

Office of Superintendent of Schools
Board Meeting of August 1, 2007

July 30, 2007

Office of School Board Attorney
JulieAnn Rico, Board Attorney

**SUBJECT: APPROVAL OF SETTLEMENT AGREEMENT
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v.
CARLOS ABRIL, DOAH Case No. 07-1149**

At its regularly scheduled meeting of February 14, 2007, the School Board took action to suspend and initiate dismissal proceedings against Carlos Abril, a head custodian with the District, from further employment with the School Board for just cause, including, but not limited to, gross insubordination, excessive absenteeism, abandonment of position, and violation of School Board rules. The employee timely requested a hearing on the matter.

Recently, the parties reached a Settlement Agreement pending Board approval that will resolve the issues in this case. Upon consultation with the Superintendent's Office, and with its approval, this office recommends that the Settlement Agreement be accepted in its entirety, the terms of which include the following:

1. Mr. Abril will be suspended for thirty (30) calendar days without pay from February 15, 2007-March 17, 2007. Mr. Abril further agrees to waive any and all back pay awards covering the period commencing March 18, 2007 up to his reinstatement.
2. Mr. Abril will be reinstated to his prior position as a Head Custodian immediately after the School Board approves this Agreement. His reinstatement shall be solely at the School Board's and the Superintendent's discretion to reinstate him at any location within the Miami-Dade County School District.

Acceptance and approval of the Settlement Agreement, forwarded under separate cover, will obviate the need for further legal action by the School Board.

RECOMMENDED: That The School Board of Miami-Dade County, Florida accept and approve the Settlement Agreement in the case of The School Board of Miami-Dade County v. Carlos Abril, DOAH Case No. 07-1149.

**REPLACEMENT
G-1**