

Office of Superintendent of Schools
Board Meeting of April 9, 2014

March 19, 2014

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

SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY FLORIDA v. FRANCIS MADASSERY, DOAH Case No. 13-1627TTS

On April 17, 2013, the School Board took action to suspend Respondent, Francis Madassery, a second grade teacher, without pay and initiate dismissal proceedings against him for just cause, including, but not limited to, failure to correct noted performance deficiencies in accordance with §§ 1001.32(2), 1012.22(1)(f), 1012.33, 1012.34, and 447.209, Fla. Stat. (2013) and State Board Rule 6A-5.056, F.A.C.

Respondent timely appealed the School Board's action, and the case proceeded to an administrative hearing on August 7, 2013. The Administrative Law Judge issued a Recommended Order on December 30, 2013, which recommended that Respondent be reinstated to his prior teaching position and issued back pay.

Exceptions were timely filed on behalf of the Superintendent, and an exceptions hearing was scheduled for March 12, 2014. Prior to the exceptions hearing, the parties reached a settlement agreement. The terms of the agreement are set forth in a tentative proposed Settlement Agreement, submitted to the Board under separate cover. The essential terms of the Settlement Agreement are as follows:

Respondent shall be reinstated to the position of Paraprofessional III effective April 10, 2014. The School Board will issue back pay to Respondent for the time period of April 18, 2013, through April 9, 2014. Respondent's back pay will be given in accordance with his previous position of teacher.

Upon consultation with administration, it is recommended that the proposed Settlement Agreement be accepted as it is in the School Board's best interests.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, approve the proposed Settlement Agreement in the case of The School Board of Miami-Dade County, Florida v. Francis Madassery, DOAH Case No. 13-1627TTS, reinstating Respondent to the position of Paraprofessional III and issuing him back pay as a teacher, as specified in the Settlement Agreement.

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