



Before the Education Practices Commission of the State of Florida

RICHARD CORCORAN, as
Commissioner of Education,

Petitioner,

vs.

CRYSTAL LEE ANN BUNN,

Respondent.



EPC CASE No.: 22-0042-RT
Index No. 22-358-FOF
DOAH CASE No.: 22-0339PL
PPS No.: 190-3337
CERTIFICATE No. 1162570

Final Order

This matter was heard by a Teacher Hearing Panel of the Education Practices Commission pursuant to Sections 1012.795, 1012.796 and 120.57(1), Florida Statutes, on September 7, 2022, in Orlando, Florida, for consideration of the Recommended Order (RO) entered in this case by Administrative Law Judge, Suzanne Van Wyk (ALJ). Respondent was not present and was represented by legal counsel who was present. Petitioner was represented by Ron Weaver, Esq. Petitioner timely filed an exception to Recommended Penalty and Motion to Increase Penalty. Respondent did not file a written Response to Petitioner's Exception.

RULING ON EXCEPTION

1. Petitioner's exception is to the penalty imposed in the RO. The ALJ's recommendation states:

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 violated section 1012.795(1)(j), and issue a written reprimand to Respondent.

2. The standard for consideration of a penalty in an RO is as follows:

The agency may accept the recommended penalty in a recommended order, but may not reduce or increase it without a review of the complete record and without stating with particularity its reasons therefor in the order, by citing to the record in justifying the action.

Section 120.57(1)(l), F.S.

3. In sum, Petitioner argues that the penalty should be increased because Respondent intentionally hit the student in the head, knowing the student had a [REDACTED]; did so in a moment of frustration; and a period of probation is prudent to ensure the protection of students in the future.

4. For the reasons fully stated in Petitioner's written Motion, the Commission GRANTS the Exception.

Findings of Fact

5. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

6. There is competent substantial evidence to support the findings of fact.

Conclusions of Law

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

8. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

Penalty

9. Upon a complete review of the record in this case, and for the reasons stated in Petitioner's Motion, the Commission REJECTS that the Recommended Penalty issued by the Administrative Law Judge. It is therefore

ORDERED that:

10. A letter of Reprimand is issued.

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

(1) 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 Exceptional Student Education, which may be taken online, during probation.

Or

(2) Educator shall complete 2 NEA Courses in the area of Exceptional Learner and provide documentation verifying successful completion to the investigative office in the DOE within the probationary period.

12. As part of the Recovery Network Program, Respondent shall:

Submit to an Evaluation relating to the issues cited in the Recommended Order as determined by the Recovery Network Program and conducted by a Recovery Network Program approved licensed provider and undergo any counseling or treatment as may be prescribed by said professional. If, to fulfill this requirement, educator must now engage in such counseling, have the professional submit quarterly reports to the Recovery Network Program. Educator shall provide the Recovery Network Program written verification form 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.

Provide written verification from a Recovery Network Program 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 Final Order takes effect upon filing with the Clerk of the Education Practices Commission.

DONE AND ORDERED, this 19th day of September, 2022.



JARED BARR, 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 sent by Certified U.S. mail to: **Crystal Bunn**, 205 Orr Avenue, Cheswick, PA 15024; **Anthony Duran, Jr., Esq.**, 9312 North Armenia Avenue, Tampa Florida 33612; and by electronic mail to Bonnie Wilmot, bonnie.wilmot@fldoe.org; and Ron Weaver, Esquire, ron@ronweaverlaw.com

this 19th day of September, 2022.



Faith Lenzo, Clerk
Education Practices Commission

COPIES FURNISHED TO:

Office of Professional Practices Services

Bureau of Educator Certification

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Osceola County Schools
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Division of Administrative Hearings

Probation

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

MANNY DIAZ, JR., AS COMMISSIONER OF
EDUCATION,

Petitioner,

vs.

