



# Miami-Dade County Public Schools

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**Superintendent of Schools**

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**School Board Attorney**

Walter J. Harvey

**Miami-Dade County School Board**

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November 8, 2019

Claudia Llado, Clerk  
Division of Administrative Hearings  
1230 Apalachee Parkway  
Tallahassee, Florida 32399-3060

**Re: The School Board of Miami-Dade County, Florida v. Francis Madassery  
DOAH Case No. 13-1627TTS**

Dear Ms. Llado:

We are in receipt of the letter from Director and Chief Judge John Maclver to Miami-Dade County School Board Attorney Walter J. Harvey, requesting that the School Board of Miami-Dade County, Florida ("School Board") file a copy of the School Board's Final Order with the Division of Administrative Hearings, in accordance with §120.57, Florida Statutes.

In response to this request, please be advised that the parties in the above-referenced matter have entered into a "Settlement Agreement" in lieu of a final order on April 22, 2014, which the School Board approved on April 9, 2014. **See** attached Board Item. There will, therefore, be no entry of a final order and we have closed our file in this case.

Thank you for your attention to this matter.

Regards,

Sara M. Marken

Assistant School Board Attorney

SMM/cn

Attachment

cc: John Maclver, Director and Chief Judge  
Mr. Mark Herdman, Esq.  
Ms. Joyce Castro  
Ms. Celia Rubio

Office of Superintendent of Schools  
Board Meeting of April 9, 2014

March 19, 2014

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

**SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY FLORIDA v. FRANCIS MADASSERY, DOAH Case No. 13-1627TTS**

On April 17, 2013, the School Board took action to suspend Respondent, Francis Madassery, a second grade teacher, without pay and initiate dismissal proceedings against him for just cause, including, but not limited to, failure to correct noted performance deficiencies in accordance with §§ 1001.32(2), 1012.22(1)(f), 1012.33, 1012.34, and 447.209, Fla. Stat. (2013) and State Board Rule 6A-5.056, F.A.C.

Respondent timely appealed the School Board's action, and the case proceeded to an administrative hearing on August 7, 2013. The Administrative Law Judge issued a Recommended Order on December 30, 2013, which recommended that Respondent be reinstated to his prior teaching position and issued back pay.

Exceptions were timely filed on behalf of the Superintendent, and an exceptions hearing was scheduled for March 12, 2014. Prior to the exceptions hearing, the parties reached a settlement agreement. The terms of the agreement 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 the position of Paraprofessional III effective April 10, 2014. The School Board will issue back pay to Respondent for the time period of April 18, 2013, through April 9, 2014. Respondent's back pay will be given in accordance with his previous position of teacher.

Upon consultation with administration, it is recommended that the proposed Settlement Agreement be accepted as it is in the School Board's best interests.

**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. Francis Madassery, DOAH Case No. 13-1627TTS, reinstating Respondent to the position of Paraprofessional III and issuing him back pay as a teacher, as specified in the Settlement Agreement.

**G-1**