

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

SAMUEL PARRONDO,

Respondent.

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ADMINISTRATIVE COMPLAINT

Petitioner, Robert W. Runcie, Superintendent of Schools of Broward County, Florida ("Petitioner"), through his undersigned counsel, files this Administrative Complaint against Respondent, Samuel Parrondo ("PARRONDO"). The Petitioner seeks a three (3) day suspension of Respondent's employment with the Broward County School Board ("BCSB") with the additional condition that Respondent successfully complete Professional Crisis Management ("PCM") training, all 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 PARRONDO.
4. PARRONDO 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 PARRONDO is 235 Sidonia Avenue, Apt. 210, Coral Gables, Florida 33134.

II. MATERIAL ALLEGATIONS

6. This recommendation is based upon conduct occurring in March of 2016.
7. PARRONDO is a certified ESE and English for Speakers of Other Languages teacher who, at all materials times, was employed as an ESE teacher at Olsen Middle School.
8. PARRONDO was first hired by the district on May 31, 2005.
9. On or about March 11, 2016, PARRONDO was on duty teaching his ESE class.

10. On or about March 11, 2016, one of Parrando's students J.M., who is a deaf, low functioning, non-verbal student, identified as having autism, was in attendance.
11. On or about March 11, 2016, Parrando was attempting to test J.M. for what is the equivalent of the Florida Standardized Assessment for certain ESE student.
12. At some point during the morning hours of that day, J.M. began acting out and making loud noises.
13. Parrando eventually responded by grabbing J.M. by the throat and taking J.M. to the ground by leg sweep, or other similar means of take down.
14. Upon taking J.M. to the ground, PARRONDO placed himself on top of J.M., thereby pinning J.M. to the floor with J.M.'s arms at his side, while Parrando continued to yell at J.M.
15. As a result of the aforementioned conduct of PARRONDO, J.M. suffered a scratch on his neck.

III. PREVIOUS DISCIPLINE

16. On or about February 12, 2016, PARRONDO was issued a Meeting Summary Memo regarding his consistently tardy to work, creating a lapse of supervision for the students.
17. On or about May 14, 2012, PARRONDO was issued a Letter of Expectation regarding his yelling at another staff member in the presence of a child.

IV. ADMINISTRATIVE CHARGES

18. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through seventeen (17) above.
19. 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.
20. "Just cause" means cause that is legally sufficient. "Just cause" includes, **but is not limited to:**

* * *

- 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.

* * *

V. JUST CAUSE FOR DISCIPLINE

A. JUST CAUSE

21. Respondent's actions constitute just cause to suspend him for three (3) days without pay and refer him to PCM training.

B. MISCONDUCT IN OFFICE

22. 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".

C. INCOMPETENCY

23. Respondent's actions constitute incompetency as a result of inefficiency and/or incapacity. Respondent's "[f]ailure to

communicate appropriately with and relate to students; and Respondent's [f]ailure to communicate appropriately with and relate to colleagues, administrators, subordinates, or parents;" constitutes inefficiency.

D. SCHOOL BOARD POLICY 4008(B)

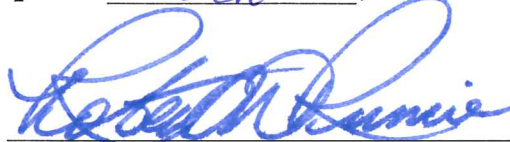
24. Respondent is in violation of School Board Policy 4008(B) which requires all employees who have been issued contracts to comply with the provisions of the Florida School Code, State Board Regulations and regulations and policies of the Board.
25. Furthermore, School Board Policy 4008(B) requires 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 suspend the Respondent, Samuel Parrondo, for three (3) days without pay and refer him to PCM training based upon the foregoing facts and legal authority.

EXECUTED this 2nd day of March, 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 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.