

THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ROBERT W. RUNCIE, as Superintendent of
Schools,

Petitioner,

v.

DATTY MCKENZIE

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner, Robert W. Runcie, Superintendent of Schools ("Petitioner"), files this Administrative Complaint against, DATTY MCKENZIE ("MCKENZIE"). The Petitioner seeks a ten (10) day suspension of Respondent's employment with the School Board of Broward County ("SBBC"), pursuant to Sections 1001.51, 1012.27(5) and 1012.33, Florida Statutes and Rule 6A-5.056 F.A.C. The Petitioner alleges the following:

JURISDICTIONAL BASIS

1. The agency is the School Board of Broward County, Florida, which is located at 600 Southeast Third Avenue, Fort Lauderdale, Broward County, Florida 33301.

2. Petitioner is the Superintendent of SBBC.

3. 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 SBBC.

4. Respondent, was employed, at all times material herein, as a teacher at Park Lakes Elementary School, pursuant to a Professional Services Contract, issued in accordance with Section 1012.33(3)(a), Florida Statutes.

MATERIAL ALLEGATIONS

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

5. This recommendation is based upon conduct occurring during the 2013-2014 school year.

6. Respondent is a kindergarten teacher at Park Lakes Elementary School.

7. On May 15, 2014, Respondent and her assistant took thirteen (13) students to the City of Lauderdale Pool Facility.

8. Two students were left behind after Respondent and her assistant left the facility without checking to see that all the students were accounted for on the bus.

9. The students that were left at the pool facility had gone to the bathroom.

10. Respondent admits to leaving the kindergarten children at the pool facility unattended but alleges that she nor her assistant knew that the two (2) children had gone to the bathroom and did not account for all the students before leaving the pool facility.

11. On May 26, 2014, Principal Dias, notified Ms. McKenzie of a pre-disciplinary meeting on May 30, 2014, regarding her failure to appropriately supervise students.

12. On June 5, 2014, Principal Dias, issued a recommendation for a ten (10) day suspension based on Ms. McKenzie's gross misconduct and incompetence in leaving two (2) kindergarten children at the City of Lauderdale Pool facilities.

ADMINISTRATIVE CHARGES

13. Just cause exists for the requested relief, pursuant to Fla. Stat. §§ 1012.33(1)(a), Section 6A-5.056 F.A.C. Respondent's employment contract and School Board rules and regulations, including but not limited to the following:

COUNT 1: MISCONDUCT IN OFFICE

14. Respondent has violated Fla. Stat. 1012.33 and Rule 6A-5.056(2)(a) and (b) of the Florida Administrative Code.

Respondent's acts are a violation of the adopted school board rules. Further, Respondent's acts are defined as a violation of the Code of Ethics of the Educational Profession as adopted in Rule 6A-10.080 F.A.C. and of Principles of Professional Conduct for the Educational Provisions in Florida, as adopted by Rule 6A-10.081, F.A.C., which include the following:

- (3) Obligation to the student requires that the individual:
 - (a) shall make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.¹

COUNT 2: INCOMPETENCY

15. Respondent has violated Fla. Stat. 1012.33 and Rule 6A-5.056(3)(a) of the Florida Administrative Code. Respondent's acts are defined as the inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.

COUNT 3: SCHOOL BOARD POLICY 4008(B)

16. Respondent is in violation of School Board Policy 4008(B) which requires all employees who have been issued contracts to comply with the provisions of the Florida School

¹ Emphasis added.

Code, State Board Regulations and regulations and policies of the board; comply with the Code of Ethics and Principals of Professional Conduct of the Education Profession in Florida.

DEMAND FOR RELIEF

WHEREFORE, based upon the foregoing, Petitioner, Robert W. Runcie, Superintendent of Schools, recommends that the School Board, suspend the Respondent, Datty McKenzie, without pay for ten (10) days based upon the foregoing facts and legal authority.

EXECUTED this _____ day of July, 2014.

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

ROBERT W. RUNCIE,
Superintendent of Schools,
Broward County

Tria A. Lawton-Russell, Esq.
Administrative Attorney