

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

TAHISHA BROWN,

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, Tahisha Brown ("Brown" or "Respondent"). The Petitioner seeks termination of Respondent's employment with the Broward County School Board ("BCSB"), pursuant to Chapter 120 and Sections 1001.51, 1012.27(5), 1012.33, 1012.335, 1012.55, and 1012.585 Florida Statutes and Rules 6A-5.056 and 6A-10.081 of the Florida Administrative Code. The Petitioner alleges the following:

I. JURISDICTIONAL BASIS

1. The agency is the School Board of Broward County, 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 BCSB, inclusive of Brown.

4. Brown is an employee of the Broward County School Board and is currently employed as a teacher pursuant to an Annual Contract issued in accordance with Section 1012.335, Florida Statutes.
5. The last known address of the Respondent is 13365 S.W. 32nd Street, Miramar, Florida, 33027.
6. The Broward County School Board hired Brown on or about February 22, 2013.¹

II. MATERIAL ALLEGATIONS

7. The recommendation is based upon conduct that occurred during the 2018-2019 school year.
8. On May 10, 2019, correspondence was hand delivered to Brown informing her of the investigation alleging "inappropriate conduct."
9. On May 10, 2019, Brown was administratively reassigned with pay.

¹On or about December 19, 2013, Brown was recommended for dismissal of employment of an instructional employee.

10. On November 1, 2019, Brown was given a copy of the Special Investigative Unit report.
11. On March 4, 2020, Brown attended the Professional Standards Committee ("PSC") with her attorney. PSC recommended termination.
12. On March 5, 2020, Brown was informed of the findings of PSC.
13. On June 2, 2020, Brown attended her Pre-Disciplinary meeting with her attorney.
14. Brown is an autism cluster teacher at Pasadena Lakes Elementary School (hereinafter "Pasadena Lakes").
15. During the 2018-2019 school year Brown had inappropriate conduct with her students.
16. The students mentioned in this Administrative Complaint were in Ms. Brown's Exceptional Student Education ("ESE") autism cluster class - a total of seven students were in this class.
17. On April 30, 2019, Principal Janet Phelps was informed by parent Mr. Adar, the parent of ESE student E.A., that his child was coming home from school speaking profanity - E.A. had never done this before.
18. On May 8, 2019, the parents of E.A. again informed Principal Phelps that their son, E.A., was again using profanity at home.
19. Specifically, E.A. would come home from school and state, "Ms. Brown is going to 'F' you up" and "Ms. Brown is going to

mess you up.” E.A. was a student in Ms. Brown’s autism cluster class.

20. On or about May 9, 2019, Child Protective Investigator Christine Forbes presented an audio recording to Principal Phelps, Assistant Principal Spencer and School Resource Officer Melvin Seguin.² After listening to the recording, Principal Phelps confirmed the voices of Brown and Brown’s teacher assistant, Ms. Joyce Bradley. Principal Phelps confirmed Brown was cursing and yelling at the children on the audio recording. Additionally, the audio recording depicted sounds of what appeared to be the slapping and/or hitting of children, as well as children crying, and yelling the word “ouch.”
21. On June 6, 2019, sworn recorded statements were taken from three parents of students assigned to Brown’s ESE autistic cluster class.
22. The first parent interviewed was Mr. Jason Segelbaum, father of student M.S. M.S. is nonverbal, autistic, and in Brown’s autism cluster class.
23. Mr. Segelbaum spoke to the parent of another student in Brown’s autism cluster class, Mr. Adar, who is the parent of student E.A., about a device called AngelSense which is a

² This audio recording, described below in the Administrative Complaint, was recorded by E.A. while in Brown’s classroom using the AngelSense device.

device utilized by parents of autistic children in the tracking of children which also has a two-way radio and recording function.

