

STATE BOARD OF EDUCATION

Consent Item

May 16, 2018

SUBJECT: Approval of Appointment to the Education Practices Commission (EPC)

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1012.79, F.S.

EXECUTIVE SUMMARY

Section 1012.79, F.S., requires that the Education Practices Commission be comprised of 25 members appointed by the State Board of Education from nominations by the Commissioner of Education and subject to Senate confirmation. Of the 25 members, 10 must be teachers, 5 administrators (at least one of whom shall represent a private school), 6 lay citizens (4 of whom shall be parents of public school students and who are unrelated to public school employees and 2 of whom shall be former district school board members), and 4 sworn law enforcement officials.

Nomination for appointment: Emery Gainey, Law Enforcement Member, effective June 11, 2018.

Supporting Documentation Included: Resume for Emery Gainey; List of Current Education Practices Commission Members; and Section 1012.79, Florida Statutes

Facilitator/Presenter: Dr. Paul O. Burns, Deputy Chancellor for Educator Quality

Emery Gainey

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Professional Summary

During the past 35 years, I have successfully obtained and adapted to progressively highly skilled management positions within public service agencies. Each senior management position has required me to be open-minded, yet analytically driven with a unique ability to work with others from various professions and internal units to complete mission specific tasks in a timely manner.

I have extensive successful experience working with chief executive managers, agency heads, legislators, local commissioners and State Cabinet Officials on multiple projects. I am detail-oriented with exceptional organization and communication skills with a drive to exceed expectations on every assignment.

I am skillful in timely and appropriate decision-making, a good communicator and dedicated to protecting agency resources and personnel while ensuring that the task before me is completed in the most efficient manner possible without sacrificing quality and quantity.

Governor Appointments

Florida Constitution Revision Commission, March 2017 - Current

The Constitution Revision Commission (CRC) convenes once every 20 years to examine the Florida Constitution and propose changes for voter consideration. Created by Article XI, Section 2 of the Florida Constitution, the CRC is composed of 37 Commissioners.

Judicial Nominating Commission, 8th Judicial Circuit, October 2008 – January 2016.

Judicial merit selection is a way of choosing judges through appointment, using a nonpartisan nine-member commission of lawyers and non-lawyers to locate, recruit, investigate, and evaluate applicants for judicial office. These Judicial Nominating Commissions (JNCs) then submit three to six names of the most highly qualified applicants to the Governor, who makes a final selection from the list.

Employment history

Florida Office of the Attorney General, Director of Law Enforcement & Victim Services, Tallahassee, Florida

Jun. 2007 – Present

- Member of the Attorney General's Senior Executive Leadership Staff.
- Develop, maintain and enhance relationships with local, state and federal law enforcement executive leaders.
- Serve as the primary law enforcement liaison between the Attorney General and Florida's sheriffs, police chiefs and federal law enforcement agency heads.
- Investigate and recommend policy development on state and national law enforcement victim services programs, criminal justice programs and crime prevention programs.

- Research, analyze and brief the Attorney General and executive management on issues within the law enforcement and intelligence communities.
- Serve as Head of Security for all 12 Attorney General Statewide Offices and supervises the OAG Office of Security Operations.
- Serve as the Attorney General's Emergency Coordination Officer at the State Emergency Operations Center.
- Manage and supervise the Bureau of Advocacy and Grants Management. (This Bureau manages more than \$350 Million dollars in federal and state grants).
- Manage and supervise the Bureau of Victim Compensation.
- Manage and supervise the Bureau of Criminal Justice Programs.
- Overall direct management, supervision, selection and discipline of 135 employees with a personnel services budget more than \$5 Million dollar.
- Represent the OAG as a member of the Florida Domestic Security Oversight Committee.
- Plan and administer all the necessary budgets to accomplish the tasks listed above.

Sheriff, Marion County Sheriff's Office. Ocala, Florida
May. 2016 – Jan. 2017

- Served as Sheriff of Marion County after appointment by the Governor. This constitutional position required the sheriff to manage, lead and develop policy for an organization of law enforcement, correctional, and civilian personal consisting of 753 FTE positions, a jail with an average daily inmate count of more than 1000 inmates and a budget of more than \$71 million dollars.
- Developed and implemented agency goals and objectives. Set policy and priorities for all aspects of the law enforcement agency, to include Informational Technology services, law enforcement operations, jail operations, financial management, budget preparation and presentation before the county commission, etc.
- Worked closely with and collaborated with county commissioners, constitutional officers, community leaders, state attorney, and local, state and federal law enforcement leaders to successfully provide professional law enforcement services to all citizens and visitors in Marion County.

