



ADDED ITEM

AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ITEM No.:
II-2.

MEETING DATE	2018-05-08 10:05 - School Board Operational Meeting
AGENDA ITEM	ITEMS
CATEGORY	II. OFFICE OF THE SUPERINTENDENT
DEPARTMENT	Office of Chief of Staff

Special Order Request <input type="radio"/> Yes <input checked="" type="radio"/> No
Time
Open Agenda <input checked="" type="radio"/> Yes <input type="radio"/> No

TITLE:
FINAL ORDER - The Broward County School Board vs. Samuel Parrondo

REQUESTED ACTION:
Adopt the Superintendent's Recommendation to Dismiss Mr. Parrondo's Request for Hearing with Prejudice and enter the proposed Final Order.

SUMMARY EXPLANATION AND BACKGROUND:
See Supporting Docs for Summary Explanation and Background.

SCHOOL BOARD GOALS:
 Goal 1: High Quality Instruction Goal 2: Continuous Improvement Goal 3: Effective Communication

FINANCIAL IMPACT:
There is no financial impact to the District.

EXHIBITS: (List)
(1) Summary Explanation and Background (2) Proposed Final Order

BOARD ACTION:
ADOPTED
(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:	
Name: Tria Lawton-Russell	Phone: 754-321-2050
Name:	Phone:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
Senior Leader & Title

Jeffrey S. Moquin - Chief of Staff

Signature
Jeffrey S. Moquin
5/4/2018, 3:58:56 PM

Approved In Open Board Meeting On:

MAY 08 2018

By: *Nora Ruper*
School Board Chair

SUMMARY EXPLANATION AND BACKGROUND

On or about March 11, 2016, Samuel Parrondo (hereinafter, S.P.) was attempting to test one of his students, J.M., who is a deaf, low functioning, non-verbal student, identified as having autism for what is the equivalent of the Florida Standardized Assessment for certain ESE students. At some point during the morning hours of that day, J.M. began acting out and making loud noises. S.P. 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. S.P. placed himself on top of J.M., thereby pinning J.M. to the floor with J.M.'s arms at his side, while S.P. continued to yell at J.M. As a result of the aforementioned conduct of S.P., J.M. suffered a scratch on his neck. In accordance with Broward County School Board (hereinafter, "School Board") Policy 4.9, suspension without pay is recommended.

The Administrative Counsel prepared the administrative complaint and notice was personally served on S.P. on March 12, 2018, that a recommendation for his three (3) day suspension without pay with the additional condition that he successfully complete Professional Crisis Management ("PCM") training would be presented to the School Board on April 10, 2018, so that his deadline for requesting a hearing expired on March 27, 2018. S.P. served his Petition for Administrative Hearing on April 11, 2018, which was untimely and after the School Board had rendered its final decision on April 10, 2018. Pursuant to Florida Statutes §1012.33 (6)(a), *[i]f the employee wishes to contest the charges, the employee must, within 15 days after receipt of the written notice, submit a written request for a hearing.* The employee failed to do so; therefore, pursuant to Broward County School Board Policy 4.9, §5.1, the School Board's decision is final and any subsequent requests for hearing should be denied.

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

THE BROWARD COUNTY SCHOOL BOARD,

Petitioner,

v.

SAMUEL PARRONDO,

Respondent.

FINAL ORDER DISMISSING RESPONDENT'S SECOND REQUEST FOR FORMAL HEARING WITH PREJUDICE

THIS CAUSE concerns the request for hearing that the Broward County School Board (hereinafter "School Board") received pertaining to an administrative complaint issued on March 2, 2018.¹ (**Exhibit A**).

FINDINGS OF FACT

1. On April 10, 2018, the Superintendent of Broward County Schools, Robert W. Runcie, (hereinafter "Superintendent") issued an administrative complaint seeking a (3) three-day unpaid suspension of Respondent, Samuel Parrondo.
2. On March 12, 2018, the Respondent, Samuel Parrondo, was personally served with both the administrative complaint, notifying him of the charges/recommended discipline, as well as with the letter notifying her of the Board action date of April 10, 2018. (**Exhibit B**).
3. The administrative complaint included the following notice in bold font:

If you wish to contest the charges, you must, within 15 days after receipt of the written notice, submit a written request for a

¹ The Broward County School Board is referenced herein as the Petitioner since the School Board approved the Superintendent's recommendation on April 10, 2018.

hearing to Robert 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.

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Thus, providing a clear point of entry into the administrative process.

