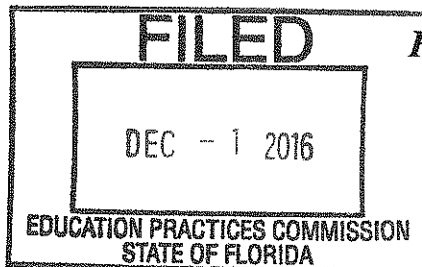




*Before the Education Practices Commission
of the State of Florida*



Final Order

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

_____ /

CASE NO. 16-0609-RT
EPC INDEX NO. 16-569-FON

An Administrative Complaint seeking disciplinary action against the educator's certificate of Respondent, **Kellie McCalmont**, was filed by **Pam Stewart**, as Commissioner of Education on, October 12, 2016.

Respondent, holder of Florida educator's certificate number 809772, 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, 809772, held by, **Kellie McCalmont**.

Reapplication will not be considered.

DONE AND ORDERED this 29th day of November 2016.



CHRISTIE GOLD, Chairperson
Education Practices Commission

Final Order
Re: **Kellie McCalmont**
Page Two

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of **PAM STEWART vs. KELLIE MCCALMONT** was furnished to **Kellie McCalmont**, 248 Colfax Street, Springdale, Pennsylvania 15144 this 1st day of December 2016, by Certified U. S. Mail.



Lisa Forbess, Clerk
Education Practices Commission

COPIES FURNISHED TO:

Office of Professional Practices Services

Bureau of Educator Certification

Division of Administrative Hearings

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

Human Resource Services
Brevard County Schools
2700 Judge Fran Jamieson Way
Viera, Florida 32940

Lee Ann Gustafson, Esq.
Assistant Attorney General
The Capital Plaza Level 1
Tallahassee, Florida 32399

Bonnie Wilmot, Esq.
DOE Assistant General Counsel
325 West Gaines Street, Suite 1232
Tallahassee, Florida 32399

ELECTION OF RIGHTS

DEPARTMENT OF
LABOR AND
PROFESSIONS
PRACTICES SERVICES

Pam Stewart, Commissioner of Education,
Petitioner,

2016 NOV 21 PM 12:03

vs.

File No.: 145-2685

KELLIE MCCALMONT
Respondent.

Signify your election by checking option 1, 2, 3 or 4. (Select one 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 facts I dispute are:

Attach additional sheet(s) if needed.

2. **SETTLEMENT OPTION** I neither admit nor deny the allegations and request a forty-five (45) day period to negotiate a settlement agreement. If an agreement is not reached I request: (Select One)

Informal Hearing - I do not dispute the allegation

Or

Formal Hearing - The facts I dispute are:

*If neither Informal nor Formal is checked, the action will be scheduled for an Informal Hearing.

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

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

I have read the Explanation of Rights and understand my options.

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

Kellie M. McCalmont
Signature of Respondent

Street Address

Springdale, PA
City

Telephone No.

PA
STATE OF FLORIDA
COUNTY OF Allegheny

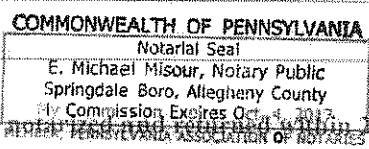
The foregoing instrument was acknowledged before me this
14th day of NOV, 2016.

by Kellie McCalmont
(Print Respondent's Name)

[Signature]
Signature of Notary Public

Personally Known ___ or Produced Identification Type of LIC.

Print, Type or Stamp Commissioned Name of Notary Public



Your fully executed original election of rights from must be notarized and returned within 21 days to:

PROFESSIONAL PRACTICES SERVICES
325 WEST GAINES STREET, SUITE 224-E
TALLAHASSEE, FLORIDA 32399-0400

EXPLANATION OF ELECTION OF RIGHTS

The enclosed Administrative Complaint outlines charges brought against you by the Florida Commissioner of Education. To respond to the charges you must indicate your choice of response on the enclosed Election of Rights form and **return it within 21 days of the date of receipt**. If you fail to return this fully executed form within 21 days of receipt, you waive your right to request a hearing and the complaint will be filed with the Education Practices Commission for final action.