Alachua County Sheriff's Office, Gainesville, Florida
Sep. 1982 – May. 2007

Position: Division Commander, Planning and Accreditation Division
Rank Title: Captain/Division Commander
From: Nov 2006-May 2007

- Supervised, managed and oversaw the agency's Long and Short-Term Planning initiatives.
- Supervised and managed the Law Enforcement, Jail, Jail Medical and Communication Accreditation processes.
- Supervised and managed the Grants and Legislative services unit.
- Supervised and managed the agency's Policy and Procedures unit.

Position: Chief of Staff
Rank/Title: Colonel/Chief of Staff & Chief Financial Officer
From: April 2005-Nov 2006

- Chief of Staff (Second in command of agency). Direct command and control of all law enforcement, correctional, dispatch/communications, fleet, property/evidence and planning operations.

- Served in the capacity of Sheriff with complete decision-making authority whenever the sheriff was out of town or otherwise unavailable.
- Continued to serve as the agency's Homeland Security Commander until November 2006 with all duties and responsibilities for the Alachua County Sheriff's Office. Were one of 3 designees (other designees were from the Jacksonville and Marion County Sheriff's Offices) who managed and served as the senior leadership for the State of Florida FDLE Region 3 Domestic Security Taskforce.
- Managed and oversaw a staff of over 800 Sworn and Civilian personnel.
- Served as the Chief Financial Officer for a \$60 million-dollar budget.
- Oversight for millions of dollars in Federal and State Grants.
- Direct supervision of the following components:
 - Department of Law Enforcement Operations
 - Department of the Jail
 - Division of Administrative Services
 - Division of Technical Services

Position: Uniform Patrol Division Commander
Also appointed as the Homeland Security Commander in September 2001
Rank/Title: Captain/Division Commander
From: May 2001-April 2005

Position: Administrative Lieutenant, Uniform Patrol Division
Rank/Title: Patrol Administrative Lieutenant
From: Oct. 2000-May 2001

Position: Human Resources Bureau Chief
Rank/Title: Lieutenant/Bureau Chief
From: Apr. 1998-Oct. 2000

Position: Uniform Patrol Shift Commander
Rank/Title: Lieutenant/Shift Commander
From: Jan. 1995-Apr. 1998

Position: Public Information Bureau Chief
Rank/Title: Lieutenant/Public Information Deputy
From: Jan. 1993-Jan. 1995

Position: School Resource Deputy
Rank/Title: Deputy Sheriff/School Resource Deputy
From: Jan. 1987-Apr. 1989

Position: Uniform Patrol Deputy
Rank/Title: Deputy Sheriff/Uniform Patrol Deputy
From: Sept. 1982-Jan. 1987

Education

University of Florida, Gainesville, Florida
Bachelor of Arts, Criminal Justice, May. 1990

Federal Bureau of Investigations
United States Department of Justice
FBI National Academy, Quantico, VA
Certificate of Completion, 188th Session
FBI National Academy Associates, March 1997

Special Projects:

- Project Administrator for the Sheriff's Records Management System, March 2001 until implementation in August 2001.
- Project Administrator for the Attorney General's Electronic Grants Reporting System, Sept. 2016 to Current
- Project Administrator for a new computerized Performance Appraisal System. The task was completed in 1998.
- Statewide Governor's Task Force for Youth Violence in the State of Florida. 1991-1992.
- Florida Sheriffs' Statewide Emergency Response Task Force
- Florida Sheriffs' Administrative Management Advisory Committee
- Research and implementation of electronic Field Training Deputy software.

Present and Past memberships in Professional and Community Organizations: ***Denotes Current Membership*

- Florida Sheriff's Association**
- Florida Police Chiefs Association**
- Special Olympics Florida, Board of Directors**
- Federal Bureau of Investigations National Academy-National and State of Florida Chapters**
- Florida Missing Endangered Persons Information Clearinghouse Advisory Board**
- Statewide Domestic Violence Fatality Review Team**
- Statewide Domestic Security Oversight Committee**
- American Cancer Society (ACS)
- Alachua County Medical Society
- Board of Directors for the Girls Club of Alachua County
- Board of Directors for the North Central Florida Chapter of the YMCA
- Shands at Vista Community Advisory Board
- Board of Directors for the United Way of Alachua County
- Rotary Club of Gainesville
- Member of the Florida Public Personnel Association
- Member of the Florida Public Information Officers Association

Additional Education and Training:

- In excess of 2000 hours of specialized training in the Law Enforcement and management fields to include specialties and certifications in the following subjects:
 - Crime Prevention Through Environmental Design (CPTED)
 - School Resource Officer Supervisor Certification
 - Crime Prevention Specialist Certification
 - Dignitary Protection Schools
 - Hostage Negotiations Certification
 - Homeland Security
 - Personnel Management
 - Multiple Federal Emergency Management Agency Courses (FEMA)

The above list is not inclusive of all the specialized training courses I've attended.

