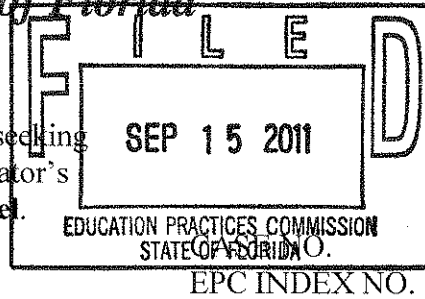




*Before the Education Practices Commission
of the State of Florida*

IN RE: Administrative Complaint seeking
disciplinary action against the Educator's
Certificate of **Jerrold Leigh Gabriel**.



Final Order

11-0364-RT
11-356-FON

An Administrative Complaint seeking disciplinary action against the educator's certificate of Respondent, **Jerrold Leigh Gabriel**, was filed by **DR. ERIC J. SMITH**, as Commissioner of Education on, May 11, 2011.

Respondent, holder of Florida educator's certificate number 926817, was served with a copy of the Administrative Complaint. Respondent has filed an answer to the Administrative Complaint stating that he did not wish to contest the charges, that he waived any further rights to due process or a public hearing, that he surrendered his certificate for permanent revocation, and that all his actions were free and voluntary.

The Administrative Complaint and the answers are incorporated as part of this Order.

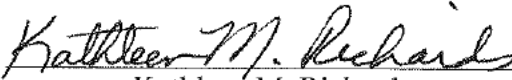
In consideration of the foregoing, the Education Practices Commission, as empowered by F.S. 1012.796, hereby **PERMANENTLY REVOKES** educator's certificate number, 926817, held by, **Jerrold Leigh Gabriel**.

Reapplication will not be considered.

DONE AND ORDERED this 12th day of **September**, 2011.

A handwritten signature in cursive that reads "Brian T. Donovan".
BRIAN T. DONOVAN, Chairperson
Education Practices Commission

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of **DR. ERIC J. SMITH vs. JERROLD LEIGH GABRIEL** was furnished to **Jerrold Leigh Gabriel**, at [REDACTED] Windermere, Florida 34786 and Scott L. Richardson, Esquire, 126 East Jefferson Street, Orlando, Florida 32801 this **15th** day of **September** 2011, by U. S. Mail.


Kathleen M. Richards
Education Practices Commission

COPIES FURNISHED TO:

Bureau of Professional Practices

Bureau of Teacher Certification

Florida Administrative Law Reports
P. O. Box 385
Gainesville, Florida 32602

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Post Office Box 271
Orlando, Florida 32802-0271

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**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

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

Petitioner,

vs.

CASE NO. 090-1138

JERROLD LEIGH GABRIEL,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Dr. Eric J. Smith, as Commissioner of Education, files this Administrative Complaint against JERROLD LEIGH GABRIEL. 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 926817, covering the areas of Biology, Earth-Space Science, and General Science, which is valid through June 30, 2011.
2. At all times pertinent hereto, the Respondent was employed as a Science Teacher at West Orange High School in the Orange County School District.

MATERIAL ALLEGATIONS

3. During August and September of 2009, the Respondent made inappropriate and unprofessional comments to students. Specifically:
 - (a) the Respondent made disparaging comments about his students' educational abilities;
 - (b) the Respondent made disparaging comments about the school district administration, including saying that the district could not fire him; and

(c) when the Respondent discovered that female student [REDACTED] was from Columbia, he asked her about drug consumption and whether she sold cocaine and was a “drug lord” or words to that effect.

4. On or about September 17, 2009, the Respondent engaged in unprofessional conduct. Specifically:

(a) the Respondent approached a guidance counselor about signing up a male student, [REDACTED] for a credit retrieval class. The Respondent stated that he wanted [REDACTED] at the “top of the list” of students signed up for the class, even if it meant “taking a machine gun and shooting all the other students” or words to that effect; and

(b) the Respondent cursed in the presence of a female staff member by saying “fuck, fuck, fuck” and after discussing several topics with her stated “I don’t know why I told you anything anyway. You’re a fucking Seminole,” or words to that effect.

5. The Respondent was directed to undergo a fitness for duty evaluation and was removed from classroom duties.

6. On or about September 23, 2009, the Respondent called a female staff member, mentioned that one teacher at the school was deaf and that “if there was a fire in the class” the teacher would not hear the alarm and “all of his students will burn up,” or words to that effect.

7. On or about September 25, 2009, the Respondent made several telephone calls to the school, including making threatening statements to the principal and others about the principal’s safety.

8. From September 2009, through December of 2009, the Respondent made threatening statements and unsubstantiated allegations against the principal, staff and faculty of West Orange High School. The Respondent also continued to make statements to members of the school and school district staff that caused them to fear for their safety.

9. As a result of the conduct alleged in Paragraph 4(a) of this Administrative Complaint, the Respondent was arrested on or about October 10, 2009, and charged with one count of Extortion for attempting to compel school staff member to place [REDACTED] at the top of the list by threatening to shoot other students. The charge was later dropped by the State Attorney.

10. On or about October 20, 2009, a judge in the Ninth Judicial Circuit issued an injunction prohibiting the Respondent from going on the property of or less than 500 feet of several locations, including West Orange High School.

11. On or about November 12, 2009, the Respondent entered the grounds of West Orange High School. When questioned about his presence, the Respondent stated that he was going to take care of something and that he had a "Glock" while patting his pocket, or words to that effect. The Respondent made disparaging and threatening remarks regarding the school principal and faculty members. The Respondent was arrested and charged with Interference With School Administration Functions, Trespass on School Grounds after a Warning and two counts of Violation of a Domestic Injunction. On or about May 6, 2010, the Respondent entered a plea of no contest to Trespass on School Grounds after a Warning and one count of Violation of a Domestic Injunction. The Court withheld adjudication of the charges. The remaining charges were dismissed.

12. The Respondent's conduct alleged herein was the subject of print and broadcast media coverage on several occasions, and students and parents were aware of the Respondent's threats to students and teachers.

13. On or about January 9, 2010, Orange County Public Schools terminated 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 his 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.

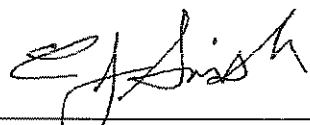
COUNT 5: The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(e), Florida Administrative Code, in that Respondent has intentionally exposed a student to unnecessary embarrassment or disparagement.

COUNT 6: The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(5)(d), Florida Administrative Code, in that Respondent has engaged in harassment or discriminatory conduct which unreasonably interfered with an individual's performance of professional or work responsibilities or with the orderly processes of education or which created a hostile, intimidating, abusive, offensive, or oppressive environment; and further, failed to make reasonable effort to assure that each individual was protected from such harassment or discrimination.

COUNT 7: The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(5)(e), Florida Administrative Code, in that Respondent has made malicious or intentionally false statements about a colleague.

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 11th day of May, 2011.



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