



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

JOHN L. WINN, as the  
Commissioner of Education,

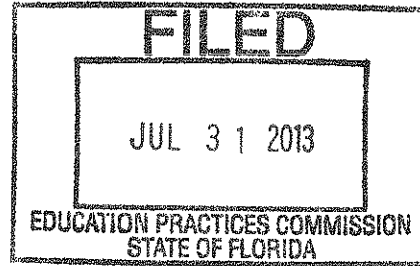
Petitioner,

vs.

PAULA PRUDENTE,

Respondent.

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EPC CASE N<sup>o</sup>: 12-0036-RT  
Index N<sup>o</sup>: **13-166-FOI**  
PPS N<sup>o</sup>: 090-1621

### Final Order

Respondent, Paula Prudente, holds Florida educator's certificate no. 439146. 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 June 28, 2013, in Altamonte Springs, Florida.

Respondent has chosen not to dispute the allegations of the Administrative Complaint and has requested an informal hearing to present evidence and testimony in mitigation. Respondent was not present, but represented by counsel.

Paragraphs 1 through 15, 21 through 25, and 29 through 36 of the Administrative Complaint were adopted by the Education Practices Commission as its findings of fact. Counts 1 through 15 of the Administrative Complaint were adopted by the Education Practices Commission as its conclusions of law.

Upon consideration, it is ORDERED that:

1. 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 29<sup>th</sup> day of July, 2013.

  
\_\_\_\_\_  
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  
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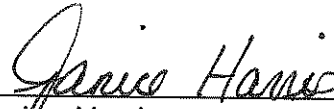
Rachel Clark  
Assistant Attorney General

**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.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Order was mailed to Paula Prudente, [REDACTED] [REDACTED] West Palm Beach, Florida 33406 and Tom Johnson, 510 Vonderburg Drive, Suite 309, Brandon, Florida 33511 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 Charles Whitelock, Esquire, 300 Southeast 13<sup>th</sup> Street, Fort Lauderdale, Florida 33316 this 31<sup>st</sup> day of July, 2013.



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Janice Harris,  
Education Practices Commission

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

DR. ERIC J. SMITH, AS COMMISSIONER OF  
EDUCATION,

DOAH Case No: 12-0502PL

Petitioner,

v.

PAULA PRUDENTE,

Respondent.

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**JOINT MOTION TO CANCEL HEARING/RELINQUISH  
JURISDICTION TO EPC**

The parties jointly move to cancel the presently scheduled formal hearing for March 5-7, 2013 and request that jurisdiction of this matter be relinquished to the Education Practices Commission ("EPC") to conduct an informal hearing, pursuant to Section 120.57(2), Florida Statutes and states as follows:

1. A formal hearing is presently scheduled for March 5-7, 2012.
2. Petitioner has agreed to withdraw those material allegations contained in paragraphs 16, 17, 18, 19, 20, 26, 27 and 28 of the Amended Administrative Complaint.
3. Respondent, in reliance upon Petitioner's withdrawal of the cited material allegations waives her right to a formal hearing and requests an informal hearing on the allegations as amended, be conducted by the EPC.

WHEREFORE, the parties request the hearing be cancelled and jurisdiction relinquished to the EPC for purposes of conducting an informal hearing on the amended allegations.

Respectfully submitted,

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Counsel for Respondent

/s/Charles T. Whitelock  
CHARLES T. WHITELOCK  
Florida Bar No. 166020

/s/Jeffrey Sirmons  
JEFFREY SIRMONS  
Florida Bar No. 0070675

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via e-mail

to: Kathleen Richards, Director of EPC, 325 W. Gaines Street, Room 224, Tallahassee, FL 32399,

this 22<sup>nd</sup> day of February, 2013.

/s/Charles T. Whitelock  
CHARLES T. WHITELOCK

**STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION**

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

DOAH CASE NO: 12-0502PL

Petitioner,

vs.

PAULA PRUDENTE,

Respondent.

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**AMENDED ADMINISTRATIVE COMPLAINT**

Petitioner, DR. ERIC J. SMITH, as Commissioner of Education, files this Amended Administrative Complaint against PAULA PRUDENTE. 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 439146, covering the areas of Spanish, Elementary Education, English for Speakers of Other Languages (ESOL), and Reading, which is valid through June 30, 2013.

