



THE SCHOOL DISTRICT OF LEE COUNTY

Ryan Hudak, Esq.

Assistant School Board Attorney

Office of Legal Services

2855 Colonial Boulevard, Fort Myers, FL 33966 | **O:** 239.337.8134 | **F:** 239.337.8683

VIA PROCESS SERVER

May 31, 2022

Ada Cortez-Bromley
17592 Brickstone Loop
Fort Myers, Florida 33967-5114

Re: Ada Cortez-Bromley - Petition for Termination
Case No. 22-0001

Dear Ms. Cortez-Bromley:

In connection with the above-referenced matter, enclosed is a Petition for Termination which has been scheduled to be heard before the School Board at its meeting on **Tuesday, June 28, 2022 at 11:00 am** at the Lee County Public Education Center, 2855 Colonial Boulevard, Fort Myers, FL 33966.

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY:

1. If you do not agree with the facts that are presented in the attached Petition, you may request an evidentiary hearing before the Division of Administrative Hearings or an arbitration (if you elect arbitration the costs of the proceeding will be shared by you and the District) prior to final action by the School Board. This request should be made to the undersigned at the above address and/or telephone number and MUST BE made within twenty-one (21) days of receipt of the attached Petition.

2. If you do not request an evidentiary hearing within twenty-one (21) days of receipt of the attached Petition, per School Board policy, the allegations in the Petition will be considered to be true and the only matter that shall be considered by the School Board will be whether dismissal is appropriate based upon the charges. You may appear at the School Board meeting and argue against the punishment. However, if you have not requested an evidentiary hearing, you may not argue about the truth of the allegations contained in the Petition.

3. If you plan to attend the School Board meeting, please contact Ryan Hudak, Esq. at (239) 337-8134.

Sincerely,



Ryan Hudak, Esq.

RH/bb

Attachment

cc: Robert Dodig, Executive Director, Human Resources
Fernando Vazquez, Director, Professional Standards and Equity

BEFORE THE SCHOOL BOARD OF LEE COUNTY

CHRISTOPHER S. BERNIER, Ed.D.,)
Superintendent,)
Petitioner,)
v.) Case No.22-0001
ADA CORTEZ-BROMLEY,)
Respondent.)

PETITION FOR TERMINATION

Petitioner, Christopher S. Bernier, Ed.D., as Superintendent for The School District of Lee County, Florida, through his undersigned attorney, Ryan Hudak, files this Petition for Termination of Employment, and states as follows:

JURISDICTION

1. Petitioner is the Superintendent for the School District of Lee County ("District"), and therefore has the authority pursuant to §1012.27, Florida Statutes, to recommend to the School Board that any school employee be suspended and/or dismissed from employment.

2. Respondent, ADA CORTEZ-BROMLEY ("Respondent"), has been employed with the District since March 21, 2006 and is currently assigned as a Teacher at North Fort Myers Academy of the Arts.

3. Respondent is an instructional employee and is governed by the collective bargaining agreement ("CBA") between the School Board and the Teachers Association of Lee County ("TALC"). The

Respondent is employed pursuant to a Professional Services Contract. The Standard for discipline for instructional personnel is "just cause" pursuant to the TALC CBA and §1012.33(1)(a), Fla. Stat.

4. The Lee County School Board is located at 2855 Colonial Boulevard, Fort Myers, Florida 33966. The School Board's Administrative Code identification number is 6 GX-36.

5. The School Board is the duly-constituted governing body of the School District of Lee County. Art IX § 4, Fla. Const.; §§ 1001.30, and 1001.33 Fla. Stat. A district school board has the statutory authority to adopt rules governing personnel matters pursuant to sections 1001.42(5), 1012.22, and 1012.23 Fla. Stat. This includes the power to discipline, terminate and/or suspend instructional staff, such as teachers.

