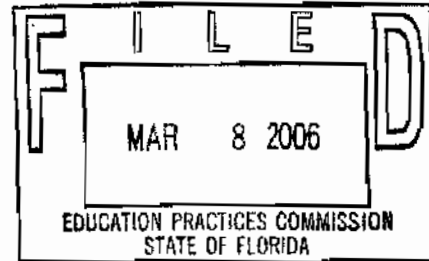




## Before the Education Practices Commission of the State of Florida



*IN RE* The Denial of the Application  
for Teacher's Certificate of:

KENNETH PEARCE.

CASE N<sup>o</sup> 06-0001-D  
EPC INDEX N<sup>o</sup> 06-107-AS  
CERTIFICATE: 713289

### Final Order

Applicant, KENNETH PEARCE, applied for a Florida educator's certificate and that application was denied. The Commissioner of Education filed a Notice of Reasons stating the reasons for denial of the certificate.

Applicant and the Commissioner of Education have entered into a Settlement Agreement for resolution of this cause. The Settlement Agreement and the Notice of Reasons are attached to and made a part of this Final Order.

A Teacher Panel of the Education Practices Commission met on February 24, 2006, in Tampa, Florida. The Commission accepts the Settlement Agreement as the appropriate resolution of this cause.

It is therefore ORDERED that the Settlement Agreement is hereby ACCEPTED and Applicant shall comply with its terms and conditions.

This Order takes effect upon filing.

DONE AND ORDERED, this 24 day of February, 2006.

A handwritten signature in cursive script that reads "Brian Donovan".  
BRIAN DONOVAN, Presiding Officer

**COPIES FURNISHED TO:**

Bureau of Professional Practices

Bureau of Teacher Certification

*Florida Administrative Law Reports*

DOE Counsel for PPS

Daniel R. Biggins – EPC Legal Counsel  
Assistant Attorney General

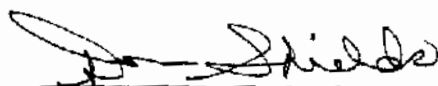
Probation Office

Superintendent  
Brevard County Schools  
2700 Judge Fran Jamieson Way  
Viera, Fl. 32940-6699

Human Resources  
Brevard County Schools  
2700 Judge Fran Jamieson Way  
Viera, Fl. 32940-6699

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of The Denial of the Application for Educator's Certificate of KENNETH PEARCE was furnished to Kenneth Pearce, [REDACTED] Orlando, Florida 32822 this 8<sup>th</sup> day of March 2006, by Certified U.S. Mail.



DON SHIELDS

Education Practices Commission

**In re: The Denial of the  
Application for Teacher's  
Certificate of:**

**CASE NO. 045-2786-EA**

**KENNETH BRENT PEARCE,**  
\_\_\_\_\_ /

**SETTLEMENT AGREEMENT**

Petitioner, KENNETH BRENT PEARCE, and Respondent, the Commissioner of Education, hereby stipulate and agree as follows:

1. **Application.** Petitioner applied for a Florida educator's certificate, which Respondent denied by Notice of Reasons previously filed herein.
2. **Allegations.** Petitioner neither admits nor denies, but elects not to contest the allegations set forth in Respondent's Notice of Reasons, which are incorporated herein by reference.
3. **Certificate.** Respondent agrees to issue a certificate to Petitioner for which he is otherwise qualified, subject to the restrictions and conditions set forth in this Settlement Agreement.
4. **Letter of Reprimand.** Petitioner agrees to accept a letter of reprimand, a copy of which shall be placed in his certification file with the Department of Education and a copy of which shall be placed in his personnel file with the employing school district.
5. **Probation.** Petitioner agrees that he shall be placed on probation for a period of two (2) employment years to run concurrently with any outstanding time remaining on his probation obligations in Professional Practices Case Number 956-0528-W (EPC Number 96-0152-RT). If Petitioner is currently employed in a position requiring a Florida educator's certificate, probation shall begin upon the issuance of the Final Order by the Education Practices Commission (EPC) provided the EPC has accepted this Settlement Agreement. If Petitioner is not currently employed in a position requiring a Florida educator's certificate, probation shall begin upon his re-employment in such a position. In the event Petitioner's employment is interrupted for any reason prior to the expiration of probation, the probation shall be tolled until