2. At all times pertinent hereto, the Respondent was employed as a Reading Teacher at John I. Leonard High School in the Palm Beach County School District.

## MATERIAL ALLEGATIONS

3. Since the 2003/2004 school year and through the 2011/2012 school year, Respondent has repeatedly used her district e-mail account to transmit inappropriate e-mails to colleagues and non-district personnel. The majority of these e-mails were deemed harassing, offensive and inflammatory and contained unfounded allegations against fellow teachers and administrators, politically-themed while degrading others or engaging in personal attacks. Recipients of Respondent's e-mails were offended by their "frightfully aggressive and vituperative" nature and on several occasions requested Respondent to cease her communications. Respondent refused and continued her transmissions.

4. On December 18, 2003, Respondent's Principal issued a memorandum noting Respondent's inappropriate and unacceptable e-mails meant to create resentment and hostility.

5. On February 18, 2004, Respondent was issued a memo by her principal regarding a conference held on February 12, 2004 where she was again directed to discontinue the use of the e-mail system as a means to intimidate and embarrass her colleagues.

6. On December 21, 2004, Respondent was issued a memorandum directing her to refrain from using the district's e-mail system for personal use during contact time with students.

7. On March 1, 2005, Respondent was notified that her repetitive disregard for school policy would be noted on her performance evaluation.

8. On February 6, 2006, Respondent was directed to refrain from using the district's e-mail system to intimidate or threaten her colleagues.

9. On May 5, 2006, Respondent was informed her continued misuse of the e-mail system will be documented on her evaluation.

10. On February 23, 2007, Respondent was issued a memorandum by her Assistant Principal noting her disregard of a directive regarding misuse of the e-mail system issued on September 11, 2006. On February 6, 2007, Respondent sent an e-mail to the entire school faculty in violation of the directive. The directive was re-issued to the Respondent.

11. On September 27, 2007, Respondent was directed to cease her negative e-mail communication with the Department Chair. On January 8, 2008, Respondent was issued a verbal reprimand for her failure to follow directives regarding proper use of e-mail. Respondent sent an e-mail to the Reading Coach referring to her "arrogant incompetence (and) unprofessional ignorance." In another e-mail on December 5, 2007, Respondent falsely accused the Reading Coach of interrupting her class and harassing the Respondent to the point where one of Respondent's student's called the coach a "hyena." On the day in question, the coach was off campus completing a professional development activity.

12. In response, Respondent filed an EEO complaint against the Reading Coach and Assistant Principal accusing them of various illegal actions. A subsequent investigation found Respondent's accusations were factually unsubstantiated.

13. On March 26, 2008, Respondent was issued another directive regarding her misuse of the e-mail system. On June 4, 2008, Respondent was again advised to refrain from using e-mails in a negative fashion. On October 1, 2008, Respondent disregarded previous directives concerning e-mails to the faculty without prior approval. On October 14, 2008, Respondent was issued a written reprimand for her insubordination.

14. On November 3<sup>rd</sup> and 4<sup>th</sup>, 2008, Respondent sent two (2) politically-themed e-mails with attachments, including political cartoons and a poem which depicted President Obama in a negative fashion. Subsequent investigation disclosed multiple similar e-mails being sent to her



colleagues between August 12, 2008 and November 20, 2008.

15. Following the investigation and Respondent's return from a leave, the school district imposed a ten (10) day suspension on December 2, 2009. After a formal hearing, the Administrative Law Judge on January 24, 2011 recommended dismissal of the district's complaint. Exceptions to the Recommended Order were filed on February 17, 2011.

16. Meanwhile, during the 2008-2009 school year, in Palm Beach County, Florida, Respondent made frequent inappropriate comments to students, including calling them "stupid" and telling them "you are not going to get anywhere in life," and "it's better off if you guys get your GED." or words to that effect.

17. On or about April 6, 2010, in Palm Beach County, Florida, five (5) of Respondent's students, [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED], submitted a letter to Principal Terry Costa stating that Respondent was "very abusive, unprofessional, insensitive, and ...immature," that they felt "uncomfortable and unsafe" in her classroom, and that Respondent "tells us and my [sic] fellow classmates that we will never amount to anything and that we all will be able to only work at McDonald [sic]...."

