

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

CURTIS TAYLOR WILES,

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, CURTIS TAYLOR WILES ("WILES"). 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 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 WILES.

II. MATERIAL ALLEGATIONS

4. The District hired WILES on or about July 1, 2008, as a Mathematics Teacher who was employed at Everglades High School (hereinafter "EVERGLADES").
5. WILES 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).
6. The last known address of WILES is 2770 Old Orchard Road, Davie, Florida 33328.
7. This recommendation is based upon conduct occurring during the 2017-2018 school year.
8. On or about January 29, 2018, another faculty member reported to Principal Haleh Darbar, (hereinafter Darbar) that a strong odor of alcohol was resonating from WILES as he walked from the faculty parking lot into the building prior to the start of school.

9. Darbar directed Assistant Principal, Anthony Smith, (hereinafter "Smith") to investigate.
10. At approximately, 8:20 am, Smith observed through the glass opening in the classroom door that WILES was reclined in his chair, with both feet on his desk and was asleep while students were in 1st period class.
11. Smith used his key to enter the classroom and WILES slowly opened his eyes and asked, "Mr. Smith what can I help you with?" Smith indicated that he needed to check on a student's grades and attendance on his computer and requested to see WILES' grade book.
12. After three (3) unsuccessful attempts, WILES was unable to log into his gradebook. A Reasonable Suspicion incident Report was filed.
13. Smith observed that WILES was very lethargic, had slurred speech, seemed confusion and disorientated, and had an odor of alcohol. Smith also noticed that WILES' eyes were glassy and he appeared drowsy and was slow or had inappropriate reactions.
14. Smith reported his observation to Darbar and Darbar directed William Truesdale, Security Specialist (hereinafter "Truesdale"), to escort Wiles to her office while a substitute teacher covered Wiles' remaining classes.

15. At approximately 10:10am, a breathalyzer test was administered and WILES tested positive for alcohol with a initial reading of .344
16. Fifteen minutes later, another breathalyzer test was administered and WILES blew a reading of .364. Both readings are more than quadruple the .08 legal limit for driving under the influence in the State of Florida.
17. Based on the results of the breathalyzer tests, a cab was called to transport WILES home.
18. The following day on or about January 30, 2018, Smith spoke telephonically with Mr. Wiles, Sr., WILES' father, who informed Smith that there was possibly a bottle of vodka in WILES' classroom closet.
19. Upon receiving WILES' classroom keys from his father, Smith and Carlos A. Menendez, (hereinafter "Menendez") a behavior specialist at the school, inspected WILES' classroom cabinet which contained a bottle of Smirnoff, Triple Distilled Vodka(1.75 ounces) that was three quarters ($\frac{3}{4}$) empty.
(Exhibit "A").

III. PREVIOUS DISCIPLINE

20. On or about October 13, 2012, WILES received a summary memo regarding his classroom management and delivery of instruction.

21. On or about November 18, 2013, WILES received a summary memo indicating the expectation that WILES be engaged in bell-to-bell instruction.
22. Additionally, WILES, was also instructed to monitor his students both during the instructional portion of his class and while they completed their independent seatwork.

IV. ADMINISTRATIVE CHARGES

23. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through twenty-two (22) above.
24. 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.
25. "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 6A-10.080, F.A.C.¹;

¹ Repealed 3-23-16.

2. A violation of the Principles of Professional Conduct for the Education Profession in Florida as adopted in Rule 6A-10.081, 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.

* * *

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

* * *

V. JUST CAUSE FOR DISCIPLINE

A. JUST CAUSE

26. Based on the aforementioned allegations, Respondent's actions constitute just cause to terminate his employment.

B. MISCONDUCT IN OFFICE

27. Respondent's actions constitute misconduct in office.

The Respondent, through his above-described conduct, has violated Fla. Stat. §1012.33 Fla. Stat., and 6A-5.056(2)(a) through (e) of the Florida Administrative Code, which defines "misconduct".

(2) "Misconduct in Office" means one or more of the following:

- (a) A violation of the Code of Ethics of the Education Profession in Florida as adopted in Rule 6B-1.001, F.A.C.;
- (b) A violation of the Principles of Professional Conduct for the Education Profession in Florida as adopted in Rule 6B-1.006, F.A.C.;
- (c) A violation of the adopted school board rules;
- (d) Behavior that disrupts the student's learning environment; or
- (e) Behavior that reduces the teacher's ability or his or her colleagues' ability to effectively perform duties.

C. INCOMPETENCY

28. Respondent's actions constitute incompetency. The Respondent, through his above-described conduct has violated

Fla. State. §1012.33 and Rule 6A-5.056(3)(a) and (b) of the Florida Administrative Code. His actions show an inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.

(a) "Inefficiency" means one or more of the following:

1. Failure to perform duties prescribed by law;
2. Failure to communicate appropriately with and relate to students;
3. Failure to communicate appropriately with and relate to colleagues, administrators, subordinates, or parents.

(b) "Incapacity" means one or more of the following:

1. Lack of adequate physical ability.

D. WILLFUL NEGLECT OF DUTY

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

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

30. Respondent failed to perform his duties as an educator by being at work under the influence of alcohol.

31. Respondent further failed to perform his duties as an educator by sleeping during instructional time while students were present in the classroom.

E. SCHOOL BOARD POLICY 2400

32. Respondent is in violation of School Board Policy 2400 (1), which prohibits **"possession or use of a controlled substance, including alcohol, on all school board property and at school sponsored activities"** ².
33. Furthermore, Respondent is in violation of School Board Policy 2400 (3), which states that **"each School Board employee must refrain from the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, including alcohol, in the workplace"**.
34. Employees are strictly prohibited from reporting to work or being on duty while under the influence of alcohol or a controlled substance or possessing alcohol at the work site.
35. School Board Policy 2400 requires that an employee who tests positive **shall** be recommended for disciplinary action up to and including termination of employment.

F. 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.

² Emphasis added.

37. Furthermore, School Board Policy 4008(B) requires that "members 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

38. "The District expects each employee, instructional and non-instructional, to be in conformance, both in and out of the work place, with all laws, whether federal, state or local, State board rules, and **all School Board policies, rules, and regulations**" (Policy 4.9 I(e)).

39. Respondent is also in violation of subsection II, which prohibits the "unlawful possession, use or being under the influence of a controlled substance and **alcohol related offenses**" ³ (Policy 4.9 II (B) (c)(e)).

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School

³ Emphasis added.

Board terminate the Respondent, Curtis Taylor Wiles, based upon the foregoing facts and legal authority.

EXECUTED this 14th day of August 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 calendar 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.

EXHIBIT

"A"



EPSON
EXCEED YOUR VISION

MODEL H6874
PL 99H



Stack of white papers on the top shelf.

Shelf containing a bottle of Spirindol, a black bag, and several stacks of papers.

Bottom section containing a box of KENDALL GUPTA Alcohol Wipes (5150), a computer mouse, and various papers.

VODKA WITH
F SMIR

SMIRNOFF

Triple Distilled
TEN TIMES FILTERED
VODKA
St. Pierre Smirnoff Co.



MADE IN
AMERICA



GLUTEN FREE