

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

July 1, 2005

Office of School Board Attorney  
Johnny Brown, Board Attorney

**SUBJECT: VIRGINIA BRADFORD v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA - SBC 05- 286**

By memorandum received in the Office of School Board Clerk on June 27, 2005, a request for hearing was filed by Ms. Virginia Bradford to contest her reassignment approved by the Board on June 15, 2005, as part of the Superintendent's reorganization. Ms. Bradford asserts, in the documentation submitted in support of her request for a hearing, that the reorganization is a pretext as to her reassignment which, she claims, constituted a "demotion" in violation of her legal rights concerning freedom of speech, civil rights, 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 in a reorganization. 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. Bradford 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.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, enter a final order in the case of Virginia Bradford v. The School Board of Miami-Dade County, Florida, SBC 05-286 denying her request for a hearing for the reasons set forth above and in the manner set forth in the proposed order.

AIS/sh

**G-4**