

MEMORANDUM

November 13, 2008

TO: Honorable Chair and Members of The School Board of
Miami-Dade County, Florida

FROM: Alberto M. Carvalho, Superintendent of Schools 

**SUBJECT: WITHDRAWAL OF AGENDA ITEM G-3
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v.
ROBERT BOUNDY - DOAH CASE NO. 06-2369**

The attached Agenda Item G-3 is being withdrawn from the November 18, 2008 Agenda due to Respondent's counsel's request that it be postponed because of a scheduling conflict that prevents his attendance at the Board meeting.

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Attachment

cc: Superintendent's Cabinet
School Board Attorney

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Office of Superintendent of Schools
Board Meeting of November 18, 2008

November 5, 2008

Office of School Board Attorney
JulieAnn Rico, Board Attorney

SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. ROBERT BOUNDY - DOAH CASE NO. 06-2369

On March 15, 2006, the School Board suspended Robert Boundy for 30 work days for just cause, including, but not limited to misconduct in office, violation of School Board Rules 6Gx13- 4A-1.21, *Responsibilities and Duties*; 6Gx13- 5D-1.07, *Corporal Punishment - Prohibited*, 6Gx13- 4-1.08, *Violence in the Workplace*, and *State Board of Education Code of Ethics*. A hearing was requested and held on September 27, 2006, before Administrative Law Judge Errol H. Powell, Division of Administrative Hearings.

By Recommended Order entered on April 30, 2007, the Administrative Law Judge recommended that the School Board enter a final order for the 30-day suspension of Robert Boundy, without pay.

On May 11, 2007, Exceptions to the Recommended Order were filed by Respondent's counsel. On or about June 18, 2007, the Recommended Order and the complete record of the case was forwarded to the School Board members under separate cover. The Exceptions sought to have the Administrative Law Judge's Recommended Order rejected and thereby cancel Respondent's suspension from his job position without pay. At the July 11, 2007, regular school board meeting, the Board voted to reject the exceptions and adopt the Recommended Order as their Final Order.

Boundy filed an appeal with the Third District Court of Appeals seeking to have the Final Order reversed. On October 29, 2008, the Third District Court of Appeals remanded the case back to the School Board to enter a Final Order with an explicit ruling on each of Boundy's exceptions. This item is being submitted in compliance with the order of the Third District Court of Appeals. Copies of the Exceptions, the School Board's Final Order, along with the Court's Order will be provided to the Board under separate cover prior to the Board meeting.

G-3

WITHDRAWN
(November 13, 2008)

RECOMMENDED: That The School Board of Miami-Dade County, Florida issue the following Final Order in the case of The School Board of Miami-Dade County, Florida v. Robert Boundy, DOAH Case No. 06-2369:

- (1) Adopt paragraphs 65 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (2) Adopt paragraphs 66 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (3) Adopt paragraphs 67 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (4) Adopt paragraphs 68 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (5) Adopt paragraphs 69 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (6) Adopt paragraphs 70 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (7) Adopt paragraphs 71 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (8) Adopt paragraphs 72 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (9) Adopt paragraphs 73 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (10) Adopt paragraphs 74 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order.
- (11) Adopt the recommended penalty of a 30-day suspension without pay.