

**THE BROWARD COUNTY SCHOOL BOARD, FLORIDA**

ROBERT W. RUNCIE,  
Superintendent of Schools,

Petitioner,

v.

DR. CHIN-TANG, LIU,

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, DR. CHIN-TANG, LIU ("LIU"). The Petitioner seeks a three (3) day suspension 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 LIU.
4. LIU is an employee of the Broward County School Board and is currently employed as a teacher pursuant to a Professional Service Contract issued in accordance with Section 1012.33(3)(a), Florida Statutes (2018).
5. The last known address of the Respondent, LIU, is 9140 SW 54<sup>th</sup> Place, Cooper City, Florida 33328.

## **II. MATERIAL ALLEGATIONS**

6. This recommendation is based upon conduct that occurred during the 2016-2017 school year.
7. At all relevant times, LIU was a STEM Teacher at Western High School (hereinafter "WESTERN").
8. The School Board hired LIU on July 1, 2008.

### **Gross Insubordination**

9. On February 21, 2017, Derek Gordon, Assistant Principal (hereinafter "GORDON") met with LIU to inform him that the custodial parent of student G.M., had produced verified court

documents stating that he had full custody of G.M. The court documents further stated that the non-custodial parent was only allowed to see the G.M., during supervised visits with a court-approved supervisor.

10. During an unsuccessful attempt to visit G.M., while on Western's campus, the non-custodial parent informed Gordon that she would see G.M., at an upcoming robotics event.
11. On the same day, Parinaz Bristol, Assistant Principal (hereinafter "BRISTOL") met with LIU and informed him that a Davie Police Officer, as well as, Western Security personnel would be present for the event. LIU was directed to radio security or the Davie Police Officer immediately if he saw the non-custodial parent on campus.
12. On or about February 24, 2017, both Bristol and Gordon met with LIU again to review the security procedures for the robotics competition, scheduled for Saturday, February 25, 2017. They both stressed to LIU that it was important for him to contact security immediately if the non-custodial parent appeared at the competition.
13. LIU was further instructed that G.M. was to have no contact with the non-custodial parent and the non-custodial parent was not allowed at the event.
14. On or about February 27, 2017, Gordon received an e-mail from the non-custodial parent, stating that Broward School had no

- right to keep her from G.M., and attached court documents to the e-mail.
15. Concerned by this e-mail, Gordon contacted Jermaine Hollis, Security Specialist (hereinafter "HOLLIS"), Bristol and LIU. All were staff members who attended the competition.
  16. When Gordon spoke with Bristol, she indicated that on the morning of the event, she reminded LIU of the situation and asked him if he had seen the non-custodial parent and he said "No".
  17. When Gordon spoke with Hollis, he stated that LIU told him that the parent had come on campus, but he had dealt with the situation.
  18. Gordon spoke with LIU, who admitted that students advised him that the non-custodial parent was on campus and speaking with G.M. LIU stated that he went to find the student and non-custodial parent.
  19. Upon locating both the G.M. and the non-custodial parent, LIU spoke with G.M. and the non-custodial parent. During his conversation with the non-custodial parent, she stated that she had a right to be on campus and produced court documents from 2005.
  20. Despite being given three separate and repeated directives by his administration, LIU failed to follow the directives given to contract security in the event the non-custodial parent

appeared on campus, and, instead, LIU knowingly left the student alone and unsupervised with the non-custodial parent. In addition, Liu allowed the non-custodial parent to stay on campus until the end of the event.

21. When questioned if LIU had reported to anyone of the presence of the non-custodial parent, he said, "*After a brief exchange . . . I did not remove her to avoid further embarrassing G.M.*".

### **Breach of Security**

22. Both Bristol and Gordon met with LIU and asked him if he instructed the custodial staff to leave the alarm off on both Saturday, February 25, 2017, and Sunday, February 26, 2017. LIU indicated that he had instructed both K.T., a student, and Jamora McLamore, Facilities Services Person (hereinafter "MCLAMORE") not to set the school alarm. LIU stated that he advised them both that he would set the alarm when he left the school grounds. In fact, LIU left the campus without setting the alarm both days, and did not return to campus to set the alarm.
23. On the Sunday night that LIU failed to engage the school's alarm system, the school was broken into as well as, vandalized.