4. Moreover, without waiving the clear point of entry the administrative complaint provides, the School Board policies provide the following additional notice. Pursuant to School Board Policy 1100A, the School Board meeting agenda was released to the general public seven (7) days prior to the School Board Operational Meeting (hereinafter "SOBM") by posting on the Broward County School Board website; therefore, Mr. Parrondo's' administrative complaint, which was part of that agenda, was in effect published a week prior to the April 10, 2018, SBOM.
5. Furthermore, on April 10, 2018, amid media coverage of the event, the

Superintendent's administrative complaint was received by the School Board at its School Board Operational Meeting. In addition to being open to the public, the meeting was also broadcast live on the School Board's Beacon television station, which is accessible to the general public by television as well as through the internet at the School Board's website. **(Exhibit C)**.

6. Thirty-days (30) later, on Wednesday, April 11, 2018, the Superintendent received an e-mail from Mr. Parrondo's Attorney, Katherine Heffner. **(Exhibit D)**.
7. The attached Petition for Administrative Hearing made a request for a hearing. **(Exhibit E)**.

CONCLUSIONS OF LAW

8. Florida Statutes §1012.27 (2014), titled "Powers and Duties of District School Superintendent", delegates the power to "[r]ecommend employees for dismissal" as well as "suspend members of the instructional staff" to the district school Superintendent. §1012.27 (5) Fla. Stat. (2014).
9. Additionally, §1012.27(5) Fla. Stat., imposes on the Superintendent the duty of serving "notice on the suspended member of the instructional staff of charges made against him or her and of the date of the hearing."
10. The law in this instance provides that "**[i]f the employee wishes to contest the charges, the employee must, within 15 days after receipt of the written notice, submit a written request for hearing.**"(Emphasis added). §1012.33(6)(a) Fla. Stat. (2014).
11. Mr. Parrondo was personally served by a sworn law enforcement officer with written notice i.e. the administrative complaint on March 12, 2018.

12. Mr. Parrondo's request for administrative hearing filed on April 11, 2018, thirty-days (30) later, was untimely and not in compliance with the requirements of law for requesting a hearing. §120.569(2)(c) Fla. Stat. (2014).
13. Section 120.569 (2)(c), Florida Statutes, states that "[a] petition **shall be dismissed if it is not in substantial compliance with these requirements or it is untimely filed.**" (Emphasis added).
14. Furthermore, Policy 4.9, the School Board's Disciplinary Policy, indicates that rather than being the initiation of proceedings, the School Board's action is final where a hearing has not been requested.
15. Policy 4.9 provides in pertinent part, the following language: "When the Superintendent makes a recommendation to the School Board on employee disciplinary matters, The School Board adopts or rejects the Superintendent's recommendation. . . . If an employee does not contest the charges, the School Board's decision is final."
16. Not only was counsel for the Respondent request for hearing not in substantial compliance, the Superintendent received counsel's request for hearing (hereinafter "Request") by electronic mail (hereinafter "e-mail") at 4:35 P.M. on Wednesday, April 11, 2018, thirty-days (30) after personal service on the Respondent, it is evident that it was untimely filed. Therefore, the Request must be dismissed pursuant to §120.569(2)(c) Fla. Stat. (2014).
17. Rule 28-106.2015 F.A.C., **Agency Enforcement and Disciplinary Actions**, provides in pertinent part the following language:
 - (1) Prior to entry of a final order to **suspend**, . . . or to take other enforcement or disciplinary action against a licensee or person or entity subject to the

agency's jurisdiction, **the agency shall serve upon the licensee an administrative complaint.** For purposes of this rule, **an agency pleading or communication that seeks to exercise an agency's enforcement authority and to take any kind of disciplinary action against a licensee or other person shall be deemed an administrative complaint.**

- (2) An agency issuing an administrative complaint shall be the petitioner, and the licensee against whom the agency seeks to take disciplinary action shall be the respondent.
- (3) The agency's administrative complaint shall be considered the petition, and **service of the administrative complaint on the respondent shall be deemed the initiation of proceedings.**

18. Rule 28-106.2015 F.A.C., through its plain language, clarifies any ambiguity about the identity of the Petitioner and Respondent, the circumstances under which the rule applies, and the minimum requirements contained in a request for administrative hearing.

19. The Respondent's requests, which have spanned the period normally allotted to bring a Request to final hearing and was untimely. Pursuant to §120.569(2)(c), the request for hearing "shall be dismissed" if the requirement is not met. In this instance, the requirements was not been met.

