

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

SUBJECT: MIAMI-DADE COUNTY SCHOOL BOARD v. HOPE SMITH, DOAH Case No. 14-2147

Respondent, Hope Smith, is a paraprofessional II, assigned to Miami Southridge Senior High School. Respondent has been working for the District for eighteen (18) years with no prior disciplinary history. On May 7, 2014, the School Board suspended Respondent and initiated dismissal proceedings for just cause, including but not limited to, violation of School Board Policies 4210, *Standards of Ethical Conduct*, 4210.01, *Code of Ethics*, and 5630, *Corporal Punishment and Use of Reasonable Force*, in accordance with §§ 1001.32 (2), 1012.22(1)(f), 1012.40, and 447.209, Florida Statutes. Based on the same allegations that gave rise to the disciplinary matter, Respondent was criminally charged with one count of Abuse of a Disabled Adult, a third degree felony and a disqualifying offense under § 435. 04, Fla. Stat. (2016). Respondent requested a hearing before the Division of Administrative Hearings (DOAH). Subsequently, Respondent requested that her case be held in abeyance until the conclusion of the criminal case which had occasioned her dismissal from employment.

On July 8, 2016, a trial was held before a jury and Respondent was exonerated of all criminal charges. As a result of the acquittal, the parties have reached a tentative settlement agreement. The agreement stipulates that Respondent will be reinstated to her position as a paraprofessional and that her thirty-one (31) month suspension from employment shall constitute suspension for time-served. Additionally, Respondent shall not receive any compensation or back pay for the period of her suspension through the date of her reinstatement. The proposed settlement agreement is in the School Board's best interests as it eliminates the need for further litigation and fulfills the purpose of the original disciplinary action. Administration is in agreement with the proposed settlement agreement, which is being transmitted to the Board under separate cover.

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. HOPE SMITH, DOAH Case No. 14-2147, reinstating Respondent to her position as a paraprofessional, without any compensation or back pay for the period of her suspension through the date of her reinstatement.