

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: APPROVAL OF SETTLEMENT AGREEMENT
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA vs. DALIA BERRIOS, DOAH CASE NO. 03-3342

At its regularly scheduled meeting of September 10, 2003, the School Board took action to dismiss Dalia Berrios from further employment with the School Board for just cause, including, but not limited to, conduct unbecoming a School Board employee and violation of School Board Rules 6Gx13-4A-1.21, *Responsibilities and Duties*, and 6Gx13-4-1.08, *Violence in the Workplace*. The employee timely requested a hearing on the matter. The hearing was scheduled to occur on January 27, 2004, but has now been continued pending approval of the settlement agreement.

The terms of the settlement agreement, forwarded under separate cover, includes the following:

- 1) The employee will be reinstated to the position of an elementary school teacher as of February 12, 2004;
- 2) The employee will be suspended without pay from her last date of employment on September 10, 2003, up to the date of her reinstatement; and
- 3) The employee will be provided a "last chance" opportunity for employment, the violation of which will subject her to automatic dismissal without further recourse.

This office recommends that the settlement agreement be accepted in its entirety. Administration concurs with this recommendation. Acceptance and approval of the settlement agreement will obviate the need for further litigation by the School Board.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, accept and approve the Settlement Agreement between The School Board of Miami-Dade County, Florida and Dalia Berrios to resolve in its entirety DOAH Case No. 03-3342.