



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

Final Order

TOM GALLAGHER, as
Commissioner of Education,

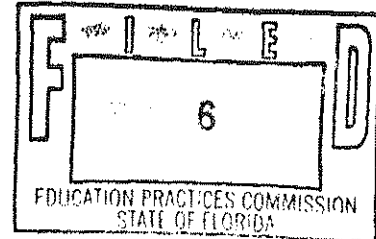
Petitioner,

vs.

JEAN D. BERROUET,

Respondent.

EPC CASE NO. 99-092-RT
EPC INDEX NO. 99-088-S



Respondent, JEAN D. BERROUET, holds Florida educator's certificate no. 677708. 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 April 23, 1999, 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.

Final Order
Jean D. Berrouet
Page Two

This Order may be appealed by filing notices of appeal and a filing fee, as set out in Section 120-68(2), F.S., and Florida Rule of Appellate Procedure 9.110(b) and (c), within thirty days of the date of filing.

DONE AND ORDERED, this 28th day of April, 1999.

COPIES FURNISHED TO:

Jerry Whitmore, Program Director
Professional Practices Services

Florida Admin. Law Reports

Bureau of Teacher Certification

Dr. James Monroe, Exec. Dir.
Professional Standards
Dade County Schools
1500 Biscayne Blvd., Suite 114
Miami, FL 33132

Dr. Joyce Annunziata, Sr Exec Dir
Office of Professional
Standards
Dade County Schools

Carl Zahner
Attorney at Law
1701 The Capitol
Tallahassee, FL 32399

Jean D. Berrouet, Reg. and Cert.
Larry T. Richardson, Dir.
Recovery Network Program
P.O. Box 37206
Jacksonville, FL 32236-7206
1-888-258-5418

Margaret Wolfe
Margaret Wolfe, Presiding Officer

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of Gallagher vs. Jean D. Berrouet, was mailed to Jean D. Berrouet, 240 E. Dr., North Miami Beach, FL 33162, this 6th day of May 1999, by U.S. Mail.

Kathleen M. Richards
KATHLEEN M. RICHARDS, Clerk

STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION FEB 25 PM 5: 22

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

Petitioner,

vs.

CASE NO. 989-0026-M

JEAN BERROUET,

Respondent.

SETTLEMENT AGREEMENT

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

1. The Respondent holds Florida teaching certificate 677708 issued by the Florida Department of Education covering the area of French, which is valid through June 30, 1999.
2. At all times pertinent hereto, the Respondent was employed as a French teacher at Lakeview Elementary School, in the Dade 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 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. The Respondent agrees, within sixty days of issuance of the Final Order accepting this settlement agreement or within sixty days of employment as an educator in Florida, whichever occurs later, to undergo such evaluation relating to issues cited in the Administrative Complaint, as determined by the Recovery Network Program to be appropriate, to submit to said evaluation by a

qualified provider approved by the Recovery Network Program, and undergo any counseling or treatment as may be prescribed by said professional. The Respondent shall provide the EPC with written verification of successful completion of the evaluation and any recommended treatment. All costs to be borne by Respondent.

6. The Respondent agrees that he shall be placed on probation for a period of 2 years, commencing upon the issuance of the Final Order by the Education Practices Commission [EPC] accepting this settlement agreement if the Respondent is currently employed as an educator in Florida. If the Respondent is not currently employed as an educator in Florida, the probationary period shall commence upon his reemployment as an educator in Florida. 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 as an educator in Florida. As conditions of probation, the Respondent shall:

(a) immediately contact the EPC upon any reemployment in the teaching profession within Florida [or if employed as an educator in Florida, 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 his immediate supervisor;

(b) 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 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, successfully complete a three credit hour college level course in the area of Classroom Management;

(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 his assigned duties in a competent, professional manner.

7. 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 his teaching certificate based upon the violation of the terms of this agreement.

8. 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 as an educator pursuant to the terms of probation above.

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

10. 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.

11. The Respondent understands the provisions of this agreement, their legal effect and his 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 his right to both a formal and informal hearing, except he may appear before the EPC in order to urge the adoption of this agreement. The Respondent further acknowledges that he is under no duress, coercion or undue influence in signing this agreement, and that he has had the opportunity to receive the advice of legal counsel prior to signing this agreement.

