

BEFORE THE SCHOOL BOARD
OF BROWARD COUNTY, FLORIDA

SHEILA LEWIS,)
)
Petitioner,)
)
vs.)
)
ROBERT W. RUNCIE, as)
Superintendent,)
)
Respondent)
_____)

SUPPLEMENT TO AMENDED REQUEST FOR ADMINISTRATIVE HEARING

Petitioner, SHEILA LEWIS, requests an Administrative Hearing regarding the non-renewal of the Petitioner's contract for employment and return to annual contract status and states as follows:

Relevant Facts

1. The Petitioner was employed by the School Board as a teacher through the end of the 2018-2019 school year.

2. The Petitioner was previously demoted on June 18, 2018 from her position as an Assistant Principal to a teacher position effective the 2018-2019 school year. (See Ex. 1)

3. Prior to being promoted to an Assistant Principal, the Petitioner worked for the School Board as a teacher pursuant to a professional services contract. (See Ex. 2)

4. The Petitioner never revoked or rescinded the professional services contract with the School Board.

5. The School Board never revoked or rescinded the professional services contract with the Petitioner.

6. The Petitioner did not sign or agree to an annual services contract to work as a teacher for the School Board during the 2018-2019 school year. (See Ex. 3)

7. The Petitioner's professional contract status was still in effect upon the demotion to a teacher position.

8. The Respondent notified the Petitioner on May 17, 2019 that her employment contract would not be renewed for the 2019-2020 school year. (See Ex. 4)

9. The Respondent did not provide just cause for the non-renewal of the Petitioner's contract. (Id.)

Law and Analysis

The General Counsel contends that there are no disputed issues of fact. The Petitioner disagrees, as detailed in the Amended Petition for Evidentiary Hearing. Thus, the Petitioner is entitled to a formal hearing to receive a recommendation from the Division of Administrative Hearings regarding if, based upon the particular facts, she is entitled to be returned to professional services contract service.

School Board v. Terrell, 967 So. 2d 394 (Fla. 1st DCA 2007) is distinguishable from the instant matter because the decision was based upon the fact that the School Board in Levy County had included a provision in its collective bargaining agreement that administrators who were non-renewed were entitled to reinstatement as a teacher; but then later rescinded that provision. Such is not the case here. Upon diligent research, the undersigned represents that there are no reported cases dealing with the issue presented here.

Courts have consistently held that a teacher working pursuant to a professional services contract cannot be dismissed unless just cause is established or their employment is unsatisfactory. *See, e.g., Terrell, supra; Gabriele v. Manatee County School Board*, 114 Sp. 3d 477 (Fla. 2d DCA 2013); *Orange County School Board v. Rachman*, 87 So. 3d 48 (Fla. 5th DCA 2012). *See, also, Fla. Stat.* 1012.33.

The Petitioner was awarded a professional services contract by the School Board. Notably, she did not sign or agree to an annual services contract as a teacher after she was non-renewed as an administrator. The notice of non-renewal of her administrator contract did not state she was being returned to annual contract status. Just cause or performance deficiencies have not been shown.

The Petitioner is not disputing whether the purported decision to non-renew her annual contract is reviewable because she was not working pursuant to an annual contract.

Even assuming there are no disputed issues of fact, there are disputed issues of law and the Petitioner is entitled to an informal hearing to have her rights determined. See, Fla. Stat. 120.57(1)(i). Dismissal of the Petitioner's request for hearing is inappropriate. Conclusion

WHEREFORE, based upon the foregoing, the Petitioner respectfully requests that the School Board refer the Petition for Evidentiary Hearing to the Division of Administrative Hearings, or in the alternative, provide an informal hearing to determine the Petitioner's rights.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and accurate copy of the foregoing document was served on July 8, 2019 via fax and U.S. Mail upon: Robert W. Runcie, Superintendent, Broward County School District, 600 3rd Ave., Ft. Lauderdale, FL 33301 and to via email to Douglas Griffin, Office of the General Counsel, 600 3rd Ave., Ft. Lauderdale, FL 33301 (doug.griffin@browardschools.com).

CPLS, P.A.

