

SUMMARY EXPLANATION AND BACKGROUND

The teacher, M.V., engaged in misconduct (verbal statements) toward a student. Due to the severity of the infraction, on February 27, 2015, the employee was individually/personally served with an administrative complaint notifying M.V of the Superintendent's disciplinary recommendation for a (5) five-day unpaid suspension and participation in diversity training. The Superintendent also served the employee with a letter notifying her of the March 17, 2015, Broward County School Board (hereinafter "School Board") meeting at which the charges would be presented.

In addition to the Superintendent's disciplinary recommendation, the administrative complaint indicated in bold font the employee's right to request a hearing within 15 days. M.V. did not request a hearing within 15 days, nor did she appear at the School Board meeting.

On March 17, 2015, the School Board approved the Superintendent's recommendation at its regularly scheduled School Board meeting. Subsequent to the School Board meeting, and twenty (20) days after she had been served with the charging document, on March 19, 2015, M.V.'s Broward Teacher's Union

(hereinafter “BTU”) representative requested a hearing on her behalf. The request for hearing was both legally insufficient and untimely and was denied.

On April 24, 2015, fifty-six (56) days after the Respondent had been initially served, M.V.’s attorney requested a hearing on her behalf. While this second request for hearing (hereinafter “Request”) attempted to cure the substantive defects of the first Request, it was also not in substantial compliance and moreover, it was untimely.

Pursuant to Florida Statutes §1012.33, “*[i]f the employee wishes to contest the charges, the employee must, within 15 days after receipt of the written notice, submit a written request for hearing.*” The employee failed to do so; therefore, pursuant to Broward County School Board Policy 4.9, §5.1 the School Board’s decision is final and any subsequent requests for hearing should be denied.

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