

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

MARY L. BLACKMON,

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, MARY L. BLACKMON ("BLACKMON"). The Petitioner seeks a five (5) 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), 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 School Board, inclusive of BLACKMON.
4. BLACKMON 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, Florida Statutes (2018).
5. The last known address of BLACKMON is 4721 N.W. 11th Street, Lauderhill, Florida 33313.

II. MATERIAL ALLEGATIONS

6. This recommendation is based upon conduct occurring in the 2018-2019 school year.
7. BLACKMON is a third grade teacher at Endeavour Primary Learning Center (hereinafter "Endeavour").
8. The School Board hired BLACKMON on August 19, 2003.
9. On or about February 11, 2019, BLACKMON slapped a third grade student in the face.
10. On or about February 11, 2019, BLACKMON called the front office for a disobedient student, A.H.

11. On or about February 11, 2019, BLACKMON was involved in a physical altercation with third grade student, A.H., when she slapped the student in the face.
12. According to Kimberly Greer (hereinafter "GREER"), who arrived to assist Blackmon, when GREER arrived, BLACKMON had the student's hands restrained while trying to push the student into a corner, away from other students. The student then hit BLACKMON, and BLACKMON hit the student back.
13. BLACKMON admitted to her Principal that she slapped A.H. in the face.
14. Several of BLACKMON's third grade students related similar accounts describing the physical altercation that occurred on or about February 11, 2019, between BLACKMON and student, A.H.

III. PREVIOUS DISCIPLINE

15. On or about May 15, 2017, Assistant Principal, Kimberly L. Greer, issued a Meeting Summary to BLACKMON regarding a parent removing her child from a school-sponsored field trip. The Meeting Summary contained the following directives:
 - Contact the Principal Designee, Mrs. Lawrence and myself immediately of inappropriate actions of a chaperone on a field trip.

- Speak with me immediately in a private setting, when mentioning incidences of this magnitude.

IV. ADMINISTRATIVE CHARGES

16. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through fifteen (15) above.
17. 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.
18. "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.¹;
 - 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

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) 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 his or her area of specialization.

* * *

V. JUST CAUSE FOR DISCIPLINE

A. JUST CAUSE

19. Respondent's actions constitute just cause to suspend her for five (5) days without pay.

B. MISCONDUCT IN OFFICE

20. 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".

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

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

(2) Florida educators **shall**² 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.

6. Shall not intentionally violate or deny a student's legal rights.

C. INCOMPETENCY

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

² Emphasis added.

Florida Statute §1012.33 and Rule 6A-5.056(3)(a) of the Florida Administrative Code. Her 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;

* * *

E. SCHOOL BOARD POLICY 4008

23. 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. 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.
2. Teach efficiently and effectively using the books and materials required by the District or the State following the prescribed courses of study and employ sound teaching practices and methods.
3. Infuse in the classroom, the District's adopted Character Education Traits of Respect, Honesty, Kindness, Self-control, Tolerance, Cooperation, Responsibility and Citizenship.

4. Treat all students with kindness, consideration and humanity, administering discipline in accordance with regulations of the State Board and the School Board; providing that in no case shall cruel or in human punishment be administered to any child attending the public schools.
5. Enforce the Broward County Schools Code of Conduct.

* * *

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

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F. SCHOOL BOARD POLICY 4.9

24. 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."
25. Respondent is also in violation of various Section II, Category B Offenses which prohibit the following:

* * *

- g) Inappropriate method of discipline

* * *

- 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

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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, Mary L. Blackmon, for five (5) days without pay based upon the foregoing facts and legal authority.

EXECUTED this 1st day of July, 2019.

Handwritten signature of Robert W. Runcie in blue ink, with a circled 'SRM' monogram to the right.

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.