Attorneys | Consultants | Mediators
201 East Pine St., Suite 445
Orlando, Florida 32801
(407) 647-7887
(407) 647-5396 Fax
CPLS File No. 3442-1
Attorneys for Petitioner



Melissa C. Mihok, Esq.
Florida Bar No. 555851
mmihok@cplspa.com
courtefiling@cplspa.com

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA
OFFICE OF SCHOOL PERFORMANCE & ACCOUNTABILITY

Valerie S. Wanza, Ph.D.
Chief Officer

Phone: 754-321-3838

Facsimile: 754-321-3886

DATE: June 13, 2018

TO: Sheila Lewis, Assistant Principal
Floranada Elementary

FROM: Valerie S. Wanza, Ph.D.
Chief School Performance and Accountability Officer

SUBJECT: EMPLOYMENT STATUS FOR 2018-2019 FISCAL YEAR

Reappointments for continued employment are done annually prior to June 30th of each year. I must inform you that you will not be reappointed as an assistant principal for the 2018-2019 Fiscal Year. Your last day of employment as an assistant principal will be Thursday, June 28, 2018.


Effective July 1, 2018, you will be reassigned to the position of **Teacher** for the 2018-2019 school year. Your specific assignment will be based on your assigned area of certification and the alignment of available vacancies in the District.

For questions about possible retirement options and/or if you are currently enrolled in DROP, please contact the Retirement Section of the Benefits & Employment Services Department at 754-321-3100 to prevent your DROP from being voided.

The Human Resources & Equity Division is coordinating information sessions and professional enhancement activities to assist employees not reappointed for the 2018-2019 Fiscal Year. Employment resource flyers outlining the scheduled dates, times, and locations will be made available at www.employment-resource.blogspot.com.

We thank you for the service you have provided to the District. If the Talent Acquisition & Operations (Non-Instructional) Department can be of assistance to you in any way, please feel free to contact Mr. Eric M. Chisem, Director at 754-321-1815.

My signature acknowledges that I have received this letter. This fully executed document must be returned to Eric M. Chisem, Director, Talent Acquisition & Operations (Non-Instructional) via email to Eric.Chisem@browardschools.com no later than 4:00 pm on **Monday, June 18, 2018**.

 6/18/18

Employee Signature/Date

c: Employee
Personnel File

PROFESSIONAL SERVICE CONTRACT OF EMPLOYMENT
FOR INSTRUCTIONAL PERSONNEL OF THE PUBLIC SCHOOLS

The SCHOOL BOARD of BROWARD COUNTY hereby issues a PROFESSIONAL SERVICE CONTRACT, as provided in Section 1012.33(3)(a), Florida Statutes, to:

Name	LEWIS , SHEILA K		Personnel No.	School Year
			00024072	2007-2008
Teachers's Certificate	Type	Degree Level	DOE Number	Valid To
	Professional - 5 year	Entitle Doc In/ Fid	0000622175 License Number None	06/30/2011
Contract Term	Begin Date	End Date	Salary	Bi-Weekly Payments
	08/14/2007	06/06/2008	78,300	
Position	Title	School Name	School No	
	Teacher	HRD	09754000	

→ Party of the Second Part, hereinafter called the Teacher ←

The School Board has determined that the Teacher has satisfactorily completed all requirements of law for a Professional Service Contract, and the School Board has appointed the Teacher to an instructional position for the above school year.

Upon signing this Professional Service Contract, the Teacher shall be bound to serve as provided in Section 1012.33(2), Florida Statutes.

The Teacher shall not be dismissed during the term of this contract, except for just cause, which includes, but is not limited to those causes set forth in Section 1012.33(1)(a), Florida Statutes, or for unsatisfactory performance pursuant to Section 1012.34(3)(3), Florida Statutes.

This Professional Service Contract shall be renewed each year in accordance with and subject to the provisions of Section 1012.33(3)(a) Florida Statutes.


This Professional Service Contract shall be deemed amended to comply with all laws, all lawful rules of the State Board of Education, all lawful rules and actions of the School Board, and all terms of an applicable ratified collective bargaining agreement.

Adopted 4/1/03

The School Board of Broward County

EXECUTED as follows:

Dated: 10/19/2007


Duly Authorized Agent of School Board

Dated: _____


Teacher



09101601

Melissa Mihok

From: Douglas G. Griffin [doug.griffin@browardschools.com]
Sent: Saturday, June 29, 2019 5:27 AM
To: Melissa Mihok; Juanika R. Saget
Cc: Andrea S. Joyner
Subject: Re: Broward County School Board v. Sheila Lewis; 3442-1

Ms. Lewis did not sign her contract.

