

BEFORE THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ROBERT W. RUNCIE,
Superintendent,

Petitioner,

vs.

RANDY ROSENBERG,
Employee,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, through its Superintendent, ROBERT W. RUNCIE, and files this Administrative Complaint and states the following:

JURISDICTIONAL BASIS

1. The Agency is The School Board of Broward County, 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. His address is 600 Southeast Third Avenue, Fort Lauderdale, Broward County, Florida 33301.
3. The Petitioner is statutorily obligated to recommend the placement of School Board personnel, and require compliance and observance by all personnel with all laws, rules and regulations.

See '1012.27, Fla. Stat.

4. The employee against whom discipline is recommended, Respondent, Randy Rosenberg, is currently employed as a guidance counselor at Falcon Cove Middle School.

ADMINISTRATIVE CHARGES

5. The matters at issue in this administrative complaint arise out of events that occurred during 2013-2014 school year.

6. Eighth-grade student, A.B., was a peer counselor who also ran errands for the seventh grade administration during fifth period in the 2013-2014 school year, so she was often in and around the Respondent' s office in that area of the school.

7. Student A.B. often left her cellular phone charging at Mr. Rosenberg' s desk.

8. On the date in question, October 30, 2013, the student claims that she turned her phone off and had it charging on the Respondent' s desk while she was running errands.

9. When she returned, she noticed that her phone was "on" and at the conclusion of the class period, she noticed that her phone had three "sent" messages, which included photographs of her, one photograph of her face and two photographs of herself and a friend in bathing suits.

10. The photographs had been sent to guidancecking@yahoo.com, which was later identified as the Respondent' s personal email account. One of the photographs was successfully delivered; the other two photographs were not.

11. Student A.B. had not given the Respondent permission to use her phone which was also password-protected. She believes that the Respondent overheard her telling her password to her friend in

the days before the incident, and that he took her phone, without her permission, used the password, and sent himself the photographs.

12. Distraught by these findings, and visibly upset, A.B. immediately approached her sixth period teacher, Ms. Daley, who took her to administration where the situation was explained to Assistant Principal David Segarra.

13. Principal Mark Kaplan requested that the Broward District School Police Department conduct a personnel investigation into the matter.

14. The Respondent was administratively reassigned during the investigation, and the matter was brought before the Professional Standards Committee on grounds that the Respondent had engaged in inappropriate conduct.

15. The Professional Standards Committee found probable cause that the Respondent engaged in misconduct and recommended that he be terminated from his employment as a guidance counselor; a pre-disciplinary meeting was subsequently held.

16. Having reviewed the materials supporting the charges against Mr. Rosenberg, the Petitioner/Superintendent hereby agrees with the recommendation that he be terminated from his employment.

17. The Respondent's behavior constitutes misconduct in office; it is a violation of the Code of Ethics of the Education Profession and the Principles of Professional Conduct for the Education Profession in Florida, as well as the School Board policies and procedures. This conduct evidences an inability to communicate appropriately with and relate to students, and suggests that the Respondent failed

to use the best professional judgment and integrity and the highest degree of ethical conduct. There can be no question that the Respondent's conduct did not protect the student from conditions that were harmful to her mental and/or physical health and/or safety, and it clearly exposed the student to unnecessary embarrassment and disparagement in addition to violating her right to privacy. As a guidance counselor, the Respondent exploited his relationship with this student to his own advantage and discipline is warranted. See ' 1012.33, Fla. Stat.; Fla. Admin. Code r. 6A-5.056, 6A-10.080, 6A-10.081; Policy 4.9 (Disciplinary Guidelines).

18. In accordance with Florida law, this recommendation for termination must be reviewed, and approved by the School Board. See ' 1012.33, Fla. Stat.

19. If the ultimate decision is adverse to him, Mr. Rosenberg may challenge the decision by seeking an administrative hearing pursuant to Chapter 120 of the Florida Statutes.

EXECUTED this __ day of _____ 2014.


ROBERT W. RUNCIE
Superintendent

cc: Debra P. Klauber, Esq.
Haliczer Pettis & Schwamm, P.A.
Cadre Attorney