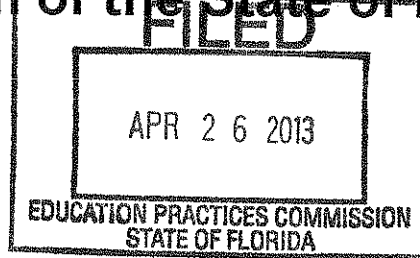




Before the Education Practices Commission of the State of Florida



DR. ERIC J. SMITH,
Commissioner of Education,

Petitioner,

vs.

LUCILLE STUART FOSTER,

Respondent

EPC CASE N° 11-0384-RT
DOAH CASE N° 11-5052PL
INDEX N° **13-087-FOF**
PPS N° 090-2234
CERTIFICATE N° 383630

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 April 4, 2013, in Altamonte Springs, Florida, for consideration of the Recommended Order entered in this case by J. D. Parrish, Administrative Law Judge dated November 30, 2012. Respondent was not present.

Respondent filed Exceptions to the Recommended Order. A copy of those Exceptions is 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 exception 1, finding that the administrative law judge's finding was more reasonable. The Commission rejected exception 2, finding that the administrative law judge's finding was more reasonable. Exception 3 to the recommended penalty was denied. The Commission modified the recommendation based on page 13 of the Recommended Order, adding probation to allow appropriate monitoring to encourage Respondent's successful completion of the

recommended class and successful return to the classroom.

The Panel hereby adopts the findings of fact, (paragraphs 1-21), conclusions of law, (paragraphs 22-30), and the recommendation contained in the Recommended Order as modified herein. A copy of the Recommended Order, attached to and made a part hereof, is hereby adopted as modified.

It is therefore **ORDERED** that:

1. Respondent's Florida educator's certificate is hereby suspended for a period of 30 days from the date of this Final Order.

2. Upon employment in any public or private position requiring a Florida educator's certificate, Respondent shall be placed on 1 employment year 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 a certified college transcript within the first year of probation 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(s) of classroom management and lesson plan development or instructional design.

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

DONE AND ORDERED, this 24th day of April, 2013.



DAVID R. THOMPSON Presiding Officer

COPIES FURNISHED TO:

Bureau of Professional Practices
Bureau of Teacher Certification
Florida Administrative Law Reports
Superintendent
Collier County Schools
5775 Osceola Trail
Naples, FL 34109-0919
Certification Specialist
Division of Human Resources
Collier County Schools
5775 Osceola Trail
Naples, FL 34109-0919
Daniel Biggins
Assistant Attorney General
J. D. Parrish

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.

Final Order
Lucille Stuart Foster
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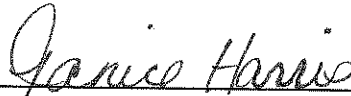
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, FL 32399-1550

Claudia Llado, Clerk
Division of Administrative Hearings

Probation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was furnished to Lucille Stuart Foster, Post Office Box 07093, Fort Myers, Florida 33919 and Peter Caldwell, FEA, 213 South Adams Street, Tallahassee, Florida 32301 by Certified U.S. Mail and by electronic mail to Margaret O'Sullivan Parker, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 and Matt K. Foster, Esquire, 909 East Park Avenue, Tallahassee, Florida 32301 this 26th day of April, 2013.



Janice Harris,
Education Practices Commission