



Before the Education Practices Commission of the State of Florida

PAN STEWART as the
Commissioner of Education,

Petitioner,

vs.

BARRY RICHARD GRACE,
Respondent.

_____ /



EPC CASE N^o: 16-0631-RT

Index N^o: 17-213-FOI

PPS N^o 134-2121

Final Order

Respondent, Barry Richard Grace, holds Florida educator's certificate no. 391008. 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.

Service of the Administrative Complaint was made upon Respondent by publication. Respondent has failed to respond to the Administrative Complaint and has not requested a hearing or any other proceeding.

This cause came before a teacher panel of the Education Practices Commission on April 26, 2017, in Tampa, Florida. Respondent was not present at the meeting.

The Commission finds that Respondent was properly served with the Administrative Complaint, has failed to respond timely, and has waived any right to be heard.

Since Respondent has not replied to the Administrative Complaint and has not contested the factual allegations, Petitioner offered the investigative file into evidence to prove the facts as alleged in the Administrative Complaint. The Commission finds these materials clearly and convincingly support the allegations and establish a prima facie case.

FINDINGS OF FACT

The allegations of fact in paragraphs 1 through 5 of the Administrative Complaint are adopted as findings of fact by the panel.

CONCLUSIONS OF LAW

1. The conclusions of law alleged in counts 1 through 3 of the Administrative Complaint are adopted as conclusions of law by the panel.
2. There is competent, substantial evidence to support the panel's conclusions.
3. The violations committed by Respondent warrant disciplinary action by the Education Practices Commission.

PENALTY

Upon consideration, it is ORDERED:

1. Respondent's Florida educator's certificate is hereby revoked for a period 5 years from the date of this Final Order.

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

DONE AND ORDERED, this 11th day of May, 2017.



CHRISTIE GOLD, Presiding Officer

COPIES FURNISHED TO:

Office of Professional Practices
Services

Bureau of Educator Certification

Superintendent
Palm Beach County Schools
3300 Forest Hill Blvd., Room C316
West Palm Beach, FL 33406-5869

Chief Personnel Officer
Palm Beach County Schools
3300 Forest Hill Boulevard,
Room A-152
West Palm Beach, FL 33406-5870

Lee Ann Gustafson
Senior Assistant Attorney General

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 ORER.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was mailed to Barry Richard Grace, [REDACTED] West Palm Beach, FL 33415 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 17 day of May, 2017.



Lisa Forbess, Clerk
Education Practices Commission

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

**PAM STEWART, as
Commissioner of Education,**

Petitioner,

vs.

CASE NO. 134-2121

BARRY RICHARD GRACE,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Pam Stewart, as Commissioner of Education, files this Administrative Complaint against BARRY RICHARD GRACE. 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 391008, covering the areas of Elementary Education and English for Speakers of Other Languages (ESOL), which is valid through June 30, 2015.
2. At all times pertinent hereto, the Respondent was employed as a Third Grade Teacher at Indian Pines Elementary School in the Palm Beach County School District.

MATERIAL ALLEGATIONS

3. During the 2010/2011 school year, Respondent inappropriately provided money and gifts to female students. Additionally, Respondent took female students shopping, to the movies and for meals without other adults present and provided transportation to female students, without written parental permission, to and from school and other locations in his personal vehicle.

4. On or about February 17, 2011, Respondent was issued a written reprimand from the District for providing a female student with \$100 and aiding a student in obtaining a belly button ring without permission from her parents. Respondent was directed to, "desist from engaging in the same or similar conduct in the future."

5. During the 2011/2012 school year, Respondent inappropriately touched [REDACTED] a third grade, female student, on multiple occasions. On more than one occasion, Respondent hugged [REDACTED] from behind moving his hands up the front of her body between her waist and her breasts and squeezing her breasts.

The Petitioner charges:

STATUTE VIOLATIONS

COUNT 1: 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 2: 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 3: The allegations of misconduct set forth herein are in violation of Rule 6A-10.081(3)(h), Florida Administrative Code, in that Respondent has exploited a relationship with a student for personal gain or advantage.

(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 22nd day of June, 2015.



PAM STEWART, as
Commissioner of Education
State of Florida