



**Before the Education Practices
Commission of the State of Florida**



PAM STEWART,
Commissioner of Education,

Petitioner,

vs.

RENYA LACHELLE JONES

Respondent.

EPC CASE N^o: 18-0253-RT
DOAH CASE N^o: 18-3355PL
PPS N^o: 167-3532
CERTIFICATE N^o: 866702
Index N^o: 19-079-FOF

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 January 24, 2019, in West Palm Beach, Florida, for consideration of the Recommended Order ("RO") entered in this case by F. SCOTT BOYD, Administrative Law Judge ("ALJ"). Respondent was present and was represented by Nicholas Wolfmeyer, Esq. Petitioner was represented by Bonnie Wilmot, Esq. Attached hereto as Exhibit A is a copy of Respondent's Exceptions and attached hereto as Exhibit B is a copy of Petitioner's

Exceptions and Motion to Increase Penalty.

Ruling on Petitioner's Exceptions

Exception No. 1: Petitioner filed an exception to the ALJ's recommended penalty. For the reasons stated by counsel for Petitioner, the exception is accepted because it identifies factors which the panel may consider in increasing the recommended penalty.

Exception No. 2: Petitioner filed an exception to the ALJ's recommendation that the Commission direct the Department of Education to renew Respondent's Florida educator's certificate. Because the Commission does not have jurisdiction over the renewal of educators' certificates, nor to control the actions of the Department, the exception is accepted.

Ruling on Respondent's Exceptions

Exception No. 1: Respondent filed an exception to paragraph 7 of the RO regarding the credibility of witness Verna Brown. Because the Commission does not have jurisdiction to evaluate the credibility of the witnesses and because there is competent substantial evidence in the record to support the ALJ's finding, the exception is rejected.

Exception No. 2: Respondent filed an exception to paragraph 9 of the RO regarding the ALJ's referral to Respondent's "colleagues." The Commission does not have jurisdiction to reweigh evidence and there is competent substantial evidence in the record to support the ALJ's finding and conclusion. The exception is rejected.

Exception No. 3: Respondent filed an exception to paragraph 14 of the RO regarding the admissibility of breathalyzer evidence. The Commission does not have

jurisdiction to interpret the Florida Evidence Code and the admissibility of evidence. The exception is rejected.

Exception No. 4: Respondent filed an exception to paragraph 24 of the RO regarding record evidence of contact with students. There is competent substantial evidence in the record to support the ALJ's finding and conclusion. The exception is rejected.

Exception No. 5: Respondent filed a further exception to paragraph 24 of the RO regarding the ALJ's conclusion that Respondent failed to make reasonable effort to protect her students from conditions harmful to student's learning and their mental health and safety. There is competent substantial evidence in the record to support the conclusion. The exception is rejected.

Exception No. 6: Respondent filed an exception to paragraphs 25 and 26 of the RO regarding the ALJ's the conclusion that Respondent's violation of the rule was complete at the point that she arrived at the school to teach in her condition. The Commission does not have jurisdiction to reweigh evidence and there is competent substantial evidence in the record to support the ALJ's finding and conclusion. The exception is rejected.

Exception No. 7: Respondent filed an exception to paragraph 31 of the RO regarding evidence of rehabilitation. There is competent substantial evidence in the record to support the conclusion of law, and the panel does not reach a substitute conclusion that is as or more reasonable. The exception is rejected.

Exception No. 8: Respondent filed an exception to paragraph 32 of the RO regarding aggravating and/or mitigating circumstances. There is no citation to the record for each of the identified factors. The exception is rejected.

Findings of Fact

1. The Panel hereby adopts the findings of fact in the Recommended Order. There is competent substantial evidence to support these findings of fact.

