

**THE BROWARD COUNTY SCHOOL BOARD, FLORIDA**

ROBERT W. RUNCIE,  
Superintendent of Schools,

Petitioner,

v.

JENNIFER JOYCE WEISSMAN,

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, Jennifer Joyce Weissman ("WEISSMAN"). The Petitioner seeks a three (3) day suspension of Respondent's employment with the Broward County School Board ("School Board"), pursuant to Chapter 120 and Sections 1001.51, 1012.27(5), 1012.335, 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 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 School Board, inclusive of WEISSMAN.

4. WEISSMAN is an employee of the Broward County School Board and is currently employed as a teacher pursuant to an Annual Services Contract issued in accordance with Section 1012.335(2), Florida Statutes (2018).
5. The last known address of WEISSMAN is 2731 Taft Street, #210, Hollywood, Florida 33020.

## **II. MATERIAL ALLEGATIONS**

6. This recommendation is based upon conduct occurring in the 2017-2018 school year.
7. WEISSMAN is a teacher who, at all material times, was employed as a first grade teacher at Colbert Museum Magnet School (hereinafter "Colbert").
8. WEISSMAN was hired by the district on October 11, 2010, as a teacher.
9. On or about May 17, 2018, WEISSMAN failed to provide supervision of her students when she left work twenty (20) minutes prior to dismissal and failed to sign out in accordance with the Colbert Employee Handbook.

10. On or about May 17, 2018, WEISSMAN left two students in her classroom unattended when she left work early prior to dismissal.
11. On or about May 17, 2018, one of WEISSMAN's seven (7)-year old students, S.W., left campus unaccompanied and walked to her daycare 0.6 miles away.
12. According to Principal Marisa Fishlock, WEISSMAN notified her that morning that she was going to leave at dismissal time because she wasn't feeling well. Mrs. Fishlock told her "okay." (Dismissal is at 2:45 P.M.)
13. On or about May 17, 2018, WEISSMAN left her classroom with her students at approximately 2:20 P.M., and walked towards the other first grade classrooms where she split her students to enter a couple of rooms.
14. Thereafter, WEISSMAN exited the building without signing out prior to dismissal.
15. On or about May 17, 2018, WEISSMAN failed to provide a class roster to the front office before leaving work early.
16. On May 17, 2018, at approximately 2:25 P.M., two of WEISSMAN's first-grade students, S.W. and L.S., exited WEISSMAN's classroom unaccompanied.
17. WEISSMAN's student, S.W., indicated that when she came out of the bathroom no one was in the classroom and she thought school was over for the day.

18. S.W. stated she then walked to the cafeteria to see if her aftercare bus was there and when it was not she left campus by the cafeteria door and ran to her day care.
19. On or about May 17, 2018, at approximately 2:50 P.M., S.W.'s mother notified the school that S.W. had left campus and walked/ran to her daycare over a half-mile away.
20. S.W.'s mother stated that the daycare called her after hearing S.W. knocking frantically at the locked door at approximately 2:33 P.M.
21. The second student left in WEISSMAN's classroom the same day, L.S., went to the front office where clerical staff called a teacher to retrieve him.

### **III. ADMINISTRATIVE CHARGES**

22. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through twenty-one (21) above.
23. 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.
24. "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:
- a) A violation of the Code of Ethics of the Education Profession in Florida as adopted in Rule 6A-10.080, F.A.C.<sup>1</sup>;
  - b) A violation of the Principles of Professional Conduct for the Education Profession in Florida as adopted in Rule 6A-10.081, 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 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. "Willful neglect of duty" means intentional or reckless failure to carry out required duties.

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<sup>1</sup> Repealed 3-23-16.

**IV. JUST CAUSE FOR DISCIPLINE**

**A. JUST CAUSE**

25. Respondent's actions constitute just cause to suspend her for ten (10) days without pay.

**B. MISCONDUCT IN OFFICE**

26. Respondent's actions constitute misconduct in office. The Respondent through her 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**

27. Respondent's failure to supervise her students and to communicate appropriately with colleagues and administrators constitutes incompetency as a result of inefficiency and/or incapacity.

**D. WILLFUL NEGLECT OF DUTY**

28. Respondent's actions constitute willful neglect of duty. Respondent left two students unattended when she left work early without properly signing out for the day resulting in a student leaving the school grounds unattended.

**E. SCHOOL BOARD POLICY 4008**

29. Respondent is in violation of School Board Policy 4008 titled, "Responsibilities and Duties (Principals and Instructional Personnel)," 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.
30. 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.

\* \* \*

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

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- C. Instructional personnel are required to work 196 days, 180 of which must be devoted to working full-time on instructional matters. Instructional personnel must be on duty a minimum of seven and one-half (7½) hours daily.

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**F. SCHOOL BOARD POLICY 4.9**

31. Pursuant to School Board Policy 4.9, "[e]mployees are expected to comply with workplace policies, procedures and

regulations, local, state and federal laws; and State Board Rules, both in and out of the work place."

32. Respondent is also in violation of various Section II, Category B Offenses which prohibit the following:

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m) Any violation of The Code of Ethics of the Education Professional in the State of Florida-State Board of Education Administrative Rule.

\* \* \*

r) Failure to comply with School Board policy, state law, or appropriate contractual agreements.

\* \* \*

**DEMAND FOR RELIEF**

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board suspend the Respondent, Jennifer Joyce Weissman, for three (3) days without pay based upon the foregoing facts and legal authority.

EXECUTED this 8<sup>th</sup> day of November, 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 3<sup>rd</sup> 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.