IT IS THEREFORE ORDERED AND ADJUDGED THAT:

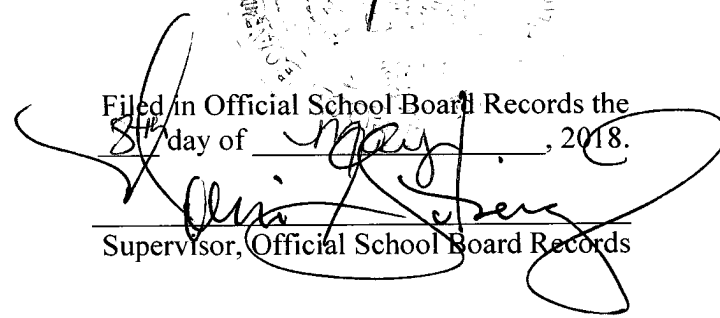
The School Board of Broward County, Florida dismisses the Respondent's request for Administrative Hearing with prejudice.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida this 8th day of
May 2018.

THE SCHOOL BOARD OF BROWARD
COUNTY, FLORIDA

By 
NORA RUPERT, CHAIR

Filed in Official School Board Records the
8th day of May, 2018.


Supervisor, Official School Board Records

Copies furnished to:

KATHERINE HEFFNER, ESQ.
Kelly and McKee, P.A.
1718 East 7th Avenue, Suite 301
Tampa, Florida 33605

ROBERT W. RUNCIE, SUPERINTENDENT OF SCHOOLS
Office of the Superintendent
The School Board of Broward County, Florida
600 Southeast Third Avenue - 10th Floor
Fort Lauderdale, Florida 33301

TRIA LAWTON-RUSSELL, ESQ. (Florida Bar No. 381550)
Office of the Administrative Counsel
The School Board of Broward County, Florida
600 Southeast Third Avenue - 14th Floor
Fort Lauderdale, Florida 33301

NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to Section 120.68, Fla. Stat., a party to this proceeding may seek judicial review of the School Board's Dismissal in the appropriate district court of appeal by filing a notice of appeal with Noemi Gutierrez, Agency Clerk, Official School Board Records, The School Board of Broward County, Florida, 600 Southeast Third Avenue – 2nd Floor, Fort Lauderdale, Florida 33301, on or before thirty (30) days from the date of this Dismissal. A copy of the notice and a copy of this Dismissal, together with the appropriate filing fee, must also be filed with the Clerk, Fourth District Court of Appeal, 1525 Palm Beach Lakes Boulevard, West Palm Beach, Florida 33401-2399. If you fail to file your notice of appeal within the time prescribed by laws and the rules of court, you will lose your right to appeal this Dismissal.



THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

600 Southeast Third Avenue • Fort Lauderdale, Florida 33301 • Office: 754-321-2600 • Fax: 754-321-2701

ROBERT W. RUNCIE
Superintendent of Schools

**The School Board of
Broward County, Florida**

Nora Rupert, Chair
Heather Brinkworth, Vice Chair

Robin Bartleman
Abby M. Freedman
Patricia Good
Donna P. Korn
Laurie Rich Levinson
Ann Murray
Dr. Rosalind Osgood

March 2, 2018

Mr. Samuel Parrondo
235 Sidonia Avenue
Apt. 210
Coral Gables, Florida 33134

Re: Robert W. Runcie v. Samuel Parrondo


Dear Mr. Parrondo:

Pursuant to Florida Statute 1012.33, you are hereby notified that I, Robert W. Runcie, Superintendent, will make a recommendation to The School Board of Broward County, Florida for your formal suspension without pay. This recommendation is predicated upon the charges outlined in the attached Administrative Complaint.

These charges will be presented to the School Board on **Tuesday, April 10, 2018, at 10:05 A.M.**, at Kathleen C. Wright Administration Building, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Pursuant to Florida Statute Chapter 120, you may request a formal hearing, provided that you request said hearing, in writing, to the Superintendent as set forth in the Notice section of the Administrative Complaint.

This is your notice pursuant to Florida Statute 1012.31 that the material contained in your investigative file is a public record and it will become available for inspection by the public ten days from receipt of this letter. Any request made by the public for the documentation referred to above will be provided in accordance with the laws of the State of Florida and Federal law.

Sincerely,


Robert W. Runcie

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 S.E. 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.

RWR/TLR: asj
Attachment

- c: Jeffrey S. Moquin, Chief of Staff
Craig Nichols, Chief Human Resources and Equity Officer
Valerie Wanza, Ph.D., Chief School Performance and Accountability Officer
Barbara Myrick, General Counsel
Susan Rockelman, Director, Talent Acquisition & Operations (Instructional)
Linda Gonzalez, Director, Employee and Labor Relations
Valerie Y. Harris, Olsen Middle School
Robert Hutchinson, Chief, Broward District Schools Special Investigative Unit
Lula Taylor, Supervisor, Personnel Records

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

SAMUEL PARRONDO,

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, 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.

