



Before the Education Practices Commission of the State of Florida



PAM STEWART as the
Commissioner of Education,

Petitioner,

vs.

ALBA SABORIO,

Respondent.

EPC CASE N^o: 18-0390-RT

Index N^o: 19-009-FOI

PPS N^o: 178-0170

Certificate No.: 899580

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 Section 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 is hereby issued a letter of reprimand.
2. Respondent is assessed an administrative fine of \$750.00 to be paid within two (2) years of the date of the Final Order.
3. Be prohibited from administering or proctoring secured assessments for a period of two (2) years from the date of the Final Order.

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

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


CHRISTIE GOLD, Presiding Officer

COPIES FURNISHED TO:

Office of Professional Practices
Services

Bureau of Educator Certification

Superintendent
Orange County Schools
P.O. Box 271
Orlando, FL 32802-0271

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

Director of Personnel
Orange County Schools
P.O. Box 271
Orlando, FL 32802-0271

Lawrence Harris
Assistant Attorney General

Claudia Llado, Clerk
Division of Administrative Hearings

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 Alba Saborio, [REDACTED], [REDACTED], Orlando, FL 32828 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 Wilmont, 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. 178-0170

ALBA SABORIO,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Pam Stewart, as Commissioner of Education, files this Administrative Complaint against ALBA SABORIO. 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 899580, covering the areas of World Language – French and World Language - Spanish, which is valid through June 30, 2023.
2. At all times pertinent hereto, the Respondent was employed as a Spanish Teacher at Timber Creek High School in the Orange County School District.

MATERIAL ALLEGATIONS

3. At all times pertinent hereto, Respondent was subject to the Spring/Summer 2017 Florida Standards Assessment (FSA) Computer-Based Test Administration Manual for the administration of the FSA Algebra End of Course (EOC) exam (assessment). The manual states that "Students who need additional time after 90 minutes may continue working up to half of a typical school day."

4. On or about April 28, 2017, Respondent received an email from the Testing Coordinator that reminded all staff involved in FSA testing that “all students GET UP TO ½ THE SCHOOL DAY TO FINISH.” This email was sent on the morning of the second day of testing on or about April 28, 2017.

5. Despite being subject to the Spring/Summer 2017 FSA Computer-Based Test Administration Manual and receiving the reminder email from the Testing Coordinator on the morning of the second day of testing, on or about April 27-28, 2017, while administering the FSA Algebra EOC exam (assessment), Respondent failed to ensure that students had the full amount of time allotted to complete the test.

6. As a result of Respondent’s failure to properly administer the FSA Algebra EOC exam (assessment) to her students, approximately six students were not given the extra time they were allowed to finish the test.

The Petitioner charges:

STATUTE VIOLATIONS

COUNT 1: 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 2: 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.

(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 16th day of March, 2018.



PAM STEWART, as
Commissioner of Education
State of Florida



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

January 8, 2019

Alba Saborio

████████████████████
Orlando, Florida 32828

Re: Pam Stewart vs. Alba Saborio

EPC No.: 18-0390-RT; DOE No.: 899580

Dear Ms. Saborio:

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 Administrative Complaint which is incorporated herein.

This panel, which includes fellow educators, believes that, as a 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 Orange County School Board for placement in your personnel file.

Sincerely,

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

Christie Gold
Presiding Officer