



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



Final Order

IN RE: Amended Administrative Complaint seeking disciplinary action against the Educator's Certificate of **Dirk Hilyard**.

CASE NO. 18-0017-RT
EPC INDEX NO. 18-214-FON

An Amended Administrative Complaint seeking disciplinary action against the educator's certificate of Respondent, **Dirk Hilyard**, was filed by **Pam Stewart**, as Commissioner of Education on, February 26, 2018.

Respondent, holder of Florida educator's certificate number 614694, was served with a copy of the Amended Administrative Complaint. Respondent has filed an answer to the Amended Administrative Complaint stating that he did not wish to contest the charges, that he waived any further rights to due process or a public hearing, that he surrendered his certificate for permanent revocation, and that all his actions were free and voluntary.

The Amended 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, 614694, held by, **Dirk Hilyard**.

Reapplication will not be considered.

DONE AND ORDERED this 11th day of May, 2018.

Handwritten signature of Christie Gold in blue ink.
CHRISTIE GOLD, Chairperson
Education Practices Commission

Final Order
Re: **Dirk Hilyard** Page Two

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of **PAM STEWART vs. Dirk Hilyard**, was furnished to **DIRK HILYARD**, at [REDACTED] Davie, Florida 33328 and Christopher O'Toole, at 1132 Southeast Third Avenue, Fort Lauderdale, Florida 33316 on this 16th day of May, 2018, 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
Broward County Schools
600 Southeast Third Avenue
Fort Lauderdale, Florida 33301-3125

Professional Standards
Broward County Schools
600 Southeast Third Avenue
Fort Lauderdale, Florida 33301-3125

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AMENDED ELECTION OF RIGHTS

Pam Stewart, Commissioner of Education,
Petitioner,

vs.

File No.: 156-2268

DIRK B HILYARD
Respondent.

Mark 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)

Dirk Hilyard
Signature of Respondent

Street Address

City FT. LAUDERDALE ; FL 33316

Telephone No. _____
E-Mail Address _____ Check box to correspond via email

STATE OF FLORIDA
COUNTY OF BROWARD
The foregoing instrument was acknowledged before me this
7 day of May, 2018.

by DIRK HILYARD
(Print Respondent's Name)

Signature of Notary Public

Personally Known or Produced Identification Type of _____

Print, Type or Stamp Commissioned Name of Notary Public _____



Min Ling Zheng
Commission # FF959023
Expires: February 9, 2020
Bonded thru Aaron Notary

Your fully executed election of rights form must be returned within 21 days to:

PROFESSIONAL PRACTICES SERVICES
325 WEST GAINES STREET, SUITE 224
TALLAHASSEE, FLORIDA 32399-0400
or
via email to EOR@fldoe.org

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
DIVISION OF ADMINISTRATIVE HEARINGS

PAM STEWART, as Commissioner of
Education,

Petitioner,

DOAH CASE NO: 18-0365PL
18-0017RT

vs.

DIRK B. HILYARD,

Respondent.

AMENDED ADMINISTRATIVE COMPLAINT

Petitioner, Pam Stewart, as Commissioner Education, files this Amended Administrative Complaint against DIRK B. HILYARD. 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 614694, covering the areas of English, English for Speakers of Other Languages (ESOL), Journalism and Middle Grades, which is valid through June 30, 2022.
2. At all times pertinent hereto, the Respondent was employed as a Language Arts Teacher at Hollywood Hills High School in the Broward County School District.

MATERIAL ALLEGATIONS

3. During the 2015-2016 school year, Respondent engaged in an inappropriate relationship with a female student, [REDACTED] hereinafter referred to as "Student".
4. On five occasions during the 2015-2016 school year, Respondent took Student to a townhouse after school where they engaged in oral sex.
5. In October 2015, a teacher knocked on respondent's classroom door. After a delay, Respondent came to the door and appeared nervous or anxious, causing him to drop his phone. Respondent stated he was unable to speak at the moment before walking away and back into his classroom. The teacher observed a female in the rear of the classroom out of sight of the

window.

