



WITHDRAWN

AGENDA REQUEST FORM

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

MEETING DATE	2020-02-04 10:05 - School Board Operational Meeting
AGENDA ITEM	ITEMS
CATEGORY	I. OFFICE OF THE SUPERINTENDENT
DEPARTMENT	Office of Chief of Staff

Special Order Request	<input type="radio"/> Yes <input checked="" type="radio"/> No
Time	
Open Agenda	<input type="radio"/> Yes <input checked="" type="radio"/> No

ITEM No.:

I-2.

TITLE:

Administrative Complaint Charles J. Zimmerman

REQUESTED ACTION:

Adopt the Superintendent's recommendation to terminate the Assistant Principal, Charles J. Zimmerman, and suspend him without pay and transmit the matter to the Division of Administrative Hearings ("DOAH").

SUMMARY EXPLANATION AND BACKGROUND:

See Supporting Docs for Summary Explanation and Background.

SCHOOL BOARD GOALS:

Goal 1: High Quality Instruction Goal 2: Safe & Supportive Environment Goal 3: Effective Communication

FINANCIAL IMPACT:

There is no financial impact to the School District.

EXHIBITS: (List)

(1) Summary Explanation and Background (2) Notice of Board Meeting (3) Administrative Complaint (4) Memo To Withdraw

BOARD ACTION:

WITHDRAWN

(For Official School Board Records Office Only)

SOURCE OF ADDITIONAL INFORMATION:

Name: Douglas G. Griffin	Phone: 7543212050
Name: Maya A. Moore	Phone: 7543212050

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
Senior Leader & Title

Jeffrey S. Moquin - Chief of Staff

Signature
Jeffrey S. Moquin
2/3/2020, 5:09:37 PM

Approved In Open Board Meeting On:

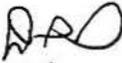
By: Donna For
School Board Chair

FEB 04 2020

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
OFFICE OF THE SUPERINTENDENT
ROBERT W. RUNCIE
SUPERINTENDENT OF SCHOOLS

February 3, 2020

TO: School Board Members

FROM: Douglas G. Griffin 
Assistant General Counsel

VIA: Robert W. Runcie 
Superintendent of Schools

SUBJECT: **Withdrawal of I-2, Administrative Complaint Charles J. Zimmerman, from
the February 4, 2020 School Board Operational Meeting**

Please withdraw I-2, Administrative Complaint Charles J. Zimmerman, from the February 4, 2020 School Board Operational Meeting.

Mr. Zimmerman has stipulated to a 15-day suspension without pay that will come back to the Board at the March 3, 2020 meeting on the "G" schedule.

RWR/DGG: asj

c: Senior Leadership Team

SUMMARY EXPLANATION AND BACKGROUND

On or about April 5, 2019, Assistant Principal, Charles J. Zimmerman (hereinafter "ZIMMERMAN"), entered Ms. Pun's third period math class to address students that were late to her class. ZIMMERMAN asked Ms. Pun's eighth grade student, T.D., to leave her desk and T.D. refused. ZIMMERMAN grabbed T.D.'s arms to remove her from class, flipping T.D.'s desk over on its side while T.D. was seated in it. T.D. fell partially onto the floor when ZIMMERMAN flipped her desk. ZIMMERMAN yanked T.D., then dragged and pinned her to the floor placing his knee on her back. The incident was captured on video.

The Assistant General Counsel prepared the Administrative Complaint and notice was provided to ZIMMERMAN that a recommendation for his termination will be presented to the School Board on February 4, 2020. The Administrative Complaint was served on ZIMMERMAN on January 7, 2020, and he timely requested a hearing.

End of Document.



THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

600 Southeast Third Avenue • Fort Lauderdale, Florida 33301 • Office: 754-321-2600 • Fax: 754-321-2701

ROBERT W. RUNCIE
Superintendent of Schools

The School Board of
Broward County, Florida

Donna P. Korn, Chair
Dr. Rosalind Osgood, Vice Chair

Lori Alhadeff
Robin Bartleman
Heather P. Brinkworth
Patricia Good
Laurie Rich Levinson
Ann Murray
Nora Rupert

January 7, 2020

Mr. Charles J. Zimmerman
462 W. Royal Cove Circle
Davie, Florida 33331

Re: Robert W. Runcie v. Charles J. Zimmerman

Dear Mr. Zimmerman:

Pursuant to Florida Statute 1012.33, you are hereby notified that I, Robert W. Runcie, Superintendent, will make a recommendation to The School Board of Broward County, Florida for your formal suspension and termination. This recommendation is predicated upon the charges outlined in the attached Administrative Complaint.

These charges will be presented to the School Board on **Tuesday, February 4, 2020, at 10:05 A.M.**, at Kathleen C. Wright Administration Building, 600 Southeast Third Avenue, Fort Lauderdale, Florida. Pursuant to Florida Statute Chapter 120, you may request a formal hearing, provided that you request said hearing, in writing, to the Superintendent as set forth in the Notice section of the Administrative Complaint.

This is your notice pursuant to Florida Statute 1012.31 that the material contained in your investigative file is a public record and it will become available for inspection by the public ten days from receipt of this letter. Any request made by the public for the documentation referred to above will be provided in accordance with the laws of the State of Florida and Federal law.

Sincerely,



Robert W. Runcie

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 S.E. 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.

RWR/DGG/MAM: asj
Attachment

c: Jeffrey S. Moquin, Chief of Staff
Alan Strauss, Chief Human Resources & Equity Officer
Valerie Wanza, Ph.D., Chief School Performance and Accountability Officer
Barbara Myrick, General Counsel
Susan Rockelman, Director, Talent Acquisition & Operations (Instructional)
Susan Cooper, Director, Employee and Labor Relations
Felice Winston-Davis, Principal, William Dandy Middle School
Craig Kowalski, Chief, Broward District Schools Special Investigative Unit
Samantha Gordon, Manager, Human Resource Support Services

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

CHARLES J. ZIMMERMAN,

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, 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.¹;

¹ 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

* * *

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**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.

B. INCOMPETENCY

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

² 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;

* * *

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 7th day of January, 2020.



ROBERT W. RUNCIE,
Superintendent of Schools,
Broward County

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

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