

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

SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. MICHAEL BISHOP - DOAH CASE NO. 13-2404TTS

On June 19, 2013, the School Board took action to suspend Michael Bishop ("Respondent"), a teacher with Miami-Dade County Public Schools, without pay and initiate dismissal proceedings against him for just cause, including, but not limited to, Incompetency Due to Inefficiency and Incapacity pursuant to §§ 1001.32(2), 1012.22(1)(f), 1012.33, 1012.34, and 447.209 Fla. Stat. (2012) and State Board Rule 6A-5.056, F.A.C. Respondent timely requested an administrative hearing, which was held on October 21, 2013, before Administrative Law Judge, Todd P. Resavage, of the Division of Administrative Hearings ("DOAH").

The Administrative Law Judge issued his Recommended Order on January 31, 2014, recommending that the School Board enter a final order dismissing the Administrative Complaint against Respondent. While the Administrative Law Judge does not mention an award for back pay, the United Teachers of Dade collective bargaining agreement provides for back pay upon an employee's reinstatement.

We recommend that the School Board accept the Recommended Order as the School Board's Final Order. Administration is in agreement with this recommendation. A copy of the Recommended Order is being furnished to the Board under separate cover with a copy of the proposed Final Order for the Board's consideration.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt the Recommended Order of the Administrative Law Judge in its entirety as its Final Order in the case of The School Board of Miami-Dade County, Florida v. Michael Bishop, DOAH Case No. 13-2404TTS, dismissing the Administrative Complaint against Respondent, rescinding Respondent's suspension without pay, issuing Respondent back pay for the period of his suspension, and reinstating Respondent to his employment with the District.

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