

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ROBERT W. RUNCIE, as Superintendent of
Schools,

DOAH CASE NO:

Petitioner,

v.

DEBORAH TERSIGNI

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Robert W. Runcie, Superintendent of Schools ("Petitioner"), files this Administrative Complaint against, DEBORAH TERSIGNI ("TERSIGNI"). The Petitioner seeks the termination of Respondent's employment with the School Board of Broward County ("SBBC"), pursuant to Sections 1001.51, 1012.27(5) and 1012.33, Florida Statutes. The Petitioner alleges the following:

JURISDICTIONAL BASIS

1. The agency is the School Board of Broward County, Florida, which is located at 600 Southeast Third Avenue, Fort Lauderdale, Broward County, Florida 33301.
2. Petitioner is the Superintendent of SBBC.
3. 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 SBBC.

4. Respondent, was employed, at all times material herein, as an ESE teacher at Silver Ridge Elementary School, pursuant to a Professional Services Contract, issued in accordance with Section 1012.33(3)(a), Florida Statutes.

MATERIAL ALLEGATIONS

5. Shortly after the commencement of the school year in August 2012, Respondent became aggressive with several of the students. On several occasions, Respondent was observed grabbing students by the arms and forcefully pulling them to the ground. A number of incidents described herein occurred until January 23, 2013, when a Certified Classroom Assistant reported Respondent to school administrators after a student, T.P., verbalized that "Mrs. T. hurt me."

6. In November of 2012, Respondent grabbed a student, M.M., by the back of her neck, and held her head down to a garbage can to retrieve an open bag of chips. Respondent told the student to take the chips out of the garbage and stated "eat them, because you asked for them." Respondent then had M.M. sit at a table and eat the chips taken from the garbage.

7. In December of 2012, T.P., a student, did not want to eat the cafeteria food. Respondent forced-fed a plantain into T.P.'s mouth, and yelled "Eat, you're going to eat it," causing T.P. to regurgitate.

8. In December of 2012, a female student, M.P., was sitting in a Rifton Chair crying. M.P. was newly assigned to the Respondent's class and cried often. Respondent quickly jerked M.P.'s chair backwards to scare the child to stop her crying. When M.P. failed to stop crying, Respondent laid the chair down on the floor so the student's feet were in the air. Respondent left the student in that position for approximately twenty (20) minutes before an occupational therapist entered into the room and viewed the student and chair lying down on the floor. When asked why

the student was in that position, Respondent stated "I want to give her the feeling of what it was like to fall back." After seeing the therapist's face and reaction, Respondent immediately picked up the student's chair off the floor.

9. In another incident, Respondent took a ziplock bag of ice from the freezer, placed it on M.P.'s bare chest, and held it there until the student stopped crying. If the student did not stop crying, Respondent would then place the bag on M.P.'s back which would cause M.P. to cry louder.

10. On January 16, 2013, C.R., an eight year old student, arrived at school and was acting in an aggressive manner. Respondent removed him from his wheelchair, screamed in his ear, held both of his hands behind his back, laid him face down on the tile floor before laying on top of his thirty (30) pound body. Respondent remained in that position for several minutes while C.R. was gasping for air.¹

11. On January 23, 2013, T.P. came out of the bathroom, Respondent grabbed the back of his neck and pushed him towards the door causing him to stumble and fall to the ground. T.P. verbalized that "Ms. T. hurt me."

12. On March 4, 2013, Respondent was given notice that she was to provide a statement on March 11, 2013, regarding her performance as an employee of the School Board of Broward County. The notice provided a warning that her failure to appear and to provide a statement would lead to disciplinary action. Respondent refused to appear and provide a statement.

13. On June 14, 2013, Respondent was charged with a felony child abuse by the State Attorney and is awaiting trial.

¹Respondent was later arrested and charged with felony child abuse.

ADMINISTRATIVE CHARGES

14. Just cause exists for the requested relief, pursuant to Fla. Stat. §§ 1012.33(1)(a), Respondent's employment contract and School Board rules and regulations, including but not limited to the following:

COUNT 1: IMMORALITY

15. Respondent has violated Fla. Stat. § 1012.33, and Rule 6A-5.056(1) of the Florida Administrative Code. Respondent's acts constitute acts of immorality, that is, conduct inconsistent with the standards of public conscience and good morals. Respondent's conduct is sufficiently notorious to bring Respondent and/or the educational profession into public disgrace or disrespect, and impair Respondent's service in the community.

COUNT 2: MISCONDUCT IN OFFICE

16. Respondent has violated Fla. Stat. 1012.33 and Rule 6A-5.056(2)(a) and (b) of the Florida Administrative Code. Respondent's acts are defined as a violation of the Code of Ethics of the Educational Profession as adopted in Rule 6B-1.001 F.A.C. and of Principles of Professional Conduct for the Educational Provisions in Florida, as adopted by Rule 6B-1.006, F.A.C., which are so serious so as to impair the individual's effectiveness in the school system, which includes the following:

- (3) Obligation to the student requires that the individual:
 - (a) 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.
 - (f) shall not intentionally violate or deny a student's legal rights.
 - (g) shall not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background

and shall make reasonable effort to assure that each student is protected from harassment or discrimination.

COUNT 3: MISCONDUCT IN OFFICE

17. Respondent has violated Fla. Stat. 1012.33 and Rule 6A-5.056(2)(c)(d) and (e) of the Florida Administrative Code. Respondent's acts are a violation of the adopted school board rules; behavior that disrupts the student's learning environment; or behavior that reduces the teacher's ability or his or her colleagues' ability to effectively perform duties.

COUNT 4: INCOMPETENCY

18. Respondent has violated Fla. Stat. 1012.33 and Rule 6A-5.056(3)(a) and (b) of the Florida Administrative Code. Respondent's acts are defined as the inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.

COUNT 5: GROSS INSUBORDINATION

19. Respondent has violated Fla. Stat. 1012.33 and Rule 6A-5.056(4) of the Florida Administrative Code. Respondent's acts are defined as the intentional refusal to obey a direct order, reasonable in nature, and given by and with proper authority; misfeasance, or malfeasance as to involve failure in the performance of required duties.


COUNT 6: CRIMES INVOLVING MORAL TURPITUDE

20. Respondent has violated Fla. Stat. 1012.33 and Rule 6A-5.056(8) of the Florida Administrative Code. Respondent's acts are defined as a violation of one or more of the offenses listed in Section 1012.315, Florida Statutes or in the Rule.

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends the dismissal of the Respondent, DEBORAH TERSIGNI, from her employment with the School Board of Broward County, based upon the foregoing facts and legal authority. Petitioner further, recommends the immediate suspension of Respondent without further pay or benefits in the event the Respondent should challenge the School Board's recommendation of the termination of her employment.

EXECUTED this _____ day of June, 2013.



ROBERT W. RUNCIE,
Superintendent of Schools, Broward County

Attn:
Charles T. Whitelock, Esq.
Cadre Attorney