Case No. 22-0339PL

CRYSTAL LEE ANN BUNN,

Respondent.

_____ /

RECOMMENDED ORDER

A duly-noticed final hearing was conducted in this case on April 27, 2022, via Zoom teleconference, before Administrative Law Judge Suzanne Van Wyk of the Division of Administrative Hearings.

APPEARANCES

For Petitioner: Ron Weaver, Esquire
 Post Office Box 770088
 Ocala, Florida 34477-0088

For Respondent: Anthony Duran, Jr., Esquire
 Tison Law Group
 9312 North Armenia Avenue
 Tampa, Florida 33612

STATEMENT OF THE ISSUES

Whether Respondent violated section 1012.795(1)(j), Florida Statutes (2019), and Florida Administrative Code Rule 6A-10.081(2)(a)1.; and, if so, what penalty should be imposed.¹

¹ Unless otherwise noted, all references to the Florida Statutes herein are to the 2019 version, which was in effect when the actions alleged in the Administrative Complaint took place.

PRELIMINARY STATEMENT

On November 9, 2021, Petitioner filed an Administrative Complaint against Respondent, alleging violations of section 1012.795(1)(j) and rule 6A-10.081(2)(a)1. Respondent subsequently filed an Election of Rights form disputing the allegations in the Administrative Complaint and requesting a hearing. The case was referred to the Division of Administrative Hearings (“Division”) on February 2, 2022, and assigned to the undersigned.

The case was set for final hearing on April 27, 2022, by Zoom conference and commenced as scheduled. Petitioner presented the testimony of Christine Tilford and Lisa Taft, paraprofessionals at Harmony Community School (“Harmony”); Sandra Davenport, principal of Harmony; Osceola County Sheriff’s Deputy Brian McMahon; Osceola County Sheriff’s Deputy Marta Collings; and ██████████, mother of ██████. Petitioner introduced Exhibits 1 through 10, which were admitted into evidence.

Respondent testified on her own behalf and introduced no exhibits.

A one-volume Transcript of the proceedings was filed with the Division on June 6, 2022. The parties requested an extension of time to June 27, 2022, to file their proposed recommended orders, which was granted. Petitioner timely filed a Proposed Recommended Order which has been considered by the undersigned in preparing this Recommended Order. Respondent did not make a timely post-hearing filing.²

² Respondent’s Proposed Recommended Order was filed after 5:00 p.m. on June 27, 2022. By operation of Florida Administrative Code Rule 28-106.104(3), the document was deemed filed on June 28, 2022. Respondent did not file a motion for extension of time pursuant to rule 28-106.204(4).

FINDINGS OF FACT

1. Petitioner is the chief educational officer of the state, with authority to discipline Florida licensed educators following a finding of probable cause. *See* § 1012.796(6), Fla. Stat. (2021).

2. Respondent holds Florida Educator’s Certificate 1162570, covering the areas of Elementary Education, English for Speakers of Other Languages, and Exceptional Student Education (“ESE”), which is valid through June 30, 2021.

3. At the time of the allegations in the Administrative Complaint, Respondent was employed as an Intellectual Disabilities Teacher at Harmony in the Osceola County School District (“the District”).

4. On or about February 13, 2020, Respondent was working with ■■■, a ■■■ student who is ■■■
d ■■■.

5. Petitioner gave ■■■ a Barbie doll after ■■■ had completed an assignment. ■■■ walked over to another student and hit the student on the head with the Barbie doll.

6. Respondent reprimanded ■■■ for hitting the other student and intentionally struck ■■■ on the head with the doll. ■■■ began to cry.

7. The strike resulted in a scratch on ■■■’s forehead and another close to ■■■ right eye by the base of the bridge of ■■■ nose.

8. Respondent immediately sought to comfort ■■■ and wrote a note for ■■■ to be treated by the school nurse.

9. Christine Tilford, a paraprofessional in Respondent’s classroom, was working with another student across the room. Ms. Tilford witnessed the incident.