6. The Division of Administrative Hearings ("DOAH"), has contractual jurisdiction over the parties and the subject matter of this Petition in the event Respondent requests a hearing on this matter pursuant to Board Policy 1.12 (7)(c), Article 9 of the TALC CBA, and §§1012.33 (6)(a), 120.569 and 120.57, Fla. Stat.

GENERAL ALLEGATIONS AND PROCEDURAL HISTORY

7. On or about January 28, 2022, The Office of Professional Standards received information that Respondent reportedly violated Florida Administrative Code, Board Policy, and the TALC CBA.

8. The Office of Professional Standards initiated an investigation into the allegations that Respondent violated 6A-10.081, Florida Administrative Code, Principles of Professional Conduct for the Education Profession in Florida; Article 6 of the TALC CBA; and Board Policies 1.28, 2.02, 5.02, and 5.06.

9. Respondent was alleged of dragging a first-grade student down the hallway at North Fort Myers Academy of the Arts.

10. Respondent was alleged to pick up the student under her arm and carry him down the hallway and into the front office area.

11. Respondent was alleged of striking/pushing the student in the head while carrying the student under her arm.

12. As a result of the allegations, a pre-determination conference was scheduled for April 26, 2022. Respondent was present at the pre-determination conference, along with her TALC representative (Dr. Kerr Fazzone), where she was provided an opportunity to respond to the foregoing allegations.

13. Review of camera footage from North Fort Myers Academy of the Arts on January 28, 2022, revealed Respondent dragging the student down the hallway by the arm, as well as picking the student up under both of Respondent's arms, and striking/pushing the student on the head while carrying the student under Respondent's arm.

14. The Investigation also found that Respondent did not call for assistance prior to dragging and carrying the student down the hallway.

15. Respondent did not deny the allegations during the pre-determination conference, but rather explained that the student was being difficult that day. Respondent also did not deny failing to call for assistance with the student prior to dragging and carrying him down the hallway.

16. Prior discipline was also reviewed during the pre-determination conference, including two prior instances from 2018 and 2012. Respondent received discipline in 2012 for falsifying information on a FARMS form. Respondent also received discipline in 2018 regarding addressing students in a professional manner.

17. Upon completion of the pre-determination conference, the matter was forwarded to an Outcome Review Team for a determination.

18. A determination was made by an Outcome Review Team regarding Respondent's employment. On May 16, 2022, Respondent was notified via letter that she was being recommended for termination and suspended without pay pursuant to School Board Policy 1.12. (See Exhibit #1)

CHARGES

19. Respondent's actions have violated Rule 6A-10.081 of Florida Administrative Code, Principles of Professional Conduct for the Education Profession in Florida; TALC Article 6 - Working Conditions; and Board Policies 1.28 Ethics in Education, 2.02 Civility - Conduct of Parents/Guardians, Visitors, and Staff, 5.02 General Requirements for Appointment or Employment, and 5.26 Professional Standards.

20. Due to the foregoing, just cause exists for the termination of Respondent's employment.

WHEREFORE, Petitioner, Christopher S. Bernier, Superintendent for the School District of Lee County, Florida, recommends that Respondent be terminated from her employment with the District. If Respondent requests a hearing on the Petition, the Superintendent requests that the Board continue her suspension without pay and benefits pending the outcome of the hearing.

RESPONDENT IS HEREBY NOTIFIED IN ACCORDANCE WITH LEE COUNTY SCHOOL BOARD POLICY 1.12 THAT AN AGENDA ITEM REQUESTING ACTION BY THE SCHOOL BOARD AND SETTING FORTH THE SUPERINTENDENT'S RECOMMENDATION TO TERMINATE RESPONDENT HAS BEEN PREPARED AND IS SET TO BE HEARD BY THE BOARD AT A QUASI JUDICIAL HEARING ON TUESDAY, JUNE 28, 2022, AT 11:00 A.M., OR AS SOON THEREAFTER AS IT MAY BE HEARD. RESPONDENT IS ADVISED THAT SHE MAY REQUEST AN EVIDENTIARY

