



Before the Education Practices Commission of the State of Florida

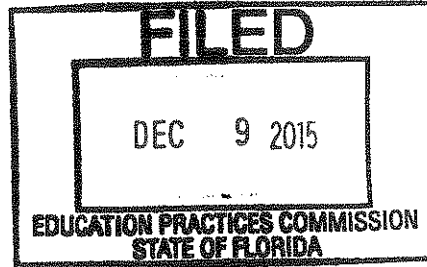
PAM STEWART as the
Commissioner of Education,

Petitioner,

vs.

JOSEPH PAUL DACRI,

Respondent.



EPC CASE N^o: 15-0280-RT
Index N^o: 15-410-FOI
PPS N^o: 123-2904

Final Order

Respondent, Joseph Paul Dacri, holds Florida educator's certificate no. 688102. 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 October 29, 2015, in Tampa, 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.

Paragraphs 1 through 4 of the Administrative Complaint were adopted by the Education Practices Commission as its findings of fact. Counts 1 through 4 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 suspended for a period of 3 years from the date of this Final Order.

2. Upon employment in any public or private position requiring a Florida educator's certificate, Respondent shall be placed on 3 employment years of probation with the conditions that during that period, he shall:

A. Immediately notify the investigative office in the Department of Education upon employment or termination of employment in the state in any public or private position requiring a Florida educator's certificate.

B. Have Respondent's immediate supervisor submit annual performance reports to the investigative office in the Department of Education.

C. Pay to the Commission during the first 6 months of each probation year the administrative costs (\$150) of monitoring probation assessed to the educator.

D. Violate no law and shall fully comply with all district school board policies, school rules, and State Board of Education rules.

E. Satisfactorily perform all assigned duties in a competent, professional manner.

F. Bear all costs of complying with the terms of a final order entered by the Commission.

3. Respondent is assessed an administrative fine of \$750.00 to be paid within the first year of probation.

4. 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. Respondent shall 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.

C. If Respondent has under gone evaluation(s) and treatment and/or counseling after the incident(s) alleged in the Administrative Complaint, the evaluation(s) and treatment and/or counseling may be used in lieu of the evaluations(s) and treatment and/or counseling, if acceptable to the RNP.

This order shall become effective upon filing with the Clerk of the Commission.

DONE AND ORDERED, this 27th day of **November**, 2015.



DAVID R. THOMPSON, 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
for Educators

Probation Office

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 mailed to Joseph Paul Dacri, [REDACTED] Palm Bay, Florida 32907 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 9th day of **December**, 2015.



Gretchen Kelley Brantley, Clerk
Education Practices Commission

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION

PAM STEWART, as
Commissioner of Education,

Petitioner,

vs.

CASE NO. 123-2904

JOSEPH PAUL DACRI,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Pam Stewart, as Commissioner of Education, files this Administrative Complaint against JOSEPH PAUL DACRI. 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 688102, covering the area of Mathematics, which was valid through June 30, 2013.
2. At all times pertinent hereto, the Respondent was employed as a Mathematics Teacher at Jackson Middle School in the Brevard County School District.

MATERIAL ALLEGATIONS

3. During the 2012/2013 school year, Respondent created a hostile and threatening work environment by making statements that were reasonably interpreted as threats of violence against district employees and himself. Respondent's statements included but were not limited to:

- a.) On or about November 9, 2012, Respondent sent a email to a District employee stating that he was in a great deal of pain, was sleep deprived and, "having terrible thoughts. Very, very, very terrible thoughts!!!!!!!"

b.) On or about January 16, 2013, Respondent told a fellow teacher, "If I stay here, something violent is going to happen."

c.) On or about January 16, 2013, Respondent told a fellow teacher that he had been having dreams where he did terrible things. Respondent further related that if he saw a particular District employee he would really snap and would take lots of them down with him. Respondent expressed that he was going to "lose it." These comments by Respondent resulted in a lock-down of the school until such time as Respondent could be located.

4. On or about April 23, 2013, Respondent was terminated from his teaching position with the District as a result of the above referenced conduct.

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 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

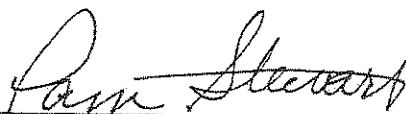
COUNT 3: The allegations of misconduct set forth herein are in violation of Rule 6A-10.081(3)(a), Florida Administrative Code, in that Respondent has failed to make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental health and/or physical health and/or safety.

COUNT 4: The allegations of misconduct set forth herein are in violation of Rule 6A-10.081(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.

(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 2 day of February, 2015.



PAM STEWART, as
Commissioner of Education
State of Florida