

BEFORE THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

**ROBERT W. RUNCIE,
Superintendent,**

Petitioner,

vs.

GARY JONES,

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, Gary Jones,

is currently employed as a teacher at Cypress Bay High School.

5. The matters at issue in this administrative complaint arise out of events that occurred during the 2012-2013 school year.

6. The legal basis for Mr. Jones' suspension is misconduct in office and insubordination. See ' 1012.33(1)(a), Fla. Stat.; Fla. Admin. Code r. 6A-5.056. More specifically, Mr. Jones' actions have violated the Code of Ethics of the Education Profession in Florida, in that he did not exercise the best professional judgment and integrity or attempt to achieve the highest degree of ethical conduct in essentially falsifying records; he also did not act in a manner consistent with maintaining the respect and confidence of his colleagues. See Fla. Admin. Code r. 10.080. His actions similarly violate the Principles of Professional Conduct for the Education Profession in Florida, in that he did not protect his students from conditions harmful to their learning; he intentionally distorted facts with regard to teaching performance and the students' academic performance; he did not maintain honesty and integrity with regard to his professional duties and responsibilities; and he submitted fraudulent information in connection with his professional activities as an informal geometry teacher. See Fla. Admin. Code r. 10.081.

II. ADMINISTRATIVE CHARGES

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

7. This recommendation is based upon allegations that the Respondent falsified records by submitting grades for an Informal Geometry exam that his students had not

taken.

8. Upon information and belief, Mr. Jones, who taught Informal Geometry, did not require his 5th period students to take the final examination at the conclusion of the 2012-2013 school year.

9. A number of students provided statements to school administrators explaining that when they showed up for their final examination, Mr. Jones told them it was not necessary:

- a. Some students stated that Mr. Jones just gave them a grade because “regardless of what I got on the final, my grade would have stayed the same according to him”
- b. Other students claimed that Mr. Jones told them that they were exempt-from taking the examination.

10. Notwithstanding the fact that he did not give his students the examination, Mr. Jones inserted arbitrary examination grades for his students for the second-semester examination in his electronic gradebook.

11. When asked for documentation of the students’ examinations, Mr. Jones provided scantron sheets for two students, which had been hand-graded, not electronically graded. Additionally, even the two students who apparently took the test did not complete the 60-question examination; they only answered 16 out of the 60 questions.

12. Assistant Principal Marianela Estripeaut held a pre-disciplinary conference with Mr. Jones on or about August 15, 2013, following which she determined that discipline was warranted.

13. Upon a review of other recent discipline and concerns with regard to Mr.

Jones' job performance, including, but not limited to, a summary memorandum issued in April of 2013, which specifically directed him to: (1) grade assessments; (2) record grades in Pinnacle; (3) use class time to teach his students and engage them in educational activities; (4) maintain updated weekly lesson plans; and (5) prepare his classroom each day, Assistant Principal Estripeaut and Principal Scott Neely recommended that Mr. Jones be suspended from his position as a teacher, without pay, for a period of five (5) days.

14. Having reviewed the materials supporting the charges against Mr. Jones, the Petitioner/Superintendent hereby agrees with the recommendation that he be suspended, without pay, for a period of five (5) days.

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

16. If the ultimate decision is adverse to him, Mr. Jones may challenge the decision by seeking an administrative hearing pursuant to Chapter 120 of the Florida Statutes.

EXECUTED this 5 day of October, 2013



ROBERT W. RUNCIE
Superintendent of Schools

cc: Debra P. Klauber, Esq.
Haliczer Pettis & Schwamm, P.A.
Cadré Attorney