

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

Elaine Jaffe

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Robert W. Runcie, Superintendent of Schools of Broward County, Florida ("Petitioner"), through her undersigned counsel, files this Administrative Complaint against Respondent, Elaine Jaffe ("Jaffe"). The Petitioner seeks five (5) days of suspension without pay 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 Jaffe.

4. Jaffe 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 Jaffe is 3400 Galt Ocean Dr., # 1510 S, Ft Lauderdale, FL, 33308.

II. MATERIAL ALLEGATIONS

6. This recommendation is based upon conduct occurring during the 2014-2015 and 2015-2016 school years.
7. Jaffe is a reading teacher at Coral Springs High School.

III. PREVIOUS DISCIPLINE

8. Jaffe was first hired by the district on February 12, 2001.
9. On or about November 13, 2012, Jaffe was issued a verbal reprimand for violations of the Code of Ethics regarding unprofessional conduct with colleagues and students.
10. On or about May, 19, 2015, the School Board approved the Superintendent's recommendation for a five (5) day

suspension of Jaffe for failure to provide IEP and RTI services.

IV. ADMINISTRATIVE CHARGES

11. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through ten (10) above.
12. On or about August 20, 2015, while serving a suspension without pay, Jaffe entered Coral Springs High School without permission.
13. Upon learning of Jaffe's unauthorized presence on campus, Coral Springs High School Principal, Susan Leon-Leigh ("Principal") directed Jaffe, through an intermediary that Jaffe come to the Principal's office.
14. Jaffe refused the Principal's directive.
15. The Principal, along with security, was then forced to locate and required Jaffe to come to my office.
16. On or about April 29, 2015 Jaffe failed to communicate appropriately with and relate to students and colleagues when Jaffe, in front of a colleague and her students, Jaffe accused teachers and students of cheating on a charitable contest.
17. Jaffe has repeatedly failed to communicate appropriately with and relate to colleagues when, during faculty and other meetings, Jaffe insults and disparages colleagues as

"ignorant," "not thinking," "looking ridiculous," and
"looking like a fool."

18. Jaffe failed to communicate appropriately with colleagues and administrators, when on or about May 18 - 22, 2015, Jaffe misrepresented faculty council meeting minutes, and "directed" the Principal to answer them.

V. JUST CAUSE FOR DISCIPLINE

19. Just cause exists for the requested relief pursuant to Fla. Stat. § 1012.33, 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.
20. "Just cause" means cause that is legally sufficient. "Just cause" includes, **but is not limited to:**
 - A. "Immorality" means conduct that is inconsistent with the standards of public conscience and good morals. It is conduct that brings the individual concerned or the education profession into public disgrace or disrespect and impairs the individual's service in the community.
 - B. "Misconduct in Office" means one or more of the following:
 1. A violation of the Code of Ethics of the Education Profession in Florida as adopted in Rule 6B-1.001, F.A.C.;
 2. A violation of the Principles of Professional Conduct for the Education Profession in Florida as adopted in Rule 6B-1.006, F.A.C.;
 3. A violation of the adopted school board rules;
 4. Behavior that disrupts the student's learning environment; or
 5. Behavior that reduces the teacher's ability or her or her colleagues' ability to effectively perform duties.

- C. "Incompetency" means the inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.
1. "Inefficiency" means one or more of the following:
 - a. Failure to perform duties prescribed by law;
 - b. Failure to communicate appropriately with and relate to students;
 - c. Failure to communicate appropriately with and relate to colleagues, administrators, subordinates, or parents;
 - d. Disorganization of her or her classroom to such an extent that the health, safety or welfare of the students is diminished; or
 - e. Excessive absences or tardiness.
 2. "Incapacity" means one or more of the following:
 - a. Lack of emotional stability;
 - b. Lack of adequate physical ability;
 - c. Lack of general educational background; or
 - d. Lack of adequate command of her or her area of specialization.
- D. "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.
- E. "Willful neglect of duty" means intentional or reckless failure to carry out required duties.
- F. Multiple annual performance ratings of unsatisfactory or needs improvement as specified in Section 1012.33(1)(a), F.S.
- G. "Crimes involving moral turpitude."

A. JUST CAUSE

21. Respondent's actions constitute just cause to suspend her employment without pay for a period of five (5) days.

B. MISCONDUCT IN OFFICE

22. Respondent's actions constitute misconduct in office.

C. INCOMPETENCY

23. Respondent's actions constitute incompetency.

D. GROSS INSUBORDINATION

24. Respondent's actions constitute gross insubordination.

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board suspend the Respondent, Ellaine Jaffe without pay for five (5) days based upon the foregoing facts and legal authority.

EXECUTED this 21st day of January, 2016.



ROBERT W. RUNCIE,
Superintendent of Schools,
Broward County

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

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 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.

THIS HAS BEEN ISSUED AT THE REQUEST OF:
Tria Lawton-Russell (754) 321-2655

RECEIVED THIS NOTICE AND ADMINISTRATIVE COMPLAINT ON:

_____, 20____, at _____ o'clock,
____.m., and served the same on _____,
20____, at _____ o'clock, _____.m., by delivering a
true copy thereof (together with the fee for one day's
attendance and the mileage allowed by law*)
to: _____

COMPLETE IF SERVED BY SWORN LAW ENFORCEMENT OFFICER

_____, 20____, at _____
o'clock, _____.m. By: _____
Title: _____