

**STATE OF FLORIDA**  
**DIVISION OF ADMINISTRATIVE HEARINGS**

RICHARD CORCORAN, AS COMMISSIONER  
OF EDUCATION,

Petitioner,

vs.

Case No. 21-0707PL

YOLIE BAUDUY,

Respondent.

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RECOMMENDED ORDER

Administrative Law Judge John D. C. Newton, II, of the Division of Administrative Hearings (DOAH), conducted the final hearing in this matter by Zoom conference on August 24 and 25, 2021.

APPEARANCES

For Petitioner: Ron Weaver, Esquire  
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For Respondent: Branden M. Vicari, Esquire  
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STATEMENT OF THE ISSUES

A. Did Respondent, Yolie Bauduy, violate section 1012.795(1)(g), Florida Statutes (2018)?<sup>1</sup>

B. Did Respondent, Yolie Bauduy, violate section 1012.795(1)(j)?

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<sup>1</sup> All citations to the Florida Statutes are to the 2018 codification unless otherwise noted.

C. Did Respondent, Yolie Bauduy, violate Florida Administrative Code Rule 6A-10.081(2)(a)1.?

PRELIMINARY STATEMENT

By three count Administrative Complaint dated November 2, 2020, Petitioner, Richard Corcoran, Commissioner of Education (Commissioner), charged Ms. Bauduy with violating two statutes and one rule governing teacher conduct. Ms. Bauduy disputed the charges and requested a disputed-fact administrative hearing. The Commissioner referred the matter to DOAH on February 19, 2021, for conduct of the requested hearing. The hearing was set for May 21, 2021. Because of the number of witnesses, the expected length of their testimony, the number of documents involved, and the need for additional time to conduct discovery, the parties jointly moved to continue and reschedule the hearing. The motion was granted, and the hearing was scheduled to begin August 24, 2021. The undersigned conducted the hearing as scheduled. The parties stipulated to several facts. The relevant facts are incorporated in the Findings of Fact.

The Commissioner presented testimony from Adam Bailey, Elizabeth Elkholi, Monica Emery, Laura Fogarty, Michael C. Gladden, Barbra Hunter, Kendra Rodriguez, and K.M. (a student). Commissioner Exhibits 4, 5, 9 through 11, 13, 20, 22, 24 through 30, 32 through 34, 38, 41, and 42 were admitted into evidence.

Ms. Bauduy presented the testimony from herself and Lauren Mueller. Ms. Bauduy's Exhibits 1, 2, 4, 5, 7, 9, and 10 were admitted into evidence. Ms. Bauduy also offered exhibits identified as Commissioner's proposed exhibits 18 and 39 in the pre-hearing stipulation. They were admitted as evidence submitted on behalf of Ms. Bauduy.

The Transcript of the hearing was filed. After receiving an extension of time, the parties timely submitted Proposed Recommended Orders. They have been considered in the preparation of this Recommended Order.

### FINDINGS OF FACT

#### Parties

1. Petitioner, Richard Corcoran, is the Commissioner of Education. The Commissioner is the head of the state agency, the Florida Department of Education, responsible for investigating and prosecuting allegations of misconduct against individuals holding Florida educator certificates.

2. Ms. Bauduy holds a Florida Educators Certificate covering the areas of Autism Spectrum Disorder, Elementary Education, English for Speakers of Other Languages (ESOL), Exceptional Student Education (ESE), and Middle Grades Integrated Curriculum. It is valid through June 30, 2025.

3. Ms. Bauduy teaches at Gotha Middle School in the Orange County School District and did at the time of the events alleged in the Administrative Complaint. During the period during which the alleged acts occurred, Ms. Bauduy taught students with autism. She has served students with disabilities of Orange County as an educator in ESE programs for 16 years. She taught at Gotha Middle School for 14 of those 16 years. Other than discipline for the incidents that are the subject of this proceeding, the District has never disciplined Ms. Bauduy. The school has recognized Ms. Bauduy as an effective teacher. For instance, an evaluation resulting from seven days of in-class observation in November 2020 concluded that she was applying all four expected classroom strategies and behaviors. The Education Practices Commission has never disciplined Ms. Bauduy.

