



Before the Education Practices Commission of the State of Florida

PAM STEWART, as the
Commissioner of Education,

Petitioner,

vs.

CHRISTINE JANE KIRCHNER,

Respondent.



EPC CASE N^o: 17-0155-RT

Index N^o: 17-498-AS

PPS N^o 145-1986

Final Order

Respondent, Christine Jane Kirchner, holds Florida educator's certificate no. 534068. Petitioner has filed an Amended 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 Amended Administrative Complaint are attached to and made a part of this Final Order.

A Teacher Hearing Panel of the Education Practices Commission met on October 27, 2017, in Tallahassee, 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 27th day of October, 2017.



NICHOLAS PIETKIEWICZ, Presiding Officer

COPIES FURNISHED TO:

Office of Professional Practices
Services

Bureau of Educator Certification

Superintendent of Schools
1450 NE Second Avenue #912
Miami, FL 33132

Director
Office of Professional Standards
Dade County Schools
1500 Biscayne Blvd., Suite 222
Miami, FL 33132

Lee Ann Gustafson
Senior Assistant Attorney General

Claudia Llado, Clerk
Division of Administrative Hearings

Probation

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 Christine Jane Kirchner, [REDACTED] Miami, FL 33143 and Carol R. Buxton, Esq., FEA, 1516 East Hillcrest Street, Suite 109, Orlando, FL 32803 by Certified U.S. Mail and by electronic mail to Darby Shaw, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 and Charles T. Whitelock, Esq., 300 Southeast 13th Street, Suite E, Ft. Lauderdale, FL 33316 this 31 day of October, 2017.



Lisa Forbess, Clerk
Education Practices Commission

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION

JUL 28 2017

PAM STEWART, as
Commissioner of Education

Petitioner,

vs.

CASE NO. 145-1986

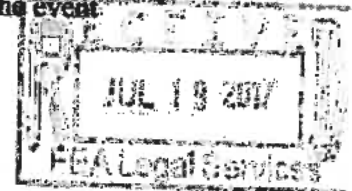
CHRISTINE JANE KIRCHNER,

Respondent.

SETTLEMENT AGREEMENT

Petitioner and Respondent hereby stipulate and agree as follows:

1. Certification. Respondent holds Florida Educator's Certificate Number 534068 issued by the Department of Education covering the area of English, which is valid through June 30, 2019.
2. Employment. At all times pertinent hereto, Respondent was employed as an English Teacher at Coral Reef Senior High School in the Miami-Dade 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. Suspension. Respondent agrees to accept a six (6) month suspension of her Florida educator's certificate, commencing upon the date the Respondent signs this Settlement Agreement. Respondent affirms that she has not and will not hold a position requiring a Florida Educator's Certificate during the period of suspension (Suspension means that Respondent may not teach or otherwise be employed by a district school board or public school in any capacity requiring direct contact with students for the duration of the suspension period.) However, if applicable, Respondent may renew the certificate.
5. Probation. Respondent agrees that she shall be placed on probation for a period of three (3) 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 her 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 her work site as well as the name, address and telephone number of her immediate supervisor;
- b. shall make arrangements for her immediate supervisor to provide the EPC with a true and accurate copy of each written annual performance evaluation or assessment prepared by her 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 Education Ethics. 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 her duties in a competent, professional manner.

6. **Fine.** Respondent agrees to pay a fine in the amount of \$750.00 to the EPC within the first year of the probationary period.

7. **Violation.** In the event Respondent fails to comply with each condition set forth herein, she agrees that the Petitioner shall be authorized to file an Administrative Complaint or a Notice of Violation with the EPC seeking sanctions against her Florida educator's certificate up to and including permanent revocation of her 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 her 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 her 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 her right to both a formal and an informal hearing, except she may appear before the EPC in order to urge the adoption of this Settlement Agreement. Respondent further acknowledges that she is under no duress, coercion or undue influence to execute this Settlement Agreement and that she 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.

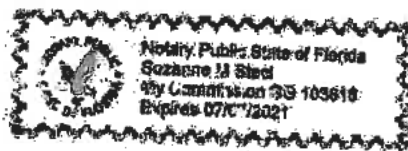
(SIGNATURES AND NOTARIZATION ON FOLLOWING PAGE)

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement on this
13th day of July, 2017.

