

Office of School Board Attorney
JulieAnn Rico Allison, Board Attorney

SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. ISMAEL DELGADO, DOAH Case No. 05-1786

On May 18, 2005, the School Board took action to suspend and initiate dismissal proceedings against Ismael Delgado, an Exceptional Student Education teacher with The School Board of Miami-Dade County, Florida for, among other things, misconduct in office and violation of School Board rules dealing with employee conduct. Mr. Delgado requested an administrative hearing on the termination of his employment and the hearing was held on October 6-7, 2005, before Administrative Law Judge John G. Van Laningham ("ALJ") in Miami-Dade County, Florida.

The charges against Mr. Delgado stemmed from the allegation that two students engaged in misconduct of a sexual nature during class. By recommended order entered March 2, 2006, the ALJ found that the testimony of several student witnesses was untrustworthy, inconsistent, and not credible. As a result of this finding, the ALJ ruled in favor of Mr. Delgado, and recommended that the School Board enter a final order exonerating the employee of all charges and reinstating him with back pay, interest, and benefits.

RECOMMENDED: That The School Board of Miami-Dade County, Florida enter a Final Order accepting the Administrative Law Judge's Recommended Order in the case of The School Board of Miami-Dade County, Florida v. Ismael Delgado, DOAH Case No. 05-1786, exonerating Mr. Delgado of all charges brought against him in these proceedings, reinstating him as a teacher with back pay, together with interest thereon at the statutory rate, and any benefits to which he would have been entitled during the period of his suspension.

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