

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

SUBJECT: MIAMI-DADE COUNTY SCHOOL BOARD v. GRACIELA REYES MARINO, DOAH Case No. 21-3010TTS

On October 21, 2020, the School Board took action to suspend without pay and initiate termination proceedings against Respondent, Graciela Reyes Marino, a teacher, for just cause including, but not limited to misconduct in office, violation of School Board Policies 3210, *Standards of Ethical Conduct*, 3210.01, *Code of Ethics*, 3213, *Student Supervision and Welfare*, and 3121, *Employment Standards and Fingerprinting of All Employees*, 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. The incidents that led to the disciplinary recommendation arose from, among other things, Respondent's inappropriate use of physical force against a student under her supervision.

Respondent timely requested an administrative hearing, which was held on November 23, 2021, before Administrative Law ("ALJ") Judge Brittany O. Finkbeiner of the Division of Administrative Hearings ("DOAH"). On March 1, 2022, the ALJ issued her Recommended Order. The ALJ found that the School Board had met its burden of proof, that Respondent's actions constituted Misconduct in Office, and that there was just cause to dismiss Respondent from further employment with the School Board. Accordingly, the ALJ recommended that the School Board enter a Final Order sustaining Respondent's dismissal from employment with the School Board.

We recommend that the School Board accept the ALJ's Recommended Order as its Final Order and dismiss Respondent from further employment with the school district. Administration is in agreement with this recommendation. A copy of the Recommended Order is being furnished to the Board under separate cover along 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. Graciela Reyes Marino, DOAH Case No. 21-3010TTS, and dismiss Respondent from further employment with the School Board.