## **Toll Violations**

24. Bristol also questioned LIU about a number of fines Western received from SunPass for toll violations. LIU admitted that the school's trailer did not have a SunPass set up and, despite that, he had not requested a SunPass be set up for the trailer, he drove the trailer through SunPass Only lanes anyway.
25. These violations took place in July 2016 when LIU used the trailer. LIU admitted that he knew about the tickets; yet he ignored the SunPass warnings concerning the toll violations. LIU admitted that this was his fault.

## **PREVIOUS DISCIPLINE AND CORRECTIVE ACTION**

### **SUMMARY MEMO**

26. On or about November 30, 2012, LIU received a summary memo for leaving students alone with volunteers who lacked appropriate clearance.
27. On or about February 22, 2014, LIU received a summary memo for leaving students alone in portables, while he left campus.
28. On or about June 8, 2015, LIU received a summary memo directing him that any parent or volunteer who works with Western students must be cleared through the District's START system.

**VERBAL REPRIMAND**

29. On or about March 22, 2013, LIU received a verbal reprimand for leaving students unattended and giving keys to students to unlock classrooms and portables for themselves.

**WRITTEN REPRIMANDS**

30. On or about November 20, 2014, LIU received a written reprimand for leaving students unsupervised in his classroom while he attended to other business.
31. On or about September 22, 2017, LIU received a letter of reprimand from the Professional Standards Committee (hereinafter "PSC") for violating the Code of Ethics and Principles of Professional Conduct for the Education Profession in Florida.

**SUSPENSIONS**

32. On or about May 27, 2015, LIU received a three-day suspension for inadequately supervising students assigned to him.

**II. ADMINISTRATIVE CHARGES**

33. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through thirty-two (32) above.
34. Just cause exists for the requested relief pursuant to Fla. Stat. § 1012.33, 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.

35. "Just cause" means cause that is legally sufficient. "Just cause" includes, **but is not limited to:**

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- 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.<sup>1</sup>;
  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 her 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 her 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 her or her area of specialization.

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<sup>1</sup> Repealed 3-23-16. Now included in 6A-10.081 F.A.C., Principles of Professional Conduct for the Education Profession in Florida.



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

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### **III. JUST CAUSE FOR DISCIPLINE**

#### **A. JUST CAUSE**

36. Respondent's actions constitute just cause to suspend him for three (3) days without pay, pursuant to Fla. Stat. §1012.33(6), Fla. Stat., which provides:

Any member of the instructional staff, excluding an employee specified in subsection (4), may be suspended or dismissed at any time during the term of the contract for just cause as provided in paragraph (1)(a).

#### **B. MISCONDUCT IN OFFICE**

37. Respondent's actions constitute misconduct in office by violating Rules 6A-5.056(2)(a)(b) and (e), of the Florida Administrative Code, which defines "misconduct".
38. Respondent's conduct reduced the ability of his colleagues' ability to effectively perform their duties when he:

A. Failed to contact security immediately upon his knowledge that a parent who was legally prohibited from having unsupervised contact with a student was in fact on campus and speaking with the student;

B. Directed another employee to not set Western's alarm system, which allowed a break-in of the school and vandalism of school property;

C. Failed to advise someone to set up a SunPass account for the trailer, and then further failed to advise the administration that he had in fact received toll violations for the STEM trailer.

39. Respondent further violated RULE 6A-10.081 F.A.C., PRINCIPLES OF PROFESSIONAL CONDUCT FOR THE EDUCATION PROFESSION IN FLORIDA, which provides:

(2) Florida educators **shall**<sup>2</sup> comply with the following disciplinary principles. Violation of any of these principles shall subject the individual to revocation or suspension of the individual educator's certificate, or the other penalties as provided by law.

(a) Obligation to the student requires that the individual:

1. Shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.

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40. Respondent violated RULE 6A-10.081 F.A.C., when he:

A. Failed to contact security immediately upon his knowledge that a parent who was legally prohibited from

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<sup>2</sup> Emphasis added.

having unsupervised contact with a student was in fact on campus and speaking with the student.

