

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,  
Superintendent of Schools,

Petitioner,

v.

TARA J. PASTEUR,

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, TARA J. PASTEUR ("PASTEUR"). 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 PASTEUR.
4. PASTEUR is an employee of the Broward County School Board and is currently employed as an Assistant Principal pursuant to an Annual Contract issued in accordance with Section 1012.33, Florida Statutes (2018).
5. The last known address of PASTEUR is 1520 N.E. 4<sup>th</sup> Place, Fort Lauderdale, Florida 33301.

## **II. MATERIAL ALLEGATIONS**

6. This recommendation is based upon conduct occurring in the 2018-2019 school year.
7. PASTEUR is an Assistant Principal at Pine Ridge Education Center (hereinafter "Pine Ridge").
8. The School Board hired PASTEUR on August 3, 2011.

### **December 13, 2018 Incident**

9. On or about December 13, 2018, PASTEUR struck a fifth (5<sup>th</sup>) grade student on his back with her walkie-talkie.

10. On or about December 13, 2018, PASTEUR became aware that J.A., a student at Pine Ridge, was in attendance at the school despite being placed on external suspension by PASTEUR earlier that week.
11. Upon learning J.A. was at Pine Ridge, PASTEUR instructed a security specialist to bring J.A. to the front office.
12. When J.A. arrived at the front office, PASTEUR reprimanded J.A., and told J.A. that he was not permitted to return to school until Monday, December 17, 2018, while J.A. served his three (3) day external suspension.
13. According to Stephanie Zonta (hereinafter "ZONTA"), a front office clerk at Pine Ridge, after being reprimanded by PASTEUR, J.A. became enraged and defiant, yelling profanity-laced insults at PASTEUR.
14. J.A. then began to leave the front office, exiting through the office interior swinging door.
15. PASTEUR suddenly became upset, grabbed her walkie-talkie by the antenna and charged at J.A., then struck him in the back with her radio.
16. ZONTA stated that after a second heated exchange between J.A. and PASTEUR, J.A. was escorted out of the office by security.

17. Thereafter, ZONTA stated that she observed PASTEUR and a security specialist reviewing the video footage of the incident on his laptop computer.

**January 8, 2019 Incident**

18. On or about January 8, 2019, PASTEUR tampered with a witness to the December 13, 2018, incident.

19. On or about January 8, 2019, Detective Thomas Honan of the Broward District Special Investigative Unit (hereinafter "SIU") arrived at Pine Ridge to take the statements from witnesses of the December 13, 2018 incident.

20. Before any statements were taken, an SIU investigator met with Henry Brown (hereinafter "BROWN"), Principal of Pine Ridge, and PASTEUR, to explain the personnel investigation process and provide PASTEUR with a Notice of Investigation.

21. PASTEUR signed the Notice of Investigation, acknowledging receipt, and the SIU investigator strongly recommended that PASTEUR review the policies accompanying the Notice of Investigation.

22. PASTEUR left the meeting and the SIU investigator remained in BROWN's office.

23. After PASTEUR left the meeting with BROWN and the SIU investigator, PASTEUR went to her office and called ZONTA, and requested ZONTA come to PASTEUR's office. ZONTA refused, and later explained that she did not go to

PASTEUR's office because she felt it was inappropriate considering the pending investigation.

24. PASTEUR then called the front office again and spoke with Denise Jones (hereinafter "JONES"), a front office secretary at Pine Ridge. JONES stated that PASTEUR called the front office numerous times, insisting to speak with ZONTA, however JONES told PASTEUR that ZONTA was unavailable.
25. After her attempts to summon ZONTA to her office failed, PASTEUR appeared at the front office and approached ZONTA at ZONTA's desk. ZONTA stated that PASTUER, in a low tone of voice, told her "you need to be truthful, you saw how he was acting that day", referring to the incident with J.A.
26. JONES also overheard PASTUER speaking with ZONTA, and stated that, while she did not hear the conversation verbatim, it was obvious PASTEUR was discussing the incident involving J.A.
27. PASTEUR then left the front office and a few moments later called ZONTA from the media center. ZONTA stated that during that telephone call PASTUER told ZONTA "[p]lease don't get me in trouble, I was only playing with him."

### **III. PREVIOUS DISCIPLINE**

28. On or about February 17, 2017, PASTEUR received a Letter of Reprimand from the Education Practices Commission of the

State of Florida ("EPC") with regard to an altercation with a twelve (12) year-old female student.

#### **IV. ADMINISTRATIVE CHARGES**

29. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through twenty-eight (28) above.
30. Any member of the district administrative or supervisory staff, including any principal, may be suspended or dismissed at any time during the term of the contract; however, the charges against him or her must be based on immorality, misconduct in office, incompetency, gross insubordination, willful neglect of duty, drunkenness, or being convicted or found guilty of, or entering a plea of guilty, regardless of adjudication of guilt, any crime involving moral turpitude, as these terms are defined by rule of the State Board of Education.
31. "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

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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.

- e) Behavior that reduces the teacher's ability or his or her colleagues' ability to effectively perform duties.
32. "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

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**V. BASIS FOR DISCIPLINE**

**A. MISCONDUCT IN OFFICE**

33. Respondent's actions as alleged in paragraphs nine (9) through twenty-seven (27) 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

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

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

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**B. INCOMPETENCY**

35. Respondent's actions, as alleged in paragraphs nine (9) through twenty-seven (27), incorporated herein by reference, constitute incompetency. The Respondent, through her above-described conduct has violated 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:

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<sup>2</sup> Emphasis added.



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;

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**C. SCHOOL BOARD POLICY 4008**

36. Respondent's actions, as alleged in paragraphs nine (9) through twenty-eight(28), incorporated herein by reference, are 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.
37. 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. 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 inhuman punishment be administered to any child attending the public schools.

3. Enforce the Broward County Schools Code of Conduct.

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

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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, Tara J. Pasteur, for five (5) days without pay based upon the foregoing facts and legal authority.

EXECUTED this 12<sup>th</sup> day of August, 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 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.