

Office of Superintendent of Schools  
Board Meeting of July 13, 2005

July 8, 2005

Office of School Board Attorney  
Johnny Brown, Board Attorney

**SUBJECT: SUSAN ROTHSTEIN v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA - SBC 05- 288**

By memorandum received in the Office of School Board Clerk on June 29, 2005, a request for hearing was filed by Ms. Susan Rothstein to contest her reassignment approved by the Board on June 15, 2005, as part of the Superintendent's reorganization. Ms. Rothstein asserts, in the documentation submitted in support of her request for a hearing, that the reorganization is a pretext as to her reassignment to a collective bargaining unit position which she claims constituted a "demotion" in violation of her legal rights concerning freedom of speech, due process, unlawful retaliation and breach of contract.

The Office of the School Board Attorney is recommending that the School Board deny the request for a hearing on the grounds, *inter alia*, that managerial exempt employees have no property right in a managerial exempt job position. Mathos v. School Board of Miami-Dade County, FL, 861 So.2d 520, 29 Fla. L. Weekly D1, Fla.App. 3 Dist. (2003). The legal claims raised by Ms. Rothstein do not come within the jurisdiction of the Division of Administrative Hearings (DOAH) under the provisions of Section 120.569, Fla.Stat., and Florida law provides a court forum and other legal remedies for the types of claims raised in this matter.

REVIS

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, enter a final order in the case of Susan Rothstein v. The School Board of Miami-Dade County, Florida, SBC 05- 288 denying her request for a hearing for the reasons and in the manner set forth in the proposed final order.

AIS/sh

**G-5**