Doug Griffin
Assistant General Counsel
The School Board of Broward County, Florida
K.C. Wright Administration Building
600 S.E. Third Avenue, 11th Floor
Fort Lauderdale, FL 33301
Telephone (754) 321-2050 Facsimile (754) 321-2705

From: Melissa Mihok <MMihok@cplspa.com>
Sent: Friday, June 28, 2019 1:45 PM
To: Juanika R. Saget
Cc: Douglas G. Griffin; Andrea S. Joyner
Subject: RE: Broward County School Board v. Sheila Lewis; 3442-1

Good afternoon-

The annual contract you sent appears to be a template. Do you have an annual contract for 2018-2019 signed by Ms. Lewis?

CPLS, P.A.

Attorneys | Mediators
Executive Consultants



Melissa Mihok, Attorney

201 E. Pine St., Ste. 445, Orlando, FL 32801 | T: 407.647.7887 | F: 407.647.5396 | W: www.cplspa.com | B: CPLS Blog

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From: Juanika R. Saget [mailto:juanika.saget@browardschools.com]
Sent: Thursday, June 27, 2019 10:19 AM
To: Melissa Mihok
Cc: Douglas G. Griffin; Andrea S. Joyner
Subject: Broward County School Board v. Sheila Lewis; 3442-1

Good Morning Ms. Mihok,

At Mr. Griffin's request, please find the attached documents in response to your inquiry below.

Should you have any questions, please feel free to reach out to our office.

Sincerely,

Juanika Saget

Office of the General Counsel
The School Board of Broward County, Florida
600 SE 3rd Avenue, 11th Floor
Fort Lauderdale, Florida 33301
754-321-2043 (direct)
754-321-2705 (fax)
juanika.saget@browardschools.com



Educating Today's Students to
Succeed in Tomorrow's World

Under Florida law, e-mail addresses, and all forms of communications, including e-mail communications, made or received in connection with the transaction of School Board business are public records, which must be retained as required by law and must be disclosed upon receipt of a public records request, except as may be excluded by federal or state laws. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone.

The School Board of Broward County, Florida expressly prohibits bullying, including cyberbullying, by or towards any student or employee. See Policy 5.9: Anti-Bullying for additional information.

Please note: Due to the implementation of the mandatory 2019 Summer 4-Day Work Week, all schools and administrative offices are closed each Friday during the summer beginning the week of June 10, 2019 through August 2, 2019.

From: Melissa Mihok [mailto:MMihok@cplspa.com]

Sent: Monday, June 24, 2019 5:27 PM

To: Sharon L. Bozetski <sharon.bozetski@browardschools.com>; Andrea S. Joyner <andrea.joyner@browardschools.com>

Cc: Douglas G. Griffin <doug.griffin@browardschools.com>; Jeffrey S. Moquin <jeffrey.moquin@browardschools.com>; Judith M. Marte <judith.marte@browardschools.com>; Valerie S. Wanza <valerie.wanza@browardschools.com>; Barbara J. Myrick <barbara.myrick@browardschools.com>; Susan T. Rockelman <srockelman@browardschools.com>; Dorothy W. Davis <dorothy.davis@browardschools.com>; Craig W. Kowalski <craig.kowalski@browardschools.com>; Samantha M. Gordon <samantha.gordon@browardschools.com>; Sandi A. Joshua <sandi.joshua@browardschools.com>; Juanika R. Saget <juanika.saget@browardschools.com>; Christine Ward <christine.ward@browardschools.com>; Cynthia R. Allen <cynthia.allen@browardschools.com>; Colette Azael <colette.azael@browardschools.com>; Joanne C. Fritz <joanne.fritz@browardschools.com>; Laura K. Bolte <lori.bolte@browardschools.com>; Yeni Y. Flores Ortiz <yeni.floresortiz@browardschools.com>; Tiffany A. Thompson <tiffany.archer@browardschools.com>; Susan B. Benak <susan.benak@browardschools.com>

Subject: RE: Broward County School Board v. Sheila Lewis; 3442-1

Thank you for the response. If Ms. Rockelman or Benak could please confirm that they can provide the requested documents within the timeframe, it would be much appreciated.

Have a good evening.

CPLS, P.A.

