

THE BROWARD COUNTY SCHOOL BOARD, FLORIDA

ROBERT W. RUNCIE,
Superintendent of Schools,

Petitioner,

v.

LYNN SINGLETON,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Robert W. Runcie, Superintendent of Schools of Broward County, Florida ("Petitioner"), files this Administrative Complaint against Respondent, Lynn Singleton ("Singleton"). The Petitioner seeks termination of Respondent's employment with the Broward County School Board ("BCSB"), pursuant to Chapter 120 and Sections 1001.51, 1012.27(5), and 1012.33 Florida Statutes and Rule 6A-5.056 of the Florida Administrative Code. The Petitioner alleges 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.
3. The 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 BCSB, inclusive of Singleton.

4. Singleton is an employee of the Broward County School Board and is currently employed as a teacher pursuant to a Professional Services Contract, issued in accordance with Section 1012.33(3)(a), Florida Statutes (2014).
5. The last known address of Singleton is 2480 NW 106th Avenue, Coral Springs, FL 33065.

II. MATERIAL ALLEGATIONS

6. This recommendation is based upon conduct occurring during the 2014-2015 school year.
7. Singleton is a first grade teacher at Lloyd Estates Elementary School.
8. Singleton reported to work on or about December 9, 2015, under the influence of alcohol.

III. PREVIOUS DISCIPLINE

9. Singleton was first hired by the district on August 14, 1996.

10. On or about October, 2008, Singleton received a summary memo regarding excessive absenteeism.
11. On or about August 16, 2013, Singleton received a verbal reprimand regarding dishonesty when she requested that another teacher sign in for her at school as being present when she was not there.

IV. PREVIOUS ARRESTS

12. On or about August 30, 1988, Singleton was convicted pursuant to §316.193(1) Fla. Stat. for driving under the influence.
13. She received a fine and community service for this first degree misdemeanor.
14. On or about July 21, 2003, Singleton was again convicted for driving under the influence pursuant to an arrest on October 25, 2002.
15. She was ordered to serve nine (9) months probation and pay a fine and court costs, she also received a suspension of her license for this first degree misdemeanor.
16. Singleton failed to report this arrest and subsequent conviction as required by District Policy 2405.

V. ADMINISTRATIVE CHARGES

17. Petitioner realleges and incorporates herein by reference the allegations set forth in paragraphs one (1) through 16 above.
18. On or about Wednesday, December 9, 2015, Ms. Amberson, a paraprofessional to the ESE teacher, Marjorie Gomez, observed Respondent stumbling escorting her children to the classroom.
19. Ms. Gomez then alerted school administration regarding the observations her paraprofessional, Ms. Amberson, had reported to her.
20. The Principal went to see the Respondent at approximately 9:30 A.M. and noticed an odor of alcohol when speaking with Singleton. The Principal also noticed that Singleton was irritable and unable to respond to questions.
21. Around the same time the Principal was notified about the staff observations regarding Singleton, the Principal also received notification that a student from Singleton's class was sent to the clinic with a serious injury to his finger.
22. Singleton allowed her entire first grade class to go to the portable restroom unsupervised and a student in the class injured his hand when his finger was caught in the door upon returning to the classroom.

23. Respondent failed to supervise the student and remained in the classroom at her desk while the students went to the bathroom in another portable.
24. Singleton was tested for Alcohol and Drugs at approximately 11 A.M. under the provisions of the District's Drug-Free Workplace Policy 2400.
25. Respondent, Singleton's, breathalyzer test reported as positive, having an initial reading of .235 and a confirmation reading of .203.

VI. JUST CAUSE FOR DISCIPLINE

26. Just cause exists for the requested relief pursuant to Fla. Stat. § 1012.33, Section 6A-5.056 F.A.C., the Respondent's employment contract, School Board rules and regulations, the Code of Ethics of the Education Profession, and the Employee Disciplinary Guidelines promulgated by the School Board.
27. "Just cause" means cause that is legally sufficient. "Just cause" includes, **but is not limited to:**
 - A. "Immorality" means conduct that is inconsistent with the standards of public conscience and good morals. It is conduct that brings the individual concerned or the education profession into public disgrace or disrespect and impairs the individual's service in the community.
 - B. "Misconduct in Office" means one or more of the following:
 1. A violation of the Code of Ethics of the Education Profession in Florida as adopted in Rule 6B-1.001, F.A.C.;
 2. A violation of the Principles of Professional Conduct for the Education Profession in Florida as

adopted in Rule 6B-1.006, F.A.C.;

3. A violation of the adopted school board rules;
4. Behavior that disrupts the student's learning environment; or
5. Behavior that reduces the teacher's ability or his or his colleagues' ability to effectively perform duties.

- C. "Incompetency" means the inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.
1. "Inefficiency" means one or more of the following:
 - a. Failure to perform duties prescribed by law;
 - b. Failure to communicate appropriately with and relate to students;
 - c. Failure to communicate appropriately with and relate to colleagues, administrators, subordinates, or parents;
 - d. Disorganization of his or his classroom to such an extent that the health, safety or welfare of the students is diminished; or
 - e. Excessive absences or tardiness.
 2. "Incapacity" means one or more of the following:
 - a. Lack of emotional stability;
 - b. Lack of adequate physical ability;
 - c. Lack of general educational background; or
 - d. Lack of adequate command of his or his area of specialization.
- D. "Gross insubordination" means 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 the required duties.
- E. "Willful neglect of duty" means intentional or reckless failure to carry out required duties.
- F. Multiple annual performance ratings of unsatisfactory or needs improvement as specified in Section 1012.33(1)(a)., F.S.
- G. "Crimes involving moral turpitude."