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KENNETH BRENT PEARCE  
Settlement Agreement  
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Petitioner resumes employment in a position requiring a Florida educator's certificate. As conditions of probation, Petitioner:

a. shall immediately contact the Bureau of Educator Standards (BES) upon employment in Florida in a position requiring a Florida educator's certificate or upon termination from such a position. If currently employed in such a position, Petitioner shall contact the BES within ten (10) days of the issuance of the Final Order accepting this Settlement Agreement and Petitioner shall provide the BES with the name and address of his work site as well as the name, address and telephone number of his immediate supervisor.

b. shall make arrangements for his immediate supervisor to provide the EPC with a true and accurate copy of each written annual performance evaluation or assessment prepared by his supervisor within ten (10) days of its preparation;

c. shall pay to the EPC \$150.00 within the first six (6) months of each probation year to defray the costs of monitoring probation;

d. shall have the scope of his employment restricted to: not transporting students in or on any motor vehicle;

e. shall violate no law and fully comply with all district school board regulations, school rules, and State Board of Education Rule 6B-1.006; and

f. shall satisfactorily perform his duties in a competent, professional manner.

6. **Violation.** In the event Petitioner fails to comply with each condition set forth herein, he agrees that Respondent shall be authorized to file an Administrative Complaint or a Notice of Violation with the EPC seeking sanctions against his Florida educator's certificate up to and including permanent revocation of his Florida educator's certificate and a permanent bar from re-application for a Florida educator's certificate, based upon the violation of the terms of this Settlement Agreement.

7. **Costs and Fees.** Petitioner agrees that any costs associated with the fulfillment of the terms of this Settlement Agreement shall be his sole responsibility. These costs include, but are not limited to, those associated with the Recovery Network Program (RNP) and Probation, if applicable. The probation monitoring fee shall be held in abeyance if Petitioner is not employed as an educator pursuant to the terms of the Probation.

8. **Force and Effect.** This Settlement Agreement constitutes an offer of settlement of disputed issues of material fact until accepted and executed by all parties. The Settlement Agreement is void and has no force or effect unless executed by all parties and accepted by the

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KENNETH BRENT PEARCE  
Settlement Agreement  
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EPC. If the Settlement Agreement is not accepted and executed by all parties, the terms herein shall be inadmissible in any subsequent formal or informal administrative hearing or in any other legal action between the parties.

9. **Notice of "Three Strikes" Provision.** Petitioner is hereby put on notice that Section 1012.795(6)(b), Florida Statutes (2004), provides for permanent revocation of an educator's certificate under certain circumstances when the educator's certificate has been sanctioned by the Education Practices Commission on two (2) previous occasions.

10. **Waiver of Rights.** Petitioner understands provisions of this Settlement Agreement, their legal effect, and his rights under Florida law to a formal hearing before a duly designated administrative law judge of the Division of Administrative Hearings (DOAH) or an informal hearing before the EPC. Petitioner specifically waives his right to both a formal and an informal hearing, except he may appear before the EPC in order to urge the adoption of this Settlement Agreement. Petitioner further acknowledges that he is under no duress, coercion or undue influence to execute this Settlement Agreement and that he has had the opportunity to receive the advice of legal counsel prior to signing this Settlement Agreement.

11. **Approval.** When fully executed, this Settlement Agreement shall be submitted to the EPC with the joint request by the parties that the EPC accept and adopt the terms of this Settlement Agreement as the basis for its Final Order in this proceeding. The parties understand that the EPC has the discretion to reject this Settlement Agreement and order a full evidentiary hearing on the allegations of the Notice of Reasons if, in the exercise of its discretion, it deems such action to be appropriate.

12. **Notice.** Petitioner waives all statutory and regulatory provisions concerning notice of hearing and agrees that this Settlement Agreement may be presented to the EPC for consideration at its next available scheduled meeting, provided that Petitioner is given reasonable advanced notice of time, place and date of said meeting.

(SIGNATURES AND NOTARIZATION ON FOLLOWING PAGE)

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IN WITNESS WHEREOF, the parties have executed this Settlement Agreement on this 12<sup>th</sup> day of December, 2005.

Kenneth Brent Pearce  
KENNETH BRENT PEARCE

STATE OF FLORIDA  
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 12 day of December, 2005, by Kenneth Brent Pearce, who is ✓ personally known or produced \_\_\_\_\_ as identification [type of identification produced].

Denise L Fulk  
NOTARY PUBLIC  
My commission expires:



Ronald G. Stowers  
RONALD G. STOWERS  
Assistant General Counsel  
Suite 1244, Turlington Building  
325 West Gaines Street  
Tallahassee, Florida 32399-0400  
Telephone (850) 245-0443  
Facsimile (850) 245-9425

ATTORNEY FOR RESPONDENT

ATTORNEY FOR PETITIONER

STATE OF FLORIDA  
DEPARTMENT OF EDUCATION

NOTICES  
06 JAN -3 PM 12: 37

IN RE: The Denial of the  
Application for Teacher's  
Certificate of:

CASE NO. 045-2786-EA

KENNETH BRENT PEARCE.

