

Office of Superintendent of Schools
Board Meeting of October 11, 2006

September 27, 2006

Office of School Board Attorney
JulieAnn Rico, Board Attorney

**SUBJECT: ORDER DENYING MOTION TO DISQUALIFY BOARD
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v.
CEDRIC MITCHELL - DOAH CASE NO. 06-061075**

At its regularly scheduled meeting of March 15, 2006, the School Board took action to dismiss Cedric Mitchell from further employment with the School Board for just cause. The employee timely requested a hearing on the matter. The matter is currently set for a hearing on October 23-24, 2006.

The employee filed a Motion with the DOAH judge seeking to have the entire Miami-Dade County School Board disqualified from issuing a Final Order. The DOAH judge denied the Motion. The Third District Court of Appeal granted the employee's Petition for Writ of Mandamus requiring the Miami-Dade County School Board to issue an order granting or denying Mr. Mitchell's motion to disqualify the Board.

This office recommends that the Board deny the request to disqualify the Board from entering a Final Order after the Administrative Law judge issues a Recommended Order. A copy of the proposed order on Respondent's Motion to Disqualify has been forwarded to the Board under separate cover.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, deny the motion to disqualify itself from issuing a Final Order in the case of The School Board of Miami-Dade County, Florida v. Cedric Mitchell, DOAH Case No. 06-1075.

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JMM/pyc