

**STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION**

**JEANINE BLOMBERG, as  
Commissioner of Education,**

**Petitioner,**

vs.

**CASE NO. 067-2005-H**

**MARK ALAN KRIEGER,**

**Respondent.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner, Jeanine Blomberg, as Commissioner of Education, files this Administrative Complaint against MARK ALAN KRIEGER. The Petitioner seeks the appropriate disciplinary sanction of the Respondent's educator's certificate pursuant to Sections 1012.795 and 1012.796, 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 1012.795(1) and 1012.796(7), Florida Statutes.

The Petitioner alleges:

**JURISDICTION**

1. The Respondent holds Florida Educator's Certificate 588209, covering the areas of Health Education and Physical Education, which is valid through June 30, 2010.
2. At all times pertinent hereto, the Respondent was employed as a Health Teacher at Oak Grove Middle School in the Pinellas County School District.

**MATERIAL ALLEGATION**

3. On or about September 21, 2006, the Respondent engaged in inappropriate and unprofessional conduct with an African American student. As the Pledge of Allegiance was announced the student failed to stand. The Respondent became angry and told the student that he was in a free country and he should respect it. The Respondent stated that if he could not respect it, he should go back to Africa, or words of similar import.
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The Petitioner charges:

**STATUTE VIOLATIONS**

**COUNT 1:** The Respondent is in violation of Section 1012.795(1)(c), Florida Statutes, in that Respondent has been guilty of gross immorality or an act involving moral turpitude.

**COUNT 2:** The Respondent is in violation of Section 1012.795(1)(i), 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 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 health and/or safety.

**COUNT 4:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(c), 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(3)(f), Florida Administrative Code, in that Respondent has intentionally violated or denied a student's legal rights.

**COUNT 6:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(g), Florida Administrative Code, in that Respondent has harassed or discriminated against a student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.


**(SIGNATURE ON FOLLOWING PAGE)**

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**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; 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 5 day of September, 2007.

  
**JEANINE BLOMBERG**, as  
Commissioner of Education  
State of Florida