, while parental consent forms were collected and kept in the office, whether an individual student's parents had given permission for use of a BTR would not necessarily be

verified when an emergency situation arose. If a truly dangerous situation was at hand, the need for safety of all students would generally override the terms of an individual's IEP.

10. There are no state or School District regulations regarding the use of seclusion areas like the BTR. The policies in place at Crest School were based on "best practices" bulletins received from the Department of Education.

11. A BTR is a small room with no stimulation where a child could calm down. It has concrete walls, a tile floor and no furniture. Unlike a secured seclusion room, it can be opened from the inside. Each time a student is placed in a BTR, use of the room for the child is to be noted in a log book, and the parents of the student are supposed to be notified.

Student R.K.

12. R.K. is a student at Crest School who, at the time of the incident in January 2009, was twelve years old, about 5 feet, 6 inches tall, and described as very strong. R.K. suffers from Autism Spectrum Disorder, and is classified as severely autistic. R.K. can be aggressive and sometimes violent, especially toward staff. From approximately 2005 until late January 2009, R.K. was in Respondent's class at Crest School.

13. When R.K. had a tantrum, he would often sit on the floor on his knees and rock back and forth. From that position, he would sometimes lunge at staff and hit, scratch or punch, usually directed toward a person's upper torso. Respondent was

familiar with, and had often been the recipient of injuries as a result of, R.K.'s behavior.

14. An IEP meeting was held for R.K. in March 2008. Among the participants at the IEP meeting were Respondent and R.K.'s parents, both of whom are medical doctors. During the meeting behavioral strategies were discussed. R.K.'s parents did not want time-out to be used to address R.K.'s behavior and did not consent to use of the BTR or to secured seclusion. Shortly after R.K.'s IEP meeting, a Behavior Support Plan was developed for R.K. The Behavior Support Plan is extensive, and acknowledges his "challenging" behaviors. The Plan does not include time-out, but relies heavily on "planned ignore" strategies, redirection and positive reinforcement.

15. The Behavior Support Plan is very specific in terms of interventions to be used for challenging behavior, and provides the following:

At the first signs of challenging behavior call for back up.

Crisis Prevention Intervention (CPI)

Use the most effective and least intrusive CPI technique, to manage the challenging behavior at hand.

--Instructional Calm Down

If [R.K.] has a tantrum use instructional control by briefly prompting him to 'calm down' or 'cool off'. If he does calm down on his own or following this prompt state 'that's better'. If the behavior should continue or escalate, be prepared to

intervene per procedure. Often [R.K.'s] expression of challenging behavior will not escalate if he is given time and space. Remember to only prompt him, wait five minutes and then prompt again. This is done 4 times 5 minutes apart. If he is obviously irritated or agitated do not continue to prompt him. Leave him alone until he has been calm for at least one minute. If he is a danger to himself or others he should be removed to a safe area.

--Return to task

\* \* \*

If [R.K.] is physically striking out, such as pinching, at either an instructor or another person, he is to be blocked. If he is in his workroom setting the instructor is to remove him or herself from the immediate area. Planned ignore requires that the instructor maintain a watch on [R.K.] but not give eye contact during the inappropriate behavior. When [R.K.] has been calm for one minute the instructor is to return to the work area saying, 'That's better. Good calming down [R.K.]' in a neutral tone. If [R.K.] engages in behavior that places himself or another in danger he should be moved to a safe area.

If [R.K.] is striking out in a hallway or other open area of the school, a verbal statement is used, '[R.K.], No, Stop, hands down.' Planned Ignore is used after a verbal prompt if [R.K.] is no longer putting himself or others at risk. If he continues to strike out, the instructor will call for backup to bring [R.K.] to a quiet area to calm down. He should be calm for 1 minute before he is prompted again to go to the original destination. . . . An exception is made of [sic] the planned ignore rule if [R.K.] must be removed for safety reasons. (Emphasis supplied.)

16. While the Behavior Support Plan is not signed by either parent or any member of the IEP team, persuasive evidence was



presented that the parents knew of and were supportive of the plan. It was Dr. V.K.'s understanding that the quiet area referred to was a portion of the classroom that was separated from the rest of the room by a curtain, and identified as a sensory area. The sensory area was dark and contained little stimulation, so R.K. could retreat and calm down.

17. Notwithstanding the terms of the Behavior Support Plan, there were at least two incidents prior to January 23, 2009, when R.K. was placed in the BTR. While Respondent insists that R.K.'s parents were notified, no competent, persuasive evidence was presented that demonstrates that R.K.'s parents were ever specifically notified that the BTR was used.

