

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,  
Superintendent of Schools,

Petitioner,

v.

VERONIKA NIYAZOVA,

Respondent.

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**ADMINISTRATIVE COMPLAINT**

Petitioner, Robert W. Runcie, Superintendent of Schools of Broward County, Florida ("Petitioner"), through his undersigned counsel, files this Administrative Complaint against Respondent, Veronika Niyazova ("NIYAZOVA"). The Petitioner seeks a fifteen (15) day suspension of Respondent's employment with the Broward County School Board ("School Board"), pursuant to Chapter 120 and Sections 1001.51, 1012.27(5), and 1012.33 Florida Statutes and Rule 6A-5.056 of the Florida Administrative Code. The Petitioner alleges the following:

**I. JURISDICTIONAL BASIS**

1. The agency is the Broward County School Board, 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.

3. The 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 School Board, inclusive of NIYAZOVA.
4. NIYAZOVA is an employee of the Broward County School Board and is currently employed as a teacher pursuant to an Annual Contract issued in accordance with Section 1012.33, Florida Statutes (2018).
5. The last known address of NIYAZOVA is 5980 N.W. 64<sup>th</sup> Avenue, Apt. 101, Tamarac, Florida 33319.

## **II. MATERIAL ALLEGATIONS**

6. This recommendation is based upon conduct occurring in the 2018-2019 school year.
7. NIYAZOVA is a Science teacher at Millennium 6-12 Collegiate Academy (hereinafter "Millennium").
8. The School Board hired NIYAZOVA on August 13, 2012.

9. During the 2018-2019 school year, NIYAZOVA slapped a student in the face.
10. During the 2018-2019 school year, NIYAZOVA failed to follow policies and procedures in relation to state assessments and/or testing.
11. During the 2018-2019 school year, NIYAZOVA failed to follow policies and procedures in relation to grading.

### **Inappropriate Assessment Procedures**

#### **May 1, 2019 Incident**

12. On or about May 1, 2019, prior to administering the FSA ELA session 1 test, NIYAZOVA posted on the classroom board a start time scheduled for 9:55 A.M., a 5 minute break time scheduled to begin at 10:45 A.M and a finish time scheduled for 12:20 P.M.
13. The students started the examination at 9:55 A.M. and then took the scheduled break at 10:45 A.M. About 10 to 15 minutes after the break finished, NIYAZOVA realized the finish time was incorrect and erased from the classroom board the scheduled finish time of 12:20 P.M and changed it to 11:20 A.M.
14. Students, who had been pacing themselves to finish the examination at 12:20 P.M., were now rushing to finish the

examination, having an hour less time to finish than they had been led to believe.

**May 21, 2019 Incident**

15. On or about May 21, 2019, during the County 6<sup>th</sup> Grade Science Exam on Canvas (hereinafter "Science Exam"), NIYAZOVA approached T.H, a student at Millennium, and asked T.H. if she could take a picture of the Science Exam.
16. NIYAZOVA took a picture of the Science Exam and then provided T.H. with answers to some questions and permitted T.H. to use his computer to look up other answers.
17. T.H. provided the following statement: "Ms. Niayzova ask me *if she can take pictures of my science test on gauge so she did. After that she helped me with answers and gave me permission to look-up the answers on my computer.*"

**Inappropriate Grading**

18. On or about May 20, 2019, NIYAZOVA's students reported that NIYAZOVA was lowering students' grades based on the individual student's behavior.
19. NIYAZOVA instructed her students that if any student stood up from the student's chair that the student's grade would be reduced by 40 percentage points. NIYAZOVA also instructed her students that if any student used profane

language that the student's grade would be reduced by 10 percentage points.

20. Student, M.S., stated, "[t]oday Mrs. Nyazova [sic] gave people 40 to 60 % off their grade just for standing up."
21. Student, N.T., stated, "I got up to ask a question and I got 40 points deducted from my grade for that class. She said we get points taken away for getting up (40) and 10 points for cussing."
22. Student, J.C., stated, "Ms. Niyazova stated that if you stand up or use profanity, your grade drops to 60%."
23. Student, K.L., stated, "Ms. Niyazova said starting now and till the end of the year if your [sic] standing up without permission shes [sic] gonna take away 40 points and if curse you lose 10 points."
24. According to student, K.A., "Ms. Niyazova told many students that they would get a 0% as a grade for the way they behave. If a student got out of a seat she would give them a 0%."

#### **Inappropriate Conduct with Students**

25. On or about May 23, 2019, during NIYAZOVA's third (3<sup>rd</sup>) hour class, student K.W. caused a disruption, after NIYAZOVA took K.W.'s phone away and K.W. wanted it back.
26. NIYAZOVA then sent another student, J.D., to get security. J.D. returned without security, and another student, D.L.,

went to open the door for J.D. NIYAZOVA approached D.L. and instructed her to return to her seat. As NIYAZOVA approached D.L., NIYAZOVA struck D.L.'s face with her hand.

