

**THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA**

ROBERT W. RUNCIE, as Superintendent of  
Schools,

Petitioner,

v.

CHRISTOPHER MARSHALL,

Respondent.

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**ADMINISTRATIVE COMPLAINT**

Petitioner, Robert W. Runcie, Superintendent of Schools ("Petitioner"), files this Administrative Complaint against Respondent, CHRISTOPHER MARSHALL ("MARSHALL"). The Petitioner seeks the termination of Respondent's employment with the School Board of Broward County ("SBBC"), pursuant to Sections 1001.51, 1012.27(5), 1012.33, and 1012.34 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 has been employed by the school district since October of 1999 as high school mathematics teacher. Since 2007, Respondent has been assigned to McArthur High School. Respondent has a Professional Services Contract issued in accordance with Section 1012.33(3)(a), Florida Statutes.

### **MATERIAL ALLEGATIONS**

5. The school district has implemented an instructional performance evaluation system in conformity with Section 1012.34 known as Broward Instructional Development and Growth Evaluation System. The district uses an electronic system known as iObservation to maintain observation data based on Dr. Robert Marzano's research-based strategies for teacher effectiveness. The use and implementation of this evaluation system has been mutually agreed upon by the SBBC and the Broward Teachers Union. All teachers, including the Respondent, are provided training and internet access to the iObservation system.

6. Respondent was at Hollywood Hills High school during the 2001/2002 school year. There was numerous parent/student complaints regarding his classroom management and grading. In November 2001, respondent had issued failing grades to over sixty seven percent (67%) of his students. Respondent was provided a cycle of assistance before being placed on a Performance Development Plan ("PDP") in February 2002. His noted deficiencies were Student Performance Evaluation and Classroom Management. His failure would have resulted in the non-renewal of his employment contract. Respondent refused to sign the PDP and later claimed he was aware of the plan. Rather than being non-renewed, the Respondent was given a satisfactory evaluation and permitted to transfer from the school.

7. Respondent was thereafter assigned to Charles W. Flanagan High School. During the 2003/2004 school year administration received numerous parent and student complaints concerning Respondent's teaching performance and grading. On June 3, 2004, Respondent received a meeting notice from the administration regarding repeated performance concerns.

8. During the 2004/2005 and 2005/2006 school years, concerns regarding Respondent's performance continued unabated. The school's administration received an myriad number of complaints regarding Respondent's performance, including his high failure rate, grading and testing techniques, class schedule changes and an exorbitant number of referrals and detentions. One example is the two (2) students who requested a schedule change when assigned to Respondent's class. The first student had a 3.0 GPA with only one F, which was issued by Respondent. The second student was fearful of Respondent's high rate of failing grades, since she was on track to graduate.

9. The Respondent's performance issues continued for the remainder of the school year including the integrity of his assessments and student grades. In one instance Respondent administered two (2) geometry mid-term examinations on February 24, 2006, (consisting of 11 multiple choice questions) and March 17, 2006, (consisting of 13 multiple choice questions). The first six (6) questions on each mid-term exam were identical. Respondent was provided extensive assistance during the 2005/2006 school year with the understanding that if his performance deficiencies continued he would be placed on a PDP for the next school year.

10. Respondent's performance deficiencies continued through year's end. On September 22, 2006 Respondent was placed on a Performance Development Plan ("PDP"). Respondent's performance was monitored during the plan noting the continued pattern of complaints, including his D/F grade rate of sixty-four percent (64%) and sixty-eight percent (68%). The PDP was closed on January 12, 2007. Respondent's evaluation was unsatisfactory in three areas: Instructional Planning, Lesson Presentation and Classroom Management. A recommendation for the termination of his contract was made by the principal. Respondent filed a discrimination complaint which was determined to be unfounded. However, Respondent was

given a satisfactory evaluation, permitted to transfer to McArthur High School, where he would be placed on another PDP.

11. The Respondent was placed on his third PDP on August 20, 2007. The plan was concluded on November 20, 2007 when he received a satisfactory evaluation.

12. In the ensuing school years, Respondent's performance and conduct came under scrutiny. The following are a list of the disciplinary events through the 2010/2011 school year:

- March 7, 2010 - Corrective Memorandum regarding failure to follow textbook procedures;
- June 10, 2010 - Corrective Memorandum regarding high percentage of failures, parent complaints and classroom management concerns;
- September 14, 2010 – Corrective Memorandum regarding failure to enter grades, high percentage of failures, misusing extra credit and complaints regarding classroom management;
- November 16, 2010 – Corrective Memorandum regarding high failure rate – directed to reduce D/F grades to thirty-five percent (35%);
- January 14, 2011 – Corrective Memorandum regarding continued high failure rate;
- February 22, 2011 – Verbal reprimand for insubordination – refusal to follow directive to check e-mail on a daily basis;
- March 11, 2011 – Corrective Memorandum regarding inappropriate conversations creating a hostile environment;
- May 20, 2011 – Verbal reprimand for insubordination regarding inappropriate use of extra credit, grading procedures and high failure rate.

