

BEFORE THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ROBERT W. RUNCIE,
Superintendent,

Petitioner,

vs.

NICOLE POLLINO,
Employee,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, through its Superintendent, ROBERT W. RUNCIE, and files this Administrative Complaint and states the following:

JURISDICTIONAL BASIS

1. The Agency is The School Board of Broward County, Florida located at 600 Southeast Third Avenue, Fort Lauderdale, Broward County, Florida 33301.

2. The Petitioner is Robert W. Runcie, who is the Superintendent of Schools of Broward County, Florida. His address is 600 Southeast Third Avenue, Fort Lauderdale, Broward County, Florida 33301.

3. The Petitioner is statutorily obligated to recommend the placement of School Board personnel, and require compliance and observance by all personnel with all laws, rules and regulations. *See* ' 1012.27, Fla. Stat.

4. The employee against whom discipline is recommended, Respondent, Nicole Pollino is currently employed as a reading teacher at Millenium Middle School.

ADMINISTRATIVE CHARGES

5. The matters at issue in this administrative complaint arise out of events that occurred during the FCAT testing in April of 2014.

6. During the FCAT testing, the Respondent failed to follow the officially assigned FCAT testing schedule.

7. The Respondent's failure to comply with clear instructions and directives about FCAT testing constitutes misconduct and insubordination; it is a violation of the Florida Statutes and Florida Administrative Code. *See* ' ' 1008.24, 1012.33, Fla. Stat.; Fla. Admin. Code r. 6A-5.056.

8. After learning of the Respondent's failure to follow the FCAT instructions, Principal Cheryl Cendan held a pre-disciplinary meeting with the Respondent to address her failure to adhere to FCAT testing procedures.

9. Based on the Respondent's conduct, and the Principal's review of some recent

discipline imposed upon the Respondent, including a recent one-day suspension, also arising out of her failure to follow FCAT testing procedures (when she gave students the incorrect reference sheet during the FCAT), Principal Cendan has recommended that the Respondent be suspended, without pay, for five days from her position as a teacher.

11. Having reviewed the materials supporting the charges against Ms. Pollino, the Petitioner/Superintendent hereby agrees with the recommendation that she be suspended, without pay, for a period of five days.

12. In accordance with Florida law, this recommendation for suspension must be reviewed, and approved by the School Board. *See* ' 1012.33, Fla. Stat.

13. If the ultimate decision is adverse to her, Ms. Pollino may challenge the decision by seeking an administrative hearing pursuant to Chapter 120 of the Florida Statutes.

EXECUTED this 5th day of June 2014.



ROBERT W. RUNCIE
Superintendent

cc: Debra P. Klauber, Esq.
Haliczer Pettis & Schwamm, P.A.
Cadre Attorney