Attorneys | Mediators
Executive Consultants



Melissa Mihok, Attorney

201 E. Pine St., Ste. 445, Orlando, FL 32801 | T: 407.647.7887 | F: 407.647.5396 | W: www.cplspa.com | B: CPLS Blog

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From: Sharon L. Bozetski [mailto:sharon.bozetski@browardschools.com]
Sent: Monday, June 24, 2019 8:03 AM
To: Melissa Mihok; Andrea S. Joyner
Cc: Douglas G. Griffin; Jeffrey S. Moquin; Judith M. Marte; Valerie S. Wanza; Barbara J. Myrick; Susan T. Rockelman; Dorothy W. Davis; Craig W. Kowalski; Samantha M. Gordon; Sandi A. Joshua; Juanika R. Saget; Christine Ward; Cynthia R. Allen; Colette Azael; Joanne C. Fritz; Laura K. Bolte; Yeni Y. Flores Ortiz; Tiffany A. Thompson; Susan B. Benak
Subject: Re: Broward County School Board v. Sheila Lewis; 3442-1

Good Morning,

Due to process changes in the way "Contracts" are distributed and maintained, our office cannot provide the requested documents to Ms. Mihok. I believe either Susan Rockelman or Susan Benak should be able to either provide the requested documents ((1) Ms. Lewis' AP contract; 2) Ms. Lewis' latest annual contract; and 3) Ms. Lewis' last professional services contract), or point her in the right direction.

The employee's personnel number is 24072 and she has a retirement date of 6/15/19.

Please note: Due to the implementation of the mandatory 2019 Summer 4-Day Work Week, all schools and administrative offices are closed each Friday during the summer beginning the week of June 10, 2019 through August 2, 2019.

Thanks,
Sharon L. Bozetski, Human Resources Administrator III
Broward County Public Schools, Florida
HR Support Services (formerly Personnel Records)
754-321-0100 (Main Office Line)
754-321-0900 (FAX)



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"Broward County Schools is the largest fully accredited school district in the United States."

Under Florida law, e-mail addresses, and all communications, including e-mail communications, made or received in connection with the transaction of School Board business are public records, which must be retained as required by law and must be disclosed upon receipt of a public records request, except as may be excluded by federal or state laws. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

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Individuals with disabilities requesting accommodations under the Americans with Disabilities Act Amendments Act of 2008, (ADAAA) may call Equal Educational Opportunities/ADA Compliance Department at 754-321-2150 or Teletype Machine (TTY) 754-321-2158.

From: Melissa Mihok <MMihok@cplspa.com>

Sent: Friday, June 21, 2019 7:24 PM

To: Andrea S. Joyner

Cc: Douglas G. Griffin; Jeffrey S. Moquin; Judith M. Marte; Valerie S. Wanza; Barbara J. Myrick; Susan T. Rockelman; Dorothy W. Davis; Craig W. Kowalski; Samantha M. Gordon; Sandi A. Joshua; Juanika R. Saget; Christine Ward; Cynthia R. Allen; Colette Azael; Joanne C. Fritz; Laura K. Bolte; Yeni Y. Flores Ortiz; Tiffany A. Thompson; Sharon L. Bozetski

Subject: RE: Broward County School Board v. Sheila Lewis; 3442-1

Good evening-

In order to properly respond, I will need a copy of the following: 1) Ms. Lewis' AP contract; 2) Ms. Lewis' latest annual contract; and 3) Ms. Lewis' last professional services contract.

Please advise if I need to request through public records; and if so, whether you would object to an extension of time to respond until after I receive the above-described contracts.

Thanks much and have a good weekend.

CPLS^{P.A.}

Attorneys | Mediators
Executive Consultants



Melissa Mihok, Attorney

201 E. Pine St., Ste. 445, Orlando, FL 32801 | T: 407.647.7887 | F: 407.647.5396 | W: www.cplspa.com | B: CPLS Blog

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From: Andrea S. Joyner [mailto:andrea.joyner@browardschools.com]

Sent: Thursday, June 20, 2019 4:17 PM

To: Melissa Mihok

Cc: Douglas G. Griffin; Jeffrey S. Moquin; Judith M. Marte; Valerie S. Wanza; Barbara J. Myrick; Susan T. Rockelman; Dorothy W. Davis; Craig W. Kowalski; Samantha M. Gordon; Sandi A. Joshua; Juanika R. Saget; Christine Ward; Cynthia R. Allen; Colette Azael; Joanne C. Fritz; Laura K. Bolte; Yeni Y. Flores Ortiz; Tiffany A. Thompson; Sharon L. Bozetski
Subject: Broward County School Board v. Sheila Lewis

Good afternoon Ms. Mihok,

Please see attached correspondence.

Thank you.