#### Gotha Middle School and Ms. Bauduy's Class

4. During the 2018-2019 school year, all of Ms. Bauduy's students had disabilities that required more assistance and support than needed by students in the general population. Because of their disabilities,

Ms. Bauduy's students required a modified curriculum that was less rigorous than the standard curriculum. The modified curriculum included social, skills, personal skills, and independent function skills. Teaching those skills helps students learn to manage their behavior and become more independent.

5. All of Ms. Bauduy's students had Individual Education Plans (IEP). These plans identify a student's disabilities, their effect, and behavior that may arise from them. They establish goals for the student in light of the student's disabilities. And they identify strategies for helping the students accomplish the established goals.

6. The demands of teaching students with disabilities required additional staff in the classroom to assist Ms. Bauduy. The school determined that properly caring for and teaching the children required a three to one student teacher ratio. The students' IEPs also required this staffing ratio. For that reason, the school assigned two paraprofessionals to assist in Ms. Bauduy's class of ten people. This was in addition to Ms. Edoo, who was assigned to student E.K. one-on-one. Thus, the proper staffing complement for Ms. Bauduy's class was four adults.

7. Throughout the 2018-2019 school year, Gotha Middle School experienced chronic staffing shortages. One paraprofessional position in Ms. Bauduy's class was vacant the entire year. The school engaged a long-term substitute. That person often did not show up for work. In those instances, the school sought, often unsuccessfully, to engage fill-ins from a temporary staffing agency. In addition, the school usually did not provide staff to cover the paraprofessionals' breaks and lunches. Throughout the year, Ms. Bauduy had to juggle staffing shortages as best she could. During the representative month of September 2018, Ms. Bauduy's class was short one adult seven full days and four partial days. On September 11, 2018, Ms. Bauduy's class was down two professionals. When the paraprofessional staff took their breaks or lunch periods, the staffing deficiencies worsened.

8. Ms. Bauduy repeatedly advised the administration about the staffing deficiencies, sought assistance, and expressed her concerns about not complying with students' IEP requirements. Her communications included a September 5, 2018, email advising that a substitute had not arrived, a September 11 email forwarding an email from a paraprofessional advising she was not coming in, and a September 26 email advising that a substitute once again failed to arrive and asking for assistance.

9. In January 2019, despite the chronic understaffing, the school transferred two students, T.M. and N.A., from other classrooms to Ms. Bauduy's class. These students' disabilities were more profound and required more supports than the other students. They were regular elopers, required diaper changes, and required individual nearly one-on-one prompting for tasks. Among other things, T.M.'s disabilities required having someone hold his hand during transitions. Placement of T.M. and N.A. in Ms. Bauduy's class was not appropriate.

10. Ms. Bauduy continued sending emails expressing her concerns and frustrations about understaffing. She also repeatedly, without effect, sought to get the school to change mandatory meetings to her planning period or after school because the meetings caused her to leave the classroom and exacerbated the staffing problems. Between October 25, 2018, and March 4, 2019, Ms. Bauduy sent 17 emails requesting full staffing and advising of staff absences.

11. Ms. Bauduy could not rely upon prompt responses when she called for assistance or additional staffing to put her room back in compliance with the required student/adult ratio. Sometimes she received a quick response. Sometimes no one came. Often there was a 20 to 30-minute delay before assistance arrived.

12. Even when management responded to Ms. Bauduy's request for a schedule of when behavior staff would be available to support her students, management's response was conditional. For instance, Laura Fogarty, ESE

Curriculum and Instruction Team Instructional Coach, conditioned the schedule of available staff that she provided as follows.

Please remember, however, that this schedule is in a perfect world. The behavior support team's first priority is to respond to radio calls and have other responsibilities that don't always make it possible for them to be in your room for the times listed below. They may also have to leave to respond to a behavior call when they are in there. Below is the ideal, if everything goes right and there are no behavior calls or other areas that require their attention.

13. The world in which Ms. Bauduy taught was neither perfect nor ideal. Ms. Bauduy's testimony about staffing difficulties and insufficient responses to requests for assistance differs from testimony of school representatives. Ms. Bauduy was more credible and persuasive than the school representatives. Four of the reasons for this judgment are Ms. Bauduy's sincere demeanor, documents such as emails and logs consistent with her testimony, the admission in Ms. Fogarty's email that even scheduled availability of support was not reliable, and the corroborating testimony of a paraprofessional who worked in Ms. Bauduy's room, Lauren Mueller.

K.C.