HEARING ON THE CHARGES IN THIS PETITION AND MUST MAKE THE REQUEST WITHIN TWENTY-ONE (21) DAYS OF RECEIPT OF THE PETITION. THE REQUEST FOR A HEARING SHOULD BE MADE TO PETITIONER'S ATTORNEY AT THE ADDRESS AND/OR PHONE NUMBER LISTED BELOW. RESPONDENT'S FAILURE TO REQUEST A HEARING SHALL CONSTITUTE AN ADMISSION THAT THE CHARGES IN THE PETITION ARE TRUE AND THE ONLY MATTER THAT SHALL BE CONSIDERED BY THE SCHOOL BOARD IS WHETHER DISMISSAL IS APPROPRIATE BASED UPON THE CHARGES. IF RESPONDENT FAILS TO REQUEST AN EVIDENTIARY HEARING THE ONLY MATTER TO BE DISCUSSED AT THE QUASI JUDICIAL HEARING IS THE APPROPRIATENESS OF THE RECOMMENDED PENALTY.

Respectfully submitted this 31st day of May, 2022.



Christopher S. Bernier, Ed.D.,
Petitioner



Ryan Hudak, ESQ.
Attorney for Petitioner
Florida Bar No. 1015686
The School District of Lee County
2855 Colonial Boulevard
Fort Myers, Florida 33966
(239) 337-8134 / Telephone
(239) 337-8683 / Facsimile



THE SCHOOL DISTRICT OF LEE COUNTY

Fernando Vazquez, MSEd

Interim Director of Professional Standards

2855 Colonial Boulevard, Fort Myers, FL 33966 | O: 239.461.8441 | F: 239.335.1507

May 16, 2022

**VIA CERTIFIED USPS MAIL AND
RETURN READ RECEIPT EMAIL**

Ada Cortez-Bromley
17592 Brickstone Loop
Fort Myers, FL 33967-5114

Dear Ms. Cortez-Bromley,

As you are aware, the School District of Lee County initiated an investigation into allegations of misconduct against you. A predetermination hearing was held on Tuesday, April 26, 2022, to give you the opportunity to respond. You were present at the hearing in addition to: myself, Ryan Hudak, Assistant School Board Attorney I and Dr. Kerr Fazzone, Service Unit Director, FEA/TALC.

Please be advised that the investigation has concluded at this time and the District finds there is **just cause** for disciplinary action. Effective beginning of day May 17, 2022, you are suspended without pay and benefits. We will be recommending to the Superintendent that you be terminated from your position at the next appropriate School Board meeting.

This letter will be open to public inspection and/or copying pursuant to Chapters 119 and 1012, Florida Statutes, within 10 days of your receipt of the same. A copy of this letter will be placed in your personnel file. Any other documents shall be maintained as required by law. Please be advised that you have the right to answer these materials in writing and that this answer will be attached to the documents in the personnel file.

Sincerely,

Fernando Vazquez, MSEd., Interim Director
Professional Standards

cc: Rob Dodig, Executive Director, Human Resources
Ryan Hudak, Assistant School Board Attorney I
Andrea Gunns, Principal, North Fort Myers Academy for the Arts
Dr. Kerr Fazzone, Service Unit Director, FEA/TALC
Bonnie McFarlane, Director, Insurance & Benefits
Kim Hutchins, Director, Payroll Department
Investigation File
Personnel File

BOARD MEMBERS: DEBBIE JORDAN, CHAIR, DISTRICT 4 | MARY FISCHER, VICE CHAIR, DISTRICT 1
MELISA W. GIOVANNELLI, DISTRICT 2 | CHRIS N. PATRICCA, DISTRICT 3 | GWYNETTA S. GITTENS, DISTRICT 5 | BETSY VAUGHN, DISTRICT 6
CATHLEEN O'DANIEL MORGAN, DISTRICT 7 | KENNETH A. SAVAGE, Ed.D., SUPERINTENDENT | KATHY DUPUY-BRUNO, ESQ., BOARD ATTORNEY

EXHIBIT

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