

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,  
Superintendent of Schools,

Petitioner,

v.

BRUCE WEINBERG

Respondent.

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ADMINISTRATIVE COMPLAINT

Petitioner, Robert W. Runcie, Superintendent of Schools of Broward County, Florida ("Petitioner"), through his undersigned counsel, files this Administrative Complaint against Respondent, BRUCE WEINBERG ("WEINBERG"). The Petitioner seeks termination of Respondent's employment with the Broward County School Board ("BCSB"), 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:

I. 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 BCSB, inclusive of the Respondent, BRUCE WEINBERG ("WEINBERG").
4. Respondent, WEINBERG, is an employee of the Broward County School Board and is currently employed as a teacher pursuant to a Professional Services Contract issued in accordance with Section 1012.33(3)(a), Florida Statutes (2014).
5. The last known address of the Respondent, Bruce Weinberg, is 8721 NW 41<sup>st</sup> Street, Cooper City, Florida 33024.

**II. MATERIAL ALLEGATIONS**

6. WEINBERG, is a drama teacher at Miramar High School certified in Drama, English, Speech, and Educational Leadership.
7. This recommendation is based upon allegations that Mr. Weinberg engaged in inappropriate conduct in the workplace during the 2013-2014 school year.
8. On or about Monday, February 24, 2014, an incident was captured on video by one of WEINBERG's drama student's, in which, WEINBERG had an angry outburst during class after

realizing that his students were not prepared for an upcoming play. In addition to yelling disparaging comments at his class, WEINBERG singled out and denigrated one particular student, embarrassing and disparaging her in front of other students.

9. Among the comments WEINBERG screamed at his students, he told them to "GO SCREW YOURSELVES"; "YOU DON'T DESERVE ME"; "I AM SICK OF THIS CLASS AND I AM SICK OF THIS SCHOOL"; "YOU WANT A PLAY, SHOW ME A GODDAMN PLAY!"
10. To the student attempting to leave the classroom, WEINBERG yelled "WHAT ARE YOU GONNA DO?" "SIT YOUR ASS DOWN AND SHUT UP!"  
  
WEINBERG then admonished the class by stating, "NOT A SINGLE SOUND, YOU LAUGH, YOU MAKE A NOISE, AND YOU'RE OUT, DO YOU UNDERSTAND ME?"
11. According to his students, this is not the first time WEINBERG has engaged in such behavior, but on this particular occasion, they were so shocked and surprised by his behavior, that one of the students' audio and video taped his conduct.
12. Earlier in the day, WEINBERG had been removing students from his classroom.
13. Student T.K., in a statement written on February 24, 2014, indicated, "I walked into my second period classroom and Mr.

Weinberg started handing out passes to go to another classroom for the rest of the week because we weren't part of the play."

14. Student A.G., in a statement written the same date, stated "Mr. Weinberg handed out passes kicking people out for no reason. Then he kicked me out the class, along with a lot of other people and left the people in the play in the classroom."
15. In addition to the outburst, Mr. Weinberg removed a number of students from his class for the remainder of the week, sending them to another class without an assignment. These students were advised that since they were not involved in the upcoming play, they needed to be removed from the classroom so that the other students could concentrate on their performance
16. A.G. confirmed that WEINBERG routinely and arbitrarily removed students from his classroom. In a statement authored the following day, February 25, 2014, the student indicated, "I went to class again today and Mr. Weinberg kicked us out and gave us an assignment to do in a month."
17. WEINBERG removed some students without providing any assignments.
18. Student M.O. indicated the following:

We came back from our weekend and walked into the second period class and sat down, waiting

for Mr. Weinberg to give us instructions, but instead, after he made the announcements he said, "if you hear your name you're going to a different class for the rest of the week." He called out five (5) names for each pass and sent us to a different classrooms with no work or reason as to why we were being kicked out.

19. Students K.C. and S.B. confirmed this sequence of events.
20. Students D.J. and T.M. highlighted the randomness of WEINBERG'S classroom management technique in determining which students to remove. D.J., a tenth grade student, indicated "at first I didn't know the reason, but later that day a student came to me and said he sent us out of the classroom because he needed the students in the play to concentrate. It was pretty bizarre to me because I was in the play".
21. T.M. stated "Mr. Weinberg was sending students out of class for no reason and when he called my name to leave the classroom I asked why? He never answered me so I decided to stay."