14. K.C. was a male sixth grade student in Ms. Bauduy's class. K.C.'s IEP specified that K.C. should always be supervised. It stated, "He requires continuous supervision as he is very impulsive and responds aggressively and or obscenely." K.C. also had a Behavioral Improvement Plan (BIP). It too noted a need for intensive intervention to address inappropriate touching of and advances toward female students. The BIP provided, among other things, "If outside the classroom, one on one supervision must be provided." The BIP went on to state that K.C.'s transitions out of the classroom should be limited to necessary transitions and that a staff member should provide one-on-one

supervision during all transitions. Ms. Bauduy was aware of the contents of the IEP and BIP.

15. At each day's end, Ms. Edoo usually escorted K.C. from class to the transportation loading area, after escorting her assigned student to the transportation area. This did not happen on September 11, 2018. This was one of the many days when Ms. Bauduy's room was short-staffed. Because of a vacant position and a paraprofessional not showing up, Ms. Bauduy was down to two adults, including herself, of the staff that should have been in the room. This excludes Ms. Edoo who was responsible for providing one-on-one care for a single student. The afternoon of September 11 the substitute paraprofessional was to escort the students, in shifts, to the transportation area. The substitute took a student to the transportation area and did not return. This left Ms. Bauduy the sole adult in the room, responsible both for getting the children to the transportation area and supervising students in the classroom.

16. Ms. Edoo called Ms. Bauduy on the radio and said to release K.C. Ms. Bauduy thought that meant Ms. Edoo was returning to the classroom and would meet K.C. in the hall. Although her room had a telephone and a two-way radio, Ms. Bauduy knew from experience a response to a request for help would be slow, if there even was one. Faced with confounding choices, Ms. Bauduy explained to K.C. that she would release him to go directly down the hall to meet Ms. Edoo. K.C. did not go straight down the hall to Ms. Edoo, and Ms. Edoo was not in the hall. K.C. went to the bathroom that opened on the hall. A student, K.M., found K.C. laying naked, save for his socks, on the bathroom floor, masturbating. This scared and confused K.M. He went home and told his mother about the incident. She called the school. The next day a guidance counselor met with K.M. to discuss the incident and reassure him.

17. Shortly after K.M. left for home, an ESE clerk, Elizabeth Elkholi, saw K.C. naked in the bathroom, through the open door. She called for Shantell Johnson, a behavior trainer. Ms. Johnson did not wish to enter the bathroom

because K.C. was naked. A substitute, Stephen Harnishfeger, and Deputy Luna, a school resource officer, joined Ms. Elkholi and Ms. Johnson. Between them, these four adults kept K.C. in sight. K.C. got dressed in a stall.

Ms. Johnson escorted him back to Ms. Bauduy's classroom. Ms. Bauduy was not aware of this activity until K.C. was returned to her room. K.C. could have left the school grounds during the period that he was unsupervised.

18. Eventually the substitute reappeared and declared she was leaving for the day. Ms. Bauduy convinced the substitute to escort K.C. to the transportation loading area before leaving.

19. The school suspended Ms. Bauduy for five days without pay for this incident.

T.M.

20. T.M. was a student on the autism spectrum that the school transferred to Ms. Bauduy's class in January. T.M.'s previous classroom, Ms. Franklin's, was adjacent to Ms. Bauduy's classroom.

21. On February 25, 2019, the school had again failed to staff Ms. Bauduy's classroom in compliance with the requirements of her students' IEPs. That day the school required Ms. Bauduy to participate in an IEP meeting, scheduled for 30 minutes, during her planning period. The meeting took two hours, running through her lunch period and ending at 4:00 p.m. When Ms. Bauduy returned to the classroom, she realized none of her paraprofessionals had taken a break. So, she released them one at a time for a short break. While one paraprofessional was gone on break, the remaining one left the room with a student to go to the restroom and change a diaper. This left Ms. Bauduy alone with the students.

22. At that time, Ms. Bauduy was providing directions to a group of students. She heard the door slam. She looked for T.M. and did not see him in the classroom. T.M. had slipped away from Ms. Bauduy's classroom out into the hall. He left through the classroom's only door. Ms. Bauduy immediately went to the doorway to look for him. She knew T.M. had a history of leaving



the classroom but waiting just outside the door. She did not see him. Then Ms. Bauduy took a few steps outside the door of her classroom into the hall. To the left of Ms. Bauduy's classroom the hall met double doors just yards away that led to the outside and a nearby road. Ms. Bauduy was in the hall approximately 23 seconds seeking to ensure that T.M. had not gone to the left toward the double doors. During these 23 seconds there was no adult inside Ms. Bauduy's class room. She however was just feet from the only door. One of the students could have done something destructive or harmful. But the brief period of time that Ms. Bauduy was outside the classroom, her proximity to the door, and the very short distance she was from her students made that risk minimal.

