

MEMORANDUM

July 11, 2005

TO: Chair and Members of The School Board of Miami-Dade County, Florida
Rudolph F. Crew, Superintendent of Schools

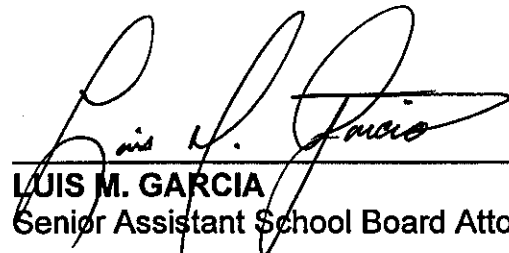
FROM: Attorney's Office

SUBJECT: WITHDRAWAL OF AGENDA ITEM G-6, KEITH SHARICK v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA - SBC 05-290

Agenda Item G-6 recommending denial of teacher Keith Sharick's request for a hearing regarding his termination of employment within the 97-day probationary period has been withdrawn from the July 13, 2005, School Board Agenda.

On July 11, 2005, the Petitioner, through his legal counsel, submitted a settlement offer to the District, which—if accepted—will resolve all matters associated with this case and obviate the need for protracted litigation. Accordingly, Item G-6 is withdrawn to afford administration and the Board Attorney's Office sufficient time to review the offer of settlement, complete any requisite negotiations, and if possible, finalize the settlement.

Should you have any questions regarding this matter, please contact me at 305-995-1304, at your earliest convenience.



LUIS M. GARCIA
Senior Assistant School Board Attorney

JB/md
Attachments

cc: Jennifer S. Blohm, Esquire
Mr. Thomas Gary
Ms. Maria T. Rojas

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

July 1, 2005

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: KEITH SHARICK v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA - SBC 05-290

By letter dated June 2, 2005, and received by the Office of School Board Clerk on June 7, 2005, a request for hearing was filed by Mr. Keith Sharick to contest his termination from employment within the 97 calendar day probationary period. On June 13, 2005, Mr. Sharick was advised that his request for a hearing would be denied as untimely.

In accordance with the collective bargaining agreement between the Miami-Dade County Public Schools and the United Teachers of Dade, Mr. Sharick's request for a hearing would have been due within fifteen (15) days of his having received written notice of the termination of probationary employment. In his letter requesting a hearing, Mr. Sharick alleges that he received his written notice of termination of probationary employment on April 22, 2005, thus, Mr. Sharick had until May 9, 2005 to request a hearing. Subsequently, on June 30, 2005, we received additional correspondence from Mr. Sharick's counsel requesting that the District reconsider the denial of the hearing based upon the employee's contention that he was terminated after his probationary period expired.

The Office of the School Board Attorney is recommending that the School Board deny this request for a hearing on the grounds that Mr. Sharick waived his request for a hearing by failing to timely file his request with the District.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, enter a Final Order in the case of Keith Sharick v. The School Board of Miami-Dade County, Florida, SBC 05-288 denying his request for a hearing for the reasons set forth above and in the manner set forth in the proposed Final Order.

LMG/sh

G-6
WITHDRAWN
JULY 11, 2005