#### The January 23, 2009, Incident

18. On Friday, January 23, 2009, R.K. was in Respondent's classroom. Respondent left the classroom at approximately 12:29 p.m., leaving the students under the supervision of teacher aides, including Ms. Murphy.

19. Ms. Murphy took R.K.'s backpack from him, a move which he resisted. R.K. then sat on the floor and began rocking back and forth. He continued to sit, rocking, for several minutes.

20. At approximately 12:36 p.m., a female student passed by R.K. on the way to her desk. It is unclear whether she spoke to him, but R.K. lunged toward the female student, who remained standing in front of him.

21. Respondent walked into the room as R.K. was moving toward the other student. Respondent immediately took R.K. by the arm and started pulling him toward the door, into the hallway, and ultimately to the BTR. R.K. remained on his knees all the way to the BTR.

22. Respondent testified that she believed the female student was in immediate danger, and decided to take R.K. to the BTR because she had other, medically fragile, students in her room that made movement of those students problematic. However, Respondent made no attempt to follow any of the techniques described in R.K.'s Behavior Support Plan, and did not call a Code 2 in accordance with Crest School procedure. She moved R.K. directly to the BTR as her intervention of first resort.

23. The lights in the BTR had to be turned on by someone who had a key, and Respondent did not have a key to the BTR room. As a result, R.K. was placed in a dark room by himself, with Respondent sitting outside the room, monitoring him through a small window on the door. Respondent did not call anyone to assist by turning on the lights in the room.

24. R.K. was placed in the BTR at approximately 12:37 p.m. One minute later, Mr. Elliott, another staff member approached with a wheelchair-bound student, who was placed in the BTR with R.K. Mr. Elliott was not concerned about the second student's safety while in the BTR with R.K. because R.K.'s aggression is

normally directed at staff as opposed to other students. Both teachers struggled with R.K. as they attempted to leave the BTR.

25. After two minutes, the second student was removed from the BTR, and again R.K. struggled with Respondent while the student was removed. At that time, Mr. Elliott was concerned about Respondent's safety because R.K. was attacking her. He did not observe any injury to R.K.

26. At approximately 12:41 p.m., R.K. was able to open the door partway, and Respondent closed the door. It appears from the surveillance video (Petitioner's Exhibit 14) that R.K.'s hand was caught in the door and may have been injured at that time.

27. It is unclear at what point Respondent knew that R.K. was injured, but the more persuasive evidence indicates that by 12:46 p.m., when Matt McCraine, another teacher at the school, walked by, Respondent was aware that R.K. was injured. There is no evidence to indicate that she understood the extent of his injury. However, she had not called for any nursing assistance.

28. Mr. McCraine asked who was in the BTR and why the lights were off. When he indicated that the lights needed to be turned on, and Respondent responded that R.K. would need to be moved away from the door because he had cut his finger.

29. Mr. McCraine opened the door and turned on the light to the BTR. At that time, he observed blood on the door and on the floor of the room. Mr. McCraine called for a nurse, who arrived at approximately 12:48 p.m. 911 was called and at approximately

1:06 p.m., paramedics arrived to transport R.K. to the hospital. R.K.'s parents were notified of the injury and requested that someone who knew R.K. accompany him in the ambulance, and Respondent did so.

30. R.K.'s finger was fractured and severely lacerated. He was required to undergo surgery to treat the finger, and required anesthesia for the placement of sutures and for their removal.

#### Events Following the Incident

31. Following the January 23, 2009, incident, there were questions regarding whether R.K.'s parents had consented to the use of the BTR, and whether a parental consent form had been obtained.

32. Mr. Posta, the principal at Crest School, asked Respondent to provide several documents related to R.K., including the parental consent form for use of the BTR for R.K. Respondent could not find a signed copy of the form. She asked one of her teaching assistants, Ms. Murphy, to cut the signature of one of R.K.'s parents from another document in his file. Ms. Murphy did so, and Respondent pasted the parental signature onto a blank permission form, and turned in the doctored form to administration.

33. Anita Moon, an assistant principal at Crest School, examined the form and did not believe that the signature was authentic, and upon comparison, the signature did not match the signature on other official documents on file. She went to

Respondent's classroom and asked for R.K.'s working file. One document was sticking out of the file, and Respondent started to remove the loose document before handing the file to Ms. Moon. Ms. Moon told her she needed the complete file.

34. When Ms. Moon examined the file, she found the loose paper to be a daily note from R.K.'s mother. The note stated:

Dear Ms. Heather

[R.K.] had a good weekend. Regarding the permission for inclusion/secured seclusion time out -- may be we will discuss it in the IEP meeting next mth. before consenting to it.

Have a good day!

