

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ROBERT W. RUNCIE, as Superintendent of
Schools,

Petitioner,

v.

TERRY PERO

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Robert W. Runcie, Superintendent of Schools (''Petitioner''), files this Administrative Complaint against, TERRY PERO (''PERO''). The Petitioner seeks a five (5) day suspension 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 speech language pathologist at Millennium Middle School, pursuant to a Professional Services Contract, issued in accordance with Section 1012.33(3)(a), Florida Statutes.

MATERIAL ALLEGATIONS

The Petitioner, Robert W. Runcie, alleges as follows:

Background

5. Respondent was employed with the Broward County School District (hereinafter "the District") in 1996.

Prior Discipline (June, 2013) - Failure to complete Medicaid billing.

6. On June 7, 2013, Respondent received a three-day notice of a pre-disciplinary meeting for lack of Medicaid billing for the 2012-2013 school year. Respondent had failed to complete the Medicaid billing for the exceptional education students on her caseload at Millennium Middle School.

7. On August 15, 2013, the pre-disciplinary meeting was conducted and Ms. Pero was informed that her billing would be due on a monthly basis to ensure completion.

8. On August 20, 2013, the Respondent was issued a verbal reprimand.

Prior Discipline (September, 2013) - Failure to complete September Medicaid billing.

9. The following month, on September 30, 2013, a three-day notice was issued for lack of billing for the month of September.

10. A pre-disciplinary meeting was conducted on October 4, 2013, and Ms. Pero assured administration she would complete the billing for September 2013.

11. On October 9, 2013, a written reprimand was issued.

Prior Discipline (October, November, 2013) - Failure to complete October Medicaid billing.

12. A three-day notice of a pre-disciplinary meeting was issued for lack of billing for the month of September and October 2013.

13. On November 6, 2013, a pre-disciplinary meeting was conducted. Ms. Pero assured administration that she would complete the Medicaid billing for September and October 2013.

14. On December 13, 2013, Sabrina Elsinger, Assistant Principal (hereinafter "AP"), recommended a three-day suspension, without pay, for failure to adhere to administrative

directives and guidelines. Specifically, Respondent's continued failure to complete her Medicaid billing

15. On January 22, 2014, the School Board of Broward County approved a recommendation for a three-day suspension, without pay, for Ms. Pero.

Misconduct

16. A subsequent pre-disciplinary meeting occurred on March 19, 2014, regarding the Respondent's continued failure to complete the Medicaid billing for students on her caseload.

17. Ms. Pero was absent from the school on medical leave from March 31, through May 12, 2014.

18. Upon the Respondent's return, on May 30, 2014, AP Elsingher recommended a five-day suspension stemming from the events leading up to the pre-disciplinary meeting occurring back on March 19, 2014.

19. Ms. Pero was also referred to Dr. Cheryl Cendan, Principal of Millenium Middle School, for a pre-disciplinary meeting for her continued failure to complete Medicaid billing for both the 2012-2013 school year continuing through the 2013-2014 school year.

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: INCOMPETENCY

21. Respondent has violated Fla. Stat. 1012.33 and Rule 6A-5.056(3)(a) of the Florida Administrative Code.

22. 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 2: GROSS INSUBORDINATION

23. Respondent has "failed to obey a direct order, reasonable in nature, and given with the proper authority; . . . as to involve failure in the performance of the required duties in violation of Rule 6A-5.056(4) Florida Administrative Code.

COUNT 3: WILLFUL NEGLECT OF DUTY

24. The Respondent is in violation of Rule 6A-5.056(5) Florida Administrative Code, in that; Respondent has intentionally or recklessly failed to carry out required duties.

COUNT 4: 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.

28. This policy also requires instructional personnel to "[a]ccurately maintain appropriate student records and documentation and prepare and submit such reports as may be required" Further the policy provides that "[n]o teacher shall be entitled to receive any salary unless all such records and reports have been properly maintained and submitted according to requests"¹

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board of Broward County, suspend the Respondent, Terry Pero, without pay for five (5) days based upon the foregoing facts and legal authority.

EXECUTED this _____ day of July, 2014.



¹ Emphasis added.

ROBERT W. RUNCIE,
Superintendent of Schools,
Broward County

Attn:
Tria A. Lawton-Russell, Esq.
Administrative Attorney