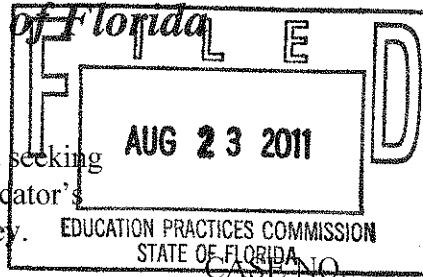




*Before the Education Practices Commission  
of the State of Florida*

IN RE: Administrative Complaint seeking  
disciplinary action against the Educator's  
Certificate of **Bonnie Davis Gainey**.



*Final Order*

CASE NO.  
EPC INDEX NO.

11-0335-RT  
11-329-FON

An Administrative Complaint seeking disciplinary action against the educator's certificate of Respondent, **Bonnie Davis Gainey**, was filed by **DR. ERIC J. SMITH**, as Commissioner of Education on, August 16, 2011.

Respondent, holder of Florida educator's certificate number 323879, was served with a copy of the Administrative Complaint. Respondent has filed an answer to the Administrative Complaint stating that she did not wish to contest the charges, that she waived any further rights to due process or a public hearing, that she surrendered her certificate for permanent revocation, and that all her actions were free and voluntary.

The Administrative Complaint and the answers are incorporated as part of this Order.

In consideration of the foregoing, the Education Practices Commission, as empowered by F.S. 1012.796, hereby **PERMANENTLY REVOKES** educator's certificate number, 323879, held by , **Bonnie Davis Gainey**.

Reapplication will not be considered.

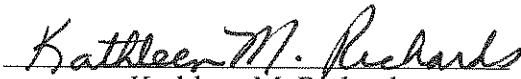
DONE AND ORDERED this 18<sup>th</sup> day of August 2011.

A handwritten signature in cursive script that reads "Brian T. Donovan".

BRIAN T. DONOVAN, Chairperson  
Education Practices Commission

Final Order  
Re: **Bonnie Davis Gainey**  
Page Two

I HEREBY CERTIFY that a copy of the foregoing Order in the matter of **DR. ERIC J. SMITH vs. BONNIE DAVIS GAINEY** was furnished to **Bonnie Davis Gainey**, at [REDACTED] this 23<sup>rd</sup> day of August 2011, by U. S. Mail.

  
Kathleen M. Richards  
Education Practices Commission

**COPIES FURNISHED TO:**

Bureau of Professional Practices

Bureau of Teacher Certification

Florida Administrative Law Reports  
P. O. Box 385  
Gainesville, Florida 32602

Superintendent  
Orange County Schools  
Post Office Box 271  
Orlando, Florida 32802-0271

Human Resources  
Orange County Schools  
Post Office Box 271  
Orlando, Florida 32802-0271

Daniel Biggins, Assistant Attorney General  
The Capital Plaza Level 1  
Tallahassee, Florida 32399

Margaret O'Sullivan-Parker, Esquire  
Office of General Counsel  
Florida Department of Education  
325 W. Gaines Street, Suite 1232  
Tallahassee, Florida 32399-0400

**STATE OF FLORIDA  
EDUCATION PRACTICES COMMISSION**

**DR. ERIC J. SMITH, as  
Commissioner of Education,**

**Petitioner,**

**vs.**

**CASE NO. 101-0010**

**BONNIE DAVIS GAINNEY,**

**Respondent.**

---

**ADMINISTRATIVE COMPLAINT**

Petitioner, Dr. Eric J. Smith, as Commissioner of Education, files this Administrative Complaint against BONNIE DAVIS GAINNEY. The Petitioner seeks the appropriate disciplinary sanction of the Respondent's educator's certificate pursuant to Sections 1012.315, 1012.795, and 1012.796, Florida Statutes, and pursuant to Rule 6B-1.006, Florida Administrative Code, Principles of Professional Conduct for the Education Profession in Florida, said sanctions specifically set forth in Sections 1012.795(1) and 1012.796(7), Florida Statutes.

The Petitioner alleges:

**JURISDICTION**

1. The Respondent holds Florida Educator's Certificate 323879, covering the areas of Art and General Science, which is valid through June 30, 2012.
2. At all times pertinent hereto, the Respondent was employed as an Art Teacher at Little River Elementary School in the Orange County School District.

**MATERIAL ALLEGATIONS**

3. On or about May 13, 2010, the Respondent told [REDACTED] student, that she would shoot [REDACTED] if he spilled paint. When [REDACTED] asked the Respondent what she meant by her statement, the Respondent demonstrated by holding her hand in the shape of a gun and saying "I will have to shoot you right between the eyes" or words to that effect.
4. On or about May 14, 2010, the Respondent slapped the arm of [REDACTED] grade student, when [REDACTED] touched or was attempting to touch a clay object.

The Petitioner charges:

**STATUTE VIOLATIONS**

**COUNT 1:** The Respondent is in violation of Section 1012.795(1)(j), Florida Statutes, in that Respondent has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.

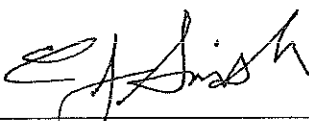
**RULE VIOLATIONS**

**COUNT 2:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(a), Florida Administrative Code, in that Respondent has failed to make reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental health and/or physical health and/or safety.

**COUNT 3:** The allegations of misconduct set forth herein are in violation of Rule 6B-1.006(3)(e), Florida Administrative Code, in that Respondent has intentionally exposed a student to unnecessary embarrassment or disparagement.

**WHEREFORE,** based on the reasons set forth herein and in accordance with the Explanation of Rights and Election of Rights forms attached to and made a part of this Administrative Complaint, Petitioner respectfully recommends that the Education Practices Commission impose an appropriate sanction against the Respondent's educator's certificate pursuant to the authority provided in Sections 1012.795(1) and 1012.796(7), Florida Statutes. The sanctions imposed by the Education Practices Commission may include, but are not limited to, any one or a combination of the following: issuing the Respondent a written reprimand; placing the Respondent on probation for any period of time; restricting the Respondent's authorized scope of practice; assessing the Respondent an administrative fine; directing the Respondent to enroll in the Recovery Network Program; suspending the Respondent's educator's certificate for a period of time not to exceed five years; revoking the Respondent's educator's certificate for a period of time up to 10 years or permanently; determining the Respondent to be ineligible for certification; or barring the Respondent from reapplying for an educator's certificate for a period of time up to 10 years or permanently.

EXECUTED on this 11<sup>th</sup> day of May, 2011.

  
\_\_\_\_\_  
DR. ERIC J. SMITH, as  
Commissioner of Education  
State of Florida