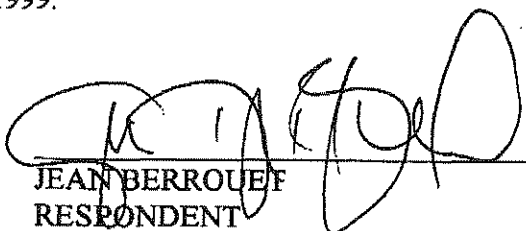
12. The agreement shall be submitted to the EPC with the joint request by the parties that the EPC accept and adopt the terms of this agreement as the basis for its Final Order in this proceeding. The parties understand that the EPC has the discretion to reject this agreement and order a full evidentiary hearing on the allegations of the Administrative Complaint if, in the exercise of its discretion, it deems such action to be appropriate.

0005

13. 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

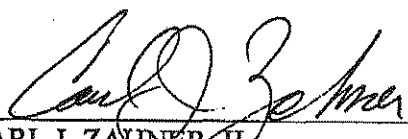
22nd day of February, 1999.

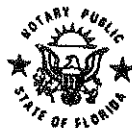

JEAN BERROUET
RESPONDENT

STATE OF FLORIDA
COUNTY OF Miami Dade

The foregoing instrument was acknowledged before me this 22nd day of February, 1999, by Jean Denizard Berrouet who is _____ personally known or produced _____ FL driver's license as identification [type of identification produced].

Louise C. Hardenburg
NOTARY PUBLIC
My commission expires:


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



LOUISE C HARDENBURG
My Commission CC47116
Expires Jun. 12, 1999
Bonded by HAI
800-422-1555

0006

**STATE OF FLORIDA
EDUCATION PRACTICES COMMISSION**

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

Petitioner,

vs.

CASE NO. 989-0026-M

JEAN D. BERROUET,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, TOM GALLAGHER, as Commissioner of Education, files this Administrative Complaint against Jean D. Berrouet. 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 677708, covering the area of French, which is valid through June 30, 1999.
2. At all times pertinent hereto, the Respondent was employed as a French teacher at Lakeview Elementary School, in the Dade County School District.

MATERIAL ALLEGATIONS

3. On or about February 25, 1998, Respondent used inappropriate discipline techniques in his class when he struck a student with a pointer. During the school year 1997-1998, Respondent used the same inappropriate techniques with other students.

0007

STATUTORY VIOLATIONS

COUNT 1: 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.

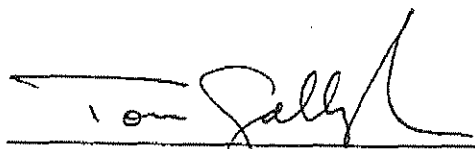
RULE VIOLATIONS

COUNT 2: 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 3: 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.

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 19th day of January, 1999.



TOM GALLAGHER, as
Commissioner of Education,
State of Florida

0008



KATHLEEN M. RICHARDS
Executive Director

EDUCATION PRACTICES COMMISSION
STATE OF FLORIDA

RIVERS BUFORD, JR.
Counsel

COMMISSION MEMBERS

TONI BRUMMOND
Chair

MARGARET A. WOLFE
Vice Chair

CHARLES S. CHESTNUT, III
JAMES DAVIS
JAYNE PALMER
AMY SLJAN
MARY KENNEY
CLARISSA CODDINGTON
HONOR BELL SR.
RONALD S. WRIGHT
DIANE PORTER
PHOEBE RAULERSON
GRACE WILLIAMS
ROY BROOKS
RENIER DIAZ DE LA PORTILLA

April 23, 1999

Jean D. Berrouet
240 East Drive
North Miami Beach, Florida 33162

RE: Tom Gallagher vs. Jean D. Berrouet
EPC File No.: 99-092-RT, Social Security # [REDACTED]

Dear Mr. Berrouet:

The teacher panel of the Education Practices Commission, as you know, reviewed the matter pending against you on April 23, 1999. 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 who practice our profession. Your actions cannot be condoned by the profession 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 responsibility 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 sent to the Dade County School Board for placement in your personnel file.

Sincerely,

Margaret (Peggy) Wolfe,
Presiding Officer

MW/le