18. On or about April 7, 2010, in Palm Beach County, Florida, Respondent told students that she would blow them up if she had a gun, or words to that effect, and made inappropriate comments to the students stating that an assistant principal needed to be fired, or words to that effect.

19. On or about April 13, 2010, in Palm Beach County, Florida, Respondent pushed sixteen-year-old female student [REDACTED], causing red marks to appear on [REDACTED]'s neck.

20. On or about April 14, 2010, in Palm Beach County, Florida, Respondent pushed seventeen-year-old male student [REDACTED] several times in his chest.

21. On or about April 15, 2010, Respondent was assigned to her residence, with pay, pending the outcome of an investigation. On or about April 19, 2010, Respondent was reassigned to the Department of Charter Schools. On or about October 28, 2010, Respondent was issued a written reprimand for inappropriate use of force on students, regarding the incidents on April 13 and 14, 2010.

22. In addition to the misuse of e-mail, and inappropriate use of force on students, Respondent engaged in other insubordinate and unprofessional behavior, including the following:

- (a) filing unfounded accusations in an EEO complaint on January 22, 2010;
- (b) sending an inflammatory e-mail on January 25, 2010;
- (c) publishing an e-mail on February 9, 2010 falsely accusing colleague of unethical acts, including coercing respondent into signing false and distorted reports and changing her grades;
- (d) insubordinate behavior towards an assistant principal in February 2010;
- (e) refusal to acknowledge a classroom schedule memo and instead wrote "cancelled due to a law suit filed against you";
- (f) submitting a FPMS observation form with false information and a forged signature on February 24, 2010;
- (g) publishing e-mail on April 21, 2010 accusing district officials of unethical conduct; and
- (h) submitting altered worker's compensation forms on April 27, 2010.

23. On November 11, 2010, Respondent's employment was terminated by the school district, (DOAH Case #10-10835). Subsequently, a Recommended Order in the suspension case (DOAH Case #10-0371) was issued on January 24, 2011. Thereafter, the Respondent and school district entered into a Settlement Agreement regarding both cases, which was approved by the school board on April 8, 2011.

24. As part of the Settlement Agreement, Respondent acknowledged that she was responsible for strictly adhering and complying with any and all of the policies and directives of the School District.

25. Respondent returned to work as a teacher on April 7, 2011. Upon her return to work, she was required to review School Board Policies regarding the Acceptable Use of District Technology, Policy 3.29, which had been updated and adopted while Respondent was on unpaid suspension, and the Code of Ethics, Policy 3.02. Respondent signed acknowledgment forms stating that she had reviewed both policies on April 7, 2011.

26. Respondent was temporarily assigned to Bak Middle School of the Arts when she returned to work, but was later placed into her regular duty assignment at Spanish River High School on July 1, 2011.

27. On August 16, 2011, Respondent was assigned to a portable classroom. Respondent repeatedly complained about the condition of the classroom and, despite every effort by administration, refused every directive to complete her assignment.

28. Instead, Respondent opened the doors and window to rid the "poisonous air." Respondent refused directives to keep them closed and instead moved her class to the media center. Respondent refused several directives to return to her classroom. Over the course of the next several days, Respondent held class at the media center and refused to return to her classroom. On September 20, 2011, Respondent posted a sign on her door requiring students to go to the media center. Respondent was requested by her principal to come to his office to discuss a resolution. Respondent refused and instead caused a disruption in front of the students and co-workers. Respondent was reassigned pending an investigation into her conduct. Thirteen (13) of Respondent's students confirmed that Respondent openly complained about mold, dirtiness and bugs

or bug droppings.

29. On July 12, 2011, Deneen Wellings, the EEO Coordinator for the School District e-mailed Sandra Gero, former Director of Employee Relations, asking for assistance in getting Respondent to stop “harassing” her. Respondent referred to Ms. Wellings multiple times in both e-mails and voicemail messages as “deceitful Deneen.” Ms. Wellings reported to Ms. Gero that she found Respondent’s e-mails and voicemail messages to be “harassing,” particularly, Respondent’s characterization of her as “deceitful.”

