



Before the Education Practices Commission of the State of Florida

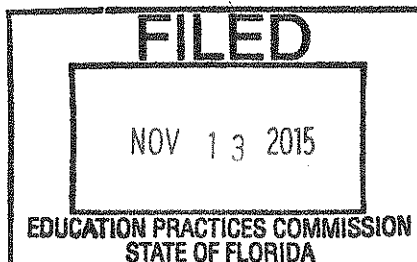
DR. ERIC J. SMITH as the
Commissioner of Education,

Petitioner,

vs.

RITA MICHELE GREEN,

Respondent.



EPC CASE N^o: 11-0343-RT
Index N^o: **11-431-AS**
PPS N^o: 089-3011

Order on Notice to Show Cause

Respondent, Rita Michele Green, holds Florida educator's certificate no. 719016. Previously the Commission entered a Final Order in this case on November 8, 2011.

On May 15, 2015, the probation office filed a Notice of Violation suggesting Respondent was in violation of paragraph of the Final Order.

On July 13, 2015, an Order to Show Cause was issued by the Clerk of the Commission, notifying Respondent that a hearing was to be held on September 15, 2015, in West Palm Beach, Florida before a Teacher panel of the Education Practices Commission to address why further penalties should not be imposed for violating the prior order. A copy of the previous Final Order and the Notice of Violation are attached to and incorporated by reference.

On September 15, 2015, Respondent was present to offer legal argument and

mitigation. The Commission concludes that Respondent is in violation of this Commission's prior Order.

Therefore, it is Ordered that the outstanding conditions of the Final Order are re-imposed with the following additional conditions:

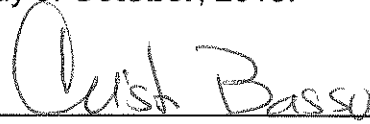
1. Respondent shall be issued a letter of reprimand.
2. As part of the Recovery Network Program (RNP), Respondent is responsible for all costs associated with the evaluation, treatment, counseling, and testing required through their participation in the RNP, and shall:

A. Submit to an Evaluation relating to the issues cited in the Administrative Complaint as determined by the RNP and conducted by an RNP approved licensed provider and undergo any counseling or treatment as may be prescribed by said professional. If, to fulfill this requirement, Respondent must now engage in such counseling, have the professional submit quarterly reports to the RNP. Respondent shall provide the RNP written verification 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.

B. Provide written verification from an RNP 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 Order becomes effective upon filing.

DONE AND ORDERED, this 30th day of **October**, 2015.



CRISTINA BASSO, Presiding Officer

COPIES FURNISHED TO:

Office of Professional Practices
Services

Bureau of Educator Certification

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

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

Lee Ann Gustafson
Assistant Attorney General

Recovery Network Program

Claudia Llado, Clerk
Division of Administrative Hearings

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 furnished to: Rita Michele Green, [REDACTED] Palm Bay, Florida 32907 and Dedra Sibley, Esq., Post Office Box 411284, Melbourne, Florida 32941 by Certified U.S. Mail and by electronic mail to Bonnie Wilmot, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 this 13th day of **November**, 2015.



Gretchen Kelley Brantley, Clerk
Education Practices Commission



EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA

GRETCHEN KELLEY BRANTLEY
Executive Director

DAVID R. THOMPSON
Chairperson

LEE ANN GUSTAFSON
Counsel

CHRISTIE GOLD
Co-Chairperson

October 30, 2015

Rita Green

[REDACTED]
Palm Bay, Florida 32907

Re: Dr. Eric J. Smith vs. Rita Green
EPC No.: 11-0343-RT; DOE No.: 719016

Dear Ms. Green:

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

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,

A handwritten signature in cursive script that reads "Cristina Basso".

Cristina Basso
Presiding Officer



State Board of Education

Gary Chartrand, *Chair*
John R. Padgett, *Vice Chair*
Members
John A. Colón
Marva Johnson
Rebecca Fishman Lipsey
Michael Olenick
Andy Tuck

Pam Stewart
Commissioner of Education

May 15, 2015

Rita Michele Green

[REDACTED]
Palm Bay, Florida 32907

Notice of Violation
EPC Case #: 11-0343-RT

Dear Ms. Green:

This is to advise you that you are in violation of your Final Order filed by the Education Practices Commission on November 8, 2011, to wit:

Between August 4, 2014, and May 14, 2015, you were employed as a Kindergarten Teacher at Emma Jewel Charter Academy in Brevard County and failed to notify the Florida Department of Education, Office of Professional Practices Services of such employment.

A Notice to Show Cause will be issued by the Clerk of the Education Practices Commission instructing you to appear at the next available Education Practices Commission hearing to show cause why further sanctions, including suspension or revocation, should not be imposed against your certificate.

Sincerely,

Beth Sistrunk
Compliance Officer

Marian W. Lambeth, Chief
Professional Practices Services

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Before the Education Practices Commission of the State of Florida

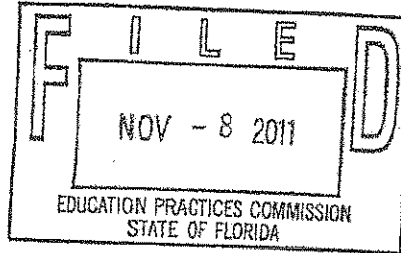
DR. ERIC J. SMITH as the
Commissioner of Education,

Petitioner,

vs.

RITA MICHELE GREEN,

Respondent.



EPC CASE N^o: 11-0343-RT
Index N^o 11-431-AS
PPS N^o 089-3011

Final Order

Respondent, Rita Michele Green, holds Florida educator's certificate no. 719016. 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.

