



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FLORIDA

LUNG CHIU, CIG, CPA
INSPECTOR GENERAL

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MEMORANDUM

TO: Honorable Chair and Members of the School Board
Dr. Donald E., Fennoy, Superintendent
Chair and Members of the Audit Committee

FROM: ^{KLC} Lung Chiu, Inspector General

DATE: 8/2/2018

SUBJECT: Transmittal of Final Investigative Report
Case #18-742
Department of Transportation
Abuse of Authority

In accordance with School Board Policy 1.092 we hereby transmit the above-referenced final report.

The report addresses allegations of Abuse of Authority. Specifically, the allegation is that Shane Searchwell, General Manager, Transportation forces bus drivers to falsify the State of Florida Student Survey. The second allegation is that the time it takes to complete the state survey causes Charlotte Dorcile and other bus drivers to drive at unsafe speeds.

The results of the investigation determined the allegations to be unsubstantiated.

The report is finalized and will be posted on the Inspector General's website; www.palmbeachschools.org/inspectorgeneral.



Donald E. Fennoy II
Superintendent

SCHOOL DISTRICT OF PALM BEACH
COUNTY
OFFICE OF INSPECTOR GENERAL



K. Lung Chiu
Inspector General

INVESTIGATIVE REPORT

Case Number:
18-742

Date of Complaint:
3/1/2018

Complainant:
Charlotte Dorcile, Bus Driver, Royal Palm Facility

Subject:
Shane Searchwell

Witnesses:
Shane Searchwell, General Manager, Transportation
Margaret Miller, Bus Driver
Janice King, Bus Driver
Brutus Toussaint, Bus Driver

Type of Report:
FINAL

AUTHORITY

School Board Policy 1.092 provides for the Inspector General to receive and consider complaints, and conduct, supervise, or coordinate such inquiries, investigations, or reviews, as the Inspector General deems appropriate.

This preliminary review was conducted by Investigator Tanya Lawson, in compliance with the *Quality Standards for Investigations, Principles and Standards for Offices of Inspector General*, promulgated by the Association of Inspectors General.

INTRODUCTION

On March 1, 2018, the OIG received a complaint from Shane Searchwell, General Manager of Transportation Services. On February 9, 2018, Charlotte Dorcile, Bus Driver, emailed the original complaint to Lydia Sanchez, Area Operations Manager, who then forwarded the email to Shane Searchwell. The District School Police reviewed the complaint and determined there was no criminal activity so they did not initiate an investigation. The complaint was then referred to the OIG for review. The complaint alleged that Shane Searchwell forced bus drivers to falsify the state required student survey (Florida Education Finance Program). The complaint also alleged that bus drivers had to drive at unsafe speeds because of the time that it takes to complete the student survey.

BACKGROUND

The Florida Education Finance Program (FEFP) is the funding formula adopted by the Legislature in 1973 to allocate funds appropriated to school districts for K-12 public school operations¹. The purpose of the funding system (originally stated in law as legislative intent), is “to guarantee to each student in the Florida public educational system the availability of programs and services appropriate to his or her educational needs which are substantially equal to those available to any similar student notwithstanding geographic differences and varying local economic factors.”²

The 2017-18 Florida Education Finance Program (FEFP) provided funding for a 180-day regular school year, or the hourly equivalent of 180 days.³

ALLEGATIONS⁴

1. Shane Searchwell is forcing Charlotte Dorcile and other bus drivers to file false State mandated student survey reports. *Unsubstantiated.*
2. The time it takes to complete the State survey causes Charlotte Dorcile and other bus drivers to drive at unsafe speeds. *Unsubstantiated.*

GOVERNING DIRECTIVES

- Florida State Statute § 934.425
- Florida Administrative Code 6A-3.0171
- Florida Department of Education Funding for Florida School Districts
- School Board Policy 3.02-Code of Ethics
- School Bus Drivers and School Bus Attendants Handbook
- PeopleSoft-Salary Information
- School Bus Driver I Job Code 33190
- Flex Play Video Player-Bus Driver Recordings
- PBSB 2070 Form Extra Duty Hours

ALLEGATION 1: EVIDENCE & TESTIMONY

Allegation: Shane Searchwell is forcing Charlotte Dorcile and other bus drivers to file false State mandated student survey reports.

Testimony of Shane Searchwell, General Manager, Transportation Services

On April 2, 2018, the OIG conducted an interview with Shane Searchwell, General Manager, Transportation Services. Mr. Searchwell stated the bus drivers are required to complete the State

¹ Chapter 73-345, Laws of Florida (L.O.F)

² Supra note 1

³ Survey weeks for 2017/18 were: July 10-14, October 9-13, February 5-9, and June 11-15.

