

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,  
Superintendent of Schools,

Petitioner,

v.

CHARLES J. ZIMMERMAN,

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, CHARLES J. ZIMMERMAN ("ZIMMERMAN"). The Petitioner seeks termination of ZIMMERMAN's employment with the Broward County School Board, Florida ("School Board"), pursuant to Chapter 120 and Sections 1001.51, 1012.27(5), and 1012.33, Florida Statutes and under Rule 6A-5.056 of the Florida Administrative Code and in support 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 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 non-instructional personnel employed by the School Board, inclusive of ZIMMERMAN.
4. ZIMMERMAN 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. ZIMMERMAN's last known address is 462 W. Royal Cove Circle, Davie, Florida 33331.

**II. MATERIAL ALLEGATIONS**

6. This recommendation is based upon conduct occurring in the 2019-2020 school year.
7. ZIMMERMAN is an Assistant Principal at William Dandy Middle School (hereinafter "William Dandy").
8. The School Board hired ZIMMERMAN as Acting Interim Assistant Principal on March 27, 2006.

9. On or about April 5, 2019, ZIMMERMAN entered Ms. Pun's third period math class in response to her call for security to address a group of students that were late to her class.
10. On or about April 5, 2019, ZIMMERMAN asked Ms. Pun's eighth grade student, T.D., to get up from her desk and leave the classroom.
11. On or about April 5, 2019, student, T.D. refused to get up from her desk.
12. On or about April 5, 2019, ZIMMERMAN made physical contact with T.D.
13. On or about April 5, 2019, ZIMMERMAN made physical contact with the arms of T.D. while attempting to remove her from class.
14. On or about April 5, 2019, ZIMMERMAN grabbed student, T.D.'s desk by its legs flipping it over on its side while T.D. was sitting in the desk.
15. On or about April 5, 2019, student, T.D., fell partially out of the desk onto the floor when ZIMMERMAN flipped the desk over.
16. On or about April 5, 2019, ZIMMERMAN wrestled T.D. onto another desk in the classroom before pinning T.D. to the floor where his knee made physical contact with her back.

17. Student, A.T., stated, ZIMMERMAN "grabbed her arm then she pulled back which led up to her falling on the floor then he pushed the desk over."

18. Student, A.T., further stated,

[h]e picked her up and put his hands behind her head (she was in front of him) then she ended up falling on the floor and he placed his knee on top of her to keep her from moving while his hands were on top of her arms (holding her down).

19. Additionally, student, A.W., stated, ZIMMERMAN "flipped the desk over with her in it picked her up held her head down the [sic] slammed her on the floor."

20. Another student, G.H., stated,

ZIMMERMAN "grabbed [sic] her desk but the [sic] started grabing [sic] her and flipping her out the chair and she hit the wall and floor he the [sic] proceded [sic] to grab her from the ground and yanked her up, he then pushed her to the table and tackled her and & he had her body locked on the ground his [sic] was on her back pining [sic] her.

21. Yet another student, K.M. stated,

[h]e aggressively pushed her and flipped her and the chair with one push. Her head hit the wall

she tried to get up her [sic] threw her back down.  
He dragged and put her in a position slamming her  
on the floor.

### **III. ADMINISTRATIVE CHARGES**

22. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through twenty-one (21) above.

23. Under Section 1012.33(4)(c), Florida Statutes, 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.

24. "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>;

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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.

- 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.

25. "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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#### **IV. BASIS FOR DISCIPLINE**

##### **A. MISCONDUCT IN OFFICE**

26. ZIMMERMAN's actions as alleged in paragraphs nine (9) through twenty-one (21) constitute misconduct in office.

ZIMMERMAN through his above-described conduct, has violated Fla. Stat. §1012.33, 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

27. 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**

28. ZIMMERMAN's actions, as alleged in paragraphs nine (9) through twenty-one (21), incorporated herein by reference,

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<sup>2</sup> Emphasis added.

constitute incompetency. ZIMMERMAN, through his above-described conduct has violated Florida Statute §1012.33 and Rule 6A-5.056(3)(a) 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 students;

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**DEMAND FOR RELIEF**

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board terminate the Respondent, Charles J. Zimmerman, based upon the foregoing facts and legal authority.

EXECUTED this 7<sup>th</sup> day of January, 2020.

  
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ROBERT W. RUNCIE,  
Superintendent of Schools,  
Broward County

Respectfully submitted:  
Douglas G. Griffin, Esq.  
Assistant General Counsel  
Maya A. Moore, Esq.  
Assistant General Counsel



NOTICE

If you wish to contest the charges, you must, within 21 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.