6. At approximately 7AM on January 14th, 2016, a union representative, Dickerson, observed the Respondent entering his classroom. Shortly thereafter, the Student knocked on the classroom door. The lights in the classroom remained off after the Student entered the classroom.

7. On or about January 15th, 2016 Respondent took Student to Naples for the weekend. Respondent was attending a soccer tournament. They shared a room together at the Red Roof Inn and engaged in kissing and holding hands while out in public.

8. On multiple occasions throughout this school year, the Student skipped her first period class, Aerobics, to stay in the Respondent's classroom. On one occasion, Respondent and the Student were observed passing notes to each other. Respondent discarded the notes into the trash. Retrieved by the students, one note written by Respondent stated, "I want you to be my sex slave, call me sir or daddy". The second note written by the Student stated "whatever you want daddy".

9. On or about January 22, 2016, Respondent exited the school with Student. They entered the Respondent's vehicle and left the school parking lot. School cameras revealed a pattern of Student entering Respondent's classroom in the morning, at lunch and in the afternoon, often causing the Student to miss her scheduled classes.

10. In January 2016, another female student went before school started to drop off her gym bag in the Respondent's classroom. The student found the door to the Respondent's classroom locked and the lights off. The female student went to a nearby classroom and waited outside in the hallway. A short time later, Respondent exited his classroom and held the door open for Student to also exit. As the Student passed in front of the Respondent, he reached out and fluffed the bottom of Student's skirt.

11. During the 2015-2016 school year, Respondent requested two students to help in setting up his twitter account. Respondent provided his password to the students. Approximately, two months later the students logged into his account and discovered messages of an explicit sexual nature between Respondent and Student. Later, students showed the text between Respondent and Student to another teacher. In the text Respondent described his sexual exploits with Student.

12. On another occasion, two students informed a teacher that the Respondent was having an affair with Student. The teacher was shown a phone depicting Student standing in a restroom in her panties and bra, and holding a phone stating, "Oh Hilly, we should try this."

13. During the 2015-2016 school year, Respondent engaged in direct messaging with Student of a graphic sexual nature on social media platforms Twitter and Facebook.

14. On January 25th, 2016, the principal requested the school district to conduct an investigation. Thereafter, Student provided two (2) sworn statements to the district's investigators on February 9th and February 12th, 2016. In her accounts, Student described the explicit sexual

encounters with Respondent, the messages of an explicit sexual nature, their weekend trip to Naples together, hanging out in his classroom and other factors in her relationship with Respondent. Student had been instructed by the Respondent to keep their relationship a secret because he'd lose his job and marriage. On February 16th, 2016, the Respondent was directed, but refused to appear and provide his account regarding the allegations to the district investigator.

15. On May 31st, 2016, Respondent, through his counsel, provided an affidavit from Student dated May 6th, 2016, recanting her testimony provided to the district investigators. Student claimed she called Respondent's counsel on May 31st, 2016 and was asked to provide the affidavit. In it, Student claims the district detective pressured her, and that unidentified students hacked the Respondent's account to create the sexually explicit text messages. Respondent submitted this document in an educational matter knowing those statements were false.

16. Respondent was terminated from his employment with the district on December 5th, 2017.

The Petitioner charges:

STATUTE VIOLATIONS

COUNT 1: The Respondent is in violation of Section 1012.795(d) in that Respondent has been guilty of gross immorality or an act involving moral turpitude as defined by rule of State Board of Education.

COUNT 2: The Respondent is in violation of Section 1012.795(1)(g) in that, upon investigation, he has been found guilty of personal conduct that seriously reduces that person's effectiveness as an employee of the district 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) in that Respondent 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(3)(h), Florida Administrative Code, in that Respondent has exploited a relationship with a student for personal gain or advantage.

COUNT 7: The allegations of misconduct set forth herein are in violation of Rule 6A-10.081 (5)(a) in that the Respondent 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 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 and administrative fine; directing the Respondent to enroll in the Recovery Network Program; suspending 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, 2018.

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

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