EPC Commission Member List as of April 19, 2018

Name: Aadil Ameerally – Broward Term (1stTerm): July 2017- July 2021 Category: Lay Citizen - Parent	Name: Jared Barr – Hillsborough Term (1stTerm): January 2017 - January 2021 Category: Lay Citizen – Parent *Pending Senate confirmation*
Name: Christie Bassett – Polk Term (1stTerm): October 2016 - September 2020 Category: Teacher *Resigning in August 2018*	Name: Cristina Basso – Miami-Dade Term (2ndTerm): October 2015-September 2019 Category: Teacher
Name: Ana Armbrister Bland – Palm Beach Term (1st Term): October 2014 – September 2018 Category: Teacher	Name: Ann Copenhaver – Escambia Term (2 nd Term): October 2017- September 2021 Category: Teacher *Pending Senate confirmation*
Name: E. Jane Gallucci – Pinellas Term (1stTerm): October 2015 – September 2019 Category: Former School Board Member *Pending Senate confirmation*	Name: Christie Gold - Hillsborough Term (2 nd Term): October 2015- September 2019 Category: Teacher
Name: Douglas V. Hardie – St. Lucie Term (1 st Term): August 2016 – August 2020 Category: Law Enforcement	Name: Tiffany M. Hollis-Cole – Palm Beach Term (1st Term): October 2016 - September 2020 Category: Teacher
Name: Martha Jaureguizar – Miami-Dade Term (1st Term): October 2017- September 2021 Category: Administrator *Pending Senate confirmation*	Name: Jeffrey L. Johnson, Sr.- St. Lucie Term (1st Term): October 2016- September 2020 Category: Teacher
Name: James Garry Lowe - Manatee Term (1st Term): August 2016 - August 2020 Category: Law Enforcement	Name: Katrina McCray - Duval Term (2nd Term): October 2014 – September 2018 Category: Administrator
Name: Ric Mellin – Pasco Term (1st Term): October 2015 – September 2019 Category: Administrator	Name: Nicholas Pietkiewicz – Lee Term (2nd Term): September 2016-September 2020 Category: Teacher
Name: Jillian Rose – Duval Term (2nd Term): October 2016 - September 2020 Category: Teacher	Name: Kevin Rowe – Marion Term (1st Term): Nov. 28, 2017- Nov. 27, 2021 Category: Law Enforcement
Name: Michelle Swint – Volusia Term (2nd Term): October 2017- September 2021 Category: Teacher *Pending Senate confirmation*	Name: Elizabeth Trop-Roberts - Broward Term (2nd Term): August 2016– July 2020 Category: Lay Citizen – Parent
Name: K. Lynn Wade - Hillsborough Term (1st Term): September 2014 – October 2018 Category: Private School Administrator	Name: Kathy Wilks - Sarasota Term (1st Term): October 2017 - September 2021 Category: Administrator *Pending Senate confirmation*
Name: Celita Wilson – Duval Term (1st Term): February 2016-February 2020 Category: Lay Citizen-Parent	INTENTIONALLY BLANK

ADMINISTRATORS (5/5)

Martha Jaureguizar
Katrina McCray
Ric Mellin
K. Lynn Wade (private school)
Kathy Wilks

LAW ENFORCEMENT (3/4)

James Garry Lowe
Douglas Hardie
Kevin Rowe
Vacant

TEACHERS (10/10)

Christie Bassett
Cristina Basso
Ana Armbrister Bland
Ann Copenhaver
Christie Gold
Tiffany M. Hollis-Cole
Jeffrey L. Johnson
Nicholas Pietkiewicz
Jillian Rose
Michelle Swint

FORMER SCHOOL BOARD MEMBERS (1/2)

E. Jane Gallucci
Vacant

PARENTS (4/4)

Aadil Ameerally
Jared Barr
Elizabeth Trop-Roberts
Celita Wilson

1012.79 Education Practices Commission; organization.—

(1) The Education Practices Commission is composed of the following 25 members: 10 teachers; 5 administrators, at least 1 of whom represents a private or virtual school; 4 lay citizens who are parents of public school students and who are unrelated to public school employees; 2 former charter school governing board or district school board members or former superintendents, assistant superintendents, or deputy superintendents; and 4 sworn law enforcement officials, appointed by the State Board of Education from nominations by the Commissioner of Education and subject to Senate confirmation. Before making nominations, the commissioner shall consult with teaching associations, parent organizations, law enforcement agencies, and other involved associations in the state. In making nominations, the commissioner shall attempt to achieve equal geographical representation, as closely as possible.

