

Office of Superintendent of Schools
Board Meeting of September 8, 2004

August 27, 2004

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: PROVISION OF DEFENSE COUNSEL TO MS. GRACIELA "CHELI" CERRA AND AND MS. AYLIN R. MENDIOLA IN THE CASE OF Peter Anthony Hereu, et al. v. Florida Department of Education, Miami-Dade County School Board, Graciela Cerra, Aylin R. Mendiola, Vonda Christie, and Ivonne Nieves Marrero, Circuit Case No. 04-17852-CA-06

The above styled lawsuit was filed in the State Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida and served on August 20, 2004, on Ms. Graciela "Cheli" Cerra, the principal and Ms. Aylin R. Mendiola, the assistant principal at Coral Gables Elementary School. Of the six named Defendants, the School Board is also listed as a party Defendant, and was recently served with this lawsuit. These school administrators are being sued in their official capacity and they have submitted their suit papers to the School Board Attorney's Office with the request that the School Board provide them with legal counsel in this case. The lawsuit asserts claims for, among other things, negligence, and intentional infliction of emotional distress.

The acts alleged in the Complaint to have been committed by the named-Defendants arose out of and in the course of the performance of Ms. Cerra's and Ms. Mendiola's assigned duties and responsibilities as a school principal and assistant principal, respectively. Pursuant to School Board Rule 6Gx13-1C-1.02 and the authority under § 1012.26, Fla. Stat. (2003), we are requesting that the School Board authorize the provision of legal representation for Ms. Cerra and Ms. Mendiola.

In the interim and prior to the Board meeting, outside counsel for the School Board will be filing the necessary papers in State court to protect the legal interests of these school administrators.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Office of the School Board Attorney to provide for the defense of Ms. Graciela Cerra and Ms. Aylin R. Mendiola in the case of Peter Anthony Hereu, et al. v. Florida Department of Education, Miami-Dade County School Board, Graciela "Cheli" Cerra, Aylin R. Mendiola, Vonda Christie, and Ivonne Nieves Marrero, Circuit Case No. 04-17852-CA-06.