Thanks

35. The signature from the note was missing and had been cut out.

36. Also included in the file were unsigned consent forms for use of secured seclusion and isolation time out.

37. Soon thereafter, there was an investigation of the incident resulting in R.K.'s injury. As part of the investigation, Respondent was interviewed. She told the interviewer that she placed R.K. in the BTR because when she came in the classroom, he was physically on top of the other student. The surveillance video of the classroom clearly shows that this was not the case. She also stated that R.K.'s parents had given written permission for R.K. to be placed in the BTR. When confronted with the doctored note and asked to explain, she

admitted that she had taken the signature from the parental note and pasted it to the parental consent form.

38. Respondent also admitted making the doctored form when she testified at hearing. She claimed that R.K.'s parents had consented to use of the BTR, and that when she could not find the signed forms, she panicked.

39. The more persuasive evidence supports a finding that no consent had been given to use the BTR for R.K.

40. Respondent was terminated from her position at Crest School as a result of the events described above.

41. The case received significant media attention in the local area, both in terms of print media and local television news coverage.

#### CONCLUSIONS OF LAW

42. The Division of Administrative Hearings has jurisdiction over the subject matter and the parties to this action in accordance with Sections 120.569 and 120.57(1), Florida Statutes (2010).

43. This is a disciplinary action by Petitioner in which Petitioner seeks to permanently revoke Respondent's teaching certificate. Petitioner bears the burden of proof to demonstrate 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).

44. As stated by the Florida Supreme Court:

Clear and convincing evidence requires that the evidence must be found to be credible; the facts to which the witnesses testify must be distinctly remembered; the testimony must be precise and lacking in confusion as to the facts in issue. The evidence must be of such a weight that it produces in the mind of the trier of fact a firm belief or conviction, without hesitancy, as to the truth of the allegations sought to be established.

In re Henson, 913 So. 2d 579, 590 (Fla. 2005), quoting Slomowitz v. Walker, 429 So. 2d 797, 800 (Fla. 4th DCA 1983).

45. The Administrative Complaint charged Respondent with violations of Section 1012.795(1)(d), (g) and (j), Florida Statutes. Section 1012.795 authorizes the Education Practices Commission to suspend, revoke, or otherwise penalize a teaching certificate, provided it can be shown that the holder of the certificate has committed any of the violations enumerated.

46. The specific provisions charged in Counts 1-3 of the Administrative Complaint allege that Respondent:

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

\* \* \*

(e) Upon investigation, has been found guilty of personal conduct which seriously reduces that person's effectiveness as an employee of the district school board.

\* \* \*

(j) Has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

47. Count 1 charges a violation of Section 1012.795(1)(c). The Education Practices Commission has not defined "gross immorality" or "moral turpitude" for the purposes of discipline to be imposed pursuant to Section 1012.795, Florida Statutes. The Commission has, however defined "immorality" and "moral turpitude" for use by school districts in taking action against instructional personnel in Florida Administrative Code Rule 6B-4.009. This rule, which may provide guidance in this context, provides in pertinent part:

(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.

48. Moral turpitude has also been defined by the Supreme Court of Florida as "anything done contrary to justice, honesty, principle, or good morals, although it often involves the question of intent as when unintentionally committed through error of judgment when wrong was not contemplated."



State ex rel. Tullidge v. Hollingsworth, 108 Fla. 607, 146 So. 660, 661 (1933).

49. The Administrative Complaint can be described as dealing with two separate incidents: the decision to place R.K. in time-out on January 23, 2009, and Respondent's actions in dealing with the fall-out after R.K. was injured.

50. The evidence, taken as whole, does not support a determination that Respondent committed gross immorality by placing Respondent in time-out. While Respondent's actions may represent poor judgment and a failure to abide by Crest School policies, they do not amount to gross immorality. By most accounts, Respondent was dedicated to her students, knew R.K.'s tendencies, and felt that placing him in time-out would avert a potentially dangerous situation. That in hindsight she may have over-reacted to the situation is not a basis to find gross immorality.

51. Petitioner also asserts that gross immorality is demonstrated by Respondent's failure to call for a nurse immediately upon learning of R.K.'s injury. However, this failure is not alleged in the Administrative Complaint. Discipline cannot be imposed for an offense not charged in the Administrative Complaint. Trevisani v. Department of Health, 908 So. 2d 1108 (Fla. 1st DCA 2005)(single reference to statute without supporting factual allegations not sufficient to place licensee on notice of charges against him).

52. On the other hand, Petitioner has demonstrated an act of gross immorality based upon evidence that Respondent falsified a parental consent form and submitted it as an original. Count 1 has been proven by clear and convincing evidence.