A. JUST CAUSE

28. Respondent's actions constitute just cause to terminate her employment.

B. MISCONDUCT IN OFFICE

29. Respondent's actions constitute misconduct in office.

The Respondent, through her above-described conduct, has violated Fla. Stat. §1012.33 Fla. Stat., and Rules 6A-5.056(2)(a) through (e) of the Florida Administrative Code, which defines "misconduct".

(2) "Misconduct in Office" means one or more of the following:

- (a) A violation of the Code of Ethics of the Education Profession in Florida as adopted in Rule 6B-1.001, F.A.C.;
- (b) A violation of the Principles of Professional Conduct for the Education Profession in Florida as adopted in Rule 6B-1.006, F.A.C.;
- (c) A violation of the adopted school board rules;
- (d) Behavior that disrupts the student's learning environment; or
- (e) **Behavior that reduces the teacher's ability or his or her colleagues' ability to effectively perform duties.**

C. IMMORALITY

30. Respondent's actions constitute immorality. The Respondent, through her above-described conduct, violated § 1012.33 Fla. Stat., and Rule 6A-5.056(1) of the Florida Administrative

Code, and her actions constitute immorality, which is conduct inconsistent with the standards of public conscience and good morals.

31. Additionally, the Respondent's conduct, as factually set forth herein, is sufficiently notorious to bring the Respondent and/or the education profession into public disgrace or disrespect and impair the Respondent's service in the community.

D. INCOMPETENCY

32. Respondent's actions constitute incompetency. The Respondent, through her above-described conduct has violated Fla. Stat. §1012.33 and Rule 6A-5.056(3)(a) and (b) of the Florida Administrative Code. Her actions show an inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.

(a) "Inefficiency" means one or more of the following:

1. **Failure to perform duties prescribed by law;**
2. Failure to communicate appropriately with and relate to students;
3. Failure to communicate appropriately with and relate to colleagues, administrators, subordinates, or parents;

E. WILLFUL NEGLECT OF DUTY

33. Respondent's actions constitute willful neglect of duty.

Willful neglect of duty" means intentional or reckless failure to carry out required duties.

34. Respondent failed to perform her duties as an educator and instructor by showing up to work under the influence of alcohol.
35. Respondent failed to perform her duties as an educator and instructor by sending the first grade students from her classroom in a portable to the bathrooms in another portable without supervision resulting in a student injuring his finger by it being slammed in the door.

VII. SCHOOL BOARD POLICY 2400

36. Respondent is in violation of School Board Policy 2400 (1)(a), which states that Employees are strictly prohibited from reporting to work or being on duty while under the influence of alcohol.
37. Respondent is in violation of School Board Policy 2400 (5), which states an employee who tests positive shall be recommended for discipline action up to and including termination of employment.
38. Furthermore, School Board Policy 2400 requires that an employee who tests positive for alcohol or drugs while on duty may be immediately terminated.

39. Additionally, School Board Policy 2400, requires that any violation of Policy 2400 while in the presence of students will result in an immediate recommendation for termination.

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board terminate the Respondent, Lynn Singleton, based upon the foregoing facts and legal authority.

EXECUTED this 17th day of February, 2016.



ROBERT W. RUNCIE,
Superintendent of Schools,
Broward County

Respectfully submitted:
Tria Lawton-Russell, Esq.
Administrative Counsel

NOTICE

If you wish to contest the charges, you must, within 15 days after receipt of the written notice, submit a written request for

a hearing to Robert W. Runcie, Superintendent, Broward County School District, 600 3rd Ave., Ft. Lauderdale, FL, 33301. If timely requested, such hearing shall be conducted by an administrative law judge assigned by the Division of Administrative Hearings of the Department of Management Services. The hearing shall be conducted within 60 days after receipt of the written appeal in accordance with chapter 120, Florida Statutes.

FAILURE TO TIMELY REQUEST A HEARING WILL RESULT IN A WAIVER OF THE RIGHT TO CONTEST THE CHARGES.

IF YOU WANT TO HIRE AN ATTORNEY, YOU HAVE THE RIGHT TO BE REPRESENTED BY AN ATTORNEY IN THIS MATTER.

THIS HAS BEEN ISSUED AT THE REQUEST OF:
Tria Lawton-Russell (754)321-2655

RECEIVED THIS NOTICE AND ADMINISTRATIVE COMPLAINT ON:

February 17 _____, 2016, at 3:45 o'clock,
p .m., and served the same on February 18 _____,
2016, at 3:15 o'clock, p .m., by delivering a
true copy thereof (together with the fee for one day's
attendance and the mileage allowed by law*)

to: Lynn Singleton _____

COMPLETE IF SERVED BY SWORN LAW ENFORCEMENT OFFICER

February 18 _____, 2016, at 3:15 _____
o'clock, p .m. By: Joseph Barbuto _____
Title: Detective _____