

Before the Education Practices Commission of the State of Florida

TOM GALLAGHER, as
Commissioner of Education,

Petitioner,

vs.

DAWN SCLAFANI,

Respondent.

EPC CASE N° 00-0679 -RT

EPC INDEX N° 00-259 -AS

Final Order

Respondent, DAWN SCLAFANI, holds Florida educator's certificate no. 723566 which is valid through June 30, 2005. Petitioner has filed an Administrative Complaint seeking suspension, revocation, permanent revocation or other disciplinary action against the license.

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 panel of the Education Practices Commission met on September 29, 2000, in Tampa, 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 Order takes effect upon filing.

DONE AND ORDERED, this 6th day of October, 2000.

A handwritten signature in cursive script that reads "Diane Porter".

DIANE PORTER, Presiding Officer

COPIES FURNISHED TO:

Bureau of Educator Standards

Bureau of Teacher Certification

Florida Administrative Law Reports

Dr. Frank L. Till, Jr., Superintendent
Broward County Schools
600 S.E. 3rd Ave.
Ft. Lauderdale, FL 33301-3125

Dr. Joe Melita, Executive Director
Professional Standards
Broward County Schools

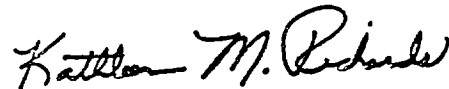
Carl J. Zahner , Attorney at Law

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 in the matter of Gallagher vs. Selafanit, was furnished to Lorene C. Powell, Attorney at Law, FEA/United, P.O.Box 5675, Tampa, FL 33675, this 9 day of October, 2000, by U.S. Mail.



KATHLEEN RICHARDS, Clerk



KATHLEEN M. RICHARDS
Executive Director

**EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA**

RIVERS BUFORD, JR.
Counsel

October 4, 2000

Re: Tom Gallagher vs. Dawn Scalfini
EPC #: 00-0679-RT; Social Security No.: [REDACTED]

Dear Ms. Scalfini:

As you know, the teacher panel of the Education Practices Commission reviewed the matter pending against you on September 29, 2000. Based upon the panel's consideration of this matter and upon the panel's acceptance of your Settlement Agreement, you are hereby reprimanded.

This panel, composed of your peers, 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 that practices our profession. The profession cannot condone your actions, nor by the public who employ us.

The Education Practices Commission sincerely hopes it is your intention to never allow this situation to occur again or indeed, 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 being taken against you.

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

Sincerely,

A handwritten signature in cursive script that reads "Diane Porter".

Diane Porter
Presiding Officer

DP/jlk

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION

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COMMISSION

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TOM GALLAGHER, as Commissioner
of Education,

Petitioner,

vs.

CASE NO. 990-0614-M

DAWN SCLAFANI,

Respondent.

SETTLEMENT AGREEMENT

COME NOW the Petitioner and the Respondent, who hereby stipulate and agree as follows:

1. The Respondent holds Florida teaching certificate 723566 issued by the Florida Department of Education covering the area of drama, which is valid through June 30, 2005.
2. At all times pertinent hereto, the Respondent was employed as a drama teacher at Coconut Creek High School, in the Broward County School District.
3. The Respondent neither admits nor denies, but elects not to contest the allegations set forth in the Petitioner's Administrative Complaint, which are incorporated herein by reference.
4. The Respondent agrees to accept a letter of reprimand, a copy of which shall be placed in her certification file with the Department of Education, and a copy of which shall be placed in her personnel file with the employing school district.

5. The Respondent agrees that she shall be placed on probation for a period of 1 year, commencing upon the issuance of the Final Order by the Education Practices Commission [EPC] accepting this settlement agreement if the Respondent is currently employed in Florida, in a position requiring a Florida educator's certificate. If the Respondent is not currently employed in Florida, in a position requiring a Florida educator's certificate, the probationary period shall commence upon her employment in Florida, in a position requiring a Florida educator's certificate. In the event that the Respondent's employment in the teaching profession is interrupted for any reason prior to the expiration of the probationary period, the probationary period shall be tolled until such time as the Respondent resumes employment in Florida, in a position requiring a Florida educator's certificate. As conditions of probation, the Respondent shall:

(a) immediately contact the EPC upon any reemployment in Florida, in a position requiring a Florida educator's certificate [or if employed as an educator in Florida, in a position requiring a Florida educator's certificate, shall contact the EPC within 10 days of the issuance of the Final Order accepting this Settlement Agreement], indicating the name and address of the school, as well as the name, address and telephone number of her immediate supervisor;

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

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

(d) within the first year take and submit to the EPC, written verification of successful completion, from the employing school district, of inservice training in the area of the school district's policy on "Safe Schools";

(e) violate no law and shall fully comply with all district school board regulations, school rules and State Board of Education Rule 6B-1.006; and,

(f) satisfactorily perform her assigned duties in a competent, professional manner.

6. In the event the Respondent fails to comply with each condition of probation set forth herein, the Respondent agrees that the Petitioner shall be authorized to file an Administrative Complaint for sanctions up to and including the revocation of her teaching certificate based upon the violation of the terms of this agreement.

