



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

RICHARD CORCORAN as the  
Commissioner of Education,

Petitioner,

vs.

MICHAEL GUEVARA,

Respondent.



EPC CASE No.: 21-0412-RA  
Index No.: 22-033-AS  
PPS No.: 190-0119  
Certificate No.: 856238

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### Final Order

Respondent, MICHAEL GUEVARA, holds Florida educator's Certificate No.: 856238. Petitioner has filed an Administrative Complaint seeking suspension, revocation, permanent revocation or other disciplinary action against the certificate.

Petitioner and Respondent have entered into a Settlement Agreement for resolution of this cause. The Settlement Agreement and the Administrative Complaint are attached to and made a part of this Final Order.

A Teacher Hearing Panel of the Education Practices Commission met on March 2, 2022 in Orlando, Florida. The Commission accepts the Settlement Agreement as the appropriate resolution of this cause.

It is therefore ORDERED that the Settlement Agreement is hereby ACCEPTED and Respondent shall comply with its terms and conditions.

This Final Order becomes effective upon filing.

DONE AND ORDERED, this 8th day of March, 2022.

  
KATHY WILKS, 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

Diane Guillemette  
Assistant Attorney General

Loretta Sloan, Clerk  
Division of Administrative Hearings

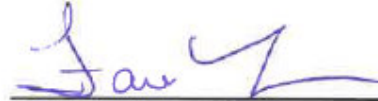
Probation

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

UNLESS WAIVED, 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 sent by U.S. Certified Mail to: **MICHAEL GUEVARA**, [REDACTED], West Melbourne, Florida 32904; and **C/O Steve Rossi, Esq.**, Sole Building, Suite #2, 533 Northeast 3<sup>rd</sup> Avenue, Fort Lauderdale, Florida 33301; and by electronic mail to: **Bonnie Wilmot, Esq.**, [bonnie.wilmot@fldoe.org](mailto:bonnie.wilmot@fldoe.org) this 8<sup>th</sup> day of March, 2022.



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Faith Lenzo, Clerk  
Education Practices Commission

**STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION**

**RICHARD CORCORAN, as  
Commissioner of Education**

**Petitioner,**

**vs.**

**CASE NO. 190-0119**

**MICHAEL GUEVARA,**

**Respondent,**

**SETTLEMENT AGREEMENT**

Petitioner and Respondent hereby stipulate and agree as follows:

1. **Certification.** Respondent holds Florida Educator's Certificate Number 856238 issued by the Department of Education covering the areas of Educational Leadership and School Counseling, which is valid through June 30, 2025.
2. **Employment.** At all times pertinent hereto, Respondent was employed as an Assistant Principal at Palm Bay High School in the Brevard County School District.
3. **Allegations.** Respondent neither admits nor denies, but elects not to contest the allegations set forth in Petitioner's Administrative Complaint, which are incorporated herein by reference.
4. **Letter of Reprimand.** Respondent agrees to accept a letter of reprimand, a copy of which shall be placed in his certification file with the Department of Education and a copy of which shall be placed in his personnel file with the employing school district.
5. **Probation.** Respondent agrees that he shall be placed on probation for a period of two (2) employment years. If Respondent is currently employed in a position requiring a Florida educator's certificate, probation shall begin upon the issuance of the Final Order by the Education Practices Commission (EPC) provided the EPC has accepted this Settlement Agreement. If Respondent is not currently employed in a position requiring a Florida educator's certificate, probation shall begin upon his re-employment in such a position. In the event Respondent's employment is interrupted for any reason prior to the expiration of probation, the probation shall be tolled until Respondent resumes employment in a position requiring a Florida educator's certificate. If applicable, this probationary period shall commence upon completion

of any previous and currently incomplete probationary period imposed by a Final Order issued by the Education Practices Commission. As conditions of probation, Respondent:

a. shall immediately contact the Department of Education upon employment in Florida in a position requiring a Florida educator's certificate or upon termination from such a position. If currently employed in such a position, Respondent shall contact the Department of Education within ten (10) days of the issuance of the Final Order accepting this Settlement Agreement and Respondent shall provide the Department of Education with the name and address of his work site as well as the name, address and telephone number of his immediate supervisor;

b. shall make arrangements for his immediate supervisor to provide the EPC with a true and accurate copy of each written annual performance evaluation or assessment prepared by his supervisor within ten (10) days of its preparation;