## II. PREVIOUS DISCIPLINE

22. On or about June 13, 2008, WEINBERG accepted a written reprimand as part of a settlement with the Education Practices Commission (hereinafter "EPC") of the State of Florida. (**Exhibit A**).

23. Among the allegations filed by the EPC, WEINBERG was alleged to have committed the following acts while employed as a drama teacher at Charles W. Flanagan High School during the 2004-2005 school year:

- a. Screaming, cursing, and spitting at students, pounding walls with his fists, and storming out of classes, practices, or performances;
- b. Threatening to quit sponsoring clubs or activities if the students did not complain about another teacher;
- c. Frequently mocking and disparaging another teacher in front of the students;
- d. Discarding students' personal items, drama props and equipment without anyone's knowledge or consent;
- e. Interrupting other classes, performances, or practices to scream at, intimidate, or remove students or staff for inappropriate reasons;
- f. Following students in the hallways, making them feel threatened and scared; and
- g. Sending inappropriate or intimidating e-mails or phone calls to students, making them feel uncomfortable, scared, and intimidated.
- h. On or about November 2, 2004, the school principal directed Respondent to stay away from L.C., a fellow

teacher, and refrain from making disparaging remarks about her to students, parents, or staff.

- i. On or about February 5, 2005, Respondent accompanied by his minor daughter, went to the place of employment of a 16-year-old female student who was involved in drama activities but not enrolled in Respondent's class, while she was working. Respondent caused a disruption by demanding to know why the student had complained to the Principal about him, what she had told the Principal about him, and threatening her. Respondent also repeatedly tipped her, knowing that each time an employee is tipped they are required to sing a song, and each time demanded more loudly that she sing. Respondent's behavior upset and embarrassed the student and made her feel uncomfortable.
- j. On or about February 8, 2005, the principal issued Respondent a letter of reprimand for violating her directive of November 2, 2004, and further directed Respondent to stay away from students not in his classes, cease disrupting other classes or taking students out of class, stop sending inappropriate e-mails to students, and stop using profanity with students.

k. On or about February 9, 2005, Respondent approached the same 16-year-old female student in the hallway at school and motioned for her to speak with him.

l. On or about February 11, 2015, the District reassigned Respondent to a position with no student contact.

24. The following eleven (11) charges were levied against the Respondent by the EPC:

- a. Gross immorality or an act involving moral turpitude;
- b. Conduct which seriously reduces Respondent's effectiveness as an employee of the school board
- c. Violations of the Principles of Professional Conduct for the Education Profession prescribed by the State Board of Education rules;
- d. Violation of Rule 6B-1.006(3)(a), Florida Administrative Code, Respondent 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.
- e. Violation of Rule 6B-1.006(3)(e), Florida Administrative Code, Respondent intentionally



exposed a student to unnecessary embarrassment or disparagement.

- f. Violation of Rule 6B-1.006(3)(f), Florida Administrative Code, Respondent intentionally violated or denied a student's legal rights.
- g. Violation of Rule 6B-1.006(3)(g), Florida Administrative Code, Respondent harassed or discriminated against a 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.
- h. Violation of Rule 6B-1.006(3)(h), Florida Administrative Code, Respondent exploited a relationship with a student for personal gain or advantage.
- i. Violation of Rule 6B-1.006(5)(d), Florida Administrative Code, Respondent engaged in harassment or discriminatory conduct which unreasonably interfered with an individual's performance of professional or work responsibilities or with the orderly processes of education or which created a hostile, intimidating, abusive, offensive, or oppressive environment; and further, failed to

make reasonable effort to assure that each individual was protected from such harassment or discrimination.

j. Violation of Rule 6B-1.006(5)(e), Florida Administrative Code, Respondent made malicious or intentionally false statements about a colleague.

k. Violation of Rule 6B-1.006(5)(o), Florida Administrative Code, Respondent sought reprisal against an individual who reported an allegation of the Florida School

#### IV. ADMINISTRATIVE CHARGES

25. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through twenty-four (24) above.

26. 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.

27. "Just cause" means "cause that is legally sufficient." It includes but is not limited to the following instances:

**A. MISCONDUCT IN OFFICE**

28. The Respondent, through his above-described conduct, has violated Fla. Stat. §1012.33 Fla. Stat., and Rules 6A-5.056(2)(a) through (e) 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.

