

BEFORE THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ROBERT W. RUNCIE,
Superintendent,

Petitioner,

vs.

CAROL TURNER,
Employee,

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:

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, Carol Turner, is currently employed as a math teacher at Westglades Middle School.

ADMINISTRATIVE CHARGES

5. The matters at issue in this administrative complaint arise out of events that occurred during the 2013-2014 school year, Ms. Turner ' s first year at Westglades Middle School.

6. Early in the school year, the administration at Westglades Middle School began to receive parent complaints about Ms. Turner ' s classroom behavior, attitude toward students, students ' inability to grasp the subject matter, questions about grading procedures, students not being properly supervised or instructed, and other similar issues.

7. On September 30, 2013, Assistant Principal Lopatin provided Ms. Turner with a conference summary advising her of the importance of supervising students at all times.

8. After additional concerns were raised by parents, including complaints that the students were being intimidated and bullied and were not understanding the subject matter, and the Respondent was accused of telling a student to shut up in class, Assistant Principal Lopatin issued another conference summary on October 23, 2013, which specifically advised Ms. Turner

that she need to:

- Utilize a tone of decency with all Westglades Middle School students;
- Maintain [her] professionalism at all times.

9. The complaints continued into November 2013, and a *verbal reprimand* was issued which referred the Respondent to the Code of Ethics and the Principles of Professional Conduct, and which advised her [e]ffective immediately, you are to refrain from making inappropriate remarks to any student at Westglades Middle School.

10. Again, in December of 2013, new parents were complaining about their children 's inability to understand the mathematical concepts being taught by Ms. Turner, which resulted in the need for many of the parents to hire private tutors for their children. School administrators were faced with multiple requests for schedule changes out of her class.

11. At or near that time, Ms. Turner also made a number of inappropriate comments to students, which resulted in the issuance of a formal *written reprimand* in January of 2014, in which she was advised, by Assistant Principal Lopatin to:

- Follow posted classroom expectations, consequences, and rewards;
- Utilize a tone of decency with all Westglades Middle School students;
- Maintain professionalism at all times.

12. Despite these repeated disciplinary conferences with her administrator, and detailed discussions about professional behavior which included reviewing the Code of Ethics and the Principles of Professional Conduct of the Education Profession in Florida, this same type of

behavior continued.

13. In April 2014, Ms. Turner again made inappropriate comments to a student, during class, during a test, in front of other students, when she claimed she was going to take the student to a court of law.

14. Following yet another pre-disciplinary meeting, Assistant Principal Lopatin considered Ms. Turner's employment history, the prior discipline during this school year (detailed above) and prior discipline prior to this school year which included a *written reprimand* in 2007 after probable cause was found that Ms. Turner engaged in misconduct/battery of a student.

15. At that time, Principal Lopatin recommended that Ms. Turner be suspended from her teaching position for three (3) days, without pay.

16. The legal basis for Ms. Turner's suspension is misconduct in office and insubordination. See ' 1012.33, Fla. Stat.; Fla. Admin. Code r. 6A-5.056. More specifically, Ms. Turner's behavior throughout this school year:

- violates the Code of Ethics of the Education Profession in Florida, in that she has not shown respect to her colleagues, students and parents;
- violates the Principles of Professional Conduct for the Education Profession in Florida in that she has exposed her students to unnecessary embarrassment and disparagement;
- disrupts her students' learning environment;
- constitutes a failure to perform the duties prescribed by law;

- evidences a failure to communicate appropriately with and relate to students;
- establishes a failure to follow direct orders, reasonable in nature, and given by her direct supervisors and district-level employees, about appropriate behavior with regard to students.

See Fla. Admin. Code r. 6A-5.065; 6A-10.080; 6A-10.081; 6A-10.099.

17. Having reviewed the materials supporting the charges against Ms. Turner, the Petitioner/Superintendent hereby agrees with the recommendation that she be suspended, without pay, for a period of three (3) days.

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

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

EXECUTED this 10 day of May, 2014.



ROBERT W. RUNCIE
Superintendent of Schools

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