



Before the Education Practices Commission of the State of Florida



PAM STEWART as the
Commissioner of Education,

Petitioner,

vs.

ANDENI RESIAN SMALL,

Respondent.

EPC CASE N^o: 18-0368-RT

Index N^o: 19-018-FOI

PPS N^o: 167-3774

Certificate No.: 1180043

Final Order

This matter appeared before the Education Practices Commission (“Commission”) at a duly-noticed public meeting on December 13, 2018 in Tallahassee, Florida, for a hearing not involving disputed issues of material fact pursuant to Respondent’s Election of Rights requesting a hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Petitioner has filed an Administrative Complaint seeking disciplinary action against the Respondent. A copy of the Administrative Complaint is attached to and made a part of this Final Order. Respondent was present and represented by counsel.

FINDINGS OF FACT

Therefore, 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)(b) and 1012.795(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 one (1) year from the date of this Final Order.
2. Respondent is assessed an administrative fine of \$750.00 to be paid during the probationary period.
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(s) of Classroom Management, which may be taken online, within the first year of probation.

H. Complete in-service coursework in the area of Department of Children and Families Reporting, and provide documentation verifying successful completion to the probation compliance officer with the first year of probation.

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

DONE AND ORDERED, this 8th day of January, 2019.



NICHOLAS PIETKIEWICZ, Presiding Officer

COPIES FURNISHED TO:

Office of Professional Practices
Services

Bureau of Educator Certification

Superintendent
Marion County Schools
P.O. Box 670
Ocala, FL 34478-0670

Director, Employee Relations

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

Marion County Schools
P.O. Box 670
Ocala, FL 34478-0670
Lawrence Harris
Assistant Attorney General

THE APPELLATE DISTRICT WHERE THE
PARTY RESIDES. THE NOTICE OF APPEAL
MUST BE FILED WITHIN THIRTY (30) DAYS
OF RENDITION OF THIS ORDER.

Claudia Llado, Clerk
Division of Administrative Hearings

Probation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Order was mailed to Andeni Resian Small, [REDACTED], Citrus Springs, FL 34434 and Maria Kazouris, Esq., FEA Legal Services, 213 South Adams Street, Tallahassee, FL 32301 by Certified U.S. Mail and by electronic mail to Bonnie Wilmot, Deputy General Counsel, Suite 1232, Turlington Building, 325 West Gaines Street, Tallahassee, Florida 32399-0400 this 8th day of January, 2019.



Lisa Forbess, Clerk
Education Practices Commission

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

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

Petitioner,

vs.

CASE NO. 167-3774

ANDENI SMALL,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Pam Stewart, as Commissioner of Education, files this Administrative Complaint against ANDENI SMALL. 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 1180043, covering the areas of Elementary Education, English for Speakers of Other Languages (ESOL) and Reading, which is valid through June 30, 2021.
2. At all times pertinent hereto, the Respondent was employed as a Third Grade Teacher at Sunrise Elementary School in the Marion County School District.

MATERIAL ALLEGATIONS

3. During the 2016-2017 school year, Respondent engaged in inappropriate conduct when she called for and allowed an adult who was not a parent or legal guardian of [REDACTED], to spank [REDACTED], a nine year old male student, in the presence of other students.
4. Respondent failed to notify the Department of Children and Families (DCF) when these incidents occurred.

The Petitioner charges:

STATUTE VIOLATIONS

COUNT 1: The Respondent is in violation of section 1012.795(1)(b), Florida Statutes, in that Respondent knowingly failed to report actual or suspected child abuse as required in s. 1006.061 or report alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of students as required in s. 1012.796.

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.

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 16th day of March, 2018.



PAM STEWART, as
Commissioner of Education
State of Florida