

Office of Superintendent of Schools
Board Meeting of December 14, 2011

December 9, 2011

Office of School Board Attorney
Walter J. Harvey, Board Attorney

SUBJECT: REQUEST FOR APPROVAL OF PROPOSED SETTLEMENT AGREEMENT IN *West Dade Federation of Homeowners v. The School Board of Miami-Dade County, FL, in the Circuit Court of the 11th Judicial Circuit, Case No. 10-49413 CA 2.*

This item requests School Board approval of a proposed settlement agreement regarding claims made against the School Board by the West Dade Federation of Homeowners Association ("West Dade"), a Doral homeowners association, in the case styled: *West Dade Federation of Homeowners v. The School Board of Miami-Dade County, FL, Case No. 10-49413 CA 2*, concerning student enrollment at Ronald Reagan/Doral Senior High School ("Doral High").

In January, 2003, as part of a twenty (20) acre conveyance to the School Board to build a high school, West Dade and the School Board entered into an agreement to restrict the student enrollment at Doral High to a maximum of two thousand students during any school year. The agreement provides for attorney's fees and costs to be paid to the prevailing party in an enforcement action.

On September 23, 2010, West Dade filed a lawsuit alleging that the School Board breached the contract because Doral High's student population exceeded the two thousand student population restriction in the 2009-2010 and 2010-2011 school years. The complaint requests specific performance, injunctive relief, attorney's fees and costs.

The School Board and West Dade disagree about the validity and enforceability of the enrollment restriction, but the School Board shares the desire of the Doral community to maintain Doral High as a superior educational facility that promotes high student achievement, and has continuously made efforts to reduce the student population at Doral High. During the 2011 Attendance Boundary process, the Board approved a plan to reduce the student population at Doral High by creating an auxiliary campus on the third floor of Building No. 1 at Doral Middle School to house incoming ninth graders for certain core classes on specific days. The students are transported to and from Doral High on these days. This plan went into effect at the beginning of this school year.

West Dade has accepted this plan in full settlement of its disputed claims. The District will continue to implement this plan as long as the student population at Doral High

REPLACEMENT

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exceeds two thousand students. The District will also pay Fifty-Five Thousand and No/100 Dollars (\$55,000), in attorney's fees to West Dade. The School District staff supports this proposed settlement agreement. The proposed settlement will be distributed to the Board under separate cover.

The proposed settlement is in the best interest of the School Board of Miami-Dade County. District staff concurs with the terms and conditions of this settlement.

RECOMMEND: That The School Board of Miami-Dade County, Florida, authorize the School Board Attorney to finalize settlement of the case of *West Dade Federation of Homeowners v. The School Board of Miami-Dade County, FL, In the 11th Judicial Circuit, Case No. 10-49413 CA 2.*

MEMORANDUM

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