



Before the Education Practices Commission of the State of Florida



PAM STEWART as the
Commissioner of Education,

Petitioner,

vs.

MARIA MARRERO,

Respondent.

EPC CASE N^o: 18-0097-RT

Index N^o: 18-513-FOI

PPS N^o 167-2379

Certificate No.: 1018628

Final Order

This matter appeared before the Education Practices Commission ("Commission") at a duly-noticed public meeting on October 25, 2018 in Tampa, Florida. 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 certified mail. Respondent has failed to respond to the Administrative Complaint and has not requested a hearing or any other proceeding. Respondent was present.

FINDING OF FACTS

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.

The Commission adopts as its finding of facts the facts alleged in the Administrative Complaint.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Commission concludes the Respondent has violated Sections 1012.795(1)(g) and 1012.795(1)(j), Florida Statutes.

The Commission is empowered by Sections 1012.795(1) and 1012.796(7), Florida Statutes, to impose a penalty against the Respondent.

Therefore, it is ORDERED that:

1. Respondent's Florida educator's certificate is hereby suspended for a period of 2 years from the date of this Final Order.
2. Respondent is assessed an administrative fine of \$750.00 to be paid within the two years of probation.
3. Upon employment in any public or private position requiring a Florida educator's certificate, Respondent 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 Respondent'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. Provide a certified college transcript to verify successful (a grade of "pass" or a letter grade no lower than a "B") completion of 3 hours of college level course-work in the area of Education Ethics, which may be taken online, within the first year of probation.

H. Be prohibited from administering or proctoring secured assessments without another administrator or proctor present during the probationary period.

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

DONE AND ORDERED, this 6th day of November, 2018.


CHRISTIE GOLD, Presiding Officer

COPIES FURNISHED TO:

Office of Professional Practices
Services

Bureau of Educator Certification

**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

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

Lawrence Harris
Assistant Attorney General

Claudia Llado, Clerk
Division of Administrative Hearings

Probation

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 Maria M. Marrero, [REDACTED], Greenacres, Florida 33454 by Certified U.S. Mail and by electronic mail to Bonnie Wilmont, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 this 6th day of November, 2018.



Lisa Forbess, Clerk
Education Practices Commission

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

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

Petitioner,

vs.

CASE NO. 167-2379

MARIA M. MARRERO,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Pam Stewart, as Commissioner of Education, files this Administrative Complaint against MARIA M. MARRERO. 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 1018628, covering the areas of Elementary Education, English for Speakers of Other Languages (ESOL) and World Language - Spanish, which is valid through June 30, 2021.

2. At all times pertinent hereto, the Respondent was employed as a Third Grade Teacher at Melaleuca Elementary School in the Palm Beach County School District.

MATERIAL ALLEGATIONS

3. On or about March 16, 2016, Respondent signed a Test Administration and Security Agreement, whereby she agreed that when administering state wide secured assessments, such as the Florida Standards Assessment (FSA) she would refrain from:

- a) Reading or viewing the passages or test items;
- b) Changing or otherwise interfering with student responses to test items; and
- c) Causing achievement of schools to be inaccurately measured or reported.

4. On or about March 16, 2016, Respondent also signed a Test Administrator Prohibited Activities Agreement, whereby he agreed that when administering state wide secured assessments, such as the FSA, she would not:

- a) Read test items or student responses while monitoring the room;
- b) Assist students in answering test items; or
- c) Give students verbal cues or non-verbal cues.

5. Despite having acknowledged the Test Administration and Security Agreement and the Test Administrator Prohibited Activities Agreement, on or about March 31, 2016, while administering the Third Grade Math FSA, Respondent provided inappropriate assistance to students and interfered with their responses by signaling when they had an incorrect answer. Respondent would signal to students that they had answered a question incorrectly by:

- a) Making noises, tapping on students' desks or telling students an answer was incorrect;
- b) Pointing to or tapping students' desks if they had a wrong answer; or
- c) Erasing answers already marked on students' answer sheets.

6. As a result of Respondent's conduct alleged in paragraph 6 herein, all of the students' assessment scores for the Third Grade Math FSA administered by Respondent were invalidated and Respondent's employment was terminated by the Palm Beach County School District.

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.

RULE VIOLATIONS

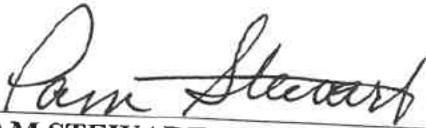
COUNT 3: The allegations of misconduct set forth herein are in violation of Rule 6A-10.081(2)(a)1, Florida Administrative Code, in that Respondent has failed to make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental health and/or physical health and/or safety.

COUNT 4: The allegations of misconduct set forth herein are in violation of Rule 6A-10.081(2)(c)1, Florida Administrative Code, in that Respondent has 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 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 19th day of December, 2017.



PAM STEWART, as
Commissioner of Education
State of Florida