1. **Formal Hearing** before the Division of Administrative Hearings. The Administrative Procedures Act, Section 120.57(1), Florida Statutes, and Section 1012.796, Florida Statutes, govern the formal hearing process. This choice means you deny some or all of the factual allegations in the Administrative Complaint. There will be a full administrative hearing on the issues. The Commissioner will be represented by an attorney and will bring forth witnesses. You may choose to have an attorney or represent yourself in the proceedings. (See www.doah.state.fl.us for more information.)
2. **Settlement Agreement** with the Department of Education. This choice means you neither admit nor deny the allegations in the Administrative Complaint, but wish to negotiate a settlement. In a settlement agreement, you will accept certain conditions in order to resolve the case. If you do not reach a settlement, you have the choice to reschedule the case to a formal or informal hearing by indicating that selection on the attached form. (If you fail to indicate your back-up selection, your case will automatically be scheduled for an informal hearing.)
3. **Informal Hearing** before the Education Practices Commission. The Florida Administrative Procedures Act, Section 120.57(2), Florida Statutes, governs the informal hearing process. This option means you choose not to dispute the factual allegations or charges of the Administrative Complaint. You have the right to appear before a panel of the Education Practices Commission to state why a lenient penalty or no penalty is appropriate. If you do not want to make a personal appearance, you or your representative, may submit written statements on your behalf. Any written statement must be submitted to the Education Practices Commission staff no later than 30 days before the scheduled informal hearing.
4. **Voluntary Surrender** of your Florida Educator's Certificate. This choice means you do not contest any of the allegations or charges in the Administrative Complaint and voluntarily surrender your certificate for **permanent revocation**. Once surrendered, the certificate will never be reinstated and the rules of the Department of Education do not permit you to apply for a new certificate. Your right to any Florida Educator's Certificate is forever revoked and relinquished.

Regardless of which selection you make, the Education Practices Commission (Sections 1012.79 and 1012.795, Florida Statutes) will issue a Final Order to finalize the process. For more information on this process, please visit www.myfloridateacher.com

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

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

Petitioner,

vs.

CASE NO. 145-2685

KELLIE MCCALMONT,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Pam Stewart, as Commissioner of Education, files this Administrative Complaint against KELLIE MCCALMONT. 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 809772, covering the area of Biology, which is valid through June 30, 2018.
2. At all times pertinent hereto, the Respondent was employed as a Science Teacher at Jefferson Middle School in the Brevard County School District.

MATERIAL ALLEGATIONS

3. During the 2014/2015 school year, in her capacity as school dance team coach, Respondent inappropriately touched female student team members. Respondent performed a maneuver on multiple team members that Respondent described as, "credit carding," whereby Respondent ran her hand between the buttocks cheeks of an individual, touching their vagina and/or anus, outside their clothing, while exclaiming, "credit card!" Respondent's conduct made the students feel uncomfortable and embarrassed in front of their team mates.

4. On or about May 1, 2015, Respondent retired in lieu of termination from her teaching position with the district.

5. On or about September 8, 2015, Respondent was arrested and charged with; Count 1, Aggravated Assault; Counts 2 – 6, Battery; Counts 7 – 25, Lewd and Lascivious Molestation. On or about September 29, 2015, Count 1 was nolle prossed; Respondent pled nolo contendere to Counts 2 – 6 and the court withheld adjudication of guilt; and no action was issued on Counts 7 – 25. Among other things, the court ordered Respondent to surrender her teaching certificate.

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.

COUNT 3: The Respondent is subject to section 1012.795(1)(m), Florida Statutes, in that Respondent has been the subject of a court order or plea agreement in a jurisdiction which requires the certificate holder to surrender or otherwise relinquish their educator's certificate. A surrender or relinquishment shall be for permanent revocation of the certificate. The Respondent may not surrender or otherwise relinquish their certificate prior to a finding of probable cause by the Commissioner of Education, as provided in section 1012.796, Florida Statutes.

RULE VIOLATIONS


COUNT 4: The allegations of misconduct set forth herein are in violation of Rule 6A-10.081(2)(a)1, 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(2)(a)5, 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 12th day of October, 2016.



PAM STEWART, as
Commissioner of Education
State of Florida