

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

KARLEEF JAMEL KEBREAU,

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, KARLEEF JAMEL KEBREAU ("KEBREAU"). The Petitioner seeks a suspension of ten (10) days without pay 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 KEBREAU.
4. KEBREAU 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, KEBREAU, is 7502 NW 30th Place, Apt. 214, Sunrise, Florida 33313.

II. MATERIAL ALLEGATIONS

6. This recommendation is based upon conduct that occurred during the 2018-2019 school year.
7. KEBREAU is a mathematics Teacher at Miramar High School (hereinafter "MIRAMAR").
8. The School Board was hired KEBREAU on July 10, 2010.
9. On October 11, 2018, Maria D. Formoso, Principal (hereinafter "FORMOSO") received an email from someone identified as Captain Alex. Captain Alex wrote that his girlfriend, C.G., was a student at Miramar, who had two math classes with KEABREAU per day.

10. Captain Alex indicated that he was in fear of C.G.'s safety while she is in KEBREAU'S class.
11. Attached to his email, Captain Alex also provided copies of cell phone text messages between he and his girlfriend describing how KEBREAU had approached C.G. and began hugging and toughing her hair, without consent.
12. Captain Alex's email also indicated that this was happening to other female students at Miramar.
13. Formoso, advised John Murray, Assistant Principal (hereinafter "MURRAY") who helped identify Captain Alex's girlfriend as C.G.
14. C.G., who is a 12th grade student at Miramar, advised Formoso, that on October 11, 2018, while she was face timing with her boyfriend on her cell phone, prior to the start of class, as she entered KEBREAU'S classroom, he walked up to her and gave her a full-frontal hug.
15. As KEBREAU was hugging her, he was also manipulating her hair on the back of her head without her consent.
16. C.G., stated that KEBREAU regularly gave her unwanted hugs and that the hugs made her feel uncomfortable.
17. According to C.G., since the beginning of the school year, she has received several unwanted full-frontal physical hugs from KEBREAU prior to entering his classroom.
18. C.G., stated that the hugs would last 30 seconds and that

KEBREAU would run his fingers through her hair, as well as rub her shoulders.

19. During one of the hugging incidents, KEBREAU whispered into her ear "*[y]ou give thick a brand-new meaning*".
20. C.G., stated that she was afraid of complaining to the school administrative staff about KEBREAU because he is a popular teacher and she did not want to get him in trouble.
21. According to student, S.N., who is an 11th grade student at Miramar, KEBREAU was her math teacher during her freshman year. During her first encounter with KEBREAU, he approached her and gave her a full-frontal unwanted hug, as she entered into his classroom. As KEBREAU proceeded to hug her, he whispered in her ear "*[h]ow would you feel if I told you I wanted to be your boyfriend*". S.N. said the statement made her feel weird and creeped out.
22. S.N. stated that KEBREAU continued to give her unwanted hugs over the next three (3) years, but he never made any more statements to her while hugging her. S.N. stated that she has been approached and teased by her girlfriends about the hugs she received from KEBREAU.
23. According to another student N.O., who is an 11th grade student at Miramar, she was never a student of KEBREAU's; however approximately three (3) years ago, she started getting unwanted attention from KEBREAU. She received unsolicited

frontal hugs from KEBREAU while in the hallway. The hugs made her feel uncomfortable, especially when KEBREAU started calling her "[m]y African Princess".

24. N.O., never told anyone because she did not want to get KEBREAU in trouble.
25. Another student S.M., a 12th grade student at Miramar, who was also never a student of KEBREAU'S, started getting unwanted frontal hugs from KEBREAU last year at the beginning of her junior year. S.M., would receive unwanted hugs while in the hallway. S.M., stated that KEBREAU would call her "[m]y Haitian Queen" and that the hugs made her feel uncomfortable.
26. S.M., stated that one day while KEBREAU was hugging her, his hand brushed against her breast as he pulled away. When this happened, she told KEBREAU "[I] don't want you hugging me anymore". KEBREAU did not respond to her, nor did he try to hug her again.
27. S.M., stated that she never reported the incident because she did not want to get KEBREAU in trouble as he is well liked by the students.
28. B.S., another 12th grade student at Miramar, stated she never had KEBREAU as a teacher. KEBREAU first approached her at the end of her junior year in the hallway and gave her an unwanted full-frontal hug. When KEBREAU released her, he

looked down at her chest and stated "[y]our butt's not too big". B.S., stated that this comment made her feel uncomfortable and as a result, she would always try to avoid him.

29. B.S., stated that avoiding KEBREAU did not always work. If KEBREAU saw her, he would approach her and give her a full-frontal hug for at least 10 seconds.
30. B.S., stated that she would continue to receive unwanted hugs from KEBREAU. He has hugged her at least 15 times this school year. Each time that he would hug her, he would comment, "[y]ou are very pretty" when he released of her.
31. B.S., stated that she did not want to report him because he is popular with the other students.
32. According to T.M., a 12th grade student at Miramar, she had KEBREAU as a math teacher during her junior year. T.M. stated that when she started taking KEBREAU's math class, she began to receive unsolicited hugs from KEBREAU as she entered his classroom.
33. T.M., stated that once she arrived to where KEBREAU was standing in the doorway, he would stop her and give her an unwanted full-frontal embrace.
34. T.M., advised that on one occasion, last year when she was going into his classroom, KEBREAU gave her a full-frontal hug. As he was pulling away one his hands brushed across her

breast.