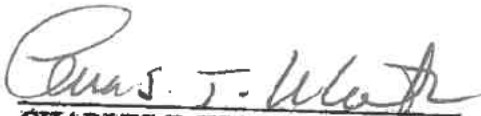

CHRISTINE JANE KIRCHNER

STATE OF FLORIDA
COUNTY OF MIAMI-DADE

The foregoing instrument was acknowledged before me this 13th day of
July, 2017, by Christine Jane Kirchner
who is personally known or produced FLSA 
as identification [type of identification produced].




NOTARY PUBLIC
My commission expires:


CHARLES T. WHITELOCK, ESQUIRE
Charles T. Whitelock, P.A.
300 S.E. 13th Street
Fort Lauderdale, Florida 33316
Telephone (954) 463-2001
Facsimile (954) 232-0410

ATTORNEY FOR PETITIONER


CAROL R. BUXTON, ESQUIRE
Florida Education Association
1516 East Hillcrest Street, Suite 109
Orlando, Florida 32803
Telephone (407) 893-3373
Facsimile (407) 422-3658

ATTORNEY FOR RESPONDENT

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

PAM STEWART, as
Commissioner of Education,

Petitioner,

DOAH CASE NO.: 17-1897

vs.

CHRISTINE JANE KIRCHNER,

Respondent.

AMENDED ADMINISTRATIVE COMPLAINT

Petitioner, Pam Stewart, as Commissioner of Education, files this Amended Administrative Complaint against CHRISTINE JANE KIRCHNER. 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 534068, covering the area of English, which is valid through June 30, 2019.
2. At all times pertinent hereto, the Respondent was employed as an English Teacher at Coral Reef Senior High School in the Miami-Dade County School District.

MATERIAL ALLEGATIONS

3. On November 7, 2013, the Commissioner of Education issued an Administrative Complaint seeking to sanction the Respondent's Florida Educator's Certificate after she discussed topics such as sex, virginity and masturbation, simulated an orgasm in class and gave several massages to students in her class.
4. On April 4, 2014, the Educational Practices Commission issued a Final Order incorporating the parties Settlement Agreement which included a two (2) year probation period with specific conditions.

5. During the 2014-2015 school year, Respondent made several racially and sexually inappropriate comments to her students on school grounds and during school hours. These comments include, but are not limited to, the following:

- (a) In or around November 2014, Respondent called [REDACTED] a student in her classroom, an "asshole" and "jackass" or words to that effect;
- (b) In or around November 2014, Respondent referred to [REDACTED]'s work, as "shit" or words to that effect;
- (c) In or around November 2014, Respondent called [REDACTED] a student in her classroom, a "jackass" or words to that effect;
- (d) In or around November 2014, Respondent told [REDACTED] an African-American student in her class, to not steal from her classroom because he would be blamed for said theft on the basis of his race;
- (e) In or around November 2014, Respondent inappropriately discussed the similarities and differences between the female nipple and clitoris with a female student in her class; and
- (f) In or around November 2014, Respondent referred to students as "retarded" or "retards" or words to that effect.

6. That, as a result of Respondent's actions described herein, Respondent violated one or more of the conditions of her probation.

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.

COUNT 2: The Respondent is in violation of section 1012.795(1)(1), Florida Statutes, in that Respondent has violated an order of the Education Practices Commission.

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.

COUNT 5: The allegations of misconduct set forth herein are in violation of Rule 6A-10.081(3)(p), Florida Administrative Code in that the Respondent violated the Final Order of the Education Practices Commission imposing conditions of probation.

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 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 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 28th day of April, 2017.

PAM STEWART, 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
Fort Lauderdale, FL 33316
(954) 463-2001
Fax: (954) 463-0410

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished via e-mail to: Carol Buxton, Esq., Florida Education Association, 1516 E. Hillcrest St., Suite 109, Orlando, FL 32803, e-mail: carol.buxton@floridaea.org and Education Practices Commission, epc@fldoc.org , this 28th day of April, 2017.

/s/Charles T. Whitelock
CHARLES T. WHITELOCK