

Office of Superintendent of Schools
Board Meeting of April 18, 2001

March 28, 2001

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: PARTIAL SETTLEMENT IN THE CASE OF ASSOCIATION FOR DISABLED AMERICANS, INC., et al. v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, U.S.D.C. Case No. 00-00249-CIV-LENARD

This lawsuit was filed in the United States District Court for the Southern District of Florida and served on the School Board on January 20, 2000. The Complaint was filed by a group of individuals who allege that they are physically disabled and that they have been denied access to programs and services offered by the school system as a result of the district's failure to comply with the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12131, et seq. (Title II) accessibility requirements.

After much negotiation, one of the named individual Plaintiffs, John Paul Jebian, has offered to settle with the School Board. The settlement offer, which is submitted under separate cover, requires that the school district comply with certain ADA accessibility requirements at its "special needs" emergency shelters. In addition, the ADA provides that acceptance of this offer of settlement would require the School Board to pay for the Plaintiff's reasonable attorney fees. Accordingly, we recommend that the Board authorize the payment of an amount not to exceed \$5,000 as reasonable compensation for Plaintiff's attorney fees.

Although this partial settlement will not lead to a final disposition of the entire lawsuit, we believe it is in the best interest of the Board to accept this individual Plaintiff's settlement offer.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize acceptance of this partial settlement offer in the case of Association for Disabled Americans, Inc., et al. v. The School Board of Miami-Dade County, Florida, U.S.D.C. Case No. 00-00249-CIV-LENARD, and payment of Plaintiff's attorney fees in an amount not to exceed \$5,000.