



# Before the Education Practices Commission of the State of Florida

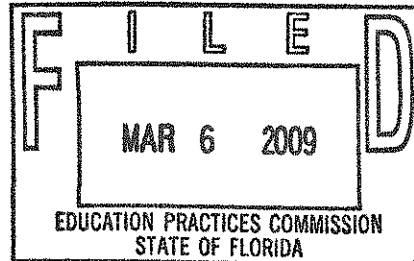
JEANINE BLOMBERG as the  
Commissioner of Education,

Petitioner,

vs.

DINO COLONA,

Respondent.



CASE N<sup>o</sup>: 08-0139-RA  
EPC Index N<sup>o</sup> 09-116-AS  
PPS N<sup>o</sup> 067-0024-A

## Final Order

Respondent, Dino Colona, holds Florida educator's certificate no. 641592. Petitioner has filed an Administrative Complaint seeking suspension, revocation, permanent revocation or other disciplinary action against the certificate.

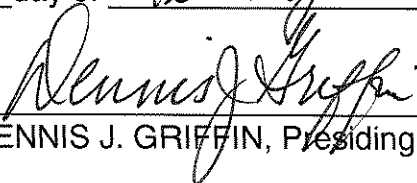
Petitioner and Respondent have entered into a Settlement Agreement for resolution of this cause. The Settlement Agreement and the Administrative Complaint are attached to and made a part of this Final Order.

An Administrator Panel of the Education Practices Commission met on February 26, 2009, in Tallahassee, Florida. The Commission accepts the Settlement Agreement as the appropriate resolution of this cause.

It is therefore ORDERED that the Settlement Agreement is hereby ACCEPTED and Respondent shall comply with its terms and conditions.

This Order becomes effective upon filing.

DONE AND ORDERED, this 26 day of February, 2009.

  
DENNIS J. GRIFFIN, Presiding Officer

**COPIES FURNISHED TO:**

Bureau of Professional Practices

Bureau of Teacher Certification

*Florida Administrative Law Reports*

Superintendent  
Brevard County Schools  
2700 Judge Fran Jamieson Way  
Viera, FL 32940-6699

Assistant Superintendent  
Human Resources  
Brevard County Schools  
2700 Judge Fran Jamieson Way  
Viera, FL 32940-6699

Probation Office

Ronald G. Stowers  
DOE counsel for PPS

Daniel Biggins  
Assistant Attorney General

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

UNLESS WAIVED, A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE EDUCATION PRACTICES COMMISSION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THIS ORDER.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing Order was mailed to Dino Colona, 222 East Haven Drive, West Melbourne, Florida 32904; and Mary F. Aspros, Myers and Brooks, P.A., P.O. Box 1547, Tallahassee, Florida 32302 this 6 day of March, 2009 by Certified U.S. Mail.



DON SHIELDS  
Education Practices Commission

STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION

JEANINE BLOMBERG, as  
Commissioner of Education

Petitioner,

vs.

CASE NO. 067-0024-A

DINO GREGORY COLONA,

Respondent.

SETTLEMENT AGREEMENT

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Petitioner and Respondent hereby stipulate and agree as follows:

1. **Certification.** Respondent holds Florida Educator's Certificate Number 641592 issued by the Department of Education covering the areas of Biology, Educational Leadership and School Principal, which is valid through June 30, 2011.

2. **Employment.** At all times pertinent hereto, Respondent was employed as an Assistant Principal at Cocoa High School in the Brevard County School District.

3. **Allegations.** Respondent neither admits nor denies, but elects not to contest the allegations set forth in Petitioner's Administrative Complaint, which are incorporated herein by reference.

4. **Suspension.** Respondent agrees to accept two (2) periods of suspension of his Florida educator's certificate:

1. The first period of suspension will begin the day after the last work day for teachers for the 2008-2009 school year and continue until the day before the first work day for teachers for the 2009-2010 school year. Respondent agrees to notify the Department of Education probation specialist of the last work day for teachers for the 2008-2009 school year and the first work day for teachers for the 2009-2010 school year by May 1<sup>st</sup> of the year in which the period of suspension(s) will occur.

2. The second period of suspension will begin the day after the last work day for teachers for the 2009-2010 school year and continue until the day before the first work day for teachers for the 2010-2011 school year. Respondent agrees to notify the Department of

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Education probation specialist of the last work day for teachers for the 2009-2010 school year and the first work day for teachers for the 2010-2011 school year by May 1<sup>st</sup> of the year in which the period of suspension(s) will occur.

(Suspension means that Respondent may not be employed by any district school board or any other public school or in a position requiring a Florida educator's certificate in a private school during the period of suspension; however, if applicable, Respondent may renew the certificate).

