

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

SUBJECT: SETTLEMENT AGREEMENT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY FLORIDA v. KEN A. LEVY, DOAH Case No. 14-1642TTS

On April 9, 2014, the School Board to action to suspend Ken A. Levy ("Respondent") without pay and initiate dismissal proceedings against him for just cause, including, but not limited to failure to correct noted performance deficiencies and incompetency due to inefficiency, in accordance with §§ 1001.32 (2), 1022.22(1)(f), 1012.33, 1012.34, and 447.209, Fla. Stat. and State Board of Education Rule 6A-5.056, Fla. Admin. Code.

Respondent timely requested a hearing before the Division of Administrative Hearings. Prior to the hearing, Respondent agreed to the imposition of the penalties requested by the School Board, which 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 his position as a teacher with the Miami-Dade County Public Schools, effective as of September 4, 2014. Respondent's suspension from employment from April 9, 2014 through September 3, 2014, shall constitute a suspension for time-served, and Respondent shall receive no compensation or back-pay for the period of his suspension from employment.

Upon consultation with administration, it is recommended that the proposed Agreement be accepted as achieving the objective sought by the School Board in this case. Acceptance of the agreement is in the School Board's best interests, 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 proposed Settlement Agreement in the case of The School Board of Miami-Dade County, Florida v. Ken A. Levy, DOAH Case No. 14-1642TTS, suspending Respondent, without back-pay, for the period of his suspension, which he has already served, and reinstating him to his position as a teacher with the School Board, as specified in the Settlement Agreement.