35. T.M., stated that this made her feel very uncomfortable, but she was afraid to say anything that might get KEBREAU in trouble and have fellow students mad at her.
36. T.M., stated that KEBREAU has hugged her more than thirty (30) times since the start of the school year.
37. T.M., talked with Tracy Washington, Teacher at Miramar (hereinafter "WASHINGTON"), who told her to report KEBREAU to the school administration immediately.
38. T.M., did not report KEBREAU because he was a popular teacher and she did not want to get him in trouble.
39. Washington was later approached by C.G., who told her how KEBREAU gave her an unwanted hug while she was face timing with her boyfriend.
40. Washington advised C.G., to talk with Murray regarding KEBREAU'S unwanted hugs.

PREVIOUS DISCIPLINE AND CORRECTIVE ACTION

41. On or about November 26, 2008, KEBREAU received a Summary Memo addressing the following concerns:
 - Failure to properly report two (2) missing laptops
 - You will report any missing laptop or inventory item to Ms. Carroll immediately
 - You will check your e-mail on a daily basis and keep a calendar of scheduled parent/teacher conferences

- You will not have students in your classroom unsupervised
 - You nor your students will sell items for your club during lunchtime
 - You will not make students stand in your classroom. You will follow the discipline plan for Miramar High School and Broward County Public School
42. On or about March 9, 2011, KEBREAU received a Summary Memo regarding giving students' passes to excuse their tardiness to another class.
43. On or about December 14, 2011, KEBREAU received a Letter of Reprimand and EEO Overview Training for inappropriate conduct concerning his violation of both the Code of Ethics and Principles of Professional Conduct of the Education Profession.
44. On or about November 28, 2012, KEBREAU received a Summary Memo addressing the following concerns:
- Failure to attend mandatory proctor training
 - Failure to check his mailbox daily
 - Failure to read his email daily
 - Failure to follow proper procedures as outlined in the faculty handbook
 - Failure to notify a student that he had her IPod, even after she asked him about it

- His intentional use of embarrassing and disparaging remarks to a student
 - Lack of professional judgement and integrity
45. On or about August 23, 2012, KEBREAU received a Summary Memo addressing his tardiness; approximately 30 minutes late to work. KEBREAU was directed to report at work on time and be ready to get started by 7:15 a.m.
46. On or about May 14, 2015, KEBREAU received a Summary Memo, dated May 14, 2013 (scrivener's error) addressing the following concerns:
- Use of embarrassing and disparaging remarks to a student
 - Lack of professional judgment and integrity
47. On or about January 30, 2017, KEBREAU received a Summary Memo addressing the following concerns:
- Lateness to a parent/teacher conference on January 25, 2017, which made him late to teach his first period class
 - Lack of knowledge of a parent/teacher conference on January 25, 2017, even though he was notified via email on January 18, 2017

ADMINISTRATIVE CHARGES

48. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through forty-seven (47) above.
49. 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 Collective Bargaining Agreement, the Code of Ethics of the Education Profession, and the Employee Disciplinary Guidelines promulgated by the School Board.

50. "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;
 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

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

e. Excessive absences or tardiness.

* * *

II. JUST CAUSE FOR DISCIPLINE

A. JUST CAUSE

51. Respondent's actions constitute just cause to suspend him for one (1) day without pay, pursuant to Fla. Stat. (2018)§1012.33(6).

"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

52. Respondent's actions constitute misconduct in office by violating Rules 6A-5.056(2)(b) and (d), of the Florida Administrative Code, which defines "misconduct".

RULE 6A-10.081 F.A.C., PRINCIPLES OF PROFESSIONAL CONDUCT FOR THE EDUCATION PROFESSION IN FLORIDA

53. Pursuant to the Principles of Professional Conduct for the Education Profession in Florida,

(2) Florida educators shall 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.

* * *

5. Shall not intentionally expose a student to unnecessary embarrassment or disparagement.

* * *

7. Shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable effort to assure each student is protected from harassment or discrimination.

54. Respondent actions made some of his female students feel uncomfortable through his unwanted displays of affection.

C. INCOMPETENCY

55. Respondent's actions constitute incompetency, a violation of Florida Statute §1012.33 and Rule 6A-5.056(3), of the Florida Administrative Code. 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 students²;**

* * *

56. Respondent failed to perform duties prescribed by law as well as he failed to communicate appropriately with and relate to students. KEBREAU failed to communicate appropriately with

² Emphasis added.

female students by giving them unsolicited frontal hugs.

57. In addition, Respondent failed to communicate appropriately with female students by asking an individual student if they wanted him to be their boyfriend or indicate to another student that she could be his wife.

58. Lastly, Respondent continued in his failure to communicate appropriately with students when he referred to the size of a female student's anatomy.

D. SCHOOL BOARD POLICY 4008

59. School Board policy 4008, Responsibilities and Duties (Principals and Instructional Personnel) 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."

60. 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.

* * *

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 maybe prescribed by the State Board and by the School Board.

E. SCHOOL BOARD POLICY 4.9

61. 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."

62. Respondent is in violation of a Section II, Category B Offense which prohibits the following:

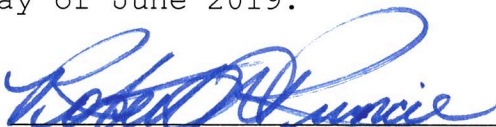
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m) Any violation of The Code of Ethics of the Education Professional in the State of Florida-State Board of Education Administrative Rule

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board suspend the Respondent, KARLEEF J. KEBREAU, for ten (10) days without pay and require him to participate in Recognizing and Preventing Sexual Harassment Training, based upon the foregoing facts and legal authority.

EXECUTED this 24th day of June 2019.



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 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.