5. **Violation.** In the event Respondent fails to comply with each condition set forth herein, he agrees that the Petitioner shall be authorized to file an Administrative Complaint or a Notice of Violation with the EPC seeking sanctions against his Florida educator's certificate up to and including permanent revocation of his Florida educator's certificate and a permanent bar from re-application for a Florida educator's certificate, based upon the violation of the terms of this Settlement Agreement.

6. **Costs and Fees.** Respondent agrees that any costs associated with the fulfillment of the terms of this Settlement Agreement shall be his sole responsibility. These costs include, but are not limited to, those associated with the Recovery Network Program (RNP) and Probation, if applicable. The probation monitoring fee shall be held in abeyance if Respondent is not employed as an educator pursuant to the terms of the Probation.

7. **Force and Effect.** This Settlement Agreement constitutes an offer of settlement of disputed issues of material fact until accepted and executed by all parties. The Settlement Agreement is void and has no force or effect unless executed by all parties and accepted by the EPC. If the Settlement Agreement is not accepted and executed by all parties, the terms herein shall be inadmissible in any subsequent formal or informal administrative hearing or in any other legal action between the parties.

8. **Notice of "Three Strikes" Provision.** Respondent is hereby put on notice that Section 1012.795(6)(b), Florida Statutes (2004), provides for permanent revocation of an educator's certificate under certain circumstances when the educator's certificate has been sanctioned by the Education Practices Commission on two (2) previous occasions.

9. **Waiver of Rights.** Respondent understands provisions of this Settlement Agreement, their legal effect, and his rights under Florida law to a formal hearing before a duly designated administrative law judge of the Division of Administrative Hearings (DOAH) or an informal hearing before the EPC. Respondent specifically waives his right to both a formal and an informal hearing, except he may appear before the EPC in order to urge the adoption of this Settlement Agreement. Respondent further acknowledges that he is under no duress, coercion or undue influence to execute this Settlement Agreement and that he has had the opportunity to receive the advice of legal counsel prior to signing this Settlement Agreement.

10. **Approval.** When fully executed, this Settlement Agreement shall be submitted to the EPC with the joint request by the parties that the EPC accept and adopt the terms of this Settlement Agreement as the basis for its Final Order in this proceeding. The parties understand that the EPC has the discretion to reject this Settlement Agreement and order a full evidentiary

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hearing on the allegations of the Administrative Complaint if, in the exercise of its discretion, it deems such action to be appropriate.

11. **Notice.** Respondent waives all statutory and regulatory provisions concerning notice of hearing and agrees that this Settlement Agreement may be presented to the EPC for consideration at its next available scheduled meeting, provided that Respondent is given reasonable advanced notice of time, place and date of said meeting.

**(SIGNATURES AND NOTARIZATION ON FOLLOWING PAGE)**

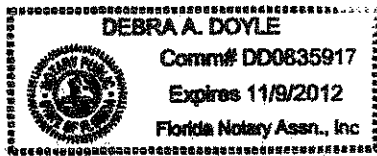
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SIGN WITNESS WHEREOF, the parties have executed this Settlement Agreement on this 11 day of December, 2008.

Dino Gregory Colona  
DINO GREGORY COLONA

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this 11 day of December, 2008, by Dino Gregory Colona, who is  personally known or produced \_\_\_\_\_ as identification [type of identification produced].



Debra A. Doyle  
NOTARY PUBLIC  
My commission expires: \_\_\_\_\_

Bonnie Wilmot  
BONNIE WILMOT  
Assistant General Counsel  
Suite 1244, Turlington Building  
325 West Gaines Street  
Tallahassee, Florida 32399-0400  
Telephone (850) 245-0443  
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ATTORNEY FOR PETITIONER

Mary Aspros  
MARY ASPROS, ESQUIRE  
Meyer & Brooks, P.A.  
2544 Blirstone Pines Drive  
Tallahassee, Florida 32301  
Telephone (850) 224-7818  
Facsimile (850) 224-0447

ATTORNEY FOR RESPONDENT

**STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION**

**JEANINE BLOMBERG, as  
Commissioner of Education,**

**Petitioner,**

**vs.**

**CASE NO. 067-0024-A**

**DINO GREGORY COLONA,**

**Respondent.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner, Jeanine Blomberg, as Commissioner of Education, files this Administrative Complaint against DINO GREGORY COLONA. The Petitioner seeks the appropriate disciplinary sanction of the Respondent's educator's certificate pursuant to Sections 1012.795 and 1012.796, Florida Statutes, and pursuant to Rule 6B-1.006, Florida Administrative Code, Principles of Professional Conduct for the Education Profession in Florida, said sanctions specifically set forth in Sections 1012.795(1) and 1012.796(7), Florida Statutes.