Conclusions of Law

1. The Education Practices Commission has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 1012, Florida Statutes.

2. The Panel hereby adopts the conclusions of law in the Recommended Order.

Penalty

Upon a complete review of the record in this case, it is therefore **ORDERED** that:

1. Respondent is hereby issued a letter of reprimand.
2. Respondent is assessed an administrative fine of 750.00 to be paid within the first two (2) years of the period of probation imposed below.
3. Upon employment in any public or private position requiring a Florida educator's certificate, Respondent shall be placed on three (3) 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 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(s) of Educational Ethics, which may be taken online, within the first year of probation.

H. Be prohibited from transporting minor students in or on motor vehicles.

4. As part of the Recovery Network Program (RNP), Respondent shall:

Submit to a Substance Abuse Evaluation relating to the issues cited in the Administrative Complaint/Notice of Reasons as determined by the RNP and conducted by an RNP approved licensed provider and undergo any counseling or treatment as may be prescribed by said professional. If, to fulfill this requirement, Respondent must now engage in such counseling, have the professional submit quarterly reports to the RNP. Respondent shall provide the RNP written verification from the treatment provider(s) of

successful completion of the evaluation within sixty (60) days of issuance of the Final Order OR within sixty (60) days of the initial date of employment in a position requiring a Florida educator's certificate, whichever occurs later. Respondent is responsible for all costs associated with the evaluation, treatment, counseling, and testing required through their participation in the RNP.

Respondent shall provide written verification from a 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.

If Respondent has undergone evaluation(s) and treatment and/or counseling after the incident(s) alleged in the Administrative Complaint/Notice of Reasons, the evaluation(s) and treatment and/or counseling may be used in lieu of the evaluations(s) and treatment and/or counseling, if acceptable to the RNP.

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

DONE AND ORDERED, this 4th day of February, 2019.



ANN COPENHAVER, Presiding Officer

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 Renya Jones, 1131 Southeast Parrish Court, Port Saint Lucie, Florida 34952 and Nicholas Wolfmeyer, Esq., Egan, Lev, Lindstrom & Siwica, P.A., 231 East Colonial Drive, Orlando, Florida 32802 by Certified U.S. Mail, by electronic mail to Bonnie Wilmot, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 and Ron Weaver, Esq., P.O. Box 770088, Ocala, Florida 34477-0088 this 4th day of February, 2019.



Lisa Forbess, Clerk
Education Practices Commission

COPIES FURNISHED TO:

Office of Professional Practices Services
Bureau of Educator Certification
Probation
Superintendent

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

CLAUDIA LLADO, Clerk

St. Lucie County Schools
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EDUCATION PRACTICES COMMISSION
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Legal Counsel

LISA FORBESS

Clerk of Court

CHRISTIE GOLD

Chairperson

NICHOLAS PIETKIEWICZ

Co-Chairperson

February 4, 2019

Renya Jones

1131 Southeast Parrish Court

Port Saint Lucie, Florida 34952

Re: Pam Stewart vs. Renya Jones

EPC No.: 18-0253-RT; DOE No.: 866702

Dear Ms. Jones:

As you know, the teacher panel of the Education Practices Commission reviewed the matter pending against you. The panel concluded that you violated the Principles of Professional Conduct for the Education Profession prescribed by the State Board of Education rules and hereby reprimands you for the conduct alleged in the Recommended Order which is incorporated herein.

This panel, which includes fellow educators, believes that, as a teacher, you are required to exercise a measure of leadership beyond reproach. By your actions, you have lessened the reputation of all who practice our profession and have diminished your position as an educational leader. The profession cannot condone your actions, nor can the public who employ us.

The Education Practices Commission sincerely hopes it is your intention never to violate any professional obligation in fulfilling your responsibilities as an educator. To violate the standards of the profession will surely result in further action.

This letter of reprimand is being placed in your state certification file, and a copy is being sent to the St. Lucie County School Board for placement in your personnel file.

Sincerely,

A handwritten signature in blue ink that reads "Ann Copenhaver".

Ann Copenhaver

Presiding Officer