

Office of School Board Attorney
JulieAnn Rico Allison, Board Attorney

SUBJECT: PROVISION OF DEFENSE COUNSEL TO MARIA C. MASON IN THE CASE OF Jane Doe v. Miami-Dade County Police Department, Miami-Dade County Public Schools, et al., U.S. District Court Case No. 06-20467-CIV-GOLD

The above styled lawsuit was filed in the United States District Court for the Southern District of Florida and served on March 10, 2006, on Maria C. Mason, Principal, at Kelsey L. Pharr Elementary School. On March 16, 2006, Ms. Mason submitted her suit papers to the School Board Attorney's office with the request that the School Board provide her with legal counsel in this case. This lawsuit evolves from the well-publicized incident where local police used a "Taser" on an elementary school student in our District. The lawsuit is brought pursuant to 42 U.S.C. § 1983 and asserts claims for, among other things, violation of civil rights, procedural and substantive due process, violation of the Individuals with Disabilities in Education Act, and negligence.

The acts alleged to have been committed in the Complaint by Defendant arose out of and in the course of the performance of Ms. Mason's assigned duties and responsibilities as a school principal. Pursuant to School Board Rule 6Gx13- 1C-1.02 and the authority under § 1012.26, Fla. Stat. (2005), we are requesting that the School Board authorize the provision of legal representation for Ms. Mason.

In the interim, in order to protect Ms. Mason's legal interests, our office has assigned Ms. Mason outside legal counsel.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the office of the School Board Attorney to provide for the defense of Ms. Maria C. Mason in the case of Jane Doe v. Miami-Dade County Police Department, Miami-Dade County Public Schools, et al., U.S. District Court Case No. 06-20467-CIV-GOLD.