

BEFORE THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA

ROBERT W. RUNCIE, Superintendent,

Petitioner,

vs.

KAYHLENE GAINER-BOSTIC, 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-BOSTIC, is currently employed as a teacher at Coral Springs High

School.

5. The legal basis for Ms. Gainer's suspension is 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. On October 22, 2013, the Respondent went to Publix to purchase snacks and other items for the day care program and subsequently submitted a receipt for reimbursement. The receipt reflects that the Respondent made the purchases at 8:46 a.m., which is during her scheduled first period class.

9. The Respondent failed to follow district and school sign-out procedures, and left her students unattended while she was at Publix.

10. On October 28, 2013, a pre-disciplinary meeting was held with the Respondent to discuss this conduct.

11. Thereafter, on November 8, 2013, Principal Susan Leon-Leigh issued a written reprimand.

12. Again, on January 10, 2014, the Respondent went to Publix, and submitted a receipt for reimbursement which was time stamped at 8:59 a.m., again, a time when she was supposed to be in her classroom supervising her students.

13. On that date, the Respondent did fill out the Coral Springs High School

sign-in/sign-out log, but indicated that she returned to the school at 8:25 a.m., which is directly contradicted by the receipt which reflects that she was at Publix until at least 8:59 a.m.

14. On January 28, 2014, another pre-disciplinary meeting was held to address the Respondent's misconduct (in not following policies and in leaving her students unattended) and her insubordination (in failing to comply with the written reprimand that she not engage in this behavior).

15. Accordingly, the Principal, Susan Leon-Leigh, recommended that the Respondent be suspended, without pay, for a period of two days.

16. Also during the 2012-2013 school year, an unrelated investigation was commenced by the Broward District Schools Police, into the theft of funds in the Respondent's office in the day care at Coral Springs High School.

17. The investigation reflected that the Respondent, who was collecting money from her day care families for students' uniforms, left the money bag out on her desk, in an unlocked office for nearly three hours while she was in her classroom and later determined that nearly \$700.00 was missing.

18. The Broward District Schools Police could not proceed with the case because it had no leads as to the identity of the person or persons who might have taken the money. However, the matter was returned to the attention of the Principal, Susan Leon-Leigh, to address the Respondent's failure to take appropriate security measures with regard to the funds that had been collected.

19. On March 12, 2014, another pre-disciplinary meeting was held to address the missing funds.

20. Thereafter, Principal Leon-Leigh, considered the conduct, the other recent issues with the Respondent's conduct addressed herein, the Respondent's prior discipline (which included a verbal reprimand in 2009 for the improper collection of money at school for non-school-sponsored events), and School Board Policy 4.9 (disciplinary guidelines).


21. Principal Leon-Leigh then recommended that the Respondent be suspended from her position, without pay, for one additional day, as discipline for her failure to comply with policies and procedures for the safeguarding of funds that had been collected.

22. Having reviewed the materials supporting the charges against the Respondent, the Petitioner/Superintendent hereby agrees with the recommendation of Principal Leon-Leigh that Kayhlene Gainer be suspended without pay from her position as a teacher at Coral Springs High School for a total of three days.

23. ~~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.~~

24. 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 15th day of April, 2014.


ROBERT W. RUNCIE
Superintendent of Schools

cc: Debra P. Klauber, Esq.
Cadre Attorney