7. The parties acknowledge and the Respondent agrees that any costs associated with the fulfillment of the terms of this agreement and the terms of the Respondent's probation, including the statutory \$150.00 per year EPC monitoring fee, shall be the sole responsibility of the Respondent. It is provided that the probation monitoring fee shall be held in abeyance if the Respondent is not employed in Florida, in a position requiring a Florida educator's certificate, pursuant to the terms of probation above.

8. This agreement shall be void and shall have no force or effect unless signed by all parties and accepted by the EPC.

9. This agreement constitutes an offer of settlement of disputed issues of material fact until accepted and executed by all parties. If this agreement is not accepted and executed by all parties, the terms hereof shall be inadmissible in any subsequent formal or informal administrative hearing or in any other legal action between the parties.

10. The Respondent understands the provisions of this agreement, their legal effect and her rights under Florida law to a formal hearing before a hearing officer at the Division of Administrative Hearings or an informal hearing before the EPC. The Respondent specifically waives her right to both a formal and informal hearing, except she may appear before the EPC in order to urge the adoption of this agreement. The Respondent further acknowledges that she is under no duress, coercion or undue influence in signing this agreement, and that she has had the opportunity to receive the advice of legal counsel prior to signing this agreement.

11. The agreement shall be submitted to the EPC with the joint request by the parties that the EPC accept and adopt the terms of this agreement as the basis for its Final Order in this proceeding. The parties understand that the EPC has the discretion to reject this 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.

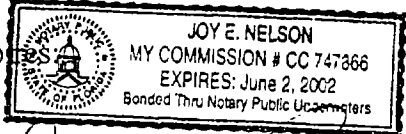
12. The Respondent waives all statutory and regulatory provisions concerning notice of hearing and agrees that this agreement may be presented to the EPC for consideration at its next regularly scheduled meeting, provided that the Respondent is given reasonable advance notice of the time, place and date of said meeting.

IN WITNESS WHEREOF, the parties have executed this agreement on this 25
day of July, 2000.

Dawn Sclafani
DAWN SCLAFANI
RESPONDENT
Dawn Sclafani

STATE OF FLORIDA
COUNTY OF Brevard

The foregoing instrument was acknowledged before me this 25 day of July, 2000, by DAWN SCLAFANI, who is _____ personally known or produced FEAL _____ as identification [type of identification produced].

J. E. Nelson
NOTARY PUBLIC
My commission expires _____


Carl J. Zahner, II
CARL J. ZAHNER, II
Department of Education
Suite 1701, The Capitol
Tallahassee, Florida 32399-0400
(850) 922-7095
ATTORNEY FOR PETITIONER

Lorene Powell
LORENE POWELL
FEA
P.O. Box 5675
Tampa, Florida 33675
(888) 224-7818
ATTORNEY FOR RESPONDENT

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

**TOM GALLAGHER, as
Commissioner of Education,**

Petitioner,

vs.

CASE NO. 990-0614-M

DAWN M. SCLAFANI,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, TOM GALLAGHER, as Commissioner of Education, files this Administrative Complaint against Dawn M. Sclafani. The Petitioner seeks the appropriate disciplinary sanction of the Respondent's educator's certificate pursuant to Sections 231.262 and 231.28, Florida Statutes, and pursuant to Rule 6B-1.006, Florida Administrative Code, Principles of Professional Conduct for the Education Profession in Florida, said sanctions specifically set forth in Sections 231.262(6) and 231.28(1), Florida Statutes.

The Petitioner alleges:

JURISDICTION

1. The Respondent holds Florida Educator's Certificate 723566, covering the area of Drama, which is valid through June 30, 2000.
2. At all times pertinent hereto, the Respondent was employed as a Drama teacher at Coconut Creek High School, in the Broward County School District.

MATERIAL ALLEGATIONS

3. On or about June 7, 1999, Respondent inappropriately allowed a student to bring weapons to school as props for a student written skit in Drama class. The weapons were a pellet gun, a paint ball gun and several toy guns. By making this arrangement Respondent violated school policy and endangered the students in the school.

STATUTORY VIOLATIONS

COUNT 1: The allegations of misconduct set forth herein are in violation of Section 231.28(1)(f), Florida Statutes, in that Respondent, upon investigation, has been found guilty of personal conduct which seriously reduces [his/her] effectiveness as an employee of the school board.

COUNT 2: The allegations of misconduct set forth herein are in violation of Section 231.28(1)(i), Florida Statutes, in that Respondent has violated the Principles of Professional Conduct for the Education Profession in Florida prescribed by State Board of Education.

RULE VIOLATIONS


COUNT 3: The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(a), 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 safety.

COUNT 4: The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(e), Florida Administrative Code, in that Respondent has intentionally exposed a student to unnecessary embarrassment or disparagement.

COUNT 5: The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(4)(a), Florida Administrative Code, in that Respondent has failed to take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.

WHEREFORE, the Petitioner recommends that the Education Practices Commission impose an appropriate penalty pursuant to the authority provided in Sections 231.262(6) and 231.28(1), Florida Statutes, which penalty may include a reprimand, probation, restriction of the authorized scope of practice, administrative fine, suspension of the teaching certificate not to exceed three years, permanent revocation of the teaching certificate, or combination thereof, for the reasons set forth herein, and in accordance with the Explanation and Election of Rights forms which are attached hereto and made a part hereof by reference.

EXECUTED on this 6th day of June, 2000.



TOM GALLAGHER, as
Commissioner of Education,
State of Florida