

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

PRAIM NANAN,

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, Praim Nanan ("NANAN"). 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 NANAN.
4. NANAN 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 NANAN is 4848 SW 25th Avenue, Fort Lauderdale, FL 33312.

II. MATERIAL ALLEGATIONS

6. This recommendation is based upon conduct occurring during the 2015-2016 and 2016-2017 school years.
7. NANAN is a Science teacher who, at all materials times, was employed at Piper High School.
8. NANAN was first hired by the district on August 19, 2003.
9. During the 2015-2016 and 2016-2017 school years, NANAN engaged in inappropriate sexual activity with one of his 9th grade biology students, A.W.
10. On or about June 6, 2016, NANAN was on duty at school.

11. On or about June 6, 2016, NANAN had a sexual encounter with A.W. while they were alone in his classroom.
12. On or about June 6, 2016, A.W. reported to NANAN's classroom to do filing for "service hours."
13. On or about June 6, 2016, NANAN closed and locked the door and covered the window while he was alone with A.W. in his classroom.
14. On or about June 6, 2016, NANAN began to "talk about sex" with A.W. while they were alone in his classroom.
15. On or about June 6, 2016, NANAN began to talk about his own "sexual experiences" with A.W. while they were alone in his classroom.
16. On or about June 6, 2016, NANAN asked A.W. "what turned her on" while they were alone in his classroom.
17. On or about June 6, 2016, NANAN put his hand on A.W.'s thigh and asked her if that "turned her on" while they were alone in his classroom.
18. On or about June 6, 2016, NANAN lifted A.W.'s shirt and sucked on her breast while they were alone in his classroom.
19. On or about June 6, 2016, at NANAN's direction, NANAN received oral sex from A.W. while they were alone in his classroom.

20. On or about June 6, 2016, NANAN held A.W.'s head down while she performed the oral sexual act, after which he gave her mouthwash before she left his classroom.
21. The next day after the aforementioned encounter, NANAN called A.W. out of class to his classroom and NANAN asked A.W. to keep the relationship between them a secret.
22. Near the beginning of the 2016-2017 school year NANAN inappropriately kissed A.W. on the mouth after he called her out of class to his classroom for pizza with other students, except that no one else was there and there was no pizza.
23. On or about January 18, 2017, NANAN's statement was compelled regarding the allegation that NANAN was involved in sexual misconduct with a student, during the week of June 6, 2016, while working at Piper High School.
24. On or about January 23, 2017, NANAN though counsel refused to provide the aforementioned statement.
25. On February 8, 2017, NANAN was issued another notice compelling his cooperation which contained a proper Garrity Warning.
26. On February 9, 2017, NANAN through his counsel, refused to provide a statement.

III. 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. "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.

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IV. 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. INSUBORDINATION

34. Respondent's actions constitute insubordination.

F. SCHOOL BOARD POLICY 4.9

35. Respondent is in violation of School Board Policy 4.9 which prohibits inappropriate 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. Policy 4.9 II (a) (9/8/10).

G. SCHOOL BOARD POLICY 4008

36. 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.
37. 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,

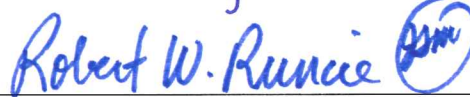
Kindness, Self-control, Tolerance, Cooperation, Responsibility and Citizenship.

8. Conform to all rules and regulations that may be prescribed by the State Board and by the School Board.

DEMAND FOR RELIEF

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

EXECUTED this 21st day of February, 2018.



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.