

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ROBERT W. RUNCIE, as Superintendent of
Schools,

Petitioner,

v.

JANE RUFFOLO

Respondent.

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ADMINISTRATIVE COMPLAINT

Petitioner, Robert W. Runcie, Superintendent of Schools ("Petitioner"), files this Administrative Complaint against, JANE RUFFOLO ("RUFFOLO"). The Petitioner seeks the termination of Respondent's employment with the School Board of Broward County ("SBBC"), pursuant to Sections 1001.51, 1012.27(5) and 1012.33, Florida Statutes and Rule 6A-5.056 F.A.C. The Petitioner alleges the following:

JURISDICTIONAL BASIS

1. The agency is the School Board of Broward County, Florida, which is located at 600 Southeast Third Avenue, Fort Lauderdale, Broward County, Florida 33301.
2. Petitioner is the Superintendent of SBBC.
3. Petitioner is statutorily obligated to recommend the placement of school personnel and to require compliance and observance with all laws, rules and regulations. Petitioner is authorized to report and enforce any violation thereof, together with recommending the appropriate disciplinary action against any instructional personnel employed by the SBBC.

4. Respondent, was employed, at all times material herein, as a teacher at Cresthaven Elementary School, pursuant to a Professional Services Contract, issued in accordance with Section 1012.33(3)(a), Florida Statutes.

MATERIAL ALLEGATIONS

5. The school district has implemented an instructional performance evaluation system in conformity with Section 1012.34 known as Broward Instructional Development and Growth Evaluation System. The district uses an electronic system known as iObservation to maintain observation data based on Dr. Robert Marzano's research-based strategies for teacher effectiveness. The use and implementation of this evaluation system has been mutually agreed upon by the SBBC and The Broward Teachers Union. All teachers, including the Respondent, are provided training and internet access to the iObservation system.

6. Respondent transferred to Cresthaven Elementary in 2000, initially as a third grade teacher, but was moved to second grade in 2010 after her students continued to achieve poorly on their FCAT's.

7. Since that time, Respondent has a disciplinary history of inappropriate behavior including, but not limited to a physical confrontation with a female student, calling students' names, making inappropriate or sarcastic comments, yelling and screaming at students, and exhibiting aggressive behavior towards colleagues during parent conferences.

8. During the past four (4) years, Respondent has exhibited bizarre and unprofessional behavior. Respondent would scream at administrators and colleagues, then start crying and begging for forgiveness. Respondent would yell at administrators whenever they entered her room to conduct an observation. During post conferences, Respondent would yell at whoever was present before abruptly leaving. On November 19, 2012, Respondent became argumentative during a post observation conference and refused to stay despite direction to the contrary. Respondent was given a verbal reprimand for her insubordinate behavior.

9. Since the 2010-2011 school year, numerous students have been removed from Respondent's classroom because of parental complaints stemming from Respondent's erratic or unprofessional behavior. Respondent had previously called and screamed at a parent during class because the student purportedly scratched her desk.

10. Respondent failed to properly record or document required data (report cards, RtI documents) which often contained misspellings. Respondent also provided incorrect diagnosis of students' reading deficiency on RtI documents. During the 2012 school year, Respondent was not meeting her job responsibilities. Administrators' and staff reassembled all her folders, updated the data collection and reviewed the RtI process with her.

11. During the 2012-2013 school year, Respondent's performance problems persisted despite a cycle of assistance provided by school staff.

12. On April 3, 2013, Respondent met with support staff to review student data. Respondent's existing data demonstrated eighty-one percent (81%) or 17 of her 18 students were working below grade level. Respondent was unable to produce the supporting data requested by administration. Respondent was then directed to timely make the necessary corrections, but failed to do so.

13. On May 17, 2013, it was discovered that Respondent had fraudulently recorded her students' FAIR data by listing seventy-five percent (75%) of the students with a grade of ninety percent (90%) or better. Upon retesting by the Reading Resource Specialist seventy-five percent (75%) of the students scored a grade of fifty percent (50%) or less. Only three (3) students scored seventy percent (70%). Following an investigation, Respondent accepted a three (3) day suspension on August 21, 2013.

14. Respondent received a Final Evaluation with a Needs Improvement rating for the 2012-2013 school year.

15. Respondent's students' achievement at or below grade levels on standardized measurements were historically low. During the 2013/2014 school year, Respondent was the only teacher who failed to analyze her data as part of the data chat process. Teachers were requested to complete a form to use during the data chat meeting. Respondent failed both to complete the form and meet with her team to discuss her students' data. When contacted regarding her non-appearance, Respondent stated she did not know how to utilize data to inform instruction.

