

BEFORE THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ROBERT W. RUNCIE,  
Superintendent,

Petitioner,

vs.

LINDA KENNEDY,

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:

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. 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, Linda Kennedy, is currently employed as a teacher at Dolphin Bay Elementary School.

5. The legal basis for Ms. Kennedy's suspension is misconduct in office (for behavior that disrupts her students' learning environment and reduces the teacher's ability to effectively perform her duties), incompetency (for the

disorganization of her classroom to such an extent that her students' welfare is diminished), and insubordination (in her failure to follow clear directives). See 1012.33, Fla. Stat.; Fla. Admin. Code r. 6A-5.056, 6A-10.080, 6A-10.081.

## II. ADMINISTRATIVE CHARGES

The Petitioner, Robert W. Runcie, alleges as follows:

6. This recommendation is based upon allegations that Ms. Kennedy has failed or refused to follow clear directives about maintaining her classroom, her grade book, and her end-of-school-year obligations.

7. Throughout the past several school years, Ms. Kennedy has been counseled, on a number of occasions, regarding her failure to keep her lesson plan up to date, her refusal to allow regular access to her lesson plans, her failure to update objectives and questions in her classroom, her failure to maintain an up-to-date grade book and grades in Pinnacle, as well as the disorganization and clutter in her classroom.

8. Most recently, in the 2012-2013 school year, she was put on notice that she would be moving from her classroom to a new room for the 2013-2014 school year.

9. She was given specific instructions about what materials should be moved, and she was given three days in her classroom in which to prepare for the move: June 10-12, 2013.

10. At the close of the school year, on June 7, 2013, Ms. Kennedy met with Principal Sandra L. Nelson and Intern Principal Brad Schmidt and she was not prepared to be signed off on her end-of-year items.

11. More specifically, her lesson plans were not completed; grades were not appropriately reported in Pinnacle for the 3<sup>rd</sup> and 4<sup>th</sup> marking periods; media center materials were not returned, replaced or paid for; and her end-of-year check list was not turned in.

12. By the middle of July, Ms. Kennedy still had not been signed off for

the end of the school year, and these tasks were not completed.

13. Additionally, also in mid-July, Ms. Kennedy's classroom was nowhere near ready to be moved. She still had materials, charts, bulletin board materials and papers stacked throughout the classroom, between file cabinets and bookcases.

14. School administration opted to empty out Ms. Kennedy's classroom and Principal Nelson advised Ms. Kennedy to arrange a date to finalize her 2012-2013 responsibilities, so that all end-of-year responsibilities could be completed and signed off on.

15. Upon her return for the 2013-2014 school year, a pre-disciplinary conference was held with Ms. Kennedy because she had still failed to turn in her complete end-of-year documents, failed to make restitution for lost media materials, and failed to keep an accurate grade book and post grades to Pinnacle for the prior school year.

16. Upon a review of concerns that had been communicated to Ms. Kennedy both orally and in writing, and recent discipline, including verbal and written reprimands as well as previously recommended suspensions, Principal Nelson determined that Ms. Kennedy's conduct in this instance warranted a recommendation that she be suspended from her position, without pay, for a period of three (3) days.

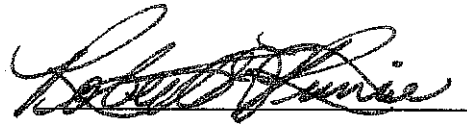
17. Having reviewed the materials supporting the charges against Linda Kennedy, the Petitioner/Superintendent hereby agrees with the recommendation of Principal Nelson that Ms. Kennedy be suspended, without pay, from her position as a teacher at Dolphin Bay Elementary School for a period of three (3) 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. Kennedy may challenge

the decision by seeking an administrative hearing pursuant to Chapter 120 of the  
Florida Statutes.

EXECUTED this 15<sup>th</sup> day of October, 2013.

A handwritten signature in black ink, appearing to read "Robert W. Runcie", written over a horizontal line.

ROBERT W. RUNCIE  
Superintendent of Schools

cc: Debra P. Klauber, Esq.  
Cadre Attorney