

Office of Superintendent of Schools
Board Meeting of February 3, 2016

January 20, 2016

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

SUBJECT: PROVISION OF LEGAL REPRESENTATION FOR THE FOLLOWING MATTERS: Marcela Dona, as Guardian and Natural Mother of F.L., a minor, and Marcela Dona, individually, v. The School Board and Susan Omil, Case No. 15-027214 CA 02, and Theanie Hajarie, as Parent and Natural Guardian of Tyler Dacres, a minor v. The School Board, Case No. 16-000218 CA 01

The School Board was served with the lawsuit of *Marcela Dona v. The School Board*, on November 30, 2015, and the individually named employee was also served. In *Marcela*, the Complaint alleges, among other things, that Defendants failed to provide proper supervision which led to student, F.L., being harmed.

On January 15, 2016, the School Board was served with the lawsuit of *Theanie-Hajarie v. The School Board*. In *Theanie-Hajarie*, the Complaint alleges, among other things, that the School Board breached its duty by allowing a dangerous condition on its premises which led to the student being harmed.

In accordance with the District's established practice, the individually named Defendants are formally requesting that the School Board provide them with legal representation. The acts alleged in the *Marcela* and *Theanie Hajarie* Complaints arose out of performed within the course of the performance of assigned duties and responsibilities of the individually named employees.

Pursuant to School Board Policy 6900, *Legal Services for Employees of the Board* and § 1012.26 Fla. Stat.(2012), we are requesting that the School Board authorize the provision of legal representation for the individually named Defendant in the above-captioned lawsuit. In the interim, the Board Attorney's office will be filing the necessary documents with the Court to protect the School Board's 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 legal defense of the current School Board employees who are individually named as a Defendant in the following cases: *Marcela Dona, as Guardian and Natural Mother of F.L., a minor, and Marcela Dona, individually, v. The School Board and Susan Omil, Case No. 15-027214 CA 02 and Theanie Hajarie, as Parent and Natural Guardian of Tyler Dacres, a minor v. The School Board.*