

BEFORE THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ROBERT W. RUNCIE, Superintendent,

Petitioner,

vs.

KAYHLENE GAINER, Employee,

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, KAYHLENE GAINER, is currently employed as a teacher at Coral Springs High School.

5. The legal basis for Ms. Gainer ' s suspension is continued misconduct in office and insubordination. See ' 1012.33, Fla. Stat.; Fla. Admin. Code r. 6A-5.056.

II. ADMINISTRATIVE CHARGES

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

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

7. The Respondent is a teacher at Coral Springs High School who also runs the school ' s Little Colts day care program.

8. The Respondent is currently challenging a recommended three-day suspension that is based on her alleged failure to follow school policies and for leaving her students unattended.

9. While that other administrative complaint was pending, the Respondent, again, left her students unattended in her classroom.

10. On or about March 19, 2014, the Respondent took a field trip.

11. Respondent failed to secure a substitute teacher for the students who would remain in her classroom while she was on the field trip. It is the teacher ' s responsibility to obtain a substitute teacher when she knows that she will be out of the classroom.

12. Once again, the Respondent failed to follow school and School Board policies. And, once again, this resulted in her students being left unattended for several class periods until administration realized that she was not present.

13. Administration was then required to locate an available substitute teacher. In fact, the administrators were forced to use a different substitute teacher for each class period because of the Respondent's failure to secure a substitute teacher in advance.

14. This incident follows two other incidents (in October 2013 and January 2014) where Respondent is alleged to have also left her students unattended in the classroom which resulted in a recommendation for a three-day suspension which is currently being set for a hearing before the Division of Administrative Hearings.

15. Despite prior counseling on this issue, clear directives given by her administrators, a written reprimand and a pending recommendation for a three-day suspension, without pay, Respondent does not appear to understand the significance of her actions in failing to follow school policies and in leaving her students unattended and unsupervised.

16. On April 7, 2014, a pre-disciplinary conference was held.

17. Following that conference, Principal Leon-Leigh has now recommended an additional five-day suspension, without pay.

18. Having reviewed the materials supporting the charges against Respondent, the Petitioner/Superintendent hereby agrees with the recommendation of the Principal that the

Respondent be suspended from her position as a teacher at Coral Springs High School for a total of five days, without pay.

19. In accordance with Florida law, this recommendation for suspension must be reviewed, and approved by the School Board. *See* ' 1012.33(6)(b), Fla. Stat.

20. If the ultimate decision is adverse to her, the Respondent may challenge the decision by seeking an administrative hearing pursuant to Chapter 120 of the Florida Statutes.

EXECUTED this 5th day of June, 2014

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.
Haliczer Pettis & Schwamm
Cadre Attorney