

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

Charlie Morgan, II

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Robert W. Runcie, Superintendent of Schools of Broward County, Florida ("Petitioner"), files this Administrative Complaint against Respondent, Charlie Morgan, II ("Morgan"). The Petitioner seeks three (3) 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 Morgan.

4. Morgan 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 Morgan is 1423 Avon Lane, Unit 112, North Lauderdale, FL 33068.

II. MATERIAL ALLEGATIONS

6. This recommendation is based upon conduct occurring during the 2014-2015 school year.
7. Morgan is a science teacher at Western High School.

III. PREVIOUS DISCIPLINE

8. Morgan was first hired by the district on August 1, 2002.

IV. ADMINISTRATIVE CHARGES

9. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through eight (8) above.

10. On or about February 23, 2015, Morgan was traversing a sidewalk on the Western High School campus inadvertently collided with a student, Y.M., and Morgan kept walking.
11. The student became angry and began yelling at Morgan.
12. Instead of continuing on his way, Morgan returned to the student, verbally threatened to "crush [the student's] skull" and assumed a fighting stance with the student.
13. As the student prepared to fight, Morgan called security. Security ultimately arrived and separated Morgan and the student.

V. JUST CAUSE FOR DISCIPLINE

14. 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.
15. "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 his or his 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 his or his 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 his or his 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

16. Respondent's actions constitute just cause to suspend his employment without pay for a period of three (3) days.

B. MISCONDUCT IN OFFICE

17. Respondent's actions constitute misconduct in office.

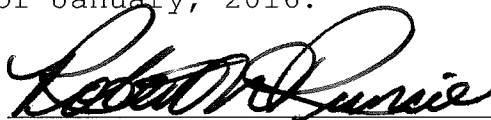
C. INCOMPETENCY

18. Respondent's actions constitute incompetency.

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board suspend the Respondent, Charlie Morgan without pay for three (3) days based upon the foregoing facts and legal authority.

EXECUTED this ____ day of January, 2016.

A handwritten signature in cursive script, appearing to read "Robert W. Runcie", is written over a horizontal line.

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: _____