

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

SUBJECT: PROVISION OF LEGAL REPRESENTATION IN THE FOLLOWING MATTERS: Clara Brown v. Miami-Dade County School District, Carlos Rios, Ana Rasco, Matthew Radding, and Ana Barreto; U.S. District Court Case No. 15-CV-22077-MGC; Riley Davis v. Madeleine Rodriguez and the School Board of Miami-Dade County, U.S. District Court Case No. 15-CV-23040-KMM

These lawsuits were recently filed in Federal court and served on the School Board on August 14, 2015. The complaints list the School Board, and several school district employees as defendants in these matters. In the first complaint, a former teacher alleges that she was forced to resign after being placed on performance probation. In her complaint, the former teacher alleges, among other things, that she was discriminated against due to her age and race in violation of the Civil Rights Act of 1965 and 42 U.S.C. § 1983. In the second complaint, a former administrative employee claims that he was terminated from his employment without due process; namely that his right to a name clearing hearing was abridged. In his complaint, in addition to the due process claim, he seeks declaratory and injunctive relief.

In accordance with the District's established practice, the individually named Defendants have formally requested that the School Board provide them with legal representation. The acts alleged in both of these complaints arose out of and in the course of the performance of assigned duties and responsibilities of the individually-named employees.

Pursuant to School Board Policy 6900, *Legal Services for Employees of the Board*, and § 1012.26 Fla. Stat. (2014), we are requesting that the School Board authorize the provision of legal representation for the individually named Defendants in the above-captioned lawsuits. In the interim, while the allegations against the individually-named Defendants do not appear to have any merit, the Board Attorney's office will be filing the necessary documents with the Court to protect the Defendants' legal interests.

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RECOMMENDED:

That the School Board of Miami-Dade County, Florida, authorize the office of the School Board Attorney to provide or secure legal representation for the legal defense of current and former School Board employees who are individually named as defendants in the cases of Clara Brown v. Miami-Dade County School District, Carlos Rios, Ana Rasco, Matthew Radding, Ana Barreto, Case No. 15-cv-22077-MGC, and Riley Davis v. Madeleine Rodriguez and the School Board of Miami-Dade County, U.S. District Court Case No. 15-CV-23040-KMM