10. At approximately 3:30 p.m., Ms. Tilford reported the incident to Sandra Davenport, Harmony’s principal.

11. Ms. Davenport began an investigation into the incident by contacting Deputy Brian McMahon, the school resource officer (“SRO”).

12. Deputy McMahon interviewed Respondent and she admitted she hit [REDACTED] over the head with the doll. She also stated that she did not intend to harm [REDACTED]

13. Ms. Davenport then called the human resources department and was told to begin an internal investigation before contacting the Department of Children and Families (“DCF”).

14. Ms. Davenport interviewed Respondent, who admitted that she struck [REDACTED] on the head with the doll which resulted in scratches to [REDACTED] face. Respondent also informed Ms. Davenport that she had arranged for [REDACTED] to be seen by the school nurse.

15. At that point, Ms. Davenport called DCF and reported the incident.

16. Deputy McMahon excused himself from the investigation at this juncture, citing a conflict of interest in any criminal investigation due to his position as SRO. Deputy McMahon contacted his supervisor, who, in turn, assigned a “road deputy” to complete the investigation.

17. Deputy Marta Collings³ was assigned to complete the investigation into the incident. She interviewed Respondent, as well as the other parties involved.

18. Respondent provided both a written and verbal statement to Deputy Collings. Respondent admitted that she intentionally hit [REDACTED] on the head with the Barbie doll and that [REDACTED] immediately began to cry. Respondent stated that she struck [REDACTED] in a moment of frustration because [REDACTED] frequently hit other students.

19. Deputy Collings observed a small laceration under [REDACTED]’s right eye and a red mark across [REDACTED]’ right eyebrow. She photographed [REDACTED]’s face to document [REDACTED]’ injuries.

³ On the date of the incident, Deputy Collings’ last name was Robinson.

20. Deputy Collings arrested Respondent and charged her with child abuse without great bodily harm.⁴

21. Respondent's testimony at the final hearing was consistent with her statements given to Ms. Davenport, Deputy McMahon, and Deputy Collings. Respondent expressed remorse for her part in the incident and indicated she knew she was wrong when she struck [REDACTED] on the head.

22. Respondent worked as an ESE instructor for over ten years and has no prior discipline history.

23. On May 5, 2020, the District issued a letter of reprimand to Respondent and reassigned her to work with children with Autism Spectrum Disorder at Neptune Elementary School ("Neptune").

24. Respondent did not challenge the reprimand.

25. Respondent resigned from her position at Neptune, effective November 6, 2020.

CONCLUSIONS OF LAW

26. The Division has jurisdiction over the subject matter of, and the parties to, this action in accordance with sections 120.569 and 120.57(1), Florida Statutes (2021).

27. This is a proceeding in which Petitioner seeks to discipline Respondent's educator's certificate.

28. Charges in a disciplinary proceeding must be strictly construed, with any ambiguity construed in favor of the licensee. *Elmariah v. Dep't of Pro. Regul.*, 574 So. 2d 164, 165 (Fla. 1st DCA 1990); *Taylor v. Dep't of Pro. Regul.*, 534 So. 2d 782, 784 (Fla. 1st DCA 1988).

29. A licensee may only be disciplined for those matters specifically referenced in an administrative complaint against them. *Trevisani v. Dep't of Health*, 908 So. 2d 1108 (Fla. 1st DCA 2005); *Ghani v. Dep't of Health*, 714

⁴ Respondent was not prosecuted for the incident.

So. 2d 1113 (Fla. 1st DCA 1998); and *Willner v. Dep't of Pro. Regul.*, 563 So. 2d 805 (Fla. 1st DCA 1990).

30. Because disciplinary proceedings are considered penal in nature, Petitioner is required to prove the allegations in the Administrative Complaint by clear and convincing evidence. *Dep't of Banking & Fin. v. Osborne Stern & Co.*, 670 So. 2d 932 (Fla. 1996); *Ferris v. Turlington*, 510 So. 2d 292 (Fla. 1987).