A Teacher Panel of the Education Practices Commission met on November 4, 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.

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This Order becomes effective upon filing.

DONE AND ORDERED, this 4th day of November, 2011.


BRIAN T. DONOVAN, 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
Brevard County Schools
2700 Judge Fran Jamieson Way
Viera, FL 32940-6699

Probation Office

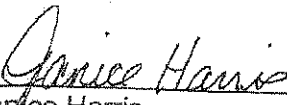
Daniel Biggins
Assistant Attorney General

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 sent by Certified U.S. Mail to Rita Michele Green, [REDACTED] Palm Bay, Florida 32907; and Dedra Sibley, 895 Barton Boulevard, Suite B, Rockledge, Florida 32955 and by electronic mail to Margaret O'Sullivan Parker, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 this 8th day of November, 2011.



Janice Harris,
Education Practices Commission

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION

DR. ERIC J. SMITH, as
Commissioner of Education

Petitioner,

vs.

CASE NO. 089-3011

RITA MICHELE GREEN,

Respondent.

RECEIVED

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SETTLEMENT AGREEMENT

Petitioner and Respondent hereby stipulate and agree as follows:

1. **Certification.** Respondent holds Florida Educator's Certificate Number 719016 issued by the Department of Education covering the areas of Educational Leadership, Speech Language Impaired, and Exceptional Student Education, which is valid through June 30, 2015.
2. **Employment.** At all times pertinent hereto, Respondent was employed as a Pre-School Exceptional Student Education Teacher at University Park Elementary School in the Brevard 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. **Suspension.** Respondent agrees to accept a two (2) year suspension of her Florida educator's certificate, commencing upon issuance of the Final Order entered by the Education Practices Commission (EPC) accepting this Settlement Agreement. (Suspension means that Respondent may not teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for the duration of the suspension period.) However, if applicable, Respondent may renew the certificate.
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

RITA MICHELE GREEN
Settlement Agreement
Page 2 of 4

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, within the first two years of probation, take two (2) 3-credit hour college level courses in the areas of Ethics and Exceptional Student Education. The classes may be taken in person, or from accredited on-line source, and submit an official college transcript verifying successful completion of same with a grade of "B" or higher to the Department of Education;
- e. shall have the scope of her employment restricted to not teaching non-verbal Pre-Kindergarten students or non-verbal Kindergarten students;
- f. 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
- g. shall satisfactorily perform her duties in a competent, professional manner.

6. 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.

RITA MICHELE GREEN
Settlement Agreement
Page 3 of 4

7. **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.

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 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.** 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.

10. **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 she 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.

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

12. **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)

RITA MICHELE GREEN
Settlement Agreement
Page 4 of 4

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement on this
9th day of August, 2011.

Rita Michele Green
RITA MICHELE GREEN

STATE OF FLORIDA
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 9th day of
August, 2011, by Rita Michele Green
who is personally known or produced FL Driver License
as identification [type of identification produced].

NOTARY PUBLIC-STATE OF FLORIDA
Debbie Silwanicz
Commission # DD829042
Expires: NOV. 03, 2012
BONDED THRU ATLANTIC BONDING CO., INC.

Debbie Silwanicz
NOTARY PUBLIC
My commission expires:

Margaret O'Sullivan Parker
MARGARET O'SULLIVAN PARKER
Deputy General Counsel
Suite 1244, Turlington Building
325 West Gaines Street
Tallahassee, Florida 32399-0400
Telephone (850) 245-0443
Facsimile (850) 245-9425

ATTORNEY FOR PETITIONER

Dedra Sibley
DEDRA SIBLEY, ESQUIRE
Law Office of Dedra Sibley, P.A.
895 Barton Boulevard, Suite B
Rockledge, Florida 32955
Telephone (321) 806-3996
Facsimile (877) 465-1444

ATTORNEY FOR RESPONDENT

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

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

Petitioner,

vs.

CASE NO. 089-3011

RITA MICHELE GREEN,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Dr. Eric J. Smith, as Commissioner of Education, files this Administrative Complaint against RITA MICHELE GREEN. 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 719016, covering the areas of Educational Leadership, Speech Language Impaired, and Exceptional Student Education, which is valid through June 30, 2015.

2. At all times pertinent hereto, the Respondent was employed as a Pre-School Exceptional Student Education Teacher at University Park Elementary School in the Brevard County School District.

MATERIAL ALLEGATIONS

3. On or about February 18, 2009, the Respondent attempted to forcibly feed [REDACTED] a three year-old child who was non-verbal and diagnosed with Autism Spectrum Disorder. When [REDACTED] became upset, the Respondent grabbed and held [REDACTED] face and forced food into the back of [REDACTED] mouth with a spork or spoon. [REDACTED] choked and spat up the food several times and gasped for air. [REDACTED]

face turned red during the feeding, and the Respondent's fingers left marks on [REDACTED] face. Two sixth-grade student volunteers were present in the classroom during the incident.

4. On or about May 5, 2009, the Brevard County Superintendent of Schools notified the Respondent of his intent to recommend the Respondent's dismissal as result of the February 18, 2009 incident with [REDACTED]. Following an administrative hearing, the School Board of Brevard County issued a Final Order on May 25, 2010, terminating the Respondent's employment.

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

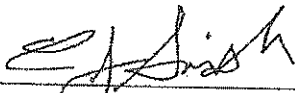
COUNT 4: The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(a), Florida Administrative Code, in that Respondent has failed to make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental health and/or physical health and/or safety.

COUNT 5: The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(e), Florida Administrative Code, in that Respondent has intentionally exposed a student to unnecessary embarrassment or disparagement.

(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 19th day of April, 2011.



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