



Before the Education Practices Commission of the State of Florida

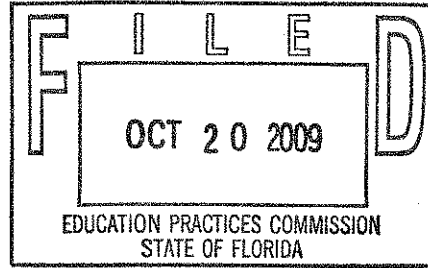
DR. ERIC J. SMITH as the
Commissioner of Education,

Petitioner,

vs.

HEATHER OVALLES,

Respondent.



CASE N^o: 09-0042-RT
EPC Index N^o 09-605-FBI
PPS N^o 067-2389-P

Final Order

Respondent, Heather Ovalles, holds Florida educator's certificate no. 990627. Petitioner has filed an Administrative Complaint seeking suspension, revocation, permanent revocation or other disciplinary action against the certificate. A copy of the Administrative Complaint is attached to and made a part of this Order.

This cause came before a teacher panel of the Education Practices Commission on September 17, 2009 in Tallahassee, Florida.

Respondent was afforded an informal hearing to present evidence and testimony in mitigation. Respondent was not present.

Paragraphs 1 through 4 of the Administrative Complaint were adopted by the Education Practices Commission as its findings of fact. Counts 1 through 3 of the Administrative Complaint were adopted by the Education Practices Commission as its conclusions of law.

Upon consideration, it is ORDERED that:

Respondent's Florida educator's certificate is hereby permanently revoked and Respondent is permanently barred from applying for another Florida educator's certificate.

This order shall become effective upon filing with the Clerk of the Commission.

DONE AND ORDERED, this 17 day of September, 2009.


Mark Strauss, Presiding Officer

COPIES FURNISHED TO:

Bureau of Professional Practices

Bureau of Teacher Certification

Florida Administrative Law Reports

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

Assistant Superintendent
Human Resources
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Ronald Weaver, Attorney at Law

DOE Counsel for PPS

Daniel Biggins
Assistant Attorney General

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.

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Probation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was mailed to Heather Ovalles, 5729
Cheshire Drive, Titusville, Florida 32780 by Certified U.S. Mail this 20 day of
October, 2009.



DON D. SHIELDS,
Education Practices Commission

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

**DR. ERIC J. SMITH, as
Commissioner of Education,**

Petitioner,

vs.

CASE NO. 067-2389-P

HEATHER JEAN OVALLES,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Dr. Eric J. Smith, as Commissioner of Education, files this Administrative Complaint against HEATHER JEAN OVALLES. The Petitioner seeks the appropriate disciplinary sanction of the Respondent's educator's certificate pursuant to Sections 1012.795 and 1012.796, Florida Statutes, and pursuant to Rule 6B-1.006, Florida Administrative Code, Principles of Professional Conduct for the Education Profession in Florida, said sanctions specifically set forth in Sections 1012.795(1) and 1012.796(7), Florida Statutes.

The Petitioner alleges:

JURISDICTION

1. The Respondent holds Florida Educator's Certificate 990627, covering the area of Exceptional Student Education, which is valid through June 30, 2010.
2. At all times pertinent hereto, the Respondent was employed as a Teacher of the Emotionally Handicapped at Oak Park Elementary School in the Brevard County School District.

MATERIAL ALLEGATIONS

3. On or about December 14, 2006, the Respondent was arrested and charged with manufacture of marijuana, as follows:

In the County of Brevard, State of Florida, on December 14, 2006, the Respondent did manufacture, to wit: propagate, cultivate, or grow, a controlled substance named or described in Florida Statute 893.03(1)(c)7, to wit: CANNABIS, contrary to Section 893.13(1)(a)2, Florida Statutes.

4. On or about November 30, 2007, the Respondent pled guilty to this charge, and the court withheld adjudication

The Petitioner charges:

STATUTE VIOLATIONS

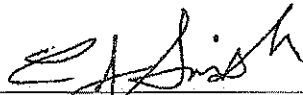
COUNT 1: The Respondent is in violation of Section 1012.795(1)(c), Florida Statutes, in that Respondent has been guilty of gross immorality or an act involving moral turpitude.

COUNT 2: The Respondent is in violation of Section 1012.795(1)(f), Florida Statutes, in that Respondent has been found guilty of personal conduct which seriously reduces her effectiveness as an employee of the school board.

COUNT 3: The Respondent 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, based on the reasons set forth herein and in accordance with the Explanation of Rights and Election of Rights forms attached to and made a part of this Administrative Complaint, Petitioner respectfully recommends that the Education Practices Commission impose an appropriate sanction against the Respondent's educator's certificate pursuant to the authority provided in Sections 1012.795(1) and 1012.796(7), Florida Statutes. The sanctions imposed by the Education Practices Commission may include, but are not limited to, any one or a combination of the following: issuing the Respondent a written reprimand; placing the Respondent on probation for any period of time; restricting the Respondent's authorized scope of practice; assessing the Respondent an administrative fine; directing the Respondent to enroll in the Recovery Network Program; suspending the Respondent's educator's certificate for a period of time not to exceed five years; revoking the Respondent's educator's certificate for a period of time up to 10 years or permanently; or barring the Respondent from reapplying for an educator's certificate for a period of time up to 10 years or permanently.

EXECUTED on this 24th day of July, 2008.



DR. ERIC J. SMITH, as
Commissioner of Education
State of Florida