

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

PETITION FOR FORMAL PROCEEDINGS

v.

MARIA VALDES,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Robert W. Runcie, Superintendent of Schools of Broward County, Florida ("Petitioner"), through his undersigned counsel, files this Administrative Complaint against Respondent, MARIA VALDES ("VALDES"). The Petitioner seeks a five (5) day suspension of Respondent's employment with the School Board of Broward County ("SBBC"), pursuant to Chapter 120 and Sections 1001.51, 1012.27(5), and 1012.33 Florida Statutes and Rule 6A-5.056 of the Florida Administrative Code. The Petitioner alleges 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.
3. The 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, inclusive of the Respondent, Maria T. Valdes (hereinafter "Valdes").

4. Respondent, Valdes, is an employee of the Broward County School Board and is currently employed as a teacher at Cypress Bay High School.
5. The last known address of the Respondent, Maria T. Valdes, is 301 Racquet Club Road, Weston, Florida 33326.

MATERIAL ALLEGATIONS

6. On or about February 2, 2015, Respondent Valdes, a high school teacher, engaged in inappropriate conduct by stating "Ah, no! The Taliban is here!", when referring to a student of Lebanese descent, D.H.W., who had just entered her classroom.
7. Respondent subsequently continued to refer to the student as "the Taliban" or "terrorista" in lieu of his name until a complaint was made by his parents to school administration.
8. Ms. Valdes would call on the student in class by asking "Ok the Talaban what is the answer?" or "Let's ask the Taliban."

ADMINISTRATIVE CHARGES

9. Just cause exists for the requested relief pursuant to Fla. Stat. §§ 1012.33(1)(a), Section 6A-5.056 F.A.C., the Respondent's employment contract, School Board rules and regulations, the Code of Ethics of the Education Profession, and the Employee Disciplinary Guidelines promulgated by the School Board.
10. "Just cause" means "cause that is legally sufficient." It includes but is not limited to the

following instances:

COUNT 1: MISCONDUCT IN OFFICE

11. The Respondent, through her above-described conduct, has violated Fla. Stat. §1012.33 Fla. Stat., and Rules 6A-5.056(2)(a) through (e) of the of the Florida Administrative Code, which defines “misconduct”.

(2) “Misconduct in Office” means one or more of the following:

- (a) A violation of the Code of Ethics of the Education Profession in Florida as adopted in Rule 6B-1.001, F.A.C.;
- (b) A violation of the Principles of Professional Conduct for the Education Profession in Florida as adopted in Rule 6B-1.006, F.A.C.;
- (c) A violation of the adopted school board rules;
- (d) Behavior that disrupts the student’s learning environment; or
- (e) Behavior that reduces the teacher’s ability or his or her colleagues’ ability to effectively perform duties.

12. 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.

- (c) Shall not unreasonably deny a student access to diverse points of view.
- (e) Shall not intentionally expose a student to unnecessary embarrassment or disparagement.
- (f) Shall not intentionally violate or deny a student's legal rights
- (g) Shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure that each student is protected from harassment or discrimination.

(4) **Obligation to the public** requires that the individual:

- (a) Shall take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated

13. Respondent's actions constitute misconduct in office, which is conduct so serious as to impair the individual's effectiveness in the school system. 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 2: INCOMPETENCY

14. The Respondent, through her above-described conduct has violated Fla. Stat. §1012.33 and Rule 6A-5.056(3)(a) and (b) of the Florida Administrative Code. Her actions show an inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.

15. Respondent's actions constitute repeated failure on the part of Respondent to communicate with and relate to children in the classroom, to such an extent that pupils

are deprived of minimum educational experience.

16. Furthermore, when Ms. Valdes, met with D.H.W's parent, she was unable to communicate appropriately and relate to his parent.

COUNT 3: IMMORALITY

17. The Respondent, through her above-described conduct, violated § 1012.33 Fla. Stat., and Rule 6A-5.056(1) of the Florida Administrative Code, and her actions constitute immorality, which is conduct inconsistent with the standards of public conscience and good morals.

18. Additionally, the Respondent's conduct, as factually set forth herein, is sufficiently notorious to bring the Respondent and/or the education profession into public disgrace or disrespect and impair the Respondent's service in the community.

COUNT 4: SCHOOL BOARD POLICY 4008(B)

19. 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.

20. Furthermore, School Board Policy 4008(B) requires that "members of instructional staff shall perform the following functions:"

3. Infuse in the classroom, the District's adopted Character Education Traits of Respect, Honesty, Kindness, Self-control, Tolerance, Cooperation, Responsibility and Citizenship.
8. Conform to all rules and regulations that may be prescribed by the State Board and by the School Board.

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board suspend the Respondent, MARIA VALDES, from her employment without pay for five (5) days, and require completion of diversity training based upon the foregoing facts and legal authority.


NOTICE

If you wish to contest the charges, you must, within 15 days after receipt of the written notice, submit a written request for a hearing to Robert Runcie, Superintendent, Broward County School District, 600 3rd Ave., Ft. Lauderdale, FL, 33301. If timely requested, such hearing shall be conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120, Florida Statutes.

FAILURE TO TIMELY REQUEST A HEARING WILL RESULT IN A WAIVER OF THE RIGHT TO CONTEST THE CHARGES.

IF YOU WANT TO HIRE AN ATTORNEY, YOU HAVE THE RIGHT TO BE REPRESENTED BY AN ATTORNEY IN THIS MATTER.

EXECUTED this 26th day of February, 2015.



ROBERT W. RUNCIE,
Superintendent of Schools, Broward County

Respectfully submitted:
Tria Lawton-Russell, Esq.
Administrative Counsel