

Office of School Board Attorney
Johnny Brown, Board Attorney

**SUBJECT: APPROVAL OF SETTLEMENT AGREEMENT
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v.
VALENCIA A. GABRIEL - DOAH CASE NO. 04-4479**

At its regularly scheduled meeting of December 15, 2004, the School Board took action to suspend and initiate dismissal proceedings against teacher Valencia A. Gabriel for just cause including misconduct in office and violation of School Board Rules 6Gx13-4A-1.21, *Responsibilities and Duties*; 6Gx13-1C-1.09, *Public Activities Involving Staff or Students*; 6Gx13-3B-1.081, *Outside Vendors-Selling*; and 6Gx13-4A-1.212, *Conflict of Interest*. The employee timely requested a hearing on the matter.

This case is scheduled for hearing on April 12-13, 2005. The parties have reached a tentative settlement agreement, subject to School Board approval. This office recommends that the Board accept the settlement agreement, forwarded under separate cover, the terms of which include the following:

1. Respondent will be suspended without pay for ten (10) workdays, effective at the close of the workday on December 15, 2004;
2. Respondent will be returned to her employment as a teacher; and
3. Respondent will be reimbursed for any days of suspension served without pay above the ten (10) days agreed to by the parties.

Administration is in agreement with this course of action. Acceptance of the settlement agreement will obviate the requirement for further legal actions in this matter.

This item does not appear in the published Agenda. There is good cause to vary from the agenda in order to eliminate the necessity for the hearing currently scheduled for April 12-13, 2005.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve the settlement agreement between The School Board of Miami-Dade County, Florida and Valencia A. Gabriel in DOAH Case No. 04-4479.

GOOD CAUSE

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