23. Ms. Bauduy saw the door to Classroom B104 close. This was T.M.'s former classroom, which was next to Ms. Bauduy's room. This reassured her that T.M. was safe. She ran back to her classroom. The students had spent the 23 seconds without incident. Then Ms. Bauduy called for assistance. A staff member came to return T.M. to Ms. Bauduy's room.

24. When T.M. slipped away, Ms. Bauduy had no good choices. In the time it would take to call for assistance and wait for it to arrive, if it did, T.M. could have been out the doors and in the road. Ms. Bauduy's experience taught her that assistance was often slow to arrive and sometimes did not arrive at all. Stepping out in the hall to quickly see where T.M. went left the eight remaining students without direct adult supervision for 23 seconds. But Ms. Bauduy was just outside the only door out of the classroom. She made a reasonable choice, one that most reduced the risk of a bad outcome to T.M. and his classmates.

25. The school suspended Ms. Bauduy for five days without pay because of this incident.

F.O.

26. F.O. was a student in Ms. Bauduy's class. F.O. was non-verbal and deaf. She was working on pre-academic skills. F.O. was a joyful and social

student. She, however, was defiant. She did not like to be corrected. She wanted to be on her own, basically following her own schedule. When corrected, F.O. would shake her head, point her finger, and stick her tongue out.

27. The school regularly delivered breakfast and lunch to the class. On September 11, 2019, F.O. ate breakfast around 10:00 a.m. After breakfast, F.O. and the other students had a short lesson and went to PE. After they returned to class, they had another short lesson. Afterwards, Ms. Bauduy gave the class another short break.

28. Around 11:30 a.m., the lunch cart's arrival signaled the beginning of lunch to the class. The lunch service procedure began with placing meals on tables for students who could feed themselves. Then Ms. Bauduy and the paraprofessionals assisted students who needed help eating.

29. F.O.'s lunch was placed in front of her. It was time for F.O. to pick up her toys and eat. She refused. Ms. Bauduy tried prompting F.O. several ways. Ms. Bauduy's efforts to persuade F.O. to put her toys up included gestures, pantomiming the desired actions, and modeling the actions by picking up some toys herself. This did not work.

30. Ms. Bauduy took F.O. out of the classroom to see if a change in environment would help. Ms. Bauduy then took F.O. to the behavior specialist's classroom down the hall. But it was not staffed.

31. They returned to Ms. Bauduy's classroom. There Ms. Bauduy tried to get F.O. to comply with simple directions like "put it down." F.O. would not respond. Also, F.O. continued to refuse to pick up her toys and eat lunch. Ms. Bauduy concluded that F.O.'s refusal to eat lunch was a defiance issue.

32. Ms. Bauduy learned a behavior management strategy called "First – Then" in her applied behavior classes at the University of Central Florida. Ms. Bauduy kept a graphic depicting this strategy posted in her classroom. Other teachers and paraprofessionals in the school also used this strategy. It

was a system where the "Then" was something the child wanted or wanted to do and the "First" was a task the child was resisting.

33. After F.O. continued to play with toys and ignore her lunch. Ms. Bauduy decided to use the "First—Then" strategy by withholding F.O.'s lunch until she picked up her toys. She asked a paraprofessional, Ms. Lewis, to remove the food. Ms. Lewis refused. Ms. Bauduy then placed the lunch on a shelf so that other students would not eat it or play with it.

34. Around 2:00 p.m., snack time, F.O. had put up her toys. Ms. Bauduy gave her the lunch. Ms. Bauduy's log for the day, sent home with each student each day, advised F.O.'s parents that F.O. would not listen or follow directions most of the day and that "lunch was delayed till she showed more compliance."

35. Withholding lunch was not a proper use of the "First – Then" strategy. Meals are a regular part of the day and necessary for nutrition, although in this case the student repeatedly declined food. Withholding a meal, as opposed to withholding a treat, is not proper. Also, since F.O. was not interested in eating lunch, making lunch the "Then" was not a well-reasoned use of the strategy. Ms. Bauduy, however, did not withhold lunch as a punishment. But withholding lunch was not a reasonable behavior management strategy.