⁴ The OIG findings were determined using the standards that appear on the signature page at the end of this report.

survey four times a year (February, October, June and July). Mr. Searchwell stated the bus drivers receive a roster with a list of student names and a blank sheet of paper where they can add names if the student's name does not appear on the list. The survey is to be conducted for five consecutive days for each bus stop. Mr. Searchwell stated the bus drivers are required to conduct the surveys as a part of their duties as described in their job descriptions. Mr. Searchwell stated his part of the survey process is to make sure that the surveys are accurate and that the drivers are not providing false information such as adding fake student names to the roster. Mr. Searchwell stated he does not interact with the drivers during this process, and denied forcing bus drivers to falsify the state survey. Mr. Searchwell stated he normally takes part in the meeting conducted at each facility at the start of the school year. The meeting consists of the bus drivers, mechanics, and supervisors to ensure that everyone understands the importance of the surveys. Mr. Searchwell stated the state surveys determine funding for the School District therefore, it is very important that each bus driver accurately complete the surveys.

The OIG received the names of three randomly selected individual's given by Senior Transportation Coordinator Tammy Pierre. The OIG requested the names of two senior level employees and one junior level employee. The following employees were randomly selected to be interviewed: Margaret L. Miller, Janice King and Brutus Toussaint.

Testimony of Margaret L. Miller, Bus Driver, Royal Palm Facility

On May 9, 2018, the OIG conducted an interview with Margaret L. Miller, Bus Driver at the Royal Palm Beach Transportation Facility. Ms. Miller stated she has been a bus driver for 23 years, and in that time, has not had an issue with completing the student survey for the state. Ms. Miller stated that doing the surveys does not require a lot of time in order to complete. Ms. Miller stated Mr. Searchwell has never instructed her to falsify the survey nor has any other member of management. Ms. Miller stated the only contact she had with Mr. Searchwell is at the start of the school year where he expressed the importance of the surveys to the bus drivers.

Testimony of Janice King, Bus Driver, Royal Palm Facility

On May 9, 2018, the OIG conducted an interview with Janice King, Bus Driver at the Royal Palm Beach Transportation Facility. Ms. King stated she has been a driver since 1995, and drives the Exceptional Student Education (ESE) students. Ms. King stated she has never been told by Mr. Searchwell to falsify the state survey. Ms. King also stated that no member of management has ever told her to falsify the state survey. Ms. King stated that it did not take her a long time to complete the state surveys. Ms. King stated that because she has the ESE students, she has a bus attendant that assisted her with the survey and checked to make sure that the information was correct.

Testimony of Brutus Toussaint, Bus Driver, Royal Palm Facility

On May 9, 2018, the OIG conducted an interview with Brutus Toussaint, Bus Driver at the Royal Palm Beach Transportation Facility. Mr. Toussaint stated that he is a radio driver which means that he is a relief operator and covers the routes for drivers that call out sick, or if a driver is unavailable. Mr. Toussaint stated he has been a bus driver for five years, and has never had an

issue with performing the task of completing the state survey. Mr. Toussaint stated he has never been told by Mr. Searchwell to falsify the state survey.

Documentation Reviewed

The following policies govern bus operators:

Florida Administrative Code 6A-3.0171 states the following:

6A-3.071(9)(a); *To ascertain and ensure that all prescribed records are kept and reports made which are required by law, rules or the Commissioner*

6A-3.071(9)(b); *To assure that all records and reports prescribed by the Commissioner are properly completed and are furnished on the dates due to those designated to receive them*

Ms. Dorcile's School District Job Code #33190; Bus Driver I, item number seven titled *essential functions* states: *Complies with State laws, rules and regulations and School Board policies relative to student transportation.*

The OIG obtained the School Bus Drivers and School Bus Attendants Handbook. On page 22 of the handbook, it states that "all drivers and attendants must complete required reports for the Florida Educational Finance Program (FEFP) student count surveys." Additionally, the drivers are made aware of their duties and responsibilities during meetings held at the start of each school year.

Based on the testimony obtained during this investigation, the OIG has determined that the allegation that Shane Searchwell is forcing Charlotte Dorcile and other bus drivers to file false state mandated student survey reports is *Unsubstantiated*.

ALLEGATION 2: EVIDENCE & TESTIMONY

Allegation: The time it takes to complete the state survey causes Charlotte Dorcile and other bus drivers to drive at unsafe speeds.

Testimony of Shane Searchwell, General Manager, Transportation Services

Mr. Searchwell denied instructing Ms. Dorcile or any other bus drivers to drive at unsafe speeds, and stated his interaction with the bus drivers is limited to the meeting conducted at the start of the school year regarding the student survey.