31. 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 lacking in confusion as to the facts in issue. The evidence must be of such a 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*, 429 So. 2d 797, 800 (Fla. 4th DCA 1983)).

Administrative Allegations

32. The Administrative Complaint contains the following material allegations:

On or about February 13, 2020, Respondent inappropriately disciplined [REDACTED] a [REDACTED] student on the [REDACTED] [REDACTED] who is [REDACTED] [REDACTED]. Respondent struck [REDACTED] over the head with a doll resulting in a scratch to [REDACTED] face.

33. The evidence was of such weight that the undersigned has a firm conviction in the truth of those material allegations. Petitioner has proven the material allegations of the Administrative Complaint by clear and convincing evidence.

34. Based on the factual allegations in the Administrative Complaint, Respondent is charged with the following alleged statutory violations:

Count 1: The Respondent is in violation of section 1012.795(1)(j), Florida Statutes, in that Respondent has violated the Principles of Professional Conduct for the Education Profession prescribed by the State Board of Education rules.

* * *

Count 2: The allegations of misconduct set forth herein are in violation of Rule 6A-10.081(2)(a)1., Florida Administrative Code, in that Respondent has failed to make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental health and/or physical health and/or safety.

35. The referenced principle of professional conduct provides as follows:

(2) 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.

(a) Obligation to the student requires that the individual:

1. Shall 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.

36. Based on the evidence adduced at the final hearing, Respondent was responsible for creating a condition that was harmful to [REDACTED] physical health and safety.

37. Petitioner proved Count 2 of the Administrative Complaint—that Respondent violated rule 6A-10.081(2)(a)1.

38. Petitioner proved Count 1 of the Administrative Complaint by virtue of proving Count 2 (i.e., Respondent violated section 1012.795(1)(j), because Respondent violated the Principles of Professional Conduct.).

Discipline to be Imposed

39. The penalty range for a violation of section 1012.795(1)(j) is from reprimand to revocation. *See* Fla. Admin. Code R. 6B-11.007(2)(j)1. In this case, Petitioner is seeking a two-year suspension of Respondent's license.

40. Pursuant to subsection (3) of the rule, the following mitigation and aggravating factors may be considered by the Commission:

- (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; and,
- (t) Any other relevant mitigating or aggravating factors under the circumstances.

41. A number of mitigating factors should be considered in determining the appropriate sanction for Respondent's offense: (1) Two years have elapsed since the violation without any repeated conduct; (2) Respondent has never been previously disciplined by the Commission; (3) Respondent has practiced for over ten years in special education, a very demanding aspect of the profession; (4) the degree of physical harm to ■■■■ two small scratches on ■■■■ face, was minor; and (5) Respondent was immediately remorseful for her actions and provided honest and consistent testimony to her employer, the SRO, the investigating officer with the Osceola County Sheriff's office, as well as this tribunal. The undersigned further considers, as evidence supporting an appropriate penalty for Respondent's violation, the fact that the District imposed only a reprimand against Respondent.

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 violated section 1012.795(1)(j), and issue a written reprimand to Respondent.

DONE AND ENTERED this 1st day of July, 2022, in Tallahassee, Leon County, Florida.



SUZANNE VAN WYK
Administrative Law Judge
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 1st day of July, 2022.

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.

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

MANNY DIAZ, JR., AS
COMMISSIONER OF EDUCATION,

Petitioner,

vs.

DOAH Case No. 22-0339PL
DOE Case No. 190-3337

CRYSTAL LEE ANN BUNN,

Respondent.