24. Mr. Segelbaum stated that during the time of the incident described herein, his nonverbal child, M.S., would come home from school and cover his ears. M.S. was in Brown's autism cluster class at this time. Mr. Segelbaum stated this behavior from autistic children is indicative of them being scared.
25. Mr. Segelbaum confirmed the AngelSense device was used to audio record Brown's class on May 6, 2019 and May 7, 2019.
26. Mr. Segelbaum reviewed the AngelSense recording from Brown's classroom and was shocked at what he heard.
27. The second interview conducted was of Mr. Matthew Adar, father of E.A., a six-year-old who is autistic with limited communication skills and is also in Brown's autism cluster class.
28. Mr. Adar stated he initially noticed profanity from E.A., in February of 2019, about four months prior to the May 2019 audio recording.
29. Mr. Adar stated his son would come home from school and repeat the phrases "Ms. Brown is going to fuck you up" and "Ms. Brown is going to mess you up."
30. Mr. Adar first decided to use the AngelSense for recording

Brown's classroom on or about May 3, 2019. The AngelSense is like a cellphone in that it can be turned on and audio may be heard by calling the device. Additionally, AngelSense can use a digital recorder to capture audio in its area.

31. On or about May 3, 2019, the AngelSense was attached to E.A. The AngelSense recording was difficult to hear the words spoken but did pick up yelling within Brown's classroom.
32. Mr. Adar decided to use the AngelSense again on the following Monday. The AngelSense was attached to E.A. and recorded his time in Brown's classroom. The AngelSense recorded Brown and/or Ms. Bradley cursing at and in front of the ESE classroom children and making fun of the students.³
33. The third interview was with Ms. Gisela Lopez, mother of student M.L. M.L. is a non-communicative student also in Brown's autism cluster class.
34. Ms. Lopez became concerned about M.L. in May of 2019 when M.L. would arrive home from school with bruises and marks on her arms. The AngelSense recorded the hitting and/or slapping sounds of ESE students.
35. Ms. Lopez became aware of the audio recording taken from Brown's class and was able to clearly identify her daughter, M.L., in the audio recording crying.

³ As mentioned prior, the voice of Ms. Brown was confirmed on the audio recording by Principal Phelps and A.P. Spencer, among others.

36. In the audio recording, Ms. Lopez could hear Brown or Ms. Bradley yelling at her daughter M.L., and then there was a slapping sound at which time M.L. yelled "ouch or ow." Ms. Lopez stated M.L. only says "ow" when she is in pain.
37. Ms. Lopez contacted Child Protective Services at which time an investigator responded and observed the marks on M.L. and through an investigation verified child abuse.
38. The audio recording was transcribed by a certified vendor and time stamped.
39. On page 77 of the transcribed recording, Brown can be heard having a conversation with Ms. Bradley. During the conversation, Brown states the following:
- a. "Why are you not doing your work? Go to timeout. Not doing your work. Boy, **I'm gonna fuck you up.**⁴ Don't be trying my ass. Get in timeout."
40. Following these statements there are loud clapping and/or slapping sounds at which time a child can be heard screaming and yelling "ow."⁵
41. On page 78 of the transcript Brown stated to a student, "And you keep the same one because you think that you're going to get away with it. Go to the bathroom. You need to do you work." There are clapping and/or slapping sounds during this

⁴ Emphasis added.

⁵ This incident is captured on the recording and is located at the 2:28:37 time frame.

exchange at which a child can be heard yelling, "ow, ow, ow."

42. On page 94, there is a conversation between Brown and Ms. Bradley where students are present. Brown is heard saying, "I'm like bitch, the way you sucking dick you should be (unintelligible) and a \$6,000 incentive."
43. On Friday, September 20, 2019, Principal Janet Phelps and Assistant Principal ("A.P.") Mokisha Spencer each had the opportunity to listen to the audio recording. Principal Phelps and A.P. Spencer both positively identified the adult voices on the audio recording as Brown and Ms. Bradley.
44. On Monday, September 23, 2019, sworn statements were taken from ESE specialist Ms. Christina Boos-Patten and Autism Coach Ms. Chelsea Coldwell. Ms. Boos-Patten and Ms. Coldwell both positively identified the adult voices on the audio recording of Brown and Ms. Bradley.

