

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,  
Superintendent of Schools,

Petitioner,

v.

MARY CATHERINE BYRD,

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 Catherine Byrd ("BYRD"). 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 BYRD.
4. BYRD 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 BYRD is 3200 N.W. 5<sup>th</sup> Terrace, Apt. 20, Pompano Beach, Florida 33064.

## **II. MATERIAL ALLEGATIONS**

6. This recommendation is based upon conduct occurring in the 2018-2019 school year.
7. BYRD is an ESE Pre-School Intensive teacher at Norcrest Elementary School (hereinafter "NORCREST").
8. The School Board hired BYRD on August 10, 2004.

## January 16, 2019 Incidents

### First Incident

9. On or about January 16, 2019, one of BYRD's students got up to check his schedule. When the student did not perform this task timely, BYRD slapped the student in the face to direct him to check his schedule.
10. According to Kayla Wright, a paraprofessional in BYRD's classroom (hereinafter "WRIGHT"), *student, J.D., "was taking his time going to check his schedule so BYRD slapped him on his face to direct him to check his schedule. The student then began to cry."*

### Second Incident

11. On the same day, BYRD was instructing a student who was using a laptop computer. The student changed the screen making it larger. BYRD then slapped the student on the hand and yelled at the student.
12. WRIGHT stated, *"BYRD placed C.G. on the laptop. C.G. accidentally made the screen bigger so BYRD ended up slapping him on the hand saying "No C.G. No, No., No!"*

### III. PREVIOUS DISCIPLINE AND CORRECTIVE ACTION

#### **SUMMARY MEMOS**

13. On or about December 8, 2016, BYRD was issued a Meeting

Summary containing the following directives:

- Any future TDA's need to be submitted with the draft conference forms attached and immediately upon your return to the school a copy of the conference forms signed by yourself and the parent(s) need to be submitted.
- You are not to dismiss any of your students prior to 2:00 p.m. unless the parent has come into the office and signed the student out for early dismissal.
- You are not to leave campus prior to the normal end of your work-day (3:00 p.m.) unless you have signed out with Ms. Crupi (Office Manager).

14. On or about February 7, 2018, BYRD was issued a Meeting

Summary advising her of the following expectations:

- You will not leave your students at any time during the school day in the care of your paraprofessionals without a certified teacher with them.

#### IV. ADMINISTRATIVE CHARGES

15. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs nine (9) through fourteen (14) above.
16. 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.
17. "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 her colleagues' ability to effectively perform duties.

---

<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.

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;

\* \* \*

## **V. JUST CAUSE FOR DISCIPLINE**

### **A. JUST CAUSE**

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

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

19. Respondent's actions, as alleged in paragraphs nine (9) through twelve (12), incorporated herein by reference, 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

20. 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.

\* \* \*

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**

21. Respondent's actions, as alleged in paragraphs nine (9)  
through twelve (12), incorporated herein by reference,

---

<sup>2</sup> Emphasis added.

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:

1. Failure to perform duties prescribed by law;
2. Failure to communicate appropriately with and relate to students;

\* \* \*

**D. SCHOOL BOARD POLICY 4008**

22. Respondent's actions, as alleged in paragraphs nine (9) through twelve (12), 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.

23. 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 inhuman 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.

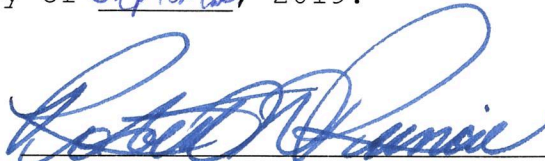
\* \* \*

**DEMAND FOR RELIEF**

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board suspend the Respondent, Mary Catherine Byrd, for five (5)

days without pay based upon the foregoing facts and legal authority.

EXECUTED this 13<sup>th</sup> day of September, 2019.



---

ROBERT W. RUNCIE,  
Superintendent of Schools,  
Broward County

Respectfully submitted:  
Douglas 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.