

Office of Superintendent of Schools
Board Meeting of May 14, 2003

April 30, 2003

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: ROBERT THOMAS v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA - SBC 03-251

Mr. Robert Thomas submitted a letter received by the Office of the Superintendent on March 26, 2003, giving notice of an appeal to his reassignment as part of the District's reorganization of March 12, 2003. Although the letter did not specifically request a hearing, the Board Attorney's office has interpreted as such because appeals of this nature are generally addressed by request for a due process hearing.

The Office of the School Board Attorney is recommending that the School Board deny the request for hearing on the grounds, *inter alia*, that Mr. Thomas does not have a legal right to a hearing under the provisions of the Manual of Procedures for Managerial Exempt Personnel (MEP) which is incorporated into his employment contract. The MEP Manual does not provide for a due process hearing where MEP personnel is transferred as a result of a district's reorganization. Employees are legally entitled to a due process hearing if their employment is terminated or if other disciplinary measure, such as suspension, is imposed by the School District. A copy of the proposed final order has been provided to the School Board under separate cover.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, enter its final order in the case Robert Thomas v. The School Board of Miami-Dade County, Florida - SBC 03-251, denying the request for hearing filed by Mr. Robert Thomas for the reasons set forth in the proposed order.

AIS:pyc

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