Background and History

45. On or about December 19, 2013, Brown was recommended for dismissal of employment of instructional employee during the probationary period. This was from Principal Saemone Hollingsworth at Silver Ridge Elementary School. Brown chose to resign in lieu of termination.

III. ADMINISTRATIVE CHARGES

46. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through forty-

five (45), above.

47. Just cause exists for the requested relief pursuant to Fla. Stat. § 1012.335, Sections 6A-5.056 and 6A-10.081 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.
48. "Just cause" means cause that is legally sufficient. "Just cause" includes, but is not limited to:

2. "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.⁶;**
 - 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.⁷;**
 - 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 her or her colleagues' ability to effectively perform duties.
3. "Incompetency" means the inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.
- a. "Inefficiency" means one or more of the following:
 1. Failure to perform duties prescribed by law;
 2. **Failure to communicate appropriately with**

⁶ Repealed 3-23-16. Now included in 6A-10.081 F.A.C., Principles of Professional Conduct for the Education Profession in Florida.

⁷ Emphasis added.

and relate to students;⁸

3. Failure to communicate appropriately with and relate to colleagues, administrators, subordinates, or parents;
4. Disorganization of her or her classroom to such an extent that the health, safety or welfare of the students is diminished; or
5. Excessive absences or tardiness.

5. "Willful neglect of duty" means intentional or reckless failure to carry out required duties.

IV. JUST CAUSE FOR DISCIPLINE

A. JUST CAUSE

49. Respondent's actions constitute just cause to terminate her employment, pursuant to Fla. Stat. § 1012.335(4).

"Any instructional personnel with an annual contract may be suspended or dismissed at any time during the term of the contract for just cause as provided in subsection (5)."

B. MISCONDUCT IN OFFICE

50. Respondent's actions, as alleged in paragraphs seven (7) through forty-four (44), incorporated herein by reference, constitute misconduct in office by violating one or more Rules 6A-5.056(2)(a) through (e) of the Florida Administrative Code, which defines "misconduct".

⁸ Emphasis added.

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

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

(2) Florida educators shall 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.**⁹

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

52. Respondent's actions, as alleged in paragraphs seven (7) through forty-four (44), incorporated herein by reference, constitute incompetency. The Respondent's above described conduct has violated Florida § 1012.335 and Rule 6A-5.056(3)(a), Rule 6A-10.080, and Rule 6A-10.081 of the

⁹ Emphasis added.

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;**¹⁰

* * *

E. WILLFUL NEGLECT OF DUTY

53. Respondent's actions, as alleged in paragraphs seven (7) through forty-four (44) above, incorporated herein by reference, constitute willful neglect of duty. "Willful neglect of duty" means intentional or reckless failure to carry out required duties.

F. SCHOOL BOARD POLICY 4008

54. School Board policy 4008, Responsibilities and Duties (Principals and Instructional Personnel) 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."

55. Respondent is in violation of School Board policy 4008(B), which 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

¹⁰ Emphasis added.

in Florida.

3. Infuse in the classroom, the District's adopted Character Education Traits of Respect, Honesty, Kindness, Self-Control, Tolerance, Cooperation, Responsibility and Citizenship.

8. Conform to all rules and regulations that maybe 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 terminate Tahisha Brown, based upon the foregoing facts and legal authority.

EXECUTED this 1st day of July, 2020.



ROBERT W. RUNCIE,
Superintendent of Schools,
Broward County

Respectfully submitted:
Andrew Brett Carrabis, Esq.
Administrative 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. You may also present a written statement presenting your side of the story and/or reasons why the proposed action should not be taken. 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.