

Office of School Board Attorney  
JulieAnn Rico, Board Attorney

**SUBJECT: PROVISION OF LEGAL REPRESENTATION TO INDIVIDUALLY NAMED DEFENDANTS IN THE MATTER OF: *E.A.P. (a minor) v. MIAMI-DADE COUNTY PUBLIC SCHOOLS, THE SCHOOL BOARD OF MIAMI-DADE COUNTY and BARBARA SOTO, PRINCIPAL, and ISABEL CAPOTE, ASSISTANT PRINCIPAL*, CIRCUIT COURT CASE NO. 07-02746 CA-04**

**COMMITTEE: SCHOOL SUPPORT ACCOUNTABILITY**

The above-referenced lawsuit was filed on January 30, 2007 in the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, against Miami-Dade County Public Schools, The School Board of Miami-Dade County, Florida, and the individually named Defendants, Barbara Soto and Isabel Capote. Barbara Soto and Isabel Capote are the principal and vice principal, respectively, of West Laboratory Elementary School. The Board Attorney's office hereby submits this request to the Board for authorization to provide legal representation to Barbara Soto and Isabel Capote, who are named as Defendants in their official capacities.

The Complaint in this lawsuit, which seeks injunctive relief, alleges, among other things, that the principal and assistant principal assigned the subject student to one day of in-school suspension for hitting another student, in violation of due process of law. These acts by these School Board employees are alleged to have occurred during the course and scope of the performance of the individually-named Defendants' job duties and responsibilities.

Pursuant to School Board Rule 6Gx13-1C-1.02 *Legal Services for Employees of the Board*, and the authority granted under § 1012.26, Fla. Stat. (2006), the Board Attorney's office hereby requests that the Board authorize the provision of legal representation by the School Board Attorney's office for the individually named Defendants in this lawsuit. In the interim, the Board Attorney's office will be filing the necessary documents with the Court to protect the Defendants' legal interests.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the office of the School Board Attorney to provide or secure legal representation for the defense of Barbara Soto and Isabel Capote, individually named Defendants, in the matter of *E.A.P. (a minor) v. Miami-Dade County Public Schools, The School Board of Miami-Dade County and Barbara Soto, Principal, and Isabel Capote, Assistant Principal*, Circuit Court of the 11<sup>th</sup> Judicial Circuit in and for Miami-Dade County, Florida, Case No. 07-02746 CA-04.