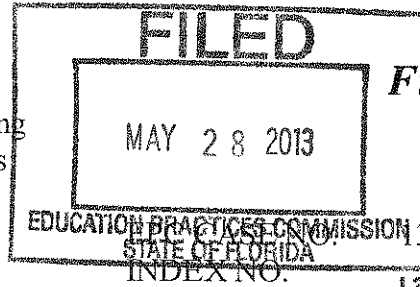




*Before the Education Practices Commission
of the State of Florida*

IN RE: Administrative Complaint seeking
disciplinary action against the Educator's
Certificate of **Kristin Fernandez**.



Final Order

13-0173-RT

13-122-FOW

An Administrative Complaint seeking disciplinary action against the educator's certificate of Respondent, **Kristin Fernandez**, was filed by **DR. TONY BENNETT**, as Commissioner of Education on, February 26, 2013.

Respondent, holder of Florida educator's certificate number 830577, was served with a copy of the Administrative Complaint. Respondent has filed an answer to the Administrative Complaint stating that she did not wish to contest the charges, that she waived any further rights to due process or a public hearing, that she surrendered her certificate for permanent revocation, and that all her 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, 830577, held by , **Kristin Fernandez**.

Reapplication will not be considered.

DONE AND ORDERED this 23 day of May 2013.

A handwritten signature in cursive script, reading "Mark A. Strauss".
Mark Strauss, Chairperson
Education Practices Commission

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of **Dr. Tony Bennett vs Kristin Fernandez** was furnished to **Kristin Fernandez** at Titusville, Florida, 32796 this 28 day of May 2013, by U. S. Mail.


Kathleen Richards
Education Practices Commission

COPIES FURNISHED TO:

Office of Professional Practices

Bureau of Teacher Certification

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

Superintendent
Brevard County School Board
2700 Judge Fran Jamieson Way
Viera, Florida 32940

Office of Professional Standards
Brevard County School Board
2700 Judge Fran Jamieson Way
Viera, Florida 32940

Rachel Clark, Assistant Attorney General
The Capitol Plaza Level 1
Tallahassee, Florida 32399

Margaret O'Sullivan Parker, Esquire
Office of General Counsel
Florida Department of Education
325 W. Gaines Street, Suite 1232
Tallahassee, Florida 32399-0400

ELECTION OF RIGHTS

Dr. Tony Bennett, Commissioner of Education,
Petitioner,

vs.

File No.: 112-2831

KRISTIN LYN FERNANDEZ
Respondent.

Signify your election by checking an option:

1. FORMAL HEARING OPTION I dispute the allegations of the Administrative Complaint and I request a Formal Hearing before a Hearing Officer of the Division of Administrative Hearings. The allegations I dispute are: _____

Attach additional sheet(s) if needed.

2. INFORMAL HEARING OPTION I do not dispute the allegations of the Administrative Complaint and request an Informal Hearing before the Education Practices Commission.

3. SURRENDER OPTION I voluntarily surrender my certificate(s) for permanent revocation.

4. SETTLEMENT OPTION I request a forty-five (45) day period of time to try to negotiate a settlement with the Office of Professional Practices Services at (850) 245-0438. If an agreement is not reached within the forty-five (45) day period, the case will be scheduled for an Informal or Formal Hearing (if Formal Hearing is checked, please list the disputed allegations in 1a, b, and c). If neither Informal nor Formal is checked above, the action will be scheduled for an Informal Hearing.

I understand that I will be given notice of any date set for a Formal or Informal Hearing. I have read the Explanation of Rights, fully understand and/or have been advised of my legal rights. (If you do not understand your options, contact the Office of Professional Practices Services at (850) 245-0438.)

(EXECUTION BEFORE A NOTARY PUBLIC NOT REQUIRED IF CHOOSING OPTION 1)

[Signature]
Signature of Respondent

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me this
14TH day of MAY, 2013.

Street Address, Titusville, FL 32796
City

by KRISTIN L. FERNANDEZ
(Print Respondent's Name)

[Signature]
Signature of Notary Public

Telephone No. _____

Personally Known or Produced Identification Type of FLORIDA D/L

Print, Type or Stamp Commissioned Name of Notary Public CAROLE McDONALD

DEPT OF EDUCATION
BUREAU OF
PROFESSIONAL
PRACTICES SERVICES
2013 MAY 20 11:44



STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION

DR. TONY BENNETT, as
Commissioner of Education,

Petitioner,

vs.

CASE NO. 112-2831

KRISTIN LYN FERNANDEZ,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Dr. Tony Bennett, as Commissioner of Education, files this Administrative Complaint against KRISTIN LYN FERNANDEZ. 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 830577, covering the area of Drama and English, which is valid through June 30, 2014.
2. At all times pertinent hereto, the Respondent was employed as a Drama Teacher at Space Coast Junior/Senior High School in the Brevard County School District.

MATERIAL ALLEGATIONS

3. During the 2011-2012 school year, the Respondent engaged in an inappropriate relationship with _____, an eighteen year-old male student. Specifically, the Respondent:
 - (a) engaged in sexual intercourse with _____;
 - (b) engaged in oral sex with _____;
 - (c) exchanged suggestive text messages with _____;

(d) kissed .; and

(e) otherwise engaged in a personal, romantic relationship with .

4. During the course of her activity with ., the Respondent told . not to tell anyone about their relationship and directed . to delete their text messages. The Respondent provided false information about her whereabouts and the whereabouts of . in order to arrange time with

5. On or about April 13, 2012, the Respondent provided a written statement to the Brevard County School District, admitting to engaging in sexual intercourse with

6. On or about April 13, 2012, the Respondent resigned from her position with the Brevard County School District.

7. Pursuant to Section 1012.795(2), Florida Statutes, the Respondent's written acknowledgement of the offenses alleged herein is prima facie proof of grounds for the revocation or other sanction of a teaching certificate.

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 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 5: 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.

COUNT 6: The allegations of misconduct set forth herein are in violation of Rule 6A-10.081(5)(a), Florida Administrative Code, in that Respondent has failed to maintain honesty in all professional dealings.

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 26th day of February, 2013.



DR. TONY BENNETT as
Commissioner of Education
State of Florida