36. The school suspended Ms. Bauduy for five days for this instance.

#### CONCLUSIONS OF LAW

##### Jurisdiction, Parties, and Burden of Proof

37. Florida law grants DOAH jurisdiction of this matter. §§ 120.569, 120.57(1), and 1012.796(6), Fla. Stat. (2021).

38. The Commissioner is the chief educational officer of the state. He files and prosecutes complaints against teachers and administrators before the Education Practices Commission. § 1012.796(6), Fla. Stat. Section 1012.795 authorizes the Commission to impose discipline upon teachers in Florida.

39. The Commissioner seeks to discipline Ms. Bauduy's educators certificate. The Commissioner bears the burden of proving the allegations of the Administrative Complaint by clear and convincing evidence. *Ferris v. Turlington*, 510 So. 2d 292, 294 (Fla. 1987). 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 explicit and the witnesses must be lacking in confusion as to the facts in issue. The evidence must be of such 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*, 492 So. 2d 797, 800 (Fla. 4th DCA 1983)).

40. The three count administrative complaint charges Ms. Bauduy with violations of sections 1012.795(1)(g) and 1012.795(1)(j) and rule 6A-10.081(2)(a)1. All charges rest on her handling of K.C., T.M., and F.O. as described in the Findings of Fact.

#### Count I

41. Section 1012.795(1)(g) authorizes the Education Practices Commission to impose a range of disciplinary actions upon an educator who "has been found guilty of personal conduct that seriously reduces that person's effectiveness as an employee of the district school board." The record does not establish by clear and convincing evidence that the isolated incidents, aggravated in the cases of K.C. and T.M. by chronic understaffing, seriously reduced Ms. Bauduy's effectiveness as an employee of the school board. There is no evidence of events, actions, or complaints after September 11, 2019, that indicate Ms. Bauduy's effectiveness has been impaired. *Cf. Walker v. Highlands Cnty. Sch. Bd.*, 752 So. 2d 127 (Fla. 2d DCA 2000) (Teacher

"joking" about students being searched and offering to hold contraband created chaos in the classroom.)

42. Also, the Commissioner's Proposed Recommended Order does not argue this violation. The charge is therefore abandoned. The Proposed Recommended Order is the most recent and complete statement of the Agency's claims. Any violation not included in the Proposed Recommended Order is deemed abandoned, as are violations asserted without citation to the record support for them. *Cf. D.H. v. Adept Cmty. Servs.*, 271 So. 3d 870 (Fla. 2018) (Claims of error not raised in initial brief deemed abandoned); *Wickham v. State*, 124 So. 3d 841, 860 (Fla. 2013) (Failure to pursue a claim amounts to abandonment of the claim.); *Downs v. Moore*, 801 So. 2d 906, 912, n. 9 (Fla. 2001) (Failure to propose jury instruction on an issue is deemed abandonment of the issue).

#### Counts II and III

43. Section 1012.795(1)(j) authorizes the Education Practices Commission to impose a range of disciplines upon an educator who "[h]as violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules." The statute does not create an offense other than making violation of the Principles a statutory offense. Ms. Bauduy violated section 1012.795(1)(j) only if she violated rule 6A-10.081(2)(a). *Corcoran v. Miller*, Case No. 19-6373PL (Fla. DOAH Mar. 31, 2021; Fla. EPC May 28, 2021).

44. Rule 6A-10.081 is the Principles of Professional Conduct. Rule 6A-10.081(2) states: "Florida educators shall comply with the following disciplinary principles. 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." Rule 6A-10.081(2)(a)1. provides that educators, "[s]hall 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."

45. The record establishes by clear and convincing evidence that Ms. Bauduy's decision to release K.C. to transit the hall without supervision created a condition "harmful to learning and/or physical health and/or safety." Releasing K.C. without supervision was harmful both to K.C. and any other students, especially female students, that he might encounter.

46. The record does not establish by clear and convincing evidence that Ms. Bauduy's decision to step outside her classroom door for less than 30 seconds to determine where T.M. was going and confirm he was not leaving through the double doors to the road was harmful to the students who remained in the classroom. Ms. Bauduy believed with good cause that a call for help would not bring support soon enough to deal with the immediate risk to T.M. By staying just outside her classroom door and keeping her time outside the classroom to less than 30 seconds, Ms. Bauduy made a reasonable effort to protect all her students from harmful conditions. Consequently, the Commissioner did not prove Ms. Bauduy violated rule 6A-10.081(2)(a)1. when she stepped out in the hall to check on T.M.