Testimony of Margaret L. Miller, Bus Driver, Royal Palm Facility

Ms. Miller stated that on average, she has sufficient time to complete her routes. Ms. Miller stated that bus drivers are told to drive five miles below the posted speed limits, but never above the speed limit. Ms. Miller added that the circumstances would be different if she ran into an issue on

her route such as an accident, which would cause a delay. Otherwise, she has no issues in maintaining the routing schedule.

Testimony of Janice King, Bus Driver, Royal Palm Facility

Ms. King stated that she has sufficient time to complete her route without driving over the speed limit. Ms. King said that she has not had any issues with Mr. Searchwell, and expresses that he is a nice person. Ms. King also stated that no one has required her to drive above the speed limit, instead, bus drivers are told to drive five miles below the posted speed limit.

Testimony of Brutus Toussaint, Bus Driver, Royal Palm Facility

Mr. Toussaint stated he does not have an issue with arriving at the facility in a timely manner, and the time allotted is usually sufficient. Mr. Toussaint said that he has never been told to do anything unsafe by management. Mr. Toussaint stated he drives the posted speed limit and not over the speed limit.

Documentation Reviewed

The OIG requested and received samples of video recordings of Charlotte Dorcile while on duty in an attempt to determine if Ms. Dorcile had to drive at unsafe speeds to finish her routes. The OIG reviewed the following dates and times:

| DATE | VIDEO RUN TIME | OVERTIME RECEIVED |
|--------------------------------------|--|--------------------------|
| September 28, 2017 | 9:17:38 AM-9:53:08 AM | Yes |
| January 31, 2018 | 16:05:26 PM-16:24:12 PM | Yes |
| ⁵ February 5, 2018 | 14:50:05 PM-15:21:12 PM | Yes |
| March 15, 2018 | 16:05:34 PM-17:05:11 PM | Yes |
| March 27, 2018 | 9:13:15 AM-9:53:50 AM | Yes |
| April 4, 2018 | 18:23:18 PM-19:01:58 PM | Yes |
| April 5, 2018 | 18:22:58 PM-19:00:04 PM | Yes |
| April 6, 2018 | 9:14:34 AM-9:55:03 AM & 16:46:42 PM-17:37:27 PM | Yes |
| April 11, 2018 | 9:13:24 AM-9:54:20 AM | Yes |

On February 5, 2018, the video recording shows Charlotte Dorcile looking through paperwork, which appears to be the state survey. The video showed Ms. Dorcile putting the paperwork away in the general area of the steering wheel. Ms. Dorcile was not captured on video verifying the names of each student that entered the bus. She also did not appear to have captured the state required data upon the students exiting the bus.

⁵ State required Survey #3 was conducted during the week of February 5, 2018.

The OIG observed that during various times and dates, Ms. Dorcile engaged in what appeared to be non-job related activities such as talking on her cell phone (the bus was not in motion), fixing her hair, and filing her finger nails. Based on the videos the OIG determined that Ms. Dorcile appeared to have ample time to finish her routes on time if she eliminated non-job related activities. The OIG reviewed the overtime records from August 2017-April 2018 for Ms. Dorcile. Ms. Dorcile had 284.50 hours in overtime, for a total of \$6,856.10 through April 27, 2018.

The PeopleSoft overtime report suggested that Ms. Dorcile was compensated for time that she was spending doing what appeared to be non-job related activities for which she claimed overtime.

After reviewing the requested video recordings, the OIG determined that Ms. Dorcile drove at appropriate speeds, and did not go over 55 MPH as per the School Bus Drivers and School Bus Attendants Handbook, as well as Florida Administrative Code 6A-3.0171. The OIG did not observe Ms. Dorcile driving at unsafe speeds, and noted no apparent student safety concerns/issues. The OIG determined that Ms. Dorcile has sufficient time to make it safely back to the facility after completing her routes without driving at unsafe speeds.

Based on the testimony and video evidence obtained during this investigation, the OIG has determined that the allegation that the time it takes to complete the State survey causes Charlotte Dorcile and other bus drivers to drive at unsafe speeds is *Unsubstantiated*.

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| ADDITIONAL INFORMATION |
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On April 6, 2018, the OIG attempted to conduct an interview with Charlotte Dorcile at the Royal Palm facility. Ms. Dorcile refused to be interviewed, which is a violation of the following District Policies:

- **Inspector General 1.092 (5)(e)(ii)**, which states in part that the “Office of Inspector General shall have access to all District employees, including unrestricted interview (written and oral) privileges.”
- **Code of Ethics 3.02 (4)(k)**, which provides “each employee agrees and pledges to cooperate during any investigations or proceedings.”

