

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

**SUBJECT: MIAMI-DADE COUNTY SCHOOL BOARD v. KEVIN SMITH,
DOAH Case No. 13-1035TTS**

On March 13, 2013, the School Board took action to suspend without pay and initiate dismissal proceedings against Respondent Kevin Smith, a teacher with the school district, for just cause, including but not limited to, misconduct in office and violation of School Board Policies 3210, Standards of Ethical Conduct; 3210.01, Code of Ethics; and 3121.01, Employment Standards and Fingerprinting. This action was taken in accordance with §§ 1001.32(2), 1012.22(1)(f), 1012.32, 1012.33, 435.04, 435.06, and 447.209, Florida Statutes and State Board Rules 6B-1.001, 6B-1.006, and 6B-4.009, FAC.

After the Respondent timely requested a hearing, but prior to the evidentiary hearing held before the Division of Administrative Hearings, Respondent agreed to the imposition of the relief requested by the School Board as set forth in a tentative Agreement. The essential terms of the Agreement are as follows: Respondent shall be reinstated to his position as a teacher with the Miami-Dade County Public Schools effective as of August 8, 2013; Respondent's suspension from employment from March 13, 2013 through August 7, 2013, shall constitute a suspension for time-served; and Respondent shall receive no compensation or back-pay for the period of his suspension from employment.

In order for such reinstatement to take effect, Respondent must comply with the conditions set forth in the proposed Agreement, and failure to comply with such conditions will result in Respondent's dismissal without further recourse.

Administration is in agreement with the proposed settlement. Upon consultation with administration, it is recommended that the proposed Agreement be accepted as achieving the objective sought by the School Board in this case. Acceptance of the agreement, forwarded under separate cover to the Board, is in the School Board's best interests, and will obviate the need for further legal actions by the School Board.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve the proposed Agreement in the case of The School Board of Miami-Dade County, Florida v. Kevin Smith, DOAH Case No. 13-1035TTS, suspending Respondent without pay for the period of his suspension, which he has already served, and reinstating him to his position as a teacher with the School Board, under the conditions specified in the Agreement.