



Before the Education Practices Commission of the State of Florida

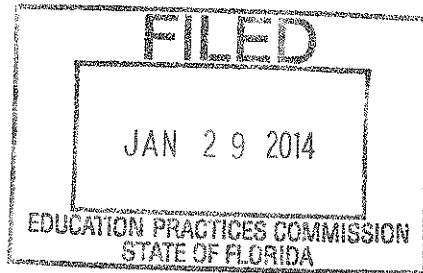
DR. TONY BENNETT, as the
Commissioner of Education,

Petitioner,

vs.

JOHN WILLIAM MURPHY,

Respondent.



EPC CASE N^o: 13-0288-RT

Index N^o: **14-024-AS**

PPS N^o: 112-2533

Final Order

Respondent, John William Murphy, holds Florida educator's certificate no. 606530. 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 Hearing Panel of the Education Practices Commission met on January 23, 2014, in Tampa, 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 23rd day of January, 2014.



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

Probation Office

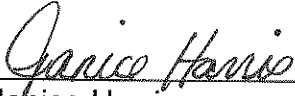
Rachel Clark
Assistant Attorney General

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.

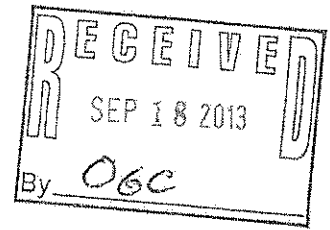
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was mailed to John William Murphy, [REDACTED] Cocoa, Florida 32927 by Certified U.S. Mail and by electronic mail to Paul Rendleman, Assistant General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 Ron Weaver, Esquire, Post Office Box 5675, Douglasville, Georgia 30154 this 29th day of January, 2014.



Janice Harris,
Education Practices Commission

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION



DR. TONY BENNETT, as
Commissioner of Education

Petitioner,

vs.

CASE NO. 112-2533

JOHN WILLIAM MURPHY,

Respondent.

SEP 18 2013

SETTLEMENT AGREEMENT

Petitioner and Respondent hereby stipulate and agree as follows:

1. Certification. Respondent holds Florida Educator's Certificate Number 606530 issued by the Department of Education covering the areas of Health, Physical Education and Exceptional Student Education, which is valid through June 30, 2016.
2. Employment. At all times pertinent hereto, Respondent was employed as a Physical Education Teacher at Hoover Middle 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. Letter of Reprimand. Respondent agrees to accept a letter of reprimand, a copy of which shall be placed in his certification file with the Department of Education and a copy of which shall be placed in his personnel file with the employing school district.
5. Probation. Respondent agrees that he 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 his 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 his work site as well as the name, address and telephone number of his immediate supervisor;

b. shall make arrangements for his immediate supervisor to provide the EPC with a true and accurate copy of each written annual performance evaluation or assessment prepared by his 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 year of probation, take a 3-credit hour college level course in the area of Classroom Management. The class may be taken in person, or from an accredited on-line source, and Respondent shall submit an official college transcript verifying successful completion of same with a grade of "B" or higher to the Department of Education;

e. shall violate no law and fully comply with all district school board regulations, school rules, and State Board of Education Rule 6A-10.081; and

f. shall satisfactorily perform his duties in a competent, professional manner.

6. Fine. Respondent agrees to pay a fine in the amount of \$500.00 to the EPC within one (1) year 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, he agrees that the Petitioner shall be authorized to file an Administrative Complaint or a Notice of Violation with the EPC seeking sanctions against his Florida educator's certificate up to and including permanent revocation of his 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 his 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, 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 his 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 his 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 he is under no duress, coercion or undue influence to execute this Settlement Agreement and that he 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.

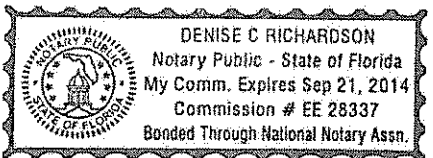
(SIGNATURES AND NOTARIZATION ON FOLLOWING PAGE)

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement on this
4th day of Sept, 2013.

John W Murphy
JOHN WILLIAM MURPHY

STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 4th day of
Sept, 2013, by John William Murphy III,
who is _____ personally known or produced Florida D.L.
as identification [type of identification produced].



Denise C Richardson
NOTARY PUBLIC
My commission expires: Sept 21, 2014

Ron Weaver
RON WEAVER, ESQUIRE
Law Office of Ron Weaver
Post Office Box 5675
Douglasville, Georgia 30154
Telephone (850) 980-0254
Facsimile (678) 391-0573

ATTORNEY FOR PETITIONER

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION

DR. TONY BENNETT, as
Commissioner of Education,

Petitioner,

vs.

CASE NO. 112-2533

JOHN WILLIAM MURPHY,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Dr. Tony Bennett, as Commissioner of Education, files this Administrative Complaint against JOHN WILLIAM MURPHY. 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 6A-10.081, 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 606530, covering the areas of Health, Physical Education and Exceptional Student Education, which is valid through June 30, 2016.
2. At all times pertinent hereto, the Respondent was employed as a Physical Education Teacher at Hoover Middle School in the Brevard County School District.

MATERIAL ALLEGATIONS

3. On or about February 6, 2012, male student [REDACTED] disregarded instructions not to remove food items from the school cafeteria. The Respondent told [REDACTED] to "shut up" or words to that effect. The Respondent grabbed [REDACTED]'s shoulder from behind and pushed [REDACTED] into a column, causing [REDACTED] to hit his back and head on the column.
4. As a result of the Respondent's conduct with [REDACTED], on or about February 7, 2012, the school district placed the Respondent on administrative leave.

5. On or about March 2, 2012, the Brevard County Superintendent of Schools notified the Respondent of his intent to recommend the Respondent's termination to the School Board.

6. On or about March 13, 2013, the Respondent resigned from his position with the Brevard County School District.

The Petitioner charges:

STATUTE VIOLATIONS

COUNT 1: 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 2: 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 3: The allegations of misconduct set forth herein are in violation of Rule 6A-10.081(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 4: The allegations of misconduct set forth herein are in violation of Rule 6A-10.081(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 3rd day of June, 2013.



DR. TONY BENNETT as
Commissioner of Education
State of Florida



EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA

GRETCHEN KELLEY BRANTLEY
Executive Director

MARK STRAUSS
Chairperson

RACHEL CLARK
Counsel

DAVID THOMPSON
Co-Chairperson

January 23, 2014

John Murphy
[REDACTED]

Cocoa, Florida 32927

Re: Dr. Tony Bennett vs. John Murphy
EPC No.: 13-0288-; DOE No.: 606530

Dear Mr. Murphy:

As you know, the teacher 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 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 "Mark Strauss".

Mark Strauss
Presiding Officer