c. shall pay to the EPC \$150.00 within the first six (6) months of each probation year to defray the costs of monitoring probation;

d. shall, within the first year of probation, take a 3-credit hour college level course in the area of bullying. The class may be taken in person, or from an accredited on-line source, and Respondent shall submit an official college transcript verifying successful completion of same with a grade of "B" or higher to the Department of Education; **OR**, shall, within the first year of probation, take two (2) micro-credential courses in the area of bullying, offered by the National Education Association. Respondent shall submit documentation verifying successful completion with a passing score of the same to the Department of Education;

e. shall, within the probationary period, take an in-service course in the area of restraints. The class may be taken in person, or from an accredited on-line source, and Respondent shall submit documentation verifying successful completion of same to the Department of Education;

f. shall violate no law and fully comply with all district school board regulations, school rules, and State Board of Education Rule 6A-10.081; and

g. shall satisfactorily perform his duties in a competent, professional manner.

6. **Fine.** Respondent agrees to pay a fine in the amount of \$1,000.00 to the EPC within the probationary period.

7. **Violation.** In the event Respondent fails to comply with each condition set forth herein, he agrees that the Petitioner shall be authorized to file an Administrative Complaint or a

Notice of Violation with the EPC seeking sanctions against his Florida educator's certificate up to and including permanent revocation of his Florida educator's certificate and a permanent bar from re-application for a Florida educator's certificate, based upon the violation of the terms of this Settlement Agreement.

8. **Costs and Fees.** Respondent agrees that any costs associated with the fulfillment of the terms of this Settlement Agreement shall be his sole responsibility. These costs include, but are not limited to, those associated with the Recovery Network Program (RNP) and Probation, if applicable. The probation monitoring fee shall be held in abeyance if Respondent is not employed as an educator pursuant to the terms of the Probation.

9. **Force and Effect.** This Settlement Agreement constitutes an offer of settlement of disputed issues of material fact until accepted and executed by all parties. The Settlement Agreement has no force or effect unless executed by all parties. Upon execution by the parties, this Settlement Agreement is a binding contract and neither party may withdraw prior to consideration of this Settlement Agreement by the EPC. Approval of this Settlement Agreement by the EPC is a condition subsequent. If the executed Settlement Agreement is rejected by the EPC, it becomes void. If the Settlement Agreement is not accepted and executed by all parties, the terms herein shall be inadmissible in any subsequent formal or informal administrative hearing or in any other legal action between the parties.

10. **Notice of "Three Strikes" Provision.** Respondent is hereby put on notice that Section 1012.795(6)(b), Florida Statutes, provides for permanent revocation of an educator's certificate under certain circumstances when the educator's certificate has been sanctioned by the Education Practices Commission on two (2) previous occasions.

11. **Waiver of Rights.** Respondent understands provisions of this Settlement Agreement, their legal effect, and his rights under Florida law to a formal hearing before a duly designated administrative law judge of the Division of Administrative Hearings (DOAH) or an informal hearing before the EPC. Respondent specifically waives his right to both a formal and an informal hearing, except he may appear before the EPC in order to urge the adoption of this Settlement Agreement. Respondent further acknowledges that he is under no duress, coercion or undue influence to execute this Settlement Agreement and that he has had the opportunity to receive the advice of legal counsel prior to signing this Settlement Agreement.

12. **Approval.** The parties intend to be bound by this Agreement. When fully executed, this Settlement Agreement is a binding contract and shall be submitted to the EPC with the joint request by the parties that the EPC accept and adopt the terms of this Settlement Agreement as the basis for its Final Order in this proceeding. The parties understand that the EPC has the discretion to reject this Settlement Agreement and order a full evidentiary hearing on the allegations of the Administrative Complaint if, in the exercise of its discretion, it deems such action to be appropriate.

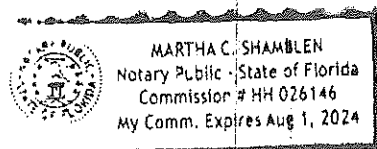
13. **Notice.** Respondent waives all statutory and regulatory provisions concerning notice of hearing and agrees that this Settlement Agreement may be presented to the EPC for consideration at its next available scheduled meeting, provided that Respondent is given reasonable advanced notice of time, place and date of said meeting.

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement on this 17 day of November, 2021.