27. D.L., stated, *"Ms. Niyazova slap me because I was trying to open the door for J.D. and then she push me away from the door..."*

28. Student, Q.B. stated, *"...D.L. tried to open the door and Ms. Niyazova slaped [sic] D.L."*

### **III. PREVIOUS DISCIPLINE AND CORRECTIVE ACTION**

#### **VERBAL REPRIMANDS**

29. On or about February 29, 2016, NIYAZOVA received a verbal reprimand for failure to follow policies and procedures.

30. On or about May 12, 2017, NIYAZOVA received a verbal reprimand for failure to report a student emergency.

#### **WRITTEN REPRIMANDS**

31. On or about February 9, 2015, NIYAZOVA received a written reprimand for a Code of Ethics violation, profanity toward a student and continued inappropriate conduct with student.

32. On or about March 3, 2016, NIYAZOVA received a written reprimand for failure to follow testing schedule.

33. On or about May 31, 2019, NIYAZOVA received a written reprimand for failure to follow proper testing policies and procedures.

**SUMMARY OF MEETING MEMO**

34. On or about October 18, 2017, NIYOZAVA received a Summary of Meeting Memo containing the following steps for her to improve her performance:

- Immediately remove grades that are not standards based from your gradebook.
- Refrain from making any physical contact with students.

**IV. ADMINISTRATIVE CHARGES**

35. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through thirty-four (34) above.

36. Just cause exists for the requested relief pursuant to Fla. Stat. § 1012.33(1)(a), Section 6A-5.056 F.A.C., the Respondent's employment contract, School Board rules and regulations, the Code of Ethics of the Education Profession, and the Employee Disciplinary Guidelines promulgated by the School Board.

37. "Just cause" means cause that is legally sufficient. "Just cause" includes, **but is not limited to:**

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- B. "Misconduct in Office" means one or more of the following:
- a) A violation of the Code of Ethics of the Education Profession in Florida as adopted in Rule 6A-10.080, F.A.C.<sup>1</sup>;
  - b) A violation of the Principles of Professional Conduct for the Education Profession in Florida as adopted in Rule 6A-10.081, F.A.C.;
  - c) A violation of the adopted school board rules;
  - d) Behavior that disrupts the student's learning environment; or
  - e) Behavior that reduces the teacher's ability or his or her colleagues' ability to effectively perform duties.
- C. "Incompetency" means the inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.
1. "Inefficiency" means one or more of the following:
    - a. Failure to perform duties prescribed by law;
    - b. Failure to communicate appropriately with and relate to students;
    - c. Failure to communicate appropriately with and relate to colleagues, administrators, subordinates, or parents;
    - d. Disorganization of his or her classroom to such an extent that the health, safety or welfare of the students is diminished; or
    - e. Excessive absences or tardiness.
  2. "Incapacity" means one or more of the following:
    - a. Lack of emotional stability;
    - b. Lack of adequate physical ability;
    - c. Lack of general educational background; or
    - d. Lack of adequate command of his or her area of specialization.
- D. "Gross Insubordination" means intentional refusal to obey a direct order, reasonable in nature, and given by

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<sup>1</sup> Repealed 3-23-16. Now included in 6A-10.081 F.A.C., Principles of Professional Conduct for the Education Profession in Florida.



and with proper authority; misfeasance, or malfeasance as to involve failure in the performance of the required duties.

- E. "Willful neglect of duty" means intentional or reckless failure to carry out required duties.

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#### **IV. JUST CAUSE FOR DISCIPLINE**

##### **A. JUST CAUSE**

- 38. Respondent's actions constitute just cause to suspend her for fifteen (15) days without pay.

##### **B. MISCONDUCT IN OFFICE**

- 39. Respondent's actions, as alleged in paragraphs nine (9) through twenty-eight (28), incorporated herein by reference, constitute misconduct in office. The Respondent through her above-described conduct, has violated Fla. Stat. §1012.33 Fla. Stat., and one or more of Rules 6A-5.056(2)(a) through (e) of the Florida Administrative Code, which defines "misconduct".

#### **RULE 6A-10.081 F.A.C., PRINCIPLES OF PROFESSIONAL CONDUCT FOR THE EDUCATION PROFESSION IN FLORIDA**

- 40. Pursuant to the Principles of Professional Conduct for the Education Profession in Florida,

(2) Florida educators **shall**<sup>2</sup> comply with the following disciplinary principles. Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law.

(a) Obligation to the student requires that the individual:

1. 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.

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### C. INCOMPETENCY

41. Respondent's actions, as alleged in paragraphs nine (9) through twenty-eight (28), incorporated herein by reference, constitute incompetency. The Respondent, through her above-described conduct has violated Florida Statute §1012.33 and Rule 6A-5.056(3)(a) of the Florida Administrative Code. Her actions show a failure to perform the required duties as a result of inefficiency.

(a) "Inefficiency" means one or more of the following:

1. Failure to perform duties prescribed by law;
2. Failure to communicate appropriately with and relate to students;

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<sup>2</sup> Emphasis added.

**D. GROSS INSUBORDINATION**

42. Respondent's actions, as alleged in paragraphs nine (9) through twenty-nine (29), thirty-one (31) and thirty-two (32), incorporated herein by reference, following directives of her supervisors to the contrary, constitute gross insubordination. Pursuant to Rule 6A-5.056(4), "Gross insubordination" means the intentional refusal to obey a direct order, reasonable in nature, and given by and with proper authority; misfeasance, or malfeasance as to involve failure in the performance of the required duties.