13. The students' failure rate during the 2011/2012 ranged from fifty-two percent (52%) to sixty-six percent (66%). During, one quarter, fifty (50) students received a grade of F. The following quarter, thirty-eight (38) students received an F. These grades were administered by Respondent despite the following:

- September 12, 2011 – Corrective Memorandum regarding high percentage of failing grades;
- September 22, 2011 – Verbal reprimand for insubordination;
- October 5, 2011 – Corrective Memorandum regarding insubordination for failure to follow directive;
- December 12, 2011 – Written reprimand for failure to comply with directives to reduce his failure rate;
- December 14, 2011 – Respondent was given an EAP referral;
- January 19, 2012 – Given a three (3) day suspension for insubordination which was approved by the school board;
- April 12, 2012 – Written reprimand regarding insubordination for repeated refusal to attend parent conferences.

14. The following school year, Respondent received a seven (7) day suspension based on his gross insubordination. The Administrative Law Judge, on August 28, 2013, following a formal hearing, found Respondent guilty of gross insubordination and recommended the ten (10) day suspension (three (3) days plus seven (7) days) (DOAH Case Number: 12-2083). The School Board issued a Final Order on October 22, 2013 upholding the Recommended Order. Meanwhile, Respondent was issued a written reprimand on October 10, 2013 for his refusal to attend parent conferences. The following day, Respondent showed up an hour late for work and

offered no explanation for his tardiness. Later the same morning, Respondent failed to attend a previously-scheduled parent conference.

15. Thereafter, the cycle of assistance continued despite Respondent's reluctance to participate. Respondent was placed on a ninety (90) day PDP on February 12, 2014. The Respondent did not attempt to remediate his deficiencies during this period either through willfully refusing to participate in utilizing the strategies outlined in the plan or on his own. The Final Review of the PDP was held on May 27<sup>th</sup>, 2014, which resulted in an Instructional Practice Score of 1.963 (Unsatisfactory). Respondent was recommended for termination of his employment.

#### **ADMINISTRATIVE CHARGES**

16. 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: MISCONDUCT IN OFFICE**

17. Respondent has violated Fla. Stat. 1012.33 and Rule 6A-5.056(2)(a) and (b) of the Florida Administrative Code. Respondent's acts are defined as a violation of the Code of Ethics of the Educational Profession as adopted in Rule 6A-10.080 F.A.C. and of Principles of Professional Conduct for the Educational Provisions in Florida, as adopted by Rule 6A-10.081, F.A.C., which includes the following:

- (3) Obligation to the student requires that the individual:
  - (a) shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
  - (b) shall not unreasonably restrain a student from independent action in pursuit of learning.

- (d) shall not intentionally suppress or distort subject matter relevant to a student's academic program.

**COUNT 2: MISCONDUCT IN OFFICE**

18. Respondent has violated Fla. Stat. 1012.33 and Rule 6A-5.056(2)(c)(d) and (e) of the Florida Administrative Code. Respondent's acts are a violation of the adopted school board rules; behavior that disrupts the student's learning environment; or behavior that reduces the teacher's ability or his or her colleagues' ability to effectively perform duties.

**COUNT 3: INCOMPETENCY**

19. Respondent has violated Fla. Stat. 1012.33 and Rule 6A-5.056(3)(a) and (b) of the Florida Administrative Code. 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 4: FAILURE TO CORRECT PERFORMANCE DEFICIENCIES**

20. Respondent has failed to correct his performance deficiencies in violation of Section 1012.34, Florida Statutes, which constitutes just cause pursuant to Section 1012.33(1)(a), Florida Statute for termination of his employment contract.

**COUNT 5: VIOLATION OF FLORIDA STATUTE § 1012.53(1)**

21. The Respondent is in violation of Section 1012.53(1) Florida Statute, in that Respondent has failed to work diligently and faithfully to help students meet or exceed annual learning goals.

**COUNT 6: VIOLATION OF FLORIDA STATUTE § 1012.53(2)**

22. The Respondent is in violation of Section 1012.53(2) in that Respondent failed to perform duties prescribed by the district school board.

**COUNT 7: SCHOOL BOARD POLICY 4008(B)**

23. 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.

**DEMAND FOR RELIEF**

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends the dismissal of the Respondent, CHRISTOPHER MARSHALL, from his employment with the School Board of Broward County, based upon the foregoing facts and legal authority. Petitioner further, recommends the immediate suspension of Respondent without further pay or benefits in the event the Respondent should challenge the School Board's recommendation of the termination of his employment.

EXECUTED this 6 day of June, 2014.



ROBERT W. RUNCIE,  
Superintendent of Schools, Broward County

Attn:  
Charles T. Whitelock, Esq.  
Cadre Attorney