

BEFORE THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

**ROBERT W. RUNCIE,
Superintendent,**

Petitioner,

vs.

HILDA CABRERA,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA, through its Superintendent, ROBERT W. RUNCIE, and files this Administrative Complaint and states 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. His address is 600 Southeast Third Avenue, Fort Lauderdale, Broward County, Florida 33301.
3. The Petitioner is statutorily obligated to recommend the placement of School Board personnel, and require compliance and observance by all personnel with all laws, rules and regulations. *See* ' 1012.27, Fla. Stat.
4. The employee against whom discipline is recommended, Respondent, Hilda Cabrera

is a teacher at Sunrise Middle School.

5. The legal basis for Ms. Cabrera's discipline is:
 - a. Incompetency;
 - b. Misconduct in office (violation of the Principles of Professional Conduct for the Education Profession); and
 - c. Insubordination.

See ' 1012.33, Fla. Stat. *See also* Fla. Admin. Code 6A-5.056; 6A-10.080, 6A010.081, 6A-10.096.

II. ADMINISTRATIVE CHARGES

The Petitioner, Robert W. Runcie, alleges as follows:

6. This proceeding arises out of Ms. Cabrera's conduct during the 2012-2013 school year.
7. Ms. Cabrera has a history of poor supervision of her students.
8. In October 2012, one of her Assistant Principals, Ms. Moreau, conducted a classroom observation and noticed, among other things, that Ms. Cabrera was not appropriately supervising her students.
9. Ms. Cabrera was put on notice that she needed to supervise all students and be able to account for their whereabouts.
10. Problems continued into the 2012-2013 school year and Principal Walker specifically told Ms. Cabrera that she was expected to monitor her students and ensure their safety.
11. After a number of classroom observations and some additional training, concerns remained. In February 2013, Principal Walker issued a written reprimand noting concerns about

teacher withitness and student safety.

12. Classroom observations in March and April 2013 again raised concerns which were shared with Ms. Cabrera, who was found to have allowed her students access to inappropriate adult websites. A pre-disciplinary meeting was conducted regarding this issue on April 12, 2013.

13. Additional charges were brought and pre-disciplinary meeting conducted for testing improprieties, and Ms. Cabrera was suspended from her position for three (3) days as a result of these charges.

14. Notwithstanding all of the coaching, training, time and attention focused on Ms. Cabrera's inappropriate supervision of the students in her classroom during the 2012-2013 school year, another incident took place on or about May 9, 2013, which resulted in injuries to a student.

15. A number of students were playing football and tackling one another in Ms. Cabrera's classroom and one student [J.R.] fell and broke a tooth.

16. After the incident was reported to administration, and a personnel investigation was requested, Ms. Cabrera told several students that one of their classmates [N.O.] was a snitch.

17. Principal Walker, concerned about the safety of the students and Ms. Cabrera's continuing refusal to appropriately supervise those students, combined with her recent history and her inappropriate comments about one of the students in her classroom, recommended that Ms. Cabrera be suspended for an additional five (5) days.

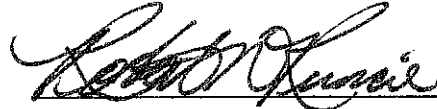
18. Upon review of Ms. Cabrera's conduct, and the other progressive discipline that has been imposed during this school year, I agree that a five (5) day suspension is appropriate.

19. In accordance with Florida law and the applicable Collective Bargaining Agreement, this recommendation must be reviewed, and approved by The School Board of Broward County,

Florida.

20. If the ultimate decision is adverse to her, Ms. Cabrera may challenge the decision by seeking an administrative hearing pursuant to Chapter 120 of the Florida Statutes.

EXECUTED this 17th day of October, 2013.



ROBERT W. RUNCIE
Superintendent of Schools

Cadre Attorney:
Debra Potter Klauber, Esq.
Haliczer Pettis & Schwamm, P.A.