The Petitioner alleges:

**JURISDICTION**

1. The Respondent holds Florida Educator's Certificate 641592, covering the areas of Biology, Educational Leadership and School Principal, which is valid through June 30, 2011.
2. At all times pertinent hereto, the Respondent was employed as an Assistant Principal at Cocoa High School in the Brevard County School District.

**MATERIAL ALLEGATIONS**

3. During the 2004/2005 and 2005/2006 school years, Respondent, in his position as assistant principal, unjustifiably changed a significant number of student grade classifications prior to the administration of the Florida Comprehensive Assessment Test (FCAT) in an attempt to favorably affect computations for funding purposes. On or about June 30, 2006, Respondent resigned from his administrative position with the district. On or about July 25, 2006, the district rehired Respondent, demoted him from principal to assistant principal and froze his salary for one year.
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The Petitioner charges:

**STATUTE VIOLATIONS**

**COUNT 1:** The Respondent is in violation of Section 1012.795(1)(c), Florida Statutes, in that Respondent has been guilty of gross immorality or an act involving moral turpitude.

**COUNT 2:** The Respondent is in violation of Section 1012.795(1)(f), Florida Statutes, in that Respondent has been found guilty of personal conduct which seriously reduces his effectiveness as an employee of the school board.

**COUNT 3:** The Respondent is in violation of Section 1012.795(1)(i), Florida Statutes, in that Respondent has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

**RULE VIOLATIONS**

**COUNT 4:** The allegations of misconduct set forth herein are in violation of Rule 6A-10.042(1), Florida Administrative Code, in that Respondent has failed to maintain/administer test in a manner to preserve test integrity.

**COUNT 5:** The allegations of misconduct set forth herein are in violation of Rule 6A-10.042(1)(f), Florida Administrative Code, in that Respondent has failed to participated in/directed/aided/counseled/assisted in/encouraged any activity which could result in the inaccurate measurement/reporting of examinees' achievement.

**COUNT 6:** The allegations of misconduct set forth herein are in violation of Rule 6A-10.042(3), Florida Administrative Code, in that Respondent has failed to report suspected cheating or other violation of Rule 6A-10.042.

**COUNT 7:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(a), Florida Administrative Code, in that Respondent has failed to make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental health and/or physical health and/or safety.

**COUNT 8:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(b), Florida Administrative Code, in that Respondent has unreasonably restrained a student from independent action in pursuit of learning.

**COUNT 9:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(d), Florida Administrative Code, in that Respondent has intentionally suppressed or distorted subject matter relevant to a student's academic program.

**COUNT 10:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(e), Florida Administrative Code, in that Respondent has intentionally exposed a student to unnecessary embarrassment or disparagement.

**COUNT 11:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(f), Florida Administrative Code, in that Respondent has intentionally violated or denied a student's legal rights.

**COUNT 12:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(4)(b), Florida Administrative Code, in that Respondent has intentionally distorted or misrepresented facts concerning an educational matter in direct or indirect public expression.

**COUNT 13:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(5)(a), Florida Administrative Code, in that Respondent has failed to maintain honesty in all professional dealings.

**COUNT 14:** The Respondent is in violation of Rule 6B.1006(5)(h), Florida Administrative Code, in that Respondent has submitted fraudulent information on a document in connection with professional activities.


**(SIGNATURE ON FOLLOWING PAGE)**

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**WHEREFORE**, based on the reasons set forth herein and in accordance with the Explanation of Rights and Election of Rights forms attached to and made a part of this Administrative Complaint, Petitioner respectfully recommends that the Education Practices Commission impose an appropriate sanction against the Respondent's educator's certificate pursuant to the authority provided in Sections 1012.795(1) and 1012.796(7), Florida Statutes. The sanctions imposed by the Education Practices Commission may include, but are not limited to, any one or a combination of the following: issuing the Respondent a written reprimand; placing the Respondent on probation for any period of time; restricting the Respondent's authorized scope of practice; assessing the Respondent an administrative fine; directing the Respondent to enroll in the Recovery Network Program; suspending the Respondent's educator's certificate for a period of time not to exceed five years; revoking the Respondent's educator's certificate for a period of time up to 10 years or permanently; or barring the Respondent from reapplying for an educator's certificate for a period of time up to 10 years or permanently.

**EXECUTED** on this 27 day of June, 2007.

  
**JEANINE BLOMBERG**, as  
Commissioner of Education  
State of Florida