THIS HAS BEEN ISSUED AT THE REQUEST OF:
Tria Lawton-Russell, Esq., (754) 321-2050

RECEIVED THIS NOTICE AND ADMINISTRATIVE COMPLAINT ON:

MARCH 12, 2018, at 11:10 AM o'clock,
A.m., and served the same on MARCH 12,
2018, at 11:10 o'clock, A.m., by delivering a
true copy thereof to: SAUUEL PALLONDO

COMPLETE IF SERVED BY SWORN LAW ENFORCEMENT OFFICER

MARCH 12, 2018, at 11:10 AM
o'clock, A.m. By: [Signature] T. Homan #106
Title: DETECTIVE





REVISED

AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE	2018-04-10 10:05 - School Board Operational Meeting
AGENDA ITEM	ITEMS
CATEGORY	I. OFFICE OF THE SUPERINTENDENT
DEPARTMENT	Office of Chief of Staff

Special Order Request	<input type="radio"/> Yes <input checked="" type="radio"/> No
Time	
Open Agenda	<input type="radio"/> Yes <input checked="" type="radio"/> No

ITEM No.:

I-1.

TITLE:

Administrative Complaint Samuel Parrondo

REQUESTED ACTION:

Adopt the Superintendent's recommendation to suspend the teacher, Samuel Parrondo, for three (3) days without pay with the additional condition that he successfully complete Professional Crisis Management ("PCM") training. ~~and transmit the matter to the Division of Administrative Hearings ("DOAH") if a hearing is timely requested by the employee.~~

SUMMARY EXPLANATION AND BACKGROUND:

See Supporting Docs for Summary Explanation and Background.

SCHOOL BOARD GOALS:

Goal 1: High Quality Instruction Goal 2: Continuous Improvement Goal 3: Effective Communication

FINANCIAL IMPACT:

There is no financial impact to the School District.

EXHIBITS: (List)

(1) Summary Explanation and Background (2) Notice of Board Meeting (3) Administrative Complaint (4) Return of Service (5) Memo to Revise

BOARD ACTION:

ADOPTED

(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:

Name: Tria Lawton - Russell	Phone: 754-321-2050
Name:	Phone:

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

Senior Leader & Title

Jeffrey S. Moquin - Chief of Staff

Signature

Jeffrey S. Moquin

4/6/2018, 12:38:59 PM

Approved In Open Board Meeting On: APR 10 2018

By: *Nora Rupert*

School Board Chair





THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

600 Southeast Third Avenue • Fort Lauderdale, Florida 33301 • Office: 754-321-2600 • Fax: 754-321-2701

ROBERT W. RUNCIE
Superintendent of Schools

The School Board of
Broward County, Florida

Nora Rupert, Chair
Heather Brinkworth, Vice Chair

Robin Bartleman
Abby M. Freedman
Patricia Good
Donna P. Korn
Laurie Rich Levinson
Ann Murray
Dr. Rosalind Osgood

March 2, 2018

Mr. Samuel Parrondo
235 Sidonia Avenue
Apt. 210
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Re: Robert W. Runcie v. Samuel Parrondo


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RWR/TLR: asj
Attachment

c: Jeffrey S. Moquin, Chief of Staff
Craig Nichols, Chief Human Resources and Equity Officer
Valerie Wanza, Ph.D., Chief School Performance and Accountability Officer
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Linda Gonzalez, Director, Employee and Labor Relations
Valerie Y. Harris, Olsen Middle School
Robert Hutchinson, Chief, Broward District Schools Special Investigative Unit
Lula Taylor, Supervisor, Personnel Records

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

SAMUEL PARRONDO,

Respondent.

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1. The agency is the Broward County School Board, Florida, located at 600 Southeast Third Avenue, Fort Lauderdale, Broward County, Florida 33301.
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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)

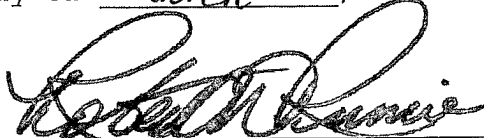
24. Respondent is in violation of School Board Policy 4008(B) which requires all employees who have been issued contracts to comply with the provisions of the Florida School Code, State Board Regulations and regulations and policies of the Board.
25. Furthermore, School Board Policy 4008(B) requires 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

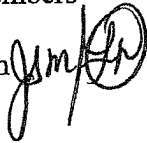
Respectfully submitted:
Tria Lawton-Russell, Esq.
Administrative Counsel

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
OFFICE OF THE SUPERINTENDENT
ROBERT W. RUNCIE
SUPERINTENDENT OF SCHOOLS

April 6, 2018

TO: School Board Members

FROM: Jeffrey S. Moquin
Chief of Staff



VIA: Robert W. Runcie
Superintendent of Schools



SUBJECT: REVISION TO I-1, ADMINISTRATIVE COMPLAINT SAMUEL PARRONDO, FOR THE APRIL 10, 2018 SCHOOL BOARD OPERATIONAL MEETING

Attached is a revision to I-1, Administrative Complaint Samuel Parrondo for the April 10, 2018 School Board Operational Meeting.

