



Before the Education Practices Commission of the State of Florida



IN RE The Denial of the Application
for Teacher's Certificate of:

KYLE HAYES

EPC CASE N° 18-0187-D
INDEX N°: 18-462-FOI
CERTIFICATE: 1209910
PPS N° 167-2114-LA

Final Order

Kyle Hayes applied for a Florida educator's certificate and that application was denied. The Commissioner has filed an Amended Notice of Reasons to deny the Applicant authorization for an educator's certificate. A copy of the Amended Notice of Reasons (NOR) is attached to and made a part of this Order.

This cause came before a teacher panel of the Education Practices on September 5, 2018 in Altamonte Springs, Florida. The Applicant was neither present nor represented.

The Applicant has chosen not to dispute the allegations of the Amended NOR and has requested an informal hearing to present evidence and testimony in mitigation.

Paragraphs 1 through 4 of the Amended NOR were adopted by the Education Practices Commission as its findings of fact. Counts 1 through 3 of the Amended NOR were adopted by the Education Practices Commission as its conclusions of law.

Upon consideration, it is ORDERED that:

1. Applicant be permitted to pursue application for a Florida educator's certificate. If found qualified, the certificate shall be issued.
2. Applicant is issued a letter of reprimand.
3. Applicant is assessed an administrative fine of \$750.00 to be paid within the first 2 years of probation.
4. As part of the Recovery Network Program (RNP), Applicant shall:

Submit to a Substance Abuse Evaluation relating to the issues cited in the Administrative Complaint/Notice of Reasons 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, Applicant must now engage in such counseling, have the professional submit quarterly reports to the RNP. Applicant 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. Applicant is responsible for all costs associated with the evaluation, treatment, counseling, and testing required through their participation in the RNP.

If Applicant has undergone evaluation(s) and treatment and/or counseling after the incident(s) alleged in the Administrative Complaint/Notice of Reasons, 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.

Not consume, inject or ingest any controlled substance unless prescribed or administered for legitimate medical purposes, and submit to random substance abuse

screenings at the direction of the RNP, the employing school district or private or charter school and authorize reporting of results to each entity.

5. Upon employment in any public or private position requiring a Florida educator's certificate, Applicant shall be placed on 2 employment years of probation with the conditions that during that period, (s)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 Applicant'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.

G. Complete in-service coursework in the area of Education Ethics, and provide documentation verifying successful completion to the probation compliance officer within the 1st year of probation.

H. Be prohibited from transporting minor students in or on motor vehicles.

This Order becomes effective upon filing with the Clerk of the Commission.

DONE AND ORDERED, this 18th day of September, 2018.


CHRISTIE GOLD, 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

Lawrence Harris
Assistant Attorney General

Claudia Llado, Clerk
Division of Administrative Hearings

Recovery Network Program
for Educators

Probation Office

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 Kyle Hayes, [REDACTED], [REDACTED], Cocoa Beach, FL 32931 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 this 18th day of September, 2018.



Lisa Forbess, Clerk
Education Practices Commission

**STATE OF FLORIDA
DEPARTMENT OF EDUCATION**

**IN RE: The Denial of the
Application for Teacher's
Certificate of:**

CASE NO. 167-2114-LA

KYLE HAYES.

_____ /

AMENDED NOTICE OF REASONS

KYLE HAYES, [REDACTED] Merritt Island, Florida 32953, Department of Education Number 1209910, having filed his application for a Florida Educator's Certificate before the Department of Education;

The Department of Education having reviewed the application in accordance with sections 1012.315, 1012.56, 1012.795 and 1012.796, Florida Statutes, has determined that KYLE HAYES is not entitled to the issuance of a Florida Educator's Certificate, accordingly; and

The Department of Education files and serves upon the Applicant, KYLE HAYES, its Amended Notice of Reasons for its denial in accordance with the provisions of section 120.60, Florida Statutes.