53. Count 2 charges a violation Section 1012.795(1)(g), Florida Statutes. Clear and convincing evidence was presented to demonstrate that Respondent committed offenses that seriously reduced her effectiveness as an employee of the School Board. By her actions following the injury to R.K., Respondent undermined any sense of confidence that the School District could have in her judgment and her candor. As stated in Gallagher v. Desjarlais, DOAH Case No. 00-2767 (RO Oct. 31, 2000; FO Jan. 19, 2001), "Trust is an important component of the relationship that must exist among teachers and between administrators and a teacher. Respondent's dishonesty seriously undermines this trust."

54. Count 3 charges Respondent with violation of Section 1012.795(1)(j). By virtue of the violations proven with respect to Counts 4 and 6-9, Count 3 has been proven by clear and convincing evidence.

55. Counts 4-9 charge Respondent with violating several provisions within Florida Administrative Code Rule 6B-1.006, which provide in pertinent part:

(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.

(f) Shall not intentionally violate or deny a student's legal rights.

\* \* \*

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

\* \* \*

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

\* \* \*

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

(a) Shall maintain honesty in all professional dealings.

\* \* \*

(h) Shall not submit fraudulent information on any document in connection with professional activities.

56. Count 4 charges Respondent with violating Rule 6B-1.006(3)(a). By forcibly removing R.K. from the classroom without calling a Code 2 and without regard to the procedures in his Behavior Support plan; by placing R.K. in a darkened room; and by failing to appropriately monitor him while in the room so as to allow his injury, Respondent has failed to protect R.K. from conditions harmful to his mental health and physical safety. Petitioner has proven Count 4 by clear and convincing evidence.

57. Clear and convincing evidence was not presented to support a violation of Count 5, which charged Respondent with violating Florida Administrative Code Rule 6B-1.006(3)(e).

58. Clear and convincing evidence was presented to support a finding that Respondent violated Count 6. By failing to adhere to R.K.'s IEP and Behavior Support Plan, Respondent violated R.K.'s legal rights in violation of Florida Administrative Code Rule 6B-1.006(3)(f).

59. Clear and convincing evidence was presented to support a finding that Respondent violated Count 7, which charges Respondent with intentionally distorting or misrepresenting facts concerning an educational matter, as proscribed in Florida Administrative Code Rule 6B-1.006(4)(b). During the investigation following R.K.'s injury, Respondent exaggerated the emergency nature of the situation in the classroom in order to justify her use of the BTR without resort to a Code 2. In truth, however, Respondent cannot claim that the situation presented a

danger to R.K. or to others rising to the level of needing to use the BTR, and claim at the same time that calling a Code 2 was not warranted. Even more troubling, when the propriety of her actions came into question following R.K.'s injury, she claimed that R.K.'s parents had consented to use of the BTR, and falsified a consent form to make it appear that R.K.'s parents had consented to the use of the BTR, when they had not.

60. Petitioner has also presented clear and convincing evidence to support a violation of Florida Administrative Code Rule 6B-1.006(5)(a), as charged in Count 8. By Respondent's statements with regard to parental consent, and submission of a doctored consent form, Respondent has failed to maintain honesty in all professional dealings.

61. Finally, Respondent violated Florida Administrative Code Rule 6B-1.006(5)(h), by submission of the doctored parental consent form.

62. The Florida Education Practices Commission has adopted disciplinary guidelines to provide notice of the appropriate range of penalties to be imposed for violations of Section 1012.795 and the Principles of Professional Conduct for the Education Profession. Given the number of violations proven and the severity of Respondent's conduct, revocation is appropriate. However, the undersigned is mindful of Respondent's dedication to children with disabilities and the contribution she has made in a very challenging field. The Commission, in its discretion, may

want to allow her to re-apply for a Teaching Certificate at some time in the future, under terms the Commission may prescribe.

RECOMMENDATION

Upon consideration of the facts found and conclusions of law reached, it is

RECOMMENDED:

That the Education Practices Commission enter a Final Order finding Respondent guilty of violating Section 1012.795(1)(d), (g) and (j), Florida Statutes, and Florida Administrative Code Rule 6B-1.006(3)(a) and (f); (4)(b); and (5)(a) and (h), as charged in Counts 1-4 and 6-9 of the Administrative Complaint. As a penalty for these violations, it is recommended that Respondent's teaching certificate be revoked.

DONE AND ENTERED this 15th day of July, 2010, in  
Tallahassee, Leon County, Florida.



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LISA SHEARER NELSON  
Administrative Law Judge  
Division of Administrative Hearings  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 15th day of July, 2010.

ENDNOTE

<sup>1/</sup> To protect the identity of the child involved in the events giving rise to these disciplinary proceedings, both the child and the child's parents will be referred to by their initials.

COPIES FURNISHED:

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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.