

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

STACY MELISSA WOLFE,

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, STACY MELISSA WOLFE ("WOLFE"). 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), 1012.33, 1012.55, and 1012.585 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, STACY MELISSA WOLFE (hereinafter "WOLFE").

4. Respondent, WOLFE, was an employee of the Broward County School Board and was currently employed as a teacher pursuant to an Annual Contract, issued in accordance with Section 1012.33(3)(a), Florida Statutes (2014).
5. The last known address of the Respondent, WOLFE, is 1029 Harrison Street, Hollywood, Florida 33019.

II. MATERIAL ALLEGATIONS

6. WOLFE is an Exceptional Student Learning Support (ESLS) teacher for hospital homebound students.
7. On or about June 1, 2017, WOLFE was approved for Family Medical Leave Act (FMLA) leave.
8. On or about June 5, 2017, a letter was mailed both by certified mail and regular mail informing WOLFE that she was to return to work on August 14, 2017.
9. On or about August 14, 2017, WOLFE did not show up to work for pre-planning and she did not contact the school to inform anyone that she would not be coming to work.
10. On or about August 14, 2017, WOLFE's immediate supervisor

texted WOLFE to determine if WOLFE was returning for the 2017/2018 school year and WOLFE did not respond.

11. On or about August 23, 2017, a letter was mailed to WOLFE by both certified mail and regular mail informing WOLFE that she was required to return to work on August 14, 2017. WOLFE was now absent from work without leave of absence.
12. WOLFE has not contacted the school since the start of the 2017-2018 school year.
13. WOLFE has abandoned her teaching position as an Exceptional Student Learning Support (ESLS) teacher for hospital homebound students.

III. ADMINISTRATIVE CHARGES

14. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through thirteen (13) above.
15. 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.
16. "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

17. Respondent's actions constitute just cause to terminate her employment.

B. INCOMPETENCY

18. Respondent's actions constitute incompetency.

C. WILLFUL NEGLIGENCE OF DUTY

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

SCHOOL BOARD POLICY 4008(B)

20. Respondent is in violation of School Board Policy 4008(B) which requires all employees to comply with the provisions of the Florida School Code, State Board Regulations and regulations and policies of the Board.

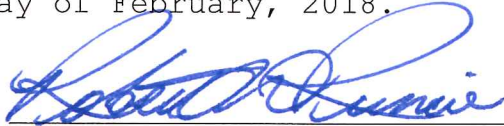
SCHOOL BOARD POLICY 4008(C)

21. Respondent is in violation of School Board Policy 4008(C) which requires all employees who have been issued contracts to work 196 days, ... on duty a minimum of seven and one-half (7 1/2) hours daily.

DEMAND FOR RELIEF

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

EXECUTED this 13th day of February, 2018.



ROBERT W. RUNCIE,
Superintendent of Schools,
Broward County

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.

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