Mr. Parrondo did not request a hearing; therefore, the Board action is final.

- Replace Summary Explanation and Background with Revised Summary Explanation and Background.

RWR/JSM/DGG/TLR:asj
c: Senior Leadership Team

Sandi A. Joshua

Subject: FW: Samuel Parrondo--Petition for Administrative Hearing
Attachments: Pet_for_Admin_Hrg.pdf

From: Katherine Heffner [<mailto:katheffner@gmail.com>]
Sent: Wednesday, April 11, 2018 4:35 PM
To: Supt Runcie <supt_runcie@browardschools.com>; Barbara J. Myrick <barbara.myrick@browardschools.com>
Cc: Barbara Jarnagin <bdjarnagin@gmail.com>; Joanne C. Fritz <joanne.fritz@browardschools.com>
Subject: Samuel Parrondo--Petition for Administrative Hearing

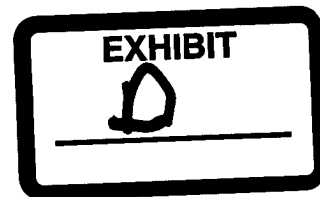
Good afternoon,

Our office was recently assigned this case, and it appears that there may or may not be a Petition for Administrative Hearing on file. Therefore, in an abundance of caution, I have attached a Petition for Administrative Hearing.

Thank you,

--

Katherine Heffner, Esq.
Robert F. McKee, P.A.
1718 E. 7th Ave., Ste. 301
Tampa, FL 33605
Phone: (813) 248 - 6400, ext. 2
Fax: (813) 248 - 4020
Email: katheffner@gmail.com



SCHOOL BOARD OF BROWARD COUNTY

SAMUEL PARRONDO,

Petitioner,

v.

No Case No.

**ROBERT W. RUNCIE,
Superintendent of Schools,**

Respondent.

_____ /

PETITION FOR ADMINISTRATIVE HEARING

The undersigned, on behalf of SAMUEL PARRONDO, hereby requests that an administrative hearing be convened to allow Mr. Parrondo to challenge the recommendation of the Superintendent that he be suspended for three (3) days without pay from his position with the Broward County School Board, with referral to PCM training. In support of this request, the School Board is shown as follows:

1. **Identification of Respondent:** Samuel Parrondo
235 Soderia Ave., Apt. 301
Coral Gables, FL 33134
2. **Date When Respondent Was Advised of Recommended Agency Action:** On or about March 13, 2018, the Petitioner received a copy of the Administrative Complaint, dated March 2, 2018. A copy of this Administrative Complaint was delivered to his counsel of record on April 6, 2018.
3. **Statement Regarding Substantial Interest:** The Petitioner's substantial interests are affected inasmuch as the Petitioner will suffer a loss of income.
4. **Statement of Disputed Material Facts:** The Petitioner disputes all administrative charges listed in the Administrative Complaint, including the allegation that just cause



exists to suspend him for three days without pay from his position. Petitioner also disputes paragraphs 13, 14, 15, 16, and 17 of the Administrative Complaint.

5. **Statement of Relevant Facts:** No cause exists for the termination of the Petitioner from his teaching position as recommended by the Director of Risk Management.
6. **Rules and Statutes Requiring Reversal of the Proposed Disciplinary Action:** There is no just cause to terminate the Petitioner from his teaching position pursuant to Fla. Stat. Sect. 1012.33(1)(a), Section 6A-5.056 F.A.C., the Petitioner'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.
7. **Relief Sought:** Rescission of the proposed suspension and payment of all lost income and benefits.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 11, 2018, I forwarded this document, via email transmission and First Class U.S. Mail, to Robert W. Runcie (Supt_runcie@browardschools.com), Superintendent of Schools, Kathleen C. Wright Admin. Building, 600 SE 3rd Avenue, Ft. Lauderdale, FL 33301; and to Barbara Myrick, Esquire (Barbara.myrick@browardschools.com).



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katheffner@gmail.com
ROBERT F. MCKEE
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