29. 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 Education Profession in Florida, as adopted by Rule 6A-10.081, F.A.C., which includes the following:

(2) Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law

(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.

30. The Code of Ethics of the Education Profession in Florida imputes the following attributes to an educator:

- (1) The educator values the worth and dignity of every person, the pursuit of truth, devotion to excellence, acquisition of knowledge, and the nurture of democratic citizenship. Essential to the achievement of these standards are the freedom to learn and to teach and the guarantee of equal opportunity for all.
- (2) The educator's primary professional concern will always be for the student and for the development of the student's potential. The educator will therefore strive for professional growth and will seek to exercise the best professional judgment and integrity.
- (3) Aware of the importance of maintaining the respect and confidence of one's colleagues, of students, of parents, and of other members of the community, the educator strives to achieve and sustain the highest degree of ethical conduct.

31. 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.

#### **B. INCOMPETENCY**

32. The Respondent, through his above-described conduct has violated Fla. Stat. §1012.33 and Rule 6A-5.056(3)(a) and (b) of the Florida Administrative Code. His actions show an

inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.

(a) "Inefficiency" means one or more of the following:

1. Failure to perform duties prescribed by law;
2. **Failure to communicate appropriately with and relate to students;**
3. Failure to communicate appropriately with and relate to colleagues, administrators, subordinates, or parents;

33. 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 feel threatened.

(b) "Incapacity" includes one or more of the following:

1. **Lack of emotional stability;**
2. Lack of adequate physical ability;
3. Lack of general educational background; or
4. Lack of adequate command of his or her area of specialization

34. Respondent's uncontrollable and aggressive outburst evinces a lack of emotional stability and inability as an educator to tutor and mentor young, impressionable students.

### C. IMMORALITY

35. The Respondent, through his above-described conduct, violated § 1012.33 Fla. Stat., and Rule 6A-5.056(1) of the Florida Administrative Code, and his actions constitute immorality, which is conduct inconsistent with the standards of public conscience and good morals.
36. 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.

### D. GROSS INSUBORDINATION

37. "Gross insubordination" means the intentional refusal to obey a direct order, reasonable in nature, and given by and with proper authority; misfeasance, or malfeasance as to involve failure in the performance of the required duties.
38. WEINBERG has been directed on numerous occasions by school administration to discontinue his aggressive and threatening statements and actions towards his students.

### E. WILLFUL NEGLECT OF DUTY

39. Willful neglect of duty" means intentional or reckless failure to carry out required duties.

40. WEINBERG failed to perform his duties as an educator and instructor by shuttling his students into other classrooms, including a student who was in the play, to have other teachers manage.

**F. SCHOOL BOARD POLICY 4008**

41. 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.

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

1. Comply with the Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida.
2. Teach efficiently and effectively using the books and materials required by the District or the State following the prescribed courses of study and employ sound teaching practices and methods.
3. Infuse in the classroom, the District's adopted Character Education Traits of Respect, Honesty, Kindness, Self-control, Tolerance, Cooperation, Responsibility and Citizenship.
4. Treat all students with kindness, consideration and humanity, administering discipline in accordance with regulations of the State Board and the School Board; provided that in no case shall cruel or inhuman punishment be administered to any child attending the public schools.



43. Additionally, School Board Policy 4008(B) requires that teachers:

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 terminate the Respondent, BRUCE WEINBERG 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 W. Runcie, Superintendent, Broward County School District, 600 3<sup>rd</sup> 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 12<sup>th</sup> day of August, 2015.

  
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ROBERT W. RUNCIE,  
Superintendent of Schools,  
Broward County

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



EDUCATION PRACTICES COMMISSION  
STATE OF FLORIDA

KATHLEEN RICHARDS  
Executive Director

DANIEL BIGGINS  
Assistant Attorney General

DENNIS GRIFFIN  
Chairperson

BRIAN DONOVAN  
Co-Chairperson

June 13, 2008

Bruce Weinberg  
19731 Northwest 8 Street  
Pembroke Pines, Florida 33029

Re: John L. Winn vs. Bruce Weinberg  
EPC No.: 07-0418-RT; DOE No.: 409425

Dear Mr. Weinberg:

As you know, the teacher panel of the Education Practices Commission reviewed the matter pending against you. Based upon the panel's consideration of this matter and upon the panel's acceptance of your Settlement Agreement, you are hereby reprimanded.

