

SUMMARY EXPLANATION AND BACKGROUND

On or about March 6, 2019, a fourth (4th) grade student reported that SANDRA NUNEZ (hereinafter “NUNEZ”) used profanity/inappropriate language while talking to another teacher, Ms. Fenton, during instructional time. On the same day, Principal Delicia Decembert (hereinafter “Decembert”) told NUNEZ and Ms. Fenton that Decembert intended to investigate the report that students overheard an adult using profanity during instructional time. Despite Decembert informing both teachers that she would investigate the situation, NUNEZ conducted her own investigation. On or about March 7, 2019, NUNEZ asked a student to stand in front of the class and point out other students who may have information. Thereafter, NUNEZ called students outside of the class and questioned them. Several students began crying, became fearful of returning to NUNEZ’s class, felt bullied, or pressured to recant or change their versions of events. According to one of the students, NUNEZ “. . . made [the students] write statements and that [the student] lied on her statement because she was scared not to do what NUNEZ wanted.”

The Assistant General Counsel prepared the Administrative Complaint and notice was provided to NUNEZ that a recommendation for her two (2) day suspension without pay will be presented to the School Board on September 4, 2019. The Administrative Complaint was served on NUNEZ on August 13, 2019, and she timely requested a hearing. Subsequent to the School Board’s action, the matter was transferred to the Division of Administrative Hearings (hereinafter “DOAH”) for an Administrative Law Judge (hereinafter “ALJ”) to conduct the final hearing, challenging the School Board’s discipline.

NUNEZ no longer wishes to contest the School Board’s recommended discipline, will accept a negotiated one (1) day suspension without pay and has requested to settle the action proceeding before DOAH. In order to avoid the uncertainties and expense of further proceedings, a settlement agreement has been prepared in which the employee will waive her right to an administrative hearing, as well as, provide a general release and accept a one (1) day suspension without pay.