Ms. Dorcile instructed the OIG to contact her attorney, Henry Seiden located at 6274 Linton Blvd, #103, Delray Beach, FL 33484, Phone: 561-833-8988. The OIG spoke with Mr. Seiden who stated that he would not allow his client to participate with the OIG’s investigation. Mr. Seiden subsequently contacted the OIG to request additional time to respond to the investigative report. The deadline was extended to July 27, 2018.

It is recommended that this information be forwarded to the Office of Professional Standards (OPS) for review and action deemed appropriate.

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| AFFECTED PARTY NOTICE |
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In accordance with School Board Policy 1.092 (8)(b)(iv), on 5/31/2018, Shane Searchwell, and Charlotte Dorcile were notified of the investigative findings and provided with an opportunity to submit a written response to these findings.

On June 4, 2018, the OIG received an email response from Shane Searchwell. The reply is attached for reference (**Exhibit 1**).

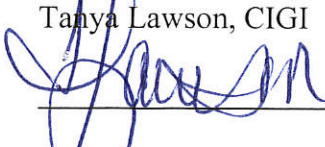
As of August 1, 2018, no response was received from Charlotte Dorcile or her attorney, Henry Seiden.

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| DISTRIBUTION |
|---------------------|

Palm Beach County School Board Members
Donald E. Fennoy II, Superintendent
Audit Committee Members
Office of Professional Standards
OIG file

Investigation Conducted by:

Tanya Lawson, CIGI


Date

8/2/18
Date

Investigation Supervised by:


Oscar Restrepo, CIGI, Director of Investigations


Date

8/2/18
Date

Investigation Approved by:

K. Lung Chiu, CIG, Inspector General


Date

8/2/18
Date

The evidentiary standard used by the School District of Palm Beach County OIG in determining whether the facts and claims asserted in the complaint were proven or disproven is based upon the preponderance of the evidence. Preponderance of the evidence is contrasted with “beyond a reasonable doubt,” which is the more severe test required to convict a criminal and “clear and convincing evidence,” a standard describing proof of a matter established to be substantially more likely than not to be true. OIG investigative findings classified as “substantiated” means there was sufficient evidence to justify a reasonable conclusion that the actions occurred and there was a violation of law, policy, rule, or contract to support the allegation. Investigative findings classified as “unfounded” means sufficient evidence to justify a reasonable conclusion that the actions did not occur and there was no violation of law, policy, rule, or contract to substantiate the allegation. Investigative findings classified as “unsubstantiated” means there was insufficient evidence to justify a reasonable conclusion that the actions did or did not occur and a violation of law, policy, rule, or contract to support the allegation could not be proven or disproven.



TANYA LAWSON <tanya.lawson@palmbeachschools.org>

EXHIBIT

tabbles

1

Fwd: Response to OIG Case No. 18-742

1 message

Oscar Restrepo <oscar.restrepo@palmbeachschools.org>
 To: TANYA LAWSON <tanya.lawson@palmbeachschools.org>

Mon, Jun 4, 2018 at 8:27 AM

FYI

----- Forwarded message -----

From: **Lung Chiu** <lung.chiu@palmbeachschools.org>
 Date: Mon, Jun 4, 2018 at 7:55 AM
 Subject: Fwd: Response to OIG Case No. 18-742
 To: Oscar Restrepo <oscar.restrepo@palmbeachschools.org>
 Cc: Angela Feaman <angela.feaman@palmbeachschools.org>, Elizabeth McBride <elizabeth.mcbride@palmbeachschools.org>

** Response from Searchwell*

----- Forwarded message -----

From: **Shane Searchwell** <shane.searchwell@palmbeachschools.org>
 Date: Fri, Jun 1, 2018 at 5:26 PM
 Subject: Response to OIG Case No. 18-742
 To: Lung Chiu <lung.chiu@palmbeachschools.org>

Lung Chiu,

* I firmly believe that all allegations presented in this case should be changed from "Unsubstantiated" to "Unfounded". This request is in part due to the fact that the all them to do any witnesses interviewed confirmed that I did not tell them to do anything as alleged by the complainant.

This is clearly a case of false allegations and as such I ask the OIG to conduct a full investigation into this persons actions as I believe they are in violation of the school District's code of ethics.

I further ask the OIG to conduct a full investigation for fraud specific to the details discovered by the investigator showing the employee receiving overtime pay for non job related functions.

Thank you,

Shane Searchwell
 General Manager, Transportation Services
Exceeding Expectations

2775 Homewood Road
 West Palm Beach, FL 33406
 Phone 561.242.8322 Px58322 FAX 561.242.8340
 Shane.Searchwell@palmbeachschools.org
 palmbeachschools.org/supportoperations

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