30. Ms. Wellings also reported that she felt Respondent’s conduct was unprofessional and unethical, in that, Respondent had presented “false information about [Ms. Wellings] to Board members, District employees, judges, and state and federal agencies.”

31. On July 13, 2011, Darron Davis, former Chief of Human Resources, issued a Specific Incident Memorandum and Administrative Directive to Respondent regarding Unprofessional Emails and Telephone Messages in response to Respondent’s inappropriate conduct towards Ms Wellings.

32. On September 20, 2011, Respondent was temporarily reassigned pending the outcome of a separate investigation not related to this case.

33. On or about November 8, 2011, Respondent began sending multiple “harassing” e-mails to other School District employees; specifically, Dianne Howard, the Director of Benefits and Risk Management and Ms. Howard’s staff.

34. The e-mails were so numerous and disruptive to Ms. Howard’s department that on November 22, 2011, Ms. Howard forwarded to Employee Relations a copy of an e-mail that she sent to Respondent. The e-mail specifically asked Respondent to stop sending the e-mails because they were “offensive, threatening, harassing and insulting.” Respondent’s e-mails also contained several false and unsubstantiated statements. As a result, a second investigation was initiated regarding

Respondent' "Acceptable Use of District Technology."

35. Again, despite explicit direction to stop sending these e-mails by Ms. Howard, Respondent sent another e-mail to Ms. Howard that same day and then another on November 30, 2011 and December 6, 2011. Between December 7, 2011 and January 23, 2012, Respondent e-mailed Ms. Howard regarding the same issue seven (7) more times. Effectively Respondent e-mailed Ms. Howard twenty (20) times regarding the same issue. Eighteen (18) of the e-mails were sent after Respondent received Ms. Howard's response. Eleven (11) of the e-mails were received after Ms. Howard directed Respondent to stop contacting her office.

36. On February 21, 2012, Respondent's District e-mail account was suspended since her reassigned responsibilities did not require the utilization of District e-mail. On May 2, 2012 Respondent was terminated from her employment with the school district (DOAH Case #12-2009). 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.

**COUNT 6:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(f), Florida Administrative Code in that Respondent shall not intentionally violate or deny a student's legal rights.

**COUNT 7:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(g), Florida Administrative Code in that Respondent shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping conditions, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.

**COUNT 8:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(4)(a), Florida Administrative Code, in that Respondent has failed to take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.

**COUNT 9:** 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.

gain or advantage.

**COUNT 10:** 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 11:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(5)(c), Florida Administrative Code, in that Respondent shall not interfere with a colleague's exercise of political or civil rights and responsibilities.

**COUNT 12:** 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 13:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(5)(e), Florida Administrative Code, in that Respondent shall not make malicious or intentionally false statements about a colleague.

**COUNT 14:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(5)(h), Florida Administrative Code, in that Respondent shall not submit fraudulent information on any document in connection with professional activities.

**COUNT 15:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(5)(o), Florida Administrative Code, in that Respondent shall seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board

of education Rules as defined in Section 231.28(1), Florida Statutes.

**WHEREFORE**, based on the reasons et forth herein and in accordance with the Explanation of Rights and Election of Rights forms attached to and made a part of this Amended 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 (5) years; revoking the Respondent's educator's certificate for a period of time up to ten (10) years or permanently; or barring the Respondent from reapplying for an educator's certificate for a period of time up to ten (10) years or permanently.

**EXECUTED** on this 12th day of July, 2012.

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

/s/Charles T. Whitelock  
CHARLES T. WHITELOCK, ESQ.  
Charles T. Whitelock, P.A.  
Counsel to Commissioner  
Florida Bar No.: 166020  
300 Southeast Thirteenth Street  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via e-mail to: Jeffrey Sirmons, Esq., Johnson & Sirmons, P.A., 510 Vonderburg Drive, Suite 309, Brandon, FL 33511 and Kathleen Richards, Education Practices Commission, 325 West Gaines Street, Suite 224, Turlington Building, Tallahassee, Florida 32399-0400, this 12th day of July, 2012.

/s/Charles T. Whitelock

CHARLES T. WHITELOCK