This panel, composed of your peers, believes that, as a teacher, you are required to exercise a measure of leadership beyond reproach. By your actions, you have lessened the reputation of all who practice our profession. The profession cannot condone your actions, nor can the public who employ us.

The Education Practices Commission sincerely hopes it is your intention to never allow this situation to occur again or indeed, to violate any professional obligation in fulfilling your responsibilities as an educator. To violate the standards of the profession will surely result in further action being taken against you.

This letter of reprimand is being placed in your state certification file, and a copy is being sent to the Broward County School Board for placement in your personnel file.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Donovan".

Brian Donovan  
Presiding Officer





## Before the Education Practices Commission of the State of Florida

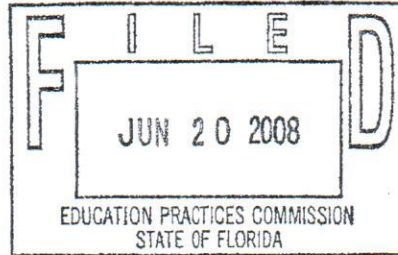
JOHN L. WINN as the  
Commissioner of Education,

Petitioner,

vs.

BRUCE WEINBERG,

Respondent.



CASE N°: 07-0418-RT

EPC Index N° 08-333-AS

PPS N° 045-3175-M

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### Final Order

Respondent, Bruce Weinberg, holds Florida educator's certificate no. 409425. Petitioner has filed an Administrative Complaint seeking suspension, revocation, permanent revocation or other disciplinary action against the certificate.

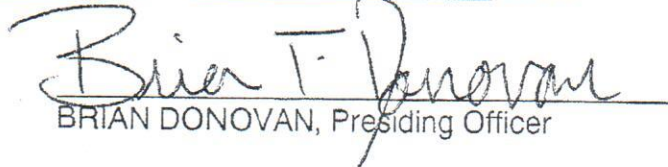
Petitioner and Respondent have entered into a Settlement Agreement for resolution of this cause. The Settlement Agreement and the Administrative Complaint are attached to and made a part of this Final Order.

A Teacher Panel of the Education Practices Commission met on June 13, 2008, 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 13<sup>th</sup> day of June, 2008.

  
BRIAN DONOVAN, Presiding Officer

COPIES FURNISHED TO:

Bureau of Professional Practices

Bureau of Teacher Certification

*Florida Administrative Law Reports*

Superintendent  
Broward County Schools  
600 S.E. 3rd Ave.  
Ft. Lauderdale, FL 33301-3125

Executive Director, Professional  
Standards  
Broward County Schools  
600 S.E. 3rd Ave.  
Ft. Lauderdale, FL 33301-3125

Probation Office

Charles T. Whitelock, Attorney at Law

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 Bruce Weinberg, 19731 Northwest 8 Street, Pembroke Pines, FL 33029; and Robert F. McKee, Kelly and McKee, P.A., P.O. Box 75638 Tampa, Florida 33675-0638 this 20<sup>TH</sup> day of June, 2008 by Certified U.S. Mail.



DON SHIELDS  
Education Practices Commission

STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION

JOHN L. WINN, as  
Commissioner of Education

Petitioner,

vs.

RECEIVED  
APR 04 2008  
CASE NO. 045-3175-M

BRUCE WEINBERG,

Respondent.

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**SETTLEMENT AGREEMENT**

Petitioner and Respondent hereby stipulate and agree as follows:

1. **Certification.** Respondent holds Florida Educator's Certificate Number 409425 issued by the Department of Education covering the areas of Drama, Educational Leadership, English and Middle Grades, which is valid through June 30, 2012.

2. **Employment.** At all times pertinent hereto, Respondent was employed as a Drama Teacher at Charles W. Flanagan High School in the Broward 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. **Letter of Reprimand.** Respondent agrees to accept a letter of reprimand, a copy of which shall be placed in his certification file with the Department of Education and a copy of which shall be placed in his personnel file with the employing school district.

