

MEMORANDUM

October 12, 2010

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

FROM: Alberto M. Carvalho, Superintendent of Schools *AMC*

SUBJECT: APPROVAL OF SETTLEMENT AGREEMENT
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v.
JOSEPH WATSON (DOAH Case in Abeyance)

At the request of Mr. Walter J. Harvey, School Board Attorney, the attached Agenda Item G-5 is being withdrawn from the October 13, 2010 Agenda because the parties have not fully executed the settlement agreement.

AMC:mm
M358

Attachment

Cc: School Board Attorney
Superintendent's Cabinet

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

**SUBJECT: APPROVAL OF SETTLEMENT AGREEMENT
THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v.
JOSEPH WATSON (DOAH Case in Abeyance)**

At its regularly scheduled meeting of November 17, 2009, the School Board took action to suspend and initiate dismissal proceedings against Respondent, a paraprofessional with the school district, from further employment with the School Board for just cause including, but not limited to, violation of School Board Rules dealing with employee conduct and the prohibition against corporal punishment. The employee timely requested a hearing on the matter before the Division of Administrative Hearings ("DOAH").

Subsequently, the case was placed in abeyance pending the outcome of a criminal proceeding, which involved the same incident that led to Respondent's termination from employment. After a jury trial in the related criminal proceedings, Respondent was acquitted of all charges. The same witnesses that were identified in the School Board's case testified at Respondent's jury trial.

In light of the resolution of Respondent's criminal case, the parties have now reached a tentative settlement agreement in this matter pending Board approval that will resolve all issues involved in this matter. The essential terms of the proposed settlement agreement include the following:

- Respondent will serve a suspension without pay from November 18, 2009 until the date of his reinstatement on or about October 14, 2010 (almost eleven months);
- Upon reinstatement, Respondent will be issued a reprimand for violation of School Board rules dealing with employee conduct;
- Respondent will withdraw his request for an administrative hearing in this case; and
- Respondent will release the School Board from any and all claims arising out of this matter.

Upon consultation with the Superintendent's Office, and with its approval, this office recommends that the Settlement Agreement be accepted in its entirety. Acceptance and approval of the Settlement Agreement, forwarded under separate cover, is in the best interests of the School Board and will obviate the need for further legal action by the School Board.

RECOMMENDED: That The School Board of Miami-Dade County, Florida approve the Settlement Agreement in the matter of The School Board of Miami-Dade County, Florida v. Joseph Watson, reinstating the employee without back pay after serving a suspension as specified in the settlement agreement.

WITHDRAWN
October 12, 2010

G-5