_____ /

PETITIONER'S EXCEPTION TO RECOMMENDED PENALTY
AND MOTION TO INCREASE PENALTY

Petitioner, Manny Diaz, Jr., as Commissioner of Education, by and through his undersigned attorney, pursuant to Florida Statutes § 120.57(1)(l) and Florida Administrative Rule 28-106.217(1), hereby files Petitioner's exception to the Administrative Law Judge's recommended penalty, and as grounds states the following:

STANDARD OF REVIEW

1. Section 120.57(1)(l), Florida Statutes, provides, in pertinent part, as follows:

(l). . . The agency may accept the recommended penalty in a recommended order, but may not reduce or increase it without a review of the complete record and without stating with particularity its reasons therefor in the order, by citing to the record in justifying the action.

2. Florida courts have considered these procedures and the issues that may arise as a result of seeking to increase an ALJ's recommended penalty. In *Criminal Justice Standards v. Bradley*, 596 So.2d 661 (Fla. 1992), the Florida Supreme Court considered whether a professional regulatory agency or board may adopt the hearing officer's findings of fact and conclusions of law, but then reduce or increase the recommended penalty. *Id.* at 663. The *Bradley* court

noted that “it is a primary function of professional disciplinary boards to determine the appropriate punishment for the misconduct of the professionals it regulates.” *Id.* The court went on to hold as follows:

As long as the statute under which a professional agency operates provides guidelines for imposing penalties, the agency complies with Section 120.57, and the increased penalty falls within the guidelines established by its statute, a professional board or agency has the discretion to increase the recommended penalty. *Bradley*, 596 So.2d 661, 153.

3. The penalty in this case should be increased because of the established facts determined by the Administrative Law Judge (ALJ) and aggravating evidence in the Record.

SUPPORT FOR PETITIONER’S EXCEPTION TO RECOMMENDED PENALTY

4. In the Recommended Order, the ALJ, as a finding of fact, stated:

Respondent reprimanded [REDACTED] for hitting the other student and intentionally struck [REDACTED] on the head with the doll. [REDACTED] began to cry. (RO, para. 6).

The strike resulted in a scratch on [REDACTED]’s forehead and another close to [REDACTED] right eye by the base of the bridge of [REDACTED] nose. (RO, para. 7).

5. As a conclusion of law, the ALJ stated:

The Administrative Complaint contains the following material allegations:

On or about February 13, 2020, Respondent inappropriately disciplined [REDACTED] student on the [REDACTED] who is [REDACTED]. Respondent struck [REDACTED] over the head with a doll resulting in a scratch to [REDACTED]’s face. (RO, para. 32).

The evidence was of such weight that the undersigned has a firm conviction in the truth of those material allegations. Petitioner has proven the material allegations of the Administrative Complaint by clear and convincing evidence. (RO, para 33).

6. In the Recommendation, the ALJ stated:

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 violated section 1012.795(1)(j), and issue a written reprimand to Respondent. (RO, page 10).

7. It is to this recommendation Petitioner takes exception and requests that the EPC, after a review of the complete record and stating with particularity by citing to the record, increase the penalty.

8. First, the ALJ found that “Respondent was responsible for creating a condition that was harmful to [REDACTED]’s physical health and safety. Petitioner proved Count 2 of the Administrative Complaint—that Respondent violated rule 6A-10.081(2)(a)1.” (RO, para 36, 37). However, in the Recommendation the ALJ stated “it is RECOMMENDED that the Education Practices Commission enter a final order finding that Respondent violated section 1012.795(1)(j), and issue a written reprimand.” (RO, page 10). The Final Order should state not only that Respondent violated section 1012.795(1)(j), but also that Respondent violated rule 6A-10.081(2)(a)1.

9. Second, an aggravating factor for which the penalty should be increased is that Respondent not only intentionally hit the student in the head with the doll, but she did it knowing the student had a special condition concerning [REDACTED], the student’s mother, testified at the final hearing. According to [REDACTED],

[REDACTED]

10. Prior to the date of the incident, [REDACTED] had multiple discussions with Respondent about [REDACTED] touching [REDACTED] (Record: Transcript page 71, 72). Respondent confirmed

during her testimony that [REDACTED] provided her with information regarding [REDACTED] at the beginning of the school year. Respondent testified, [REDACTED] mother did share with me at the very beginning of the school year sort of a WebMD internet printout of information related to [REDACTED] and how that might impact a child in the educational realm. (Record: Transcript page 102).