5. **Recovery Network Program.**

a. **Evaluation.** Respondent agrees to:

1) submit to an evaluation relating to the issues cited in the Administrative Complaint as determined by the Recovery Network Program (RNP) and conducted by a Florida licensed psychologist, psychiatrist or mental health counselor approved by the RNP;

2) provide the RNP written verification from the treatment

provider(s) of successful completion of the evaluation within sixty (60) days of issuance of the Final Order accepting this Settlement Agreement OR within sixty (60) days of the initial date of employment in a position requiring a Florida educator's certificate, whichever occurs later, and authorize the RNP to release evidence of satisfaction of this requirement directly to any employing school district or private or charter school;

3) undergo any counseling or treatment as may be prescribed by said professional;

4) provide the RNP and the employing school district or private or charter school with written verification from the treatment provider(s), of completion of all recommended treatments within sixty (60) days of completion; and

b. **Written Verification.** Respondent agrees to:

1) provide the RNP and the employing school district or private or charter school with written verification from the treatment provider(s), to the degree that the treatment provider(s) may ethically predict, that Respondent poses no risk of threat or harm to the safety or well-being of students within sixty (60) days of issuance of the Final Order accepting this Settlement Agreement OR within sixty (60) days of the initial date of employment in a position requiring a Florida educator's certificate, whichever occurs later; and

2) provide the RNP and the employing school district or private or charter school with written verification from the treatment provider (s) that Respondent is capable of performing his responsibilities as an educator within sixty (60) days of issuance of the Final Order accepting this Settlement Agreement OR within sixty (60) days of the initial date of employment in a position requiring a Florida educator's certificate, whichever occurs later.

c. **Prior Evaluation.** If Respondent has undergone evaluation(s) and treatment and/or counseling after the incident(s) alleged in the Administrative Complaint, the evaluation(s) and treatment and/or counseling may be used in lieu of the evaluation(s) and treatment and/or counseling agreed to herein, if acceptable to the RNP.

d. **Employment.** If Respondent is not employed in a position requiring a Florida educator's certificate on the date, or within one (1) year of the date, the initial RNP evaluation(s) required herein are performed, Respondent agrees to submit to follow-up evaluation(s) as determined by the RNP within sixty (60) days of being employed in such a position.

e. **Costs.** Respondent shall bear responsibility for all costs associated with the evaluation, treatment and counseling.



6. **Probation.** Respondent agrees that he shall be placed on probation for a period of two (2) employment years. If Respondent is currently employed in a position requiring a Florida educator's certificate, probation shall begin upon the issuance of the Final Order by the Education Practices Commission (EPC) provided the EPC has accepted this Settlement Agreement. If Respondent is not currently employed in a position requiring a Florida educator's certificate, probation shall begin upon his re-employment in such a position. In the event Respondent's employment is interrupted for any reason prior to the expiration of probation, the probation shall be tolled until Respondent resumes employment in a position requiring a Florida educator's certificate. As conditions of probation, Respondent:

a. shall immediately contact the Department of Education upon employment in Florida in a position requiring a Florida educator's certificate or upon termination from such a position. If currently employed in such a position, Respondent shall contact the Department of Education within ten (10) days of the issuance of the Final Order accepting this Settlement Agreement and Respondent shall provide the Department of Education with the name and address of his work site as well as the name, address and telephone number of his immediate supervisor.

b. shall make arrangements for his immediate supervisor to provide the EPC with a true and accurate copy of each written annual performance evaluation or assessment prepared by his supervisor within ten (10) days of its preparation;

c. shall pay to the EPC \$150.00 within the first six (6) months of each probation year to defray the costs of monitoring probation;

d. shall violate no law and fully comply with all district school board regulations, school rules, and State Board of Education Rule 6B-1.006; and

e. shall satisfactorily perform his duties in a competent, professional manner.

7. **Fine.** Respondent agrees to pay a fine in the amount of \$250.00 to the EPC within the first year of the probationary period.

8. **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.

9. **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.

10. **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.

11. **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.

12. **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.

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

14. **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)

IN WITNESS WHEREOF, the parties have executed this Settlement Agreement on this 24 day of March, 2008.

Bruce Weinberg  
BRUCE WEINBERG

STATE OF FLORIDA  
COUNTY OF Broward

The foregoing instrument was acknowledged before me this 24 day of March, 2008, by Bruce Weinberg who is personally known or produced as identification [type of identification produced].