**E. WILLFUL NEGLECT OF DUTY**

43. Respondent's actions, as alleged in paragraphs nine (9) through twenty-nine (29), thirty-one (31) and thirty-two (32), incorporated herein by reference, constitute willful neglect of duty. "Willful neglect of duty" means intentional or reckless failure to carry out required duties.

**F. RULE 6A-10.042 F.A.C.**

44. **Test Administration and Security.** Respondent's actions constitute a violation of RULE 6A-10.042 F.A.C., which provides:

- (1) Tests implemented in accordance with the requirements of Sections 1004.93, 1008.22,

1008.30, 1012.55 and 1012.56, F.S., shall be maintained and administered in a secure manner such that the integrity of the tests shall be preserved.

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- (b) Tests or individual test questions shall not be revealed, copied, or otherwise reproduced by persons who are involved in the administration proctoring, or scoring of any test.
- (c) Examinees shall not be assisted in answering test questions by any means by persons administering or proctoring the administration of any test.
- (d) Examinees' answers to questions shall not be interfered with in any way by persons administering, proctoring, or scoring the examinations.

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- (f) Persons who are involved in administering or proctoring the tests or persons who teach or otherwise prepare examinees for the tests shall not participate in, direct, aid, counsel, assist in, or encourage any activity, which could result in the inaccurate measurement or reporting of the examinees' achievement.

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- (4) Violations of test security provisions shall be subject to penalties provided in statute and State Board Rules.

**G. Florida Statute §1008.24.**

45. **Test Administration and Security.** Respondent's actions constitute a violation of § 1008.24, Fla. Stat., which provides:

(1) A person may not knowingly and willfully violate test security rules adopted by the State Board of Education for mandatory tests administered by or through the State Board of Education or the Commissioner of Education to students, educators, or applicants for certification or administered by school districts pursuant to s. 1008.22, or, with respect to any such test, knowingly and willfully to:

\* \* \*

(c) Coach examinees during testing or alter or interfere with examinees' responses in any way;

(d) Make answer keys available to examinees;

\* \* \*

(f) Fail to follow test administration directions specified in the test administration manuals; or

(g) Participate in, direct, aid, counsel, assist in, or encourage any of the acts prohibited in this section.

(2) A person who violates this section commits **a misdemeanor of the first degree<sup>3</sup>**, punishable as provided in §775.082 or 775.083.

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<sup>3</sup> Emphasis added.

**H. SCHOOL BOARD POLICY 4008**

46. Respondent's actions, as alleged in paragraphs nine (9) through twenty-eight (28), incorporated herein by reference, are in violation of School Board Policy 4008 titled, "Responsibilities and Duties (Principals and Instructional Personnel)," 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.

47. Furthermore, School Board Policy 4008(B) requires that "members of instructional staff shall perform the following functions:"

1. Comply with the Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida.
2. Teach efficiently and effectively using the books and materials required by the District or the State following the prescribed courses of study and employ sound teaching practices and methods.
3. Infuse in the classroom, the District's adopted Character Education Traits of Respect, Honesty, Kindness, Self-control, Tolerance, Cooperation, Responsibility and Citizenship.

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5. Enforce the Broward County Schools Code of Student Conduct.

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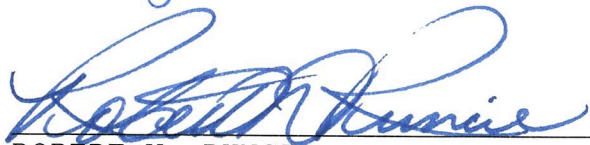
7. Accurately maintain appropriate student records and documentation and prepare and submit such reports as may be required by regulations of the state board of the District. No teacher shall be entitled to receive any salary unless all such records and reports have been properly maintained and submitted according to requests.
8. Conform to all rules and regulations that may be prescribed by the State Board and by the School Board.

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**DEMAND FOR RELIEF**

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board suspend the Respondent, Veronika Niyazova, for fifteen (15) days without pay based upon the foregoing facts and legal authority.

EXECUTED this 22<sup>nd</sup> day of August, 2019.

  
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ROBERT W. RUNCIE,  
Superintendent of Schools,  
Broward County

Respectfully submitted:  
Douglas Griffin, Esq.  
Assistant General Counsel

NOTICE

If you wish to contest the charges, you must, within 15 calendar days after receipt of the written notice, submit a written request for a hearing to Robert W. Runcie, Superintendent, Broward County School District, 600 3<sup>rd</sup> Ave., Ft. Lauderdale, FL, 33301. If timely requested, such hearing shall be conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120, Florida Statutes.

FAILURE TO TIMELY REQUEST A HEARING WILL RESULT IN A WAIVER OF THE RIGHT TO CONTEST THE CHARGES.

IF YOU WANT TO HIRE AN ATTORNEY, YOU HAVE THE RIGHT TO BE REPRESENTED BY AN ATTORNEY IN THIS MATTER.