

### **SUMMARY EXPLANATION AND BACKGROUND**

The teacher, D.V., failed to provide adequate student supervision to his second grade class during a field trip at the Lion Country Safari theme park, subsequently a student was separated from the group without the teacher's knowledge. Due to the severity of the infraction, on or about May 12, 2015, the employee was personally served with the administrative complaint notifying D.V. of the Superintendent's disciplinary recommendation for a ten (10) day unpaid suspension. The Superintendent also notified the employee via letter of the June 9, 2015, Broward County School Board (hereinafter "School Board") meeting at which the charges would be presented.

The Superintendent's disciplinary recommendation, the administrative complaint, informed the employee in bold font of his right to request a hearing within 15 days. D.V. did not request a hearing within 15 days, but appeared at the School Board meeting and formally addressed the School Board. In addition, D.V. privately addressed the Superintendent.

Despite D.V.'s appearance at the School Board meeting, the School Board approved the Superintendent's recommendation. Subsequent to the School Board meeting, and more than a month after he had been served with the charging document, D.V. hand delivered a request for hearing (hereinafter "Request") to the Superintendent's

counsel on June 18, 2015. A few days later on June 22, 2015, the Superintendent received a similar request for hearing dated June 17, 2015.

The multiple Requests were both untimely and legally insufficient. The Superintendent advised D.V. via a letter dated June 24, 2015, that he would recommend that the School Board enter a Final Order dismissing D.V.'s Request unless he could show that the Superintendent received a Request "*on or before the fifteen (15) days from the date on which the charging document was served*".

Furthermore, if D.V. had proof that his Request was received on time, he could amend his Request to adhere to the Florida Administrative Code Rule which governed Requests and was included with the Superintendent's response.

D.V.'s response which the Superintendent received on July 2, 2015, failed to show proof, but rather merely asserted that a Request had been received by the Superintendent "*on or before the fifteen (15) days from the date on which the charging document was served*".

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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