



Before the Education Practices Commission of the State of Florida

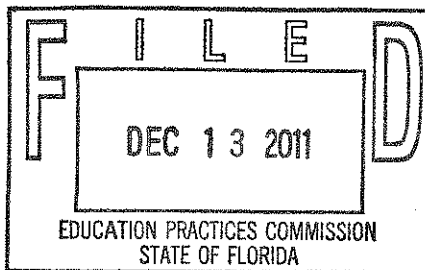
DR. ERIC J. SMITH as the
Commissioner of Education,

Petitioner,

vs.

GWENDOLYN JOHNSON,

Respondent.



EPC CASE N^o: 11-0034-RA
Index N^o 11-547-AS
PPS N^o 078-3683

Final Order

Respondent, Gwendolyn Johnson, holds Florida educator's certificate no. 381823. Petitioner has filed an Administrative Complaint seeking suspension, revocation, permanent revocation or other disciplinary action against the certificate.


Petitioner and Respondent have entered into a Settlement Agreement for resolution of this cause. The Settlement Agreement and the Administrative Complaint are attached to and made a part of this Final Order.

An Administrator Panel of the Education Practices Commission met on December 9, 2011, in Tallahassee, 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 Respondent shall comply with its terms and conditions.

This Order becomes effective upon filing.

DONE AND ORDERED, this 9th day of **December**, 2011.



MARK STRAUSS, Presiding Officer

COPIES FURNISHED TO:

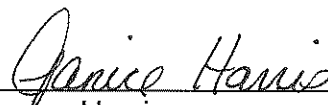
Bureau of Professional Practices
Bureau of Teacher Certification
Florida Administrative Law Reports
Superintendent
Palm Beach County Schools
3300 Forest Hill Blvd., Room C316
West Palm Beach, FL 33406-5869
Chief Personnel Officer
Palm Beach County Schools
3300 Forest Hill Boulevard,
Room A-152
West Palm Beach, FL 33406-5870
Probation Office
Daniel Biggins
Assistant Attorney General

NOTICE OF RIGHT TO JUDICIAL REVIEW

UNLESS WAIVED, 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 mailed to Gwendolyn Johnson, Post Office Box 220601, West Palm Beach, Florida 33422 by Certified U.S. Mail and by electronic mail to Margaret O'Sullivan Parker, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 and to Charles Whitelock, Esquire, 300 SE 13th Street, Fort Lauderdale, Florida 33316 this 13th day of **December**, 2011.



Janice Harris,
Education Practices Commission

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION

DR. ERIC J. SMITH, as
Commissioner of Education

Petitioner,

vs.

CASE NO. 078-3683

GWENDOLYN JOHNSON,

Respondent.

SETTLEMENT AGREEMENT

Petitioner and Respondent hereby stipulate and agree as follows:

1. **Certification.** Respondent holds Florida Educator's Certificate Number 381823 issued by the Department of Education covering the areas of Elementary Education, Guidance and Counseling, School Principal, and Occupational Specialist, which is valid through June 30, 2012.
2. **Employment.** At all times pertinent hereto, Respondent was employed as a Principal at Independence Middle School in the Palm Beach County School District.
3. **Allegations.** Respondent neither admits nor denies, but elects not to contest the allegations set forth in Petitioner's Administrative Complaint, which are incorporated herein by reference.
4. **Letter of Reprimand.** Respondent agrees to accept a letter of reprimand, a copy of which shall be placed in her certification file with the Department of Education and a copy of which shall be placed in her personnel file with the employing school district.
5. **Probation.** Respondent agrees that she shall be placed on probation for a period of two (2) employment years. If Respondent 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 Respondent is not currently employed in a position requiring a Florida educator's certificate, probation shall begin upon her re-employment in such a position. In the event Respondent's employment is interrupted for any reason prior to the expiration of probation, the probation shall be tolled until Respondent resumes employment in a position requiring a Florida educator's certificate. As conditions of probation, Respondent:

a. shall immediately contact the Department of Education 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, Respondent shall contact the Department of Education within ten (10) days of the issuance of the Final Order accepting this Settlement Agreement and Respondent shall provide the Department of Education with the name and address of her work site as well as the name, address and telephone number of her immediate supervisor.

b. shall make arrangements for her immediate supervisor to provide the EPC with a true and accurate copy of each written annual performance evaluation or assessment prepared by her 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 her employment restricted to not being employed as a school-based or district-based administrator, or in any capacity requiring certification in the areas of School Principal, Educational Leadership, or Guidance and Counseling.

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 her duties in a competent, professional manner.

6. **Fine.** Respondent agrees to pay a fine in the amount of \$2,500.00 to the EPC within two (2) years of the date of the Final Order accepting this Settlement Agreement.

