

Office of Superintendent of Schools  
Board Meeting of June 20, 2001

June 5, 2001

Office of School Board Attorney  
Johnny Brown, Board Attorney

**SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. POLLIE DANIELS - CASE NO.: DH 99-014 RUBIO**

On May 17, 2000, the School Board suspended and initiated dismissal proceedings against school bus driver Pollie Daniels ("Respondent") for failing to conduct a post-trip bus inspection which resulted in an elementary school student being left unattended in a bus compound. A hearing was requested and the case was tried on November 9, 2000, before H. Frank Rubio, a duly-appointed Hearing Officer. Respondent was charged with three violations: (1) conduct unbecoming a School Board employee in violation of School Board Rule 6Gx13-4A-1.21; (2) deficient job performance; and (3) violation of School Board Rule 6Gx13-3E-1.10, Transportation - Specific Procedures, specifically the Zero Tolerance Policy.

By recommended order entered April 26, 2001, the Hearing Officer sustained the first two charges, but found that Respondent did not violate the Zero Tolerance Policy, and recommended that Respondent's termination be reversed. The Hearing Officer imposed no discipline despite finding Respondent guilty of conduct unbecoming a School Board employee and deficient job performance.

Exceptions to the recommended order have been filed on behalf of the Petitioner ("Administration"). The Administration's exceptions, along with the recommended order and complete record in this case, have been forwarded to the School Board members under separate cover. The Administration's exceptions challenge the Hearing Officer's recommendation that the employee's termination should be reversed. The Administration's exceptions seek to have the Hearing Officer's recommended order modified and have Pollie Daniels' suspension without pay and termination upheld.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida enter its final order in the case of The School Board of Miami-Dade County, Florida v. Pollie Daniels, Case No. DH 99-014 Rubio, accepting the recommendation of the Hearing Officer, or accepting the exceptions set forth in the Administration's exceptions to recommended order.

TAP:pyc

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