

Office of Superintendent of Schools  
Board Meeting of August 5, 2009

July 22, 2009

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

**SUBJECT: APPROVAL OF SETTLEMENT AGREEMENT**  
**THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v.**  
**LOURDES HERRERA DOAH CASE NO. 08-5923**

At its regularly scheduled meeting of October 15, 2008, the School Board took action to suspend and initiate dismissal proceedings against Lourdes Herrera, a school psychologist with the District. The charges included violations of School Board Rules 6Gx13- 4A-1.21, *Responsibilities and Duties*; 6Gx13- 4A-1.213, *Code of Ethics*; 6Gx13- 4C-1.17, *Employment-Nonschool* and 6Gx13- 4C-1.18, *Nonschool Employment*. The employee timely requested a hearing on the matter.

The parties have 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 essential terms of which includes reinstatement and a back pay award covering the period October 21, 2008 through June 5, 2009.

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

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida approve the Settlement Agreement in the case of The School Board of Miami-Dade County, Florida v. Lourdes Herrera, DOAH Case No. 08-5923, reinstating Respondent and awarding back pay as more specifically outlined in the Settlement Agreement.

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