Andrea S. Joyner, CP
Certified Paralegal
Office of the General Counsel
Broward District Schools
600 S.E. Third Avenue, 11th Floor
Fort Lauderdale, Florida 33301
Phone: (754) 321-2050
Fax: (754) 321-2705
andrea.joyner@browardschools.com

Please note: Due to the implementation of the mandatory 2019 Summer 4-Day Work Week, all schools and administrative offices are closed each Friday during the summer beginning the week of June 10, 2019 through August 2, 2019.

Under Florida law, e-mail addresses, and all communications, including e-mail communications, made or received in connection with the transaction of School Board business are public records, which must be retained as required by law and must be disclosed upon receipt of a public records request, except as may be excluded by federal or state laws. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

THIS MESSAGE IS INTENDED ONLY FOR THE INDIVIDUAL TO WHOM IT IS ADDRESSED AND MAY CONTAIN INFORMATION THAT IS ATTORNEY WORK PRODUCT, PRIVILEGED, CONFIDENTIAL AND/OR EXEMPT FROM DISCLOSURE UNDER FLORIDA'S PUBLIC RECORDS LAW OR FERPA. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY TELEPHONE, AND DELETE THE ORIGINAL MESSAGE.

Broward County Public Schools
Reappointment Notification for the 2019-2020 School Year

DATE: 5/17/2019

Name LEWIS

SHEILA K 24072

Date 5/17/2019

Location 69752000 TEACHER PROFESSIONAL LEARNING & GROWTH

Contract/Certification Codes:

Not Recommended for Reappointment - Release

I regret to inform you that your contract with The School Board of Broward County, Florida, will not be renewed for the 2019-2020 school year. You are either a probationary or annual contract teacher. Florida Statute 1012.335 indicates that probationary contract employees may be dismissed without cause. The Collective Bargaining Agreement between the Broward Teacher's Union and The School Board of Broward County, Florida, Article 18(C), allows for the non-renewal of an annual contract teacher if a funded position for which you qualify does not exist at your location or you received less than effective instructional Practice Score.

However, you are eligible to seek another teaching position and may want to attend the **Teacher Recruitment Fair on May 18, 2019**. The fair is being held at Western High School: 1200 S W 136 Avenue, Davie, FL 33325. Listed below are the registration times for candidates. You must report during the designated registration time, if you are interested in attending. Bring a copy of this letter for entry.

Secondary Schools: 7:30 am
Elementary Schools: 11:30 am

In addition, it is recommended that you apply for a transfer by completing the Transfer Request Form available at <http://www.broward.k12.fl.us/teacher/current/transfer.html> and apply for specific positions via Applitrack. If you secure a position at the fair or a transfer by June 9, 2019, you will continue your employment and be reappointed.

If you do not secure a transfer by June 9, 2019, and want to continue to search for positions, you will need to update your Applitrack application. Access your online Applitrack application at <http://www.applitrack.com/broward/onlineapp>. After you sign in, select "Edit" and then select "2 Current Employment Status" and then choose, "I am applying for a new position with Broward County Public Schools". This action will allow you to update your application and your most recent employment. You should upload an updated resume and a reference. The reference should be from your current principal or a copy of your Instructional Practice Score report printed from iObservation.

If you do not obtain a full-time teaching position and are interested in substitute teaching complete the survey at <https://www.surveymonkey.com/r/subbroward> by **June 10, 2019**. Additional information will be sent to you. Becoming a substitute teacher will not preclude you from applying for unemployment compensation. By becoming a substitute teacher, you will be eligible to work as a substitute and attend District training. If you do not complete the survey by June 10, 2019, your employment and any additional position(s) you hold will be terminated. If you are terminated and want to be reemployed by the district in any capacity, you must be re-fingerprinted, pay the appropriate fees and attend any applicable training sessions.

Benefits: If you do not secure another teaching position, your benefits will remain in effect through June 30, 2019. You will receive COBRA information at your home address (verify address in ESS). If you have questions prior to receiving COBRA information, contact the Benefits Department at 754-321-3100.

Thank you for the service you have provided to the District and the students of Broward County. We are hopeful that we will be able to offer you employment again. Should you have any questions regarding your status, contact Talent Acquisition & Operations (Instructional) via teach@browardschools.com using the message subject line "Teacher Employment Question."

My signature acknowledges receipt of this letter: _____

Teacher's Signature

Date

School/location: Original is sent to Employment Services; Copy goes to teacher and a copy maintained at location.

Exhibit 4

S. K. Lewis 5/17/19

D. Porter
5/17/19