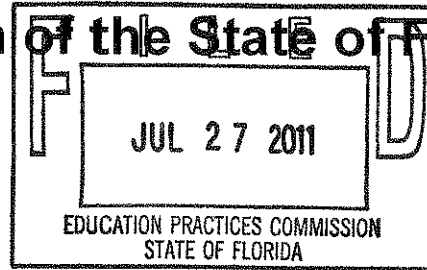




Before the Education Practices Commission of the State of Florida



DR. ERIC J. SMITH
Commissioner of Education,

Petitioner,

vs.

DIANA O'NEILL,

Respondent

EPC CASE N° 10-0268-RT
DOAH CASE N° 10-10022PL
INDEX N° 11-276-FOF
PPS N° 078-2768
CERTIFICATE N° 607903

Final Order

This matter was heard by a Teacher Panel of the Education Practices Commission pursuant to Sections 1012.795, 1012.796 and 120.57(1), Florida Statutes, on June 24, 2011, in Tallahassee, Florida, for consideration of the Recommended Order entered in this case by R. Bruce McKibben, Administrative Law Judge dated April 27, 2011. Respondent was represented by counsel.

Petitioner and Respondent filed Exceptions to the Recommended Order. A copy of each of those Exceptions are attached to and incorporated by reference. After reviewing the complete record accompanying the Recommended Order, the Recommended Order, the Exceptions, and being fully advised in the premises, the Commission rejected Petitioner's Exception 1 because the conclusion of the administrative law judge was more reasonable. The Commission rejected Petitioner's Exception 2 because the conclusion of the administrative law judge was more reasonable. The Commission rejected Petitioner's Exception 3 because the conclusion of the administrative law judge was more reasonable. The Commission rejected Respondent's Exception 1 because the conclusion

of the administrative law judge was more reasonable. The Commission rejected Respondent's Exception 2 because the conclusion of the administrative law judge was more reasonable. The Commission rejected Respondent's Exception 3 finding that there is competent and substantial evidence to support the findings of fact in the Recommended Order, and the judge did not depart from the essential requirements of law.

The Panel hereby adopts the findings of fact, (paragraphs 1-30) and conclusions of law, (paragraphs 31-39) contained in the Recommended Order. The Commission modifies the recommendation in the Recommended Order based on paragraph 38 of the Recommended Order, and based on the fact the Commission considered the Recommended Order subsequent to the time period for the recommended suspension. A copy of the Recommended Order, attached to and made a part hereof, is hereby adopted except as modified herein.

It is therefore **ORDERED** that:

1. Respondent's Florida educator's certificate is hereby suspended for a period of 2 months.

2. Upon employment in any public or private position requiring a Florida educator's certificate, Respondent shall be placed on 2 employment years of probation with the conditions that during that period, she shall:

A. Immediately notify the investigative office in the Department of Education upon employment or termination of employment in the state in any public or private position requiring a Florida educator's certificate.

B. Have Respondent's immediate supervisor submit annual performance reports to the investigative office in the Department of Education.

C. Pay to the Commission during the first 6 months of each probation year the administrative costs (\$150) of monitoring probation assessed to the educator.

D. Violate no law and shall fully comply with all district school board policies, school rules, and State Board of Education rules.

E. Satisfactorily perform all assigned duties in a competent, professional manner.

F. Bear all costs of complying with the terms of a final order entered by the Commission.


G. Provide written verification from an RNP approved, licensed Florida provider that the educator poses no threat to children and is capable of assuming the responsibilities of an educator.

H. Provide a certified college transcript to verify successful (a grade of "pass" or a letter grade no lower than a "B") completion of 3 hours of college level course-work in the area of Classroom Management and 3 hours of college level course-work in the area of ESE for Developmentally Disabled.

I. Respondent shall refrain from teaching in a classroom with developmentally disabled students until completion of the above classes and the probation term.

This Order takes effect upon filing with the Clerk of the Education Practices Commission.

DONE AND ORDERED, this 25th day of July, 2011.



BRIAN T. DONOVAN, Presiding Officer

COPIES FURNISHED TO:

Bureau of Professional Practices

Bureau of Teacher Certification

Florida Administrative Law Reports

Superintendent
Sarasota County Schools
1960 Landings Boulevard
Sarasota, FL 34231-3304

Director, Human Resources
Sarasota County Schools
1960 Landings Boulevard
Sarasota, FL 34231-3304

DOE counsel for PPS

Daniel Biggins
Assistant Attorney General

R. Bruce McKibben
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, FL 32399-1550

Claudia Llado, Clerk
Division of Administrative Hearings

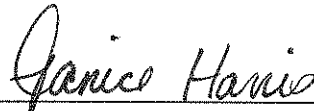
Probation

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE EDUCATION PRACTICES COMMISSION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was furnished to Diana O'Neill, 5650 Old Ranch Road, Sarasota, Florida 34241; by Certified U.S. Mail and by electronic mail to Anthony Demma, Esquire, Myers and Brooks, P.A., P.O. Box 1547, Tallahassee, Florida 32302; Margaret O'Sullivan Parker, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 and Ron Weaver, Esquire, P. O. Box 5675, Douglasville, Georgia 30154 this 27th day of July, 2011.



Janice Harris,
Education Practices Commission