

Office of School Board Attorney  
Luis M. Garcia, Interim School Board Attorney

**SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. ROBERT BOUNDY - DOAH CASE NO. 06-2369**

On March 15, 2006, the School Board suspended Robert Boundy for 30 work days for just cause, including, but not limited to misconduct in office, violation of School Board Rules 6Gx13- 4A-1.21, *Responsibilities and Duties*; 6Gx13- 5D-1.07, *Corporal Punishment - Prohibited*, 6Gx13- 4-1.08, *Violence in the Workplace*, and *State Board of Education Code of Ethics*. A hearing was requested and held on September 27, 2006, before Administrative Law Judge Errol H. Powell, Division of Administrative Hearings.

By Recommended Order entered on April 30, 2007, the Administrative Law Judge recommended that the School Board enter a final order for the 30-day suspension of Robert Boundy, without pay.

On May 11, 2007, Exceptions to the Recommended Order were filed by Respondent's counsel. On or about June 18, 2007, the Recommended Order and the complete record of the case was forwarded to the School Board members under separate cover. The Exceptions sought to have the Administrative Law Judge's Recommended Order rejected and thereby cancel Respondent's suspension from his job position without pay. At the July 11, 2007, regular School Board meeting, the Board voted to reject the Exceptions and adopt the Recommended Order as their Final Order.

Boundy filed an appeal with the Third District Court of Appeals seeking to have the Final Order reversed. On October 29, 2008, the Third District Court of Appeals remanded the case back to the School Board to enter a Final Order with an explicit ruling on each of Boundy's Exceptions. This item is being submitted in compliance with the Order of the Third District Court of Appeals. Copies of the Exceptions, the School Board's Final Order, along with the Court's Order will be provided to the Board under separate cover prior to the Board meeting.

**G-1**

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida issue the following Final Order in the case of The School Board of Miami-Dade County, Florida v. Robert Boundy, DOAH Case No. 06-2369:

- (1) Reject the exception to paragraph 65 and adopt paragraph 65 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (2) Reject the exception to paragraph 66 and adopt paragraph 66 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (3) Reject the exception to paragraph 67 and adopt paragraph 67 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (4) Reject the exception to paragraph 68 and adopt paragraphs 68 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (5) Reject the exception to paragraph 69 and adopt paragraph 69 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (6) Reject the exception to paragraph 70 and adopt paragraph 70 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (7) Reject the exception to paragraph 71 and adopt paragraphs 71 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (8) Reject the exception to paragraph 72 and adopt paragraph 72 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (9) Reject the exception to paragraph 73 and adopt paragraphs 73 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order;
- (10) Reject the exception to paragraph 74 and adopt paragraph 74 of the Recommended Order of the Administrative Law Judge in its entirety as its Final Order; and
- (11) Adopt the Administrative Law Judge's recommended penalty of a 30-day suspension without pay.