47. The record establishes by clear and convincing evidence that Ms. Bauduy withheld F.O.'s lunch for two hours in an incorrect application of the "First—Then" behavior management strategy. It also establishes that F.O. repeatedly refused the lunch. There was general testimony that food is a human need, that delaying a meal "can lower blood sugar" which may make a student restless and inattentive. There is no evidence that F.O. was restless or inattentive. The evidence did not produce "a firm belief or conviction, without hesitancy, as to the truth of the allegations" that a two-hour delay in lunch for a student who repeatedly refused lunch amounted to an action "harmful to learning and/or to the student's mental and/or physical health and/or safety." Consequently, the Commissioner did not prove delaying F.O.'s lunch violated rule 6A-10.081(2)(a)1.

### Disciplinary Guidelines

48. The guidelines of Florida Administrative Code Rule 6B-11.007 must be considered in determining the appropriate penalty to impose upon Ms. Bauduy. The guidelines provide that the appropriate penalty for a violation of rule 6A-10.081(2)(a)1. ranges between reprimand and revocation. Fla. Admin. Code R. 6B-11.007(2). Rule 6B-11.007(3) lists aggravating and mitigating factors to consider. They are:

- (a) The severity of the offense;
- (b) The danger to the public;
- (c) The number of repetitions of offenses;
- (d) The length of time since the violation;
- (e) The number of times the educator has been previously disciplined by the Commission;
- (f) The length of time the educator has practiced and the contribution as an educator;
- (g) The actual damage, physical or otherwise, caused by the violation;
- (h) The deterrent effect of the penalty imposed;
- (i) The effect of the penalty upon the educator's livelihood;
- (j) Any effort of rehabilitation by the educator;
- (k) The actual knowledge of the educator pertaining to the violation;
- (l) Employment status;
- (m) Attempts by the educator to correct or stop the violation or refusal by the educator to correct or stop the violation;
- (n) Related violations against the educator in another state including findings of guilt or innocence, penalties imposed and penalties served;
- (o) Actual negligence of the educator pertaining to any violation;
- (p) Penalties imposed for related offenses under subsection (2), above;
- (q) Pecuniary benefit or self-gain inuring to the educator;
- (r) Degree of physical and mental harm to a student or a child;
- (s) Present status of physical and/or mental condition contributing to the violation including recovery from addiction;

(t) Any other relevant mitigating or aggravating factors under the circumstances.

49. The mitigating circumstances in paragraphs (c) (number of repetitions), (d) (length of time since the violation), (e) (previous discipline), (f) (length of time serving as educator), (g) (actual damage), and (q) (no pecuniary benefit or self-gain) are present here. Under the circumstances here, two other mitigating factors apply. The first is the chronic understaffing and the daily stress and lack of support that it generated. The second is that Ms. Bauduy has already received a severe penalty, five days suspension without pay, for each alleged violation. Aggravating circumstances of paragraphs (a) (severity due to the nature of K.C.'s disability) and (k) (actual knowledge of the need to ensure constant supervision of K.C.) apply.

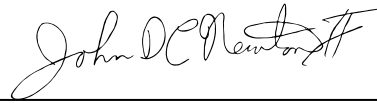
50. The number and nature of the mitigating circumstances outweigh the number and nature of the aggravating circumstances. The result from consideration of the facts of the one violation proven and weighing the aggravating and mitigating factors is a conclusion that reprimand is the proper discipline for Ms. Bauduy.

#### RECOMMENDATION

Based on the foregoing Findings of Fact and Conclusions of Law, it is RECOMMENDED that the Education Practices Commission enter a final order finding that Respondent, Yolie Bauduy, violated section 1012.795(1)(j), Florida Statutes, by violating Florida Administrative Code Rule 6A-10.081(2)(a)1., and imposing a reprimand upon Respondent, Yolie Bauduy.



DONE AND ENTERED this 24th day of November, 2021, in Tallahassee,  
Leon County, Florida.



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JOHN D. C. NEWTON, II  
Administrative Law Judge  
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Filed with the Clerk of the  
Division of Administrative Hearings  
this 24th day of November, 2021.

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.