11. The Record evidence is not only that Respondent intended to hit the student in the head with the doll, as found by the ALJ, but Respondent hit the student in the head knowing that [REDACTED] had a special condition regarding [REDACTED]. This is an aggravating factor in the Record to which the EPC should cite as a reason to increase the penalty.

12. Respondent's action of striking [REDACTED] is evidence of loss of control. Respondent stated that she hit [REDACTED] "in a moment of frustration." (RO, para 18). It would be a mistake to allow Respondent back into the classroom without providing her with the necessary tools to deal with similar situations in the future. Respondent's frustration as cited in the RO provides the aggravation to justify and in good conscience provide for course work in the area of classroom management.

13. Respondent's conduct of harming a defenseless [REDACTED], (RO para 4, 6, 7), warrants caution for future students and therefore it is justified and prudent to place Respondent on a period of probation in the event that she returns to teach in the classroom.

14. Finally it should be noted that the ALJ's cite to the penalty at the district level as mitigation, (RO, para 14), is misplaced. The district is not a licensing entity but instead an employer and as such constrained by such things as contracts and mandated progressive discipline. This Commission has a duty to the profession as a whole that cannot and should not be limited or defined by the discipline of a district that may have conflicting motivations and priorities.

15. The Record evidence supports increasing the penalty, not because of any disagreement with the ALJ about the recommended penalty being too lenient, but because the Record evidence supports a penalty that is appropriate. The penalty proposed by Petitioner below is within penalty guidelines.

WHEREFORE, Petitioner requests that the EPC enter a Final Order suspending Respondent's educators' certificate for a period of 1 year, placing the Respondent on two years of employment probation with conditions to be determined by the EPC and requiring Respondent to complete coursework in the area of classroom management as described by the EPC.

Respectfully submitted the 5th day of July, 2022.

/s/ Ron Weaver
RON WEAVER
Florida Bar No. 486396
Post Office Box 770088
Ocala, Florida 34477-0088
Telephone: 850.980.0254
Email: ron@ronweaverlaw.com
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been forwarded by email this 5th day of July, 2022 to: Anthony Duran, Esquire (tlglitigation@tisonlawgroup.com; receptionist@tisonlawgroup.com).

/s/ Ron Weaver
RON WEAVER



EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA

LISA FORBESS
Executive Director
FAITH LENZO
Clerk of Court

AADIL AMEERALLY
Chairperson
KATHY WILKS
Co-Chairperson

September 19, 2022

Crystal Bunn
205 Orr Avenue
Cheswick, Pennsylvania 15024

Re: Richard Corcoran vs. Crystal Bunn
EPC No.: 22-0042-RT; DOE No.: 1162570

Dear Ms. Bunn:

As you know, a teacher hearing panel of the Florida Education Practices Commission reviewed the matter pending against you in its entirety. The panel concluded during a public hearing that you violated the Principles of Professional Conduct for the Education Profession in Florida prescribed by the State Board of Education rules and hereby reprimands you for the conduct alleged in the Administrative Complaint, which is incorporated herein.

The Commission, composed of teachers, administrators, parents, law enforcement officials, former school board members and former superintendents, believes that educators must exercise a measure of leadership beyond reproach. By your actions, you have lessened the reputation of all who practice the profession. The Commission cannot condone your actions, nor can the public who employ us.

The 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 Osceola County School Board for placement in your personnel file.

Sincerely,

Jared Barr
Presiding Officer

A handwritten signature in blue ink, appearing to read "Jared Barr", written over the printed name and title.