

Office of Superintendent of Schools
Board Meeting of July 15, 2020

June 29, 2020

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

SUBJECT: MIAMI-DADE COUNTY SCHOOL BOARD v. Oscar Rizo,
DOAH Case No. 19-2468TTS

On May 8, 2019, the School Board took action to suspend without pay and initiate dismissal proceedings against Respondent Oscar Rizo, ("Respondent"), an intensive reading teacher, for just cause, including but not limited to misconduct in office; and violation of School Board Policies, 3210, *Standards of Ethical Conduct*; 3210.01, *Code of Ethics and* 3213, *Student Supervision and Welfare* in accordance with §§ 1001.32(2), 1012.22(1)(f), 1012.33; 447.209, Fla. Stat.; and State Board Rules 6A-5.056 and 6A-10.081, FAC. Students alleged that Respondent had engaged in improper conduct and inappropriate comments of a sexual nature.

The Respondent requested a hearing on the matter, which was held before Administrative Law Judge Darren Schwartz ("ALJ") on February 4 and 5, 2020. In his Recommended Order, the ALJ determined that the testimony of the student witnesses/victims was not credible and ruled that just cause did not exist for discipline. The ALJ further ordered that the Respondent be returned to work with full back pay.

We recommend that the School Board accept the Recommended Order as the School Board's Final Order. District 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 *Miami Dade County School Board v. Oscar Rizo*, DOAH Case No. 19-2468TTS and reinstate the Respondent with full back pay for the period of his suspension.