

BEFORE THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ROBERT W. RUNCIE,
Superintendent,

Petitioner,

vs.

BRENDA FISCHER,

Respondent.

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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, Brenda Fischer, is currently employed as a teacher at Western High School.

5. The legal basis for Ms. Fischer's suspension is misconduct and insubordination. See ' 1012.33, Fla. Stat.; Fla. Admin. Code r. 6A-5.056, 6A-10.080, 6A-10.081.

II. ADMINISTRATIVE CHARGES

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

6. This recommendation is based upon allegations that Ms. Fischer behaved inappropriately toward students.

7. On August 16, 2013, a Friday, a number of seniors were present in the Western High School parking lot painting their parking spots, which is part of a senior fundraiser at the school.

8. Ms. Fischer, who claimed that she was leaving the campus after an announcement was made that the school gates would be locked shortly, approached a group of students in the parking lot at Western High School and asked them to leave the campus.

9. Ms. Fischer was observed by other students, parents and faculty, screaming and cursing at the students, and aggressively grabbing one female student's arm.

10. An anonymous bullying report was filed and a meeting was held with Ms. Fischer to discuss the incident.

11. During that meeting, Ms. Fischer stated that she had asked the students to leave

and that when they did not cooperate, she approached them in what she admitted may have been a loud and impatient tone.

12. She also admitted to physically taking one of the students by the arm after the student refused to comply with the request to leave the campus.

13. In a subsequent written response, Ms. Fischer apparently recanted, and wrote that she may have accidentally and inadvertently brushed her arms with my hands for a brief second.

14. In her written statement, Ms. Fischer denied intentionally touching the student.

15. The Principal of Western High School, Jimmy Arrojo, reviewed the students' statements, the allegations against Ms. Fischer, and the notes of the meeting with Ms. Fischer along with her response, and held a pre-disciplinary conference with Ms. Fischer to address this inappropriate conduct.

16. Principal Arrojo ultimately concluded that the statements of the witnesses supported the allegation that Ms. Fischer's behavior, both verbal and physical, was inappropriate. He found that some form of discipline was warranted for Ms. Fischer's conduct toward the students.

17. A review of her employment history revealed that Ms. Fischer had been previously suspended without pay, for three days, following a 2009 incident in which she allegedly pushed a student while trying to redirect her back to her seat and made

inappropriate comments toward some students.

18. Ms. Fischer also had a history of other incidents involving inappropriate conduct toward students, some of which resulted in letters of reprimand.

19. In those letters, from a prior school, Ms. Fischer was told to cease and desist from making inappropriate remarks to students, and expressly advised that the use of profanity was not appropriate or acceptable in the school environment.

20. Given the nature of the current allegations, as well as the disciplinary history, including the fact that Ms. Fischer had been previously advised not to engage in inappropriate conversations or use profane language with students, and her recent suspension, Principal Arrojo concluded that a five-day suspension, without pay, was warranted due to the nature of the current allegation; a physical and verbal altercation with students.

21. Having reviewed the materials supporting the charges against Brenda Fischer, the Petitioner/Superintendent hereby agrees with the recommendation of Principal Arrojo that Ms. Fischer be suspended, without pay, from her position as a teacher at Western High School for a period of five days.

22. In accordance with Florida law, this recommendation for suspension must be reviewed, and approved by the School Board. *See* ' 1012.33, Fla. Stat.

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

EXECUTED this 11th day of October, 2013.

A handwritten signature in cursive script, appearing to read "Robert W. Runcie", written over a horizontal line.

ROBERT W. RUNCIE
Superintendent of Schools

cc: Debra P. Klauber, Esq.
Cadre Attorney