7. **Violation.** In the event Respondent fails to comply with each condition set forth herein, she agrees that the Petitioner shall be authorized to file an Administrative Complaint or a Notice of Violation with the EPC seeking sanctions against her Florida educator's certificate up to and including permanent revocation of her 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.

8. **Costs and Fees.** Respondent agrees that any costs associated with the fulfillment of the terms of this Settlement Agreement shall be her 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 Respondent is not employed as an educator pursuant to the terms of the Probation.

9. **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 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.

10. **Notice of "Three Strikes" Provision.** Respondent 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.

11. **Waiver of Rights.** Respondent understands provisions of this Settlement Agreement, their legal effect, and her 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. Respondent specifically waives her 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. Respondent further acknowledges that she is under no duress, coercion or undue influence to execute this Settlement Agreement and that she has had the opportunity to receive the advice of legal counsel prior to signing this Settlement Agreement.

12. **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 Administrative Complaint if, in the exercise of its discretion, it deems such action to be appropriate.

13. **Notice.** Respondent 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 Respondent is given reasonable advanced notice of time, place and date of said meeting.

(SIGNATURES AND NOTARIZATION ON FOLLOWING PAGE)

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement on this 22nd day of August, 2011.

Gwendolyn Johnson
GWENDOLYN JOHNSON

STATE OF FLORIDA
COUNTY OF Palm Beach

The foregoing instrument was acknowledged before me this 22nd day of August, 2011, by _____, who is personally known or produced Gwendolyn Johnson as identification [type of identification produced].

Delores Mays
NOTARY PUBLIC
My commission expires: June 10, 2014

Charles T. Whitlock 8/24/11
CHARLES T. WHITELOCK, ESQUIRE
Charles T. Whitlock, P.A.
300 Southeast 13th Street
Fort Lauderdale, Florida 33316
Telephone (954) 463-2001
Facsimile (954) 463-0410



ATTORNEY FOR PETITIONER

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

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

Petitioner,

vs.

CASE NO. 078-3683

GWENDOLYN JOHNSON,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Dr. Eric J. Smith, as Commissioner of Education, files this Administrative Complaint against GWENDOLYN JOHNSON. The Petitioner seeks the appropriate disciplinary sanction of the Respondent's educator's certificate pursuant to Sections 1012.315, 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 381823, covering the areas of Elementary Education, Guidance and Counseling, School Principal, and Occupational Specialist, which is valid through June 30, 2012.

2. At all times pertinent hereto, the Respondent was employed as a Principal at Independence Middle School in the Palm Beach County School District.

MATERIAL ALLEGATIONS

3. During August 2007 through October 2007, Respondent demonstrated inappropriate and unprofessional conduct. Respondent caused, and failed to correct, inaccurate Full Time Equivalent (FTE) student counts reported to the School District, thereby inflating student enrollment numbers. Respondent would not allow members of her staff to correct the student enrollment count to accurately reflect those students which were "no shows" at her school.

4. On or about June 3, 2009, the School Board of Palm Beach County, suspended Respondent without pay for twenty (20) days.

5. The allegations involving Respondent's misconduct were reported in the local news media.

The Petitioner charges:

STATUTE VIOLATIONS

COUNT 1: The Respondent is in violation of Section 1012.795(1)(d), Florida Statutes, in that Respondent has been guilty of gross immorality or an act involving moral turpitude as defined by rule of the State Board of Education.

COUNT 2: The Respondent is in violation of Section 1012.795(1)(g), 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(1)(j), Florida Statutes, in that Respondent has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

RULE VIOLATIONS

COUNT 4: The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(4)(b), Florida Administrative Code, in that Respondent has intentionally distorted or misrepresented facts concerning an educational matter in direct or indirect public expression.


COUNT 5: The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(5)(a), Florida Administrative Code, in that Respondent has failed to maintain honesty in all professional dealings.

COUNT 6: The Respondent is in violation of Rule 6B.1006(5)(h), Florida Administrative Code, in that Respondent has submitted fraudulent information on a document in connection with professional activities.

(SIGNATURE ON FOLLOWING PAGE)

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; determining the Respondent to be ineligible for certification; 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 May, 2010.



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



EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA

KATHLEEN RICHARDS
Executive Director

MARK STRAUSS
Chairperson

DANIEL BIGGINS
Counsel

DAVID THOMPSON
Co-Chairperson

December 9, 2011

Gwendolyn Johnson
Post Office Box 220601
West Palm Beach, Florida 33422

Re: Dr. Eric J. Smith vs. Gwendolyn Johnson
EPC No.: 11-0034-RA; DOE No.: 381823

Dear Ms. Johnson:

As you know, the administrator 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 an administrator, 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 Palm Beach County School Board for placement in your personnel file.

Sincerely,

A handwritten signature in cursive script that reads "Mark Strauss".

Mark Strauss
Presiding Officer