

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

**SUBJECT: MIAMI-DADE COUNTY SCHOOL BOARD v. KWAN M. CHANG,
DOAH Case No. 21-002889TTS**

On September 9, 2021, the School Board took action to suspend Respondent, Kwan M. Chang, without pay for fifteen workdays 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*, and 3213, *Student Supervision and Welfare*, in accordance with §1001.32(2), 1012.22(1)(f), 1012.33, 447.209, Florida Statutes, and State Board Rules 6A-5.056 and 6A-10.081, FAC. Respondent timely requested an administrative hearing, which was held on February 1, 2022, before Administrative Law (“ALJ”) Judge Robert Cohen of the Division of Administrative Hearings (“DOAH”). The incidents that gave rise to the recommended disciplinary action were based on Respondent’s alleged failure to report the possession by a student of an inappropriate video and to properly maintain the video as evidence.

On March 30, 2022, the ALJ issued his Recommended Order (“RO”). In his RO, the ALJ determined that Respondent’s actions constituted Misconduct in Office warranting disciplinary action. However, the ALJ also found that given Respondent’s lack of prior disciplinary history, a reprimand was a more appropriate discipline for the employee’s conduct. As such, the ALJ recommended the School Board enter a Final Order issuing a reprimand to Respondent and to reimburse him with back pay for the fifteen (15) workday suspension, which he served.

We recommend that the School Board accept the ALJ’s Recommended Order as its Final Order, issue a reprimand to Respondent and award him fifteen (15) workdays of backpay. 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. Kwan M. Chang, DOAH Case No. 21-002889TTS, issue a reprimand to Respondent and reimburse Respondent for the suspension that he served by awarding Respondent back-pay for fifteen (15) workdays.