16. Respondent's subpar performance during the school year continued. Her IPS was noted at 2.128 (Needs Improvement). On February 10, 2014, Respondent was placed on a ninety (90) day PDP. Respondent objected and claimed that the Assistant Principal and colleagues providing support were not certified and the Marzano tool was punitive.

17. Fifteen (15) observations were conducted through April 8, 2014. Respondent refused to participate in any constructive discussion of her performance and misused her sick leave by claiming a migraine headache to prevent a discussion following feedback on her performance. Respondent's action would require her students to be split up into other second grade classes, which directly impacted her students' performance.

18. Respondent continued her refusal to cooperate with the assistance. On April 8, 2014, a mid-plan review was conducted which depicted Respondent's IPS of 1.96.

19. On February 10, 2014, Respondent was provided notice that the Final Review would be held on May 20, 2014. Respondent refused to appear and claimed to be on FMLA and had paperwork to prove it. Documentation, later provided, showed that Respondent's leave didn't start until June 2nd. The Final Review resulted in an IPS of 1.96 (Unsatisfactory).

ADMINISTRATIVE CHARGES

20. Just cause exists for the requested relief, pursuant to Fla. Stat. §§ 1012.33(1)(a), Section 6A-5.056 F.A.C. Respondent's employment contract and School Board rules and regulations, including but not limited to the following:

COUNT 1: MISCONDUCT IN OFFICE

21. Respondent has violated Fla. Stat. 1012.33 and Rule 6A-5.056(2)(a) and (b) of the Florida Administrative Code. Respondent's acts are defined as a violation of the Code of Ethics of the Educational Profession as adopted in Rule 6A-10.080 F.A.C. and of Principles of Professional Conduct for the Educational Provisions in Florida, as adopted by Rule 6A-10.081, F.A.C., which includes the following:

- (3) Obligation to the student requires that the individual:
 - (a) shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
 - (b) shall not unreasonably restrain a student from independent action in pursuit of learning.
 - (d) shall not intentionally suppress or distort subject matter relevant to a student's academic program.

COUNT 2: MISCONDUCT IN OFFICE

22. Respondent has violated Fla. Stat. 1012.33 and Rule 6A-5.056(2)(c)(d) and (e) of the Florida Administrative Code. Respondent's acts are a violation of the adopted school board rules; behavior that disrupts the student's learning environment; or behavior that reduces the teacher's ability or his or her colleagues' ability to effectively perform duties.

COUNT 3: INCOMPETENCY

23. Respondent has violated Fla. Stat. 1012.33 and Rule 6A-5.056(3) (a) and (b) of the Florida Administrative Code. Respondent's acts are defined as the inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.

COUNT 4: FAILURE TO CORRECT PERFORMANCE DEFICIENCIES

24. Respondent has failed to correct her performance deficiencies in violation of Section 1012.34, Florida Statutes, which constitutes just cause pursuant to Section 1012.33(1)(a), Florida Statute for termination of her employment contract.

COUNT 5: VIOLATION OF FLORIDA STATUTE § 1012.53(1)

25. The Respondent is in violation of Section 1012.53(1) Florida Statute, in that Respondent has failed to work diligently and faithfully to help students meet or exceed annual learning goals.

COUNT 6: VIOLATION OF FLORIDA STATUTE § 1012.53(2)

26. The Respondent is in violation of Section 1012.53(2) in that Respondent failed to perform duties prescribed by the district school board.

COUNT 7: SCHOOL BOARD POLICY 4008(B)

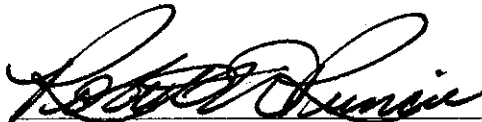
27. Respondent is in violation of School Board Policy 4008(B) which requires all employees who have been issued contracts to comply with the provisions of the Florida School Code, State Board Regulations and regulations and policies of the board.

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends the dismissal of the Respondent, JANE RUFFOLO, from her employment with the School Board of Broward County, based upon the foregoing facts and legal authority. Petitioner further, recommends the immediate suspension of Respondent without

further pay or benefits in the event the Respondent should challenge the School Board's recommendation of the termination of her employment.

EXECUTED this 6 day of June, 2014.

A handwritten signature in black ink, appearing to read "Robert W. Runcie", written over a horizontal line.

ROBERT W. RUNCIE,
Superintendent of Schools, Broward County

Attn:
Charles T. Whitelock, Esq.
Cadre Attorney