

Office of Superintendent of Schools  
Board Meeting of November 20, 2007

November 16, 2007

Office of School Board Attorney  
JulieAnn Rico, Board Attorney

**SUBJECT: APPROVAL OF PROPOSED SETTLEMENT IN THE MATTER OF SENATE BILL 40 AND THE CASE KNOWN AS GOUGH v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, Circuit Court Case No. 07-38271 CA 11**

This matter involves the tragic incident that occurred on February 3, 2004, when a student at Southwood Middle School in Miami-Dade County was fatally stabbed on school grounds by another student. In August of 2005, the School Board approved a pre-suit settlement wherein the Board agreed to pay a total of \$1.7 million dollars to the parents of the child. The Board issued its statutory and insurance payments in an amount of \$700,000, with the remaining \$1 million dollars to be submitted in an agreed Florida Claims Bill.

The terms of the agreement required that the Board would not oppose the claimant in their application for the passage of the Claims Bill and to affirmatively assist them in obtaining the Claims Bill, including active participation and attendance in the Claims Bill process. However, the claimant has been unable to obtain passage of said Claims Bill, and the deadline for passage of the Claims Bill under the agreement will soon expire.

As a result of the foregoing and in order to resolve a pending state claim related to this matter, we are recommending that the terms of the original settlement be amended in order to further facilitate claimant's ability to secure passage of the Claim's Bill, and thus fulfill the intent of the original settlement. The key provisions of the proposed settlement are the following: the claimants will have an additional two (2) legislative sessions within which to get the subject Claims Bill passed; the parties will agree—for the purposes of this Claims Bill only—that there is a factual basis to conclude liability against the school board; the pending public records case in circuit court will be dismissed; the School Board agrees to use reasonable efforts to assist in the passage of the Claims Bill; and the claimant's request for legislative assistance for the Claims Bill will be handled by the District's Office of Legislative Affairs. A copy of the proposed settlement agreement will be forwarded to the School Board under separate cover.

**RECOMMENDED:** That the School Board of Miami-Dade County, Florida approve the proposed settlement agreement in the matter of Senate Bill 40, and the case known as *Gough v. The School Board of Miami-Dade County, Florida*, Circuit Court Case No. 07-38271 CA 11.

**REPLACEMENT**

**G-7**