

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

DIRK HILYARD,

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, Dirk Hilyard ("HILYARD"). 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 Broward County School Board, 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 HILYARD.

4. HILYARD 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 (2017).
5. The last known address of HILYARD is 5273 W. 106 Avenue, Davie, Florida 33328.

II. MATERIAL ALLEGATIONS

6. This recommendation is based upon conduct occurring during the 2015-2016 school year.
7. HILYARD is an English teacher who, at all materials times, was employed at Hollywood Hills High School.
8. HILYARD was first hired by the district on September 25, 1987.
9. During the 2015-2016 school year, HILYARD was involved in an inappropriate relationship with one of his female students, A.L.

10. On approximately five occasions during the 2015-2016 school year, HILYARD took A.L. to a townhouse after school where they engaged in oral sex.
11. On another occasion some time before February 5, 2016, while A.L. was skipping class and sitting behind HILYARD's desk, as she often did, HILYARD and A.L. were observed by students in class passing notes to each other.
12. HILYARD threw the notes away and the witnesses retrieved the notes from the trash. The first note was in HILYARD's handwriting which stated "*I want you to be my sex slave, call me sir or daddy*" and the second note was in A.L.'s handwriting which said "*whatever you want daddy*".
13. During the 2015-2016 school year, HILYARD engaged in direct messaging with A.L. of a graphic sexual nature on social media platforms Twitter and Facebook.
14. On or about Friday, January 15, 2016, HILYARD and A.L. traveled to Naples, Florida together for the weekend to attend one of HILYARD's soccer tournaments.
15. While in Naples, HILYARD and A.L. shared a room at the Red Roof Inn.
16. During the trip, HILYARD and A.L. engaged in kissing and holding hands while out in public.

17. On several occasions during the 2015-2016 school year, HILYARD was observed alone in his classroom with A.L. with the lights off.
18. On or about January 14, 2016, HILYARD was on duty at school.
19. On or about January 14, 2016, the Broward Teacher's Union representative, Angela Dickinson (hereinafter "Dickenson") witnessed "a female student with red in the back of her hair", knocking on HILYARD's classroom door at approximately 7:00 A.M., while HILYARD's classroom lights were off.
20. Dickenson had observed HILYARD going into his classroom a few minutes before and noticed that HILYARD's lights were still off when the female student, believed to be A.L., entered his classroom.
21. On another occasion, during the fall of the 2015-2016 school year, teacher, Cynthia Farquhar (hereinafter "Farquhar"), went to HILYARD's classroom and the door was locked. When HILYARD opened the door after a delayed period, Farquhar observed that HILYARD was visibly nervous and told Farquhar that he could not talk right now. As HILYARD went back into the classroom, Farquhar saw a female believed to be A.L. at the back of the room.
22. On or before February 5, 2016, M.H., a student of HILYARD's, went to drop off her gym bag in HILYARD's classroom before

school. M.H. noticed that HILYARD's door was locked and his lights were off.

23. While M.H. was waiting outside in the hallway at a nearby classroom, M.H. saw HILYARD exit his classroom and hold the door open for A.L. who was also inside. As A.L. passed in front of HILYARD, HILYARD reached out and fluffed the bottom of A.L.'s skirt.
24. On or about January 22, 2016, HILYARD was seen exiting the school with A.L. HILYARD picked A.L. up in his car and they left together after school.
25. HILYARD asked A.L. to keep the relationship secret.

III. PREVIOUS DISCIPLINE

26. On or about October 2, 1995, HILYARD was issued a directive "to use better judgment and to cease and desist with any type of story or metaphor that has sexual connotations" due to a complaint from a female student that HILYARD "grabb[ed] and/or touch[ed] her in a way she perceived as being offensive."

IV. ADMINISTRATIVE CHARGES

27. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through twenty-six (26) above.
28. 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.

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

* * *

V. JUST CAUSE FOR DISCIPLINE

A. JUST CAUSE

30. Respondent's actions constitute just cause to terminate.

B. IMMORALITY

31. Respondent's actions constitute immorality.

C. MISCONDUCT IN OFFICE

32. Respondent's actions constitute misconduct in office. The Respondent through his above-described conduct, has violated Fla. Stat. §1012.33 Fla. Stat., and one or more of Rules 6A-5.056(2)(a) through (e) of the Florida Administrative Code, which defines "misconduct".

D. INCOMPETENCY

33. Respondent's [f]ailure to communicate appropriately with and relate to students" constitutes inefficiency.

E. WILLFUL NEGLECT OF DUTY

34. Respondent's actions constitute willful neglect of duty.

F. SCHOOL BOARD POLICY 4008

35. Respondent is in violation of School Board Policy 4008 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.
36. 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.
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.

G. SCHOOL BOARD POLICY 4.9

37. Respondent is in violation of School Board Policy 4.9 which **mandates termination** for certain Category A offenses such as "[i]nappropriate sexual conduct including, but not limited to, sexual battery, possession or sale of pornography involving minors, **sexual relations with a student or the attempt thereof**".¹ Policy 4.9 II (a) (9/8/10)

¹ Emphasis added.

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board terminate the Respondent, Dirk Hilyard, based upon the foregoing facts and legal authority.

EXECUTED this 14th day of November, 2017.



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 calendar 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.