

**MEMORANDUM**

September 5, 2007

TO: Honorable Chair and Members of The School Board of  
Miami-Dade County Florida

FROM: Rudolph F. Crew, Superintendent of Schools *RFC*

DATE: September 5, 2007

SUBJECT: **WITHDRAWAL OF AGENDA ITEM G-4**  
**THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v.**  
**NESTOR VARONA - DOAH CASE NO. 06-1072**

The attached Agenda Item G-4 is being withdrawn from the September 5, 2007 Agenda. The attorney for Mr. Varona has requested the matter be postponed until the October School Board meeting due to a personal matter.

RFC:pyc  
Attachment

cc: Superintendent's Cabinet  
School Board Attorney

Office of Superintendent of Schools  
Board Meeting of September 5, 2007

August 23, 2007

Office of School Board Attorney  
JulieAnn Rico, Board Attorney

**SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. NESTOR VARONA - DOAH CASE NO. 06-1072**

On, March 15, 2006, the School Board suspended Nestor Varona and initiated dismissal proceedings against him for just cause, including, but not limited to misconduct in office and violation of School Board Rules 6Gx13- 4A-1.21, Responsibilities and Duties; and 6Gx13- 4A-1.213, Code of Ethics, in accordance with sections 1001.32(2), 1012.22(1)(f), 1012.32(1), 1012.33, and 447.209, Florida Statutes (2004) and the United Teachers of Dade Contract. A hearing was requested and held on October 19, 2006 before Administrative Law Judge Patricia Hart via video conference in Miami-Dade County, Florida.

By Recommended Order entered June 15, 2007, the Administrative Law Judge recommended that the School Board enter a final order terminating Nestor Varona's employment.

Exceptions to the Recommended Order have been filed on behalf of the Respondent. Those exceptions, along with the Recommended Order and a complete record of the case, have been forwarded to the School Board members under separate cover. The exceptions challenge the penalty and recommended termination. The exceptions would have the Board reject the Administrative Law Judge's Recommended Order and thereby reinstate Respondent to his position as a teacher.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida take one of the following actions in the case of The School Board of Miami-Dade County, Florida v. Nestor Varona - DOAH Case No. 06-1072:

- (1) Adopt the Recommended Order of the Administrative Law Judge in its entirety as its Final Order; or
- (2) Adopt the Exceptions to the Recommended Order filed on behalf of the Respondent and enter a Final Order consistent with those Exceptions.

**WITHDRAWN**  
**(9/4/07)**

**G-4**