STEVEN A. FEINMAN  
MY COMMISSION # DD 884333  
EXPIRES: July 30, 2011  
Bonded Thru Budget Notary Services

[Signature]  
NOTARY PUBLIC  
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ATTORNEY FOR RESPONDENT

STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION

JOHN L. WINN, as  
Commissioner of Education,

Petitioner,

vs.

CASE NO. 045-3175-M

BRUCE WEINBERG,

Respondent.

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ADMINISTRATIVE COMPLAINT

Petitioner, John L. Winn, as Commissioner of Education, files this Administrative Complaint against BRUCE WEINBERG. 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 409425, covering the areas of Drama, Educational Leadership and Middle Grades, which is valid through June 30, 2007.
2. At all times pertinent hereto, the Respondent was employed as a Drama Teacher at Charles W. Flanagan High School in the Broward County School District.

MATERIAL ALLEGATIONS

3. During the 2004-2005 school year, Respondent frequently displayed inappropriate, erratic, intimidating, abusive, harassing, and threatening behavior toward students and colleagues. Such behavior included, but was not limited to:
  - a. screaming, cursing, and spitting at students, pounding walls with his fists, and storming out of classes, practices, or performances;
  - b. threatening to quit sponsoring clubs or activities if the students did not complain about another teacher;

- c. frequently mocking and disparaging another teacher in front of the students;
  - d. discarding students' personal items, drama props and equipment without anyone's knowledge or consent;
  - e. interrupting other classes, performances, or practices to scream at, intimidate, or remove students or staff for inappropriate reasons;
  - f. following students in the hallways, making them feel threatened and scared; and
  - g. sending inappropriate or intimidating emails or phone calls to students, making them feel uncomfortable, scared, and intimidated.
4. On or about November 2, 2004, the school principal directed Respondent to stay away from L.C., a fellow teacher, and to refrain from making disparaging remarks about her to students, parents, or staff.
5. On or about February 5, 2005, Respondent, accompanied by his minor daughter, went to the place of employment of \_\_\_\_\_, a 16-year-old female student who was involved in drama activities but not enrolled in Respondent's class, while \_\_\_\_\_ was working. Respondent caused a disruption by demanding to know why \_\_\_\_\_ had complained to the principal about him, what she had told the principal about him, and threatening her. Respondent also repeatedly tipped her, knowing that each time an employee is tipped they are required to sing a song, and each time demanded more loudly that she sing. Respondent's behavior upset and embarrassed \_\_\_\_\_, and made her feel uncomfortable.
6. On or about February 8, 2005, the principal issued Respondent a letter of reprimand for violating her directive of November 2, 2004, and further directed Respondent to stay away from students not in his classes, cease disrupting other classes or taking students out of class, stop sending inappropriate emails to students, and stop using profanity with students.
7. On or about February 9, 2005, Respondent approached \_\_\_\_\_ in the hallway at school and motioned for her to come speak to him. \_\_\_\_\_ became frightened and refused to speak with Respondent.
8. On or about February 11, 2005, the district reassigned respondent to a position with no student contact. On or about June 21, 2005, the district suspended Respondent for three days without pay.

#### 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 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 5:** 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 6:** 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 7:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(g), Florida Administrative Code, in that Respondent has harassed or discriminated against a 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.

**COUNT 8:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(h), Florida Administrative Code, in that Respondent has exploited a relationship with a student for personal gain or advantage.

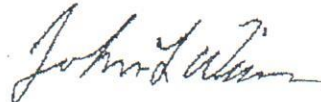
**COUNT 9:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(5)(d), Florida Administrative Code, in that Respondent has engaged in harassment or discriminatory conduct which unreasonably interfered with an individual's performance of professional or work responsibilities or with the orderly processes of education or which created a hostile, intimidating, abusive, offensive, or oppressive environment; and further, failed to make reasonable effort to assure that each individual was protected from such harassment or discrimination.

**COUNT 10:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(5)(e), Florida Administrative Code, in that Respondent has made malicious or intentionally false statements about a colleague.

**COUNT 11:** The Respondent is in violation of Rule 6B.1006(5)(o), Florida Administrative Code, in that Respondent sought reprisal against any individual who has reported an allegation of a violation of the Florida School Code or State Board of Education Rules as defined in Section 1012.795(1), Florida Statutes.

**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 13th day of February, 2006.



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JOHN L. WINN, as  
Commissioner of Education  
State of Florida