



Before the Education Practices Commission of the State of Florida

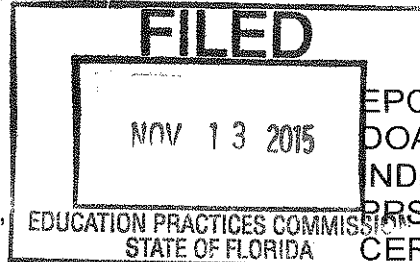
PAM STEWART
Commissioner of Education

Petitioner,

vs.

MONROE SHANNON,

Respondent



EPC CASE N^o: 15-0029-RT
DOAH CASE N^o: 15-0335-PL
INDEX N^o: 15-323-FOF
PRS N^o: 123-0801
CERTIFICATE N^o: 734423

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 September 15, 2015, in West Palm Beach, Florida, for consideration of the Recommended Order entered in this case by F. Scott Boyd, Administrative Law Judge dated July 31, 2015. Respondent was present.

Respondent filed Exceptions to the Recommended Order. The first objection was to the finding that Respondent violated Section 1012.795(1)(g), Florida Statutes (COUNT 2). Respondent asserted that because the Recommended Order stated, at paragraph 44, that there was no direct testimony regarding reduction of effectiveness presented a finding of a violation was not supported. The Commission rejected the exception on the grounds that the record contains competent substantial evidence and competent inferences by the administrative law judge to support a finding that the statute was violated.

Respondent's second exception was to the finding that Respondent violated Rule 6A-10.081(3)(a), Florida Administrative Code (COUNT 4). The exception was based on

the credibility of witness student TS. The Commission rejected the exception on the grounds that questioning the credibility of a witness is not an appropriate ground to overturn a conclusion of law.

Respondent's third exception was to the finding that Respondent violated Rule 6A-10.081(3)(h), Florida Administrative Code (COUNT 6). The exception was based on an argument that there was no finding that Respondent discriminated against student TS on the basis of her gender. The Commission rejected the exception on the grounds that Rule 6A-10.081(3)(h) also protects students from harassment on the basis of sex and the legal conclusion of the administrative law judge correctly interprets the rule.

Respondent's fourth exception was to the finding that Respondent violated Rule 6A-10.081(5)(d), Florida Administrative Code (COUNT 8). The exception was based on the lack of finding that the teacher witness's work performance was affected or deteriorated. The Commission rejected the exception on the grounds that the exception is based on the credibility of the teacher witness. Determinations of credibility are the responsibility of the administrative law judge and disagreement with the administrative law judge's conclusion on credibility does not constitute an appropriate basis for overturn a conclusions of law.

The Commission found no basis to depart from the recommendations of the administrative law judge's recommendation regarding penalty.

The Panel hereby adopts the findings of fact, (paragraphs 1-29), conclusions of law, (paragraphs 30-69), and the recommendation contained in the Recommended Order. A copy of the Recommended Order, attached to and made a part hereof, is hereby adopted in full and becomes the Final Order of the Education Practices Commission.

It is therefore **ORDERED** that:

1. Respondent's Florida educator's certificate is hereby revoked for a period of 2 years 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 2 employment years of probation with the conditions that during that period, he 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. Respondent is prohibited from serving in any administrative capacity.

3. Respondent is assessed an administrative fine of \$2,000.00 to be paid within one year from the date of this Final Order.

4. As part of the Recovery Network Program (RNP), Respondent is responsible for all costs associated with the evaluation, treatment, counseling, and testing required through their participation in the RNP, and shall:

Provide written verification from an RNP approved licensed provider, to the degree that the treatment provider(s) may ethically predict, that at the time of the evaluation, the educator poses no threat to children and is capable of assuming the responsibilities of an educator.

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

DONE AND ORDERED, this 30th day of **October**, 2015.



CRISTINA BASSO, Presiding Officer

COPIES FURNISHED TO:

Office of Professional Practices
Services

Bureau of Educator Certification

Superintendent
Palm Beach County Schools
3300 Forest Hill Blvd., Room C316
West Palm Beach, FL 33406-5869

Chief Personnel Officer
Palm Beach County Schools
3300 Forest Hill Boulevard,
Room A-152
West Palm Beach, FL 33406-5870

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.

DOE counsel for PPS

Lee Ann Gustafson
Assistant Attorney General

F. Scott Boyd
Administrative Law Judge
Division of Administrative Hearings
1230 Apalachee Parkway
Tallahassee, FL 32399-1550

Claudia Llado, Clerk
Division of Administrative Hearings

Probation

Recovery Network Program
for Educators

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was furnished to Monroe Shannon, 6209 Japuir Court, Boynton Beach, Florida 33437 and Dedrick D. Straghn, Esq., 26 Southwest 5th Avenue, Delray Beach, Florida 33444 by Certified U.S. Mail and by electronic mail to Bonnie Wilmot, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 and Charles T. Whitelock, Esq., 300 Southeast 13th Street, Suite E, Fort Lauderdale, Florida 33316-1924 this 13th day of **November**, 2015.



Gretchen Kelley Brantley, Clerk
Education Practices Commission