(a) A teacher member, in order to be qualified for appointment:

1. Must be certified to teach in the state.
2. Must have practiced the profession in this state for at least 5 years immediately preceding the appointment.

(b) A school administrator member, in order to be qualified for appointment:

1. Must have an endorsement on the educator certificate in the area of school administration or supervision.
2. Must have practiced the profession as an administrator for at least 5 years immediately preceding the appointment.

(c) The law enforcement official members must have served in the profession for at least 5 years immediately preceding appointment and have background expertise in child safety.

(d) The Commissioner of Education, upon request or recommendation from the commission, may also appoint up to 5 emeritus members from the commission's prior membership to serve 1-year terms. Notwithstanding any prior service on the commission, an emeritus member may serve up to five 1-year terms. An emeritus member serves as a voting member at a discipline hearing and as a consulting but nonvoting member during a business meeting.

(e) All members must be residents of the state.

(2) Members of the commission shall serve for 4-year staggered terms. No commission member may serve more than 8 years.

(3) The State Board of Education may remove any member from the commission for misconduct or malfeasance in office, incapacity, or neglect of duty.

(4) From among its members, the commission shall elect a chair who shall preside over meetings of the commission and perform other duties directed by the commission or required by its duly adopted rules or operating procedures. School districts shall be reimbursed for substitute teachers required to replace commission members, when they are carrying out their official duties, at a rate established by the school district for substitute teachers. The department may reimburse local school districts for substitutes.

(5) The commission, by a vote of three-fourths of the membership, shall employ an executive director, who shall be exempt from career service. The executive director may be dismissed by a majority vote of the membership.

(6)(a) The commission shall be assigned to the Department of Education for administrative purposes. The commission, in the performance of its powers and duties, shall not be subject to control, supervision, or direction by the Department of Education.

(b) The property, personnel, and appropriations related to the specified authority, powers, duties, and responsibilities of the commission shall be provided to the commission by the Department of Education.

(7) The duties and responsibilities of the commission are to:

(a) Interpret and apply the standards of professional practice established by the State Board of Education.

(b) Revoke or suspend a certificate or take other appropriate action as provided in ss. 1012.795 and 1012.796.

(c) Report to and meet with the State Board of Education at least once each year.

(d) Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring duties upon it.

(8)(a) The commission shall, from time to time, designate members of the commission to serve on panels for the purpose of reviewing and issuing final orders upon cases presented to the commission. A case concerning a complaint against a teacher shall be reviewed and a final order entered by a panel composed of five commission members, at least one of whom must be a parent or a sworn law enforcement officer and at least three of whom must be teachers. A case concerning a complaint against an administrator shall be reviewed and a final order entered by a panel composed of five commission members, at least one of whom must be a parent or a sworn law enforcement officer and at least three of whom must be administrators.

(b) A majority of a quorum of a panel of the commission shall have final agency authority in all cases involving the revocation, suspension, or other disciplining of certificates of teachers and school administrators. A majority of the membership of the panel shall constitute a quorum. The district school board shall retain the authority to discipline teachers and administrators pursuant to law.

(9) The commission shall make such expenditures as may be necessary in exercising its authority and powers and carrying out its duties and responsibilities, including expenditures for personal services, general counsel or access to counsel, and rent at the seat of government and elsewhere; for books of reference, periodicals, furniture, equipment, and supplies; and for printing and binding. The expenditures of the commission shall be subject to the powers and duties of the Department of Financial Services as provided in s. 17.03.

(10) The commission shall be financed from the following: certification fees; fines, penalties, and costs collected pursuant to s. 1012.796(9); and general revenue. History. —s. 756, ch. 2002-387; s. 1976, ch. 2003-261; s. 72, ch. 2004-41; s. 20, ch. 2004- 295; s. 31, ch. 2008-108; s. 8, ch. 2016-58.