B. Allowed the non-custodial parent to have an unsupervised visit without a court-approved supervisor present with the student;

C. Failed to follow directives and allowed the non-custodial parent to remain on campus until the end of the event; and

D. Failed to report the non-custodial parent's presence on campus to the proper authorities.

#### **C. INCOMPETENCY**

41. Respondent's actions constitute incompetency by violating Rules 6A-5.056(3), of the Florida Administrative Code, which defines "incompetency". His actions show a failure to perform the required duties as a result of inefficiency.

- (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;

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42. Respondent failed to perform duties prescribed by law when he failed to communicate appropriately with and relate to a student, who was instructed to go straight to an adult if the non-custodial parent came on campus.

43. Furthermore, Respondent failed to contact security immediately upon his knowledge that a parent who was legally

prohibited from having unsupervised contact with a student was in fact on campus and speaking with the student.

44. The Respondent allowed the non-custodial parent to have an unsupervised visit without a court-approved supervisor present with the student.
45. Despite being repeatedly advised of the seriousness of the situation, receiving three separate directives by two different administrators and being given specific instructions to follow should the non-custodial parent appear on campus, LIU still failed to follow those directives and allowed the non-custodial parent to remain on campus until the end of the event.
46. The Respondent failed to communicate appropriately with and relate to colleagues, administrators, and subordinates, by not reporting the non-custodial parent's presence on campus to the proper authorities.
47. Next, the Respondent failed to communicate appropriately with and relate to colleagues, administrators, and subordinates, by not setting Western's alarm system, which lead to a break-in of the school and vandalism of school property.
48. Finally, the Respondent did not communicate appropriately with and relate to colleagues, administrators, and subordinates when he failed to advised someone that he had in fact received toll violations for the STEM trailer.

**D. GROSS INSUBORDINATION**

49. Respondent's actions constitute gross insubordination, pursuant to Rule 6A-5.056(4), of the Florida Administrative Code, which defines "gross insubordination".
50. Respondent violated multiple prior directives when he:
- A. Failed to contact security immediately upon his knowledge that a parent who was legally prohibited from having unsupervised contact with a student was in fact on campus and speaking with the student.
  - B. Failed to report the non-custodial parent's presence on campus to the proper authorities.
  - C. Allowed the non-custodial parent to have an unsupervised visit without a court-approved supervisor present with the student;
  - D. Failed to follow directives and allowed the non-custodial parent to remain on campus until the end of the event; and
  - E. Failed to report the non-custodial parent's presence on campus to the proper authorities.

**E. WILLFUL NEGLIGENCE OF DUTY**

51. Respondent's actions constitute willful neglect of duty, pursuant to Rule 6A-5.056(5), F.A.C., because he:
- A. Failed to contact security immediately upon his

knowledge that a parent who was legally prohibited from having unsupervised contact with a student was in fact on campus and speaking with the student.

- B. Failed to report the non-custodial parent's presence on campus to the proper authorities.
- C. Allowed the non-custodial parent to have an unsupervised visit without a court-approved supervisor present with the student;
- D. Failed to follow directives and allowed the non-custodial parent to remain on campus until the end of the event;
- E. Failed to report the non-custodial parent's presence on campus to the proper authorities;
- F. Failed to activate the school's system on two occasions, after instructing others not to do so, and that, he, LIU, would be responsible for activating the alarm;
- G. Knowingly drove a district vehicle without a SunPass account through SunPass only lanes; and
- H. Failed to report his SunPass violations to the administration.

**F. SCHOOL BOARD POLICY 4008**

52. 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."

53. Respondent is in violation of School Board policy 4008(B), which 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.

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

**G. SCHOOL BOARD POLICY 4.9**

54. 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."

55. 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

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p) Insubordination, which is defined as a continuing or intentional failure to obey a direct order,

reasonable in nature and given by and with proper authority

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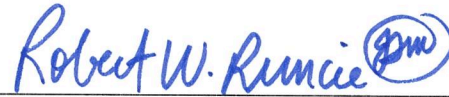
- r) Failure to comply with School Board policy, state law, or appropriate contractual agreements

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**DEMAND FOR RELIEF**

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

EXECUTED this 1<sup>st</sup> day of July 2019.



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ROBERT W. RUNCIE,  
Superintendent of Schools,  
Broward County

Respectfully submitted:  
Douglas G. Griffin, Esq.  
Assistant General 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.