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NOTICE OF REASONS

KENNETH BRENT PEARCE, [REDACTED] Orlando, Florida 32806, Department of Education Number 713289, having filed his application for a Florida Educator's Certificate before the Department of Education; and

The Department of Education having reviewed the application in accordance with Sections 1012.56, 1012.795 and 1012.796, Florida Statutes, has determined that KENNETH BRENT PEARCE is not entitled to the issuance of a Florida Educator's Certificate, accordingly;

The Department of Education files and serves upon the Applicant, KENNETH BRENT PEARCE, its Notice of Reasons for its denial in accordance with the provisions of Section 120.60, Florida Statutes, and as grounds therefore, alleges:

1. On or December 28, 1999, Applicant was involved in a physical altercation with another after a football game. Applicant was arrested and charged with Battery. On or about December 5, 2000, the state attorney's office nolle prossed the case.
2. On or about December 3, 1999, Applicant was driving without a valid license. Applicant was charged with Driving While License Suspended/Revoked. On or about December 22, 1999, the court withheld adjudication of guilt.
3. On or about January 20, 2000, Applicant was driving while intoxicated or otherwise impaired without a valid license. Applicant was arrested and charged with: Count 1, Driving Under the Influence; and, Count 2, Driving While License Suspended/Revoked. On or about April 3, 2000, the court adjudicated Applicant guilty of Reckless Driving as to Count 1 and the court withheld adjudication of guilt as to Count 2.

NOTICES

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The Department of Education charges:

STATUTE VIOLATIONS

**COUNT 1:** The Applicant is in violation of Section 1012.56(2)(e), Florida Statutes, which requires that the holder of a Florida Educator's Certificate be of good moral character.

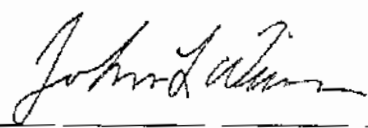
**COUNT 2:** The Applicant is in violation of Section 1012.56(10)(a), Florida Statutes, which provides that the Department of Education may deny an Applicant a certificate if the department possesses evidence satisfactory to it that the Applicant has committed an act or acts, or that a situation exists for which the Education Practices Commission would be authorized to revoke a teaching certificate.

**COUNT 3:** The Applicant is in violation of Section 1012.795(1)(e), Florida Statutes, in that he has been convicted of a misdemeanor, felony, or other criminal charge, other than a minor traffic violation.

**COUNT 4:** The Applicant is in violation of Section 1012.795(2), Florida Statutes, which provides that the plea of guilty in any court or the decision of guilty by any court is prima facie proof of grounds for the revocation of the certificate.

**WHEREFORE,** the undersigned concludes that KENNETH BRENT PEARCE has committed an act or acts or that a situation exists for which the Education Practices Commission would be authorized to revoke an educator's certificate. It is therefore, respectfully recommended that the Education Practices Commission affirm the Department of Education's denial of the issuance of a teaching certificate to the Applicant based upon the reasons set forth herein, in accordance with the Explanation of Rights form which is attached to and made a part of this Notice of Reasons.

EXECUTED on this 7 day of September, 2005.

  
\_\_\_\_\_  
JOHN L. WINN, as  
Commissioner of Education  
State of Florida





**EDUCATION PRACTICES COMMISSION**  
STATE OF FLORIDA

**KATHLEEN RICHARDS**  
Executive Director

**DEBORAH SHEPARD**  
Chairperson

**DANIEL R. BIGGINS**  
Legal Counsel

**LUCILE CASEY**  
Co-Chairperson

February 24, 2006

Kenneth Pearce  
[REDACTED]

Orlando, Florida 32822

Re: Kenneth Pearce vs. John L. Winn  
EPC No.: 06-0001-D; DOE No.: 713289

Dear Mr. Pearce:

As you know, the teacher panel of the Education Practices Commission reviewed the matter pending against you. Based upon the panel's consideration of this matter and upon the panel's acceptance of your Settlement Agreement, you are hereby reprimanded.

This panel, composed of your peers, 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. The profession cannot condone your actions, nor can the public who employ us.

The Education Practices Commission sincerely hopes it is your intention to never allow this situation to occur again or indeed, 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 being taken against you.

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

Sincerely,

  
Brian Donovan  
Presiding Officer