The Department of Education alleges:

1. On or about October 9, 2015, Applicant pled to Reckless Driving and was adjudicated guilty.
2. On or about May 11, 2016, Applicant pled to Reckless Driving and Leaving the Scene of a Crash and was adjudicated guilty of Reckless Driving and had adjudication withheld on the charge of Leaving the Scene.
3. On or about October 20, 2016, Applicant submitted an application for a Florida Educator's Certificate. Applicant fraudulently answered "NO" when asked on his application if he had ever been found guilty of a criminal offence and fraudulently answered "NO" when asked if he had ever had adjudication withheld on a criminal offense.

4. On or about September 1, 2017, Applicant was adjudicated guilty of Driving Under the Influence.

The Department of Education charges:

STATUTE VIOLATIONS

COUNT 1: The Applicant is in violation of section 1012.56(12)(a), Florida Statutes, which provides that the Department of Education may deny an Applicant a certificate if the department possesses evidence satisfactory to it that the Applicant has committed an act or acts, or that a situation exists for which the Education Practices Commission would be authorized to revoke a teaching certificate.

COUNT 2: The Applicant is in violation of section 1012.795(1)(a), Florida Statutes, in that Applicant obtained or attempted to obtain a teaching certificate by fraudulent means.

COUNT 3: The Applicant is in violation of section 1012.795(1)(f), Florida Statutes, in that the Applicant has been convicted or found guilty of, or entered a plea of guilty to, regardless of adjudication of guilt, a misdemeanor, felony, or any other criminal charge, other than a minor traffic violation.

(SIGNATURE ON FOLLOWING PAGE)

WHEREFORE, the undersigned concludes that the Applicant has committed an act or acts, or that a situation exists, which would authorize the Education Practices Commission to revoke or impose other sanctions against an educator's certificate. 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 Notice of Reasons, the undersigned respectfully recommends that the Education Practices Commission impose an appropriate sanction against the Applicant's application or educator's certificate pursuant to the authority provided in sections 1012.56(11), 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: affirming the Department of Education's denial of the issuance of an educator's certificate to the Applicant for any period of time or permanently; issuing the Applicant a written reprimand; placing the Applicant on probation for any period of time; restricting the Applicant's authorized scope of practice; assessing the Applicant an administrative fine; directing the Applicant to enroll in the Recovery Network Program; suspending the Applicant's educator's certificate for a period of time not to exceed five years; revoking the Applicant's educator's certificate for a period of time up to 10 years or permanently; determining the Applicant to be ineligible for certification; or barring the Applicant from reapplying for an educator's certificate for a period of time up to 10 years or permanently.

EXECUTED on this 24 day of January, 2018.

PAM STEWART, as
Commissioner of Education
State of Florida

by: Darby J. Shaw

DARBY G. SHAW
Deputy General Counsel
Florida Bar Number 58728
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325 West Gaines Street
Tallahassee, Florida 32399-0400
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EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA

GRETCHEN KELLEY BRANTLEY

Executive Director

LAWRENCE HARRIS

Legal Counsel

LISA FORBESS

Clerk of Court

CHRISTIE GOLD

Chairperson

NICHOLAS PIETKIEWICZ

Co-Chairperson

September 18, 2018

Kyle Hayes

████████████████████
Cocoa Beach, Florida 32931

Re: Pam Stewart vs. Kyle Hayes

EPC No.: 18-0187-D; DOE No.: 1209910

Dear Mr. Hayes:

As you know, the teacher panel of the Education Practices Commission reviewed the matter pending against you. The panel concluded that you violated the Principles of Professional Conduct for the Education Profession prescribed by the State Board of Education rules and hereby reprimands you for the conduct alleged in the Notice of Reasons which is incorporated herein.

This panel, which includes fellow educators, believes that, as a future teacher, you are required to exercise a measure of leadership beyond reproach. By your actions, you have lessened the reputation of all who practice our profession and have diminished your position as an educational leader. The profession cannot condone your actions, nor can the public who employ us.

The Education Practices Commission sincerely hopes it is your intention never to violate any professional obligation in fulfilling your responsibilities as an educator. To violate the standards of the profession will surely result in further action.

This letter of reprimand is being placed in your state certification file, and a copy is being sent to the Brevard County School Board for placement in your personnel file.

Sincerely,

A handwritten signature in blue ink that reads "Christie".

Christie Gold
Presiding Officer