  
MICHAEL GUEVARA

STATE OF FLORIDA  
COUNTY OF Florida - Brevard.

The foregoing instrument was acknowledged before me this 4 day of November, 2021, by Michael Guevara, who is X personally known or produced Driver License as identification [type of identification produced].

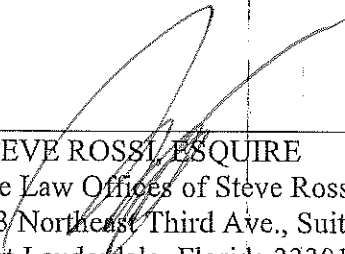


NOTARY PUBLIC

My commission expires: August 2024

/s/ Robert Ehrhardt  
ROBERT EHRHARDT  
Assistant General Counsel  
Suite 1544, Turlington Building  
325 West Gaines Street  
Tallahassee, Florida 32399-0400  
Telephone (850) 245-0443  
Facsimile (850) 245-9425

ATTORNEY FOR PETITIONER

  
STEVE ROSSI, ESQUIRE  
The Law Offices of Steve Rossi, P.A.  
533 Northeast Third Ave., Suite 2  
Fort Lauderdale, Florida 33301  
Telephone (954) 524-0506

ATTORNEY FOR RESPONDENT

**STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION**

**RICHARD CORCORAN, as  
Commissioner of Education,**

**Petitioner,**

**vs.**

**CASE NO. 190-0119**

**MICHAEL GUEVARA,**

**Respondent.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner, Richard Corcoran, as Commissioner of Education, files this Administrative Complaint against MICHAEL GUEVARA. 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 856238, covering the areas of Educational Leadership and School Counseling, which is valid through June 30, 2025.
2. At all times pertinent hereto, the Respondent was employed as an Assistant Principal at Palm Bay High School in the Brevard County School District.

**MATERIAL ALLEGATIONS**

3. Respondent failed to protect the health, safety, and welfare of students by using improper or excessive force to restrain students. This includes but may not be limited to the following:
  - a. On or about August 20, 2018, Respondent detained [REDACTED], a female [REDACTED] grade student, in his office for discipline issues. When [REDACTED] attempted to leave Respondent's office, Respondent caught her directly outside his office and initiated a restraint hold from behind. Respondent then took [REDACTED] to the ground and held her there until help arrived by placing



his body on top of [REDACTED]

- b. During the 2017/2018 school year, Respondent used excessive force to restrain [REDACTED], a male [REDACTED] grade student. Respondent grabbed [REDACTED] and forced him up against a wall. When [REDACTED] continued to struggle, Respondent took [REDACTED] to the ground and restrained him by placing his forearm across [REDACTED]'s throat.
- c. During the 2017/2018 school year, Respondent instructed [REDACTED] a male [REDACTED] grade student, to go to his office for disciplinary reasons because [REDACTED] was arguing loudly in the hall. [REDACTED] fled from Respondent and Respondent chased [REDACTED] down. During the pursuit, Respondent grabbed [REDACTED]'s bag, which broke, and then Respondent tackled [REDACTED] to the ground. He restrained [REDACTED] on the ground using a forearm across [REDACTED]'s throat.

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 1<sup>st</sup> day of September, 2021.



**RICHARD CORCORAN**, as  
Commissioner of Education  
State of Florida



**EDUCATION PRACTICES COMMISSION**  
**STATE OF FLORIDA**

**LISA FORBESS**  
Executive Director  
**FAITH LENZO**  
Clerk of Court

**AADIL AMEERALLY**  
Chairperson  
**KATHY WILKS**  
Co-Chairperson

March 8, 2022

Michael Guevara  
[REDACTED]  
West Melbourne, Florida 32904

Re: Richard Corcoran vs. Michael Guevara  
EPC No.: 21-0412-RA; DOE No.: 856238

Dear Mr. Guevara:

As you know, a hearing panel of the Florida Education Practices Commission reviewed the matter pending against you in its entirety. Based upon the panel's full consideration and upon the panel's acceptance of your Settlement Agreement at a public hearing, you are hereby reprimanded.

The Commission, composed of teachers, administrators, parents, law enforcement officials, former school board members and former superintendents, believes that educators must exercise a measure of leadership beyond reproach. The Commission cannot condone any act that bears negatively on the profession's integrity, nor can the public who employ us.

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,

  
Kathy Wilks  
Presiding Officer