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IN THE SUPREME COURT OF FLORIDA

Case No. 67,430  
First DCA Case No. BG-39

THE UNITED TEACHERS OF DADE,  
FEA/UNITED, AFT, LOCAL 1974,  
AFL-CIO, et al.,

Petitioners,

vs.

DADE COUNTY SCHOOL BOARD;  
SUPERINTENDENT LEONARD BRITTON;  
and THE STATE BOARD OF EDUCATION  
OF THE STATE OF FLORIDA,

Respondents.

**FILED**

SID J. WHITE

SEP 12 1985

CLERK, SUPREME COURT

By [Signature]  
Chief Deputy Clerk

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ANSWER BRIEF OF RESPONDENT DADE COUNTY SCHOOL BOARD

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On Appeal from the District Court of  
Appeal First District  
Case No. BG-39

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## ARGUMENT

THE DADE COUNTY SCHOOL BOARD STANDS READY TO ABIDE  
THE JUDGMENT OF THE COURT, AND URGES SPEEDY  
RESOLUTION OF THE CASE.

The School Board's position in this appeal can be stated so summarily that we have omitted a prefatory summary of argument, as being duplicative and unnecessary. This brief repeats the position taken in the District Court of Appeal.

The complaint filed by the appellant UTD in the Circuit Court initially contained three counts. Count I consisted of an attack upon the constitutionality of the statutory provisions and Department of Education rules which embody the State Master Teacher Program. Count II sought to allege a breach by the School Board of its collective bargaining contract with the UTD: Count III asked for a writ of mandamus directed to the Board's Superintendent, Dr. Leonard Britton.

Counts II and III were voluntarily dismissed by the UTD, and the case was argued to and decided by the Circuit Judge solely on the constitutional issue. The District court of Appeal affirmed. The School Board's only involvement at this point depends on whether this Court affirms or reverses the ruling below, which upheld the validity of the State Master Teacher Program.

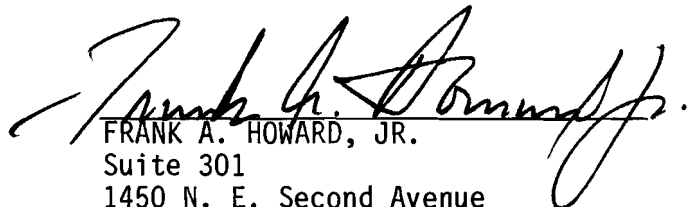
The School Board has consistently taken the position that it is bound, unless otherwise directed by judicial decision, to go forward with the implementation of the Master Teacher Program, as presumptively valid. The School board is doing so.

The School Board also has consistently urged the trial court, and the District Court of Appeal, and now respectfully requests this Court, to determine the validity or invalidity of the State Master Teacher Program as expeditiously as possible. The implementation of the Program imposes a heavy burden of staff time and commitment of resources. If the Program is indeed unconstitutional, the staff time and resources are being wasted, and should be put to other needs.

CONCLUSION

The constitutional issue will be ably argued by the UTD and the State Board of Education. The Dade County School Board stands ready to follow the judgment of the Court.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Answer Brief of Respondent Dade County School Board was furnished by U.S. mail this 10<sup>th</sup> day of September, 1985, to Judith A. Brechner, Esq., General Counsel, Department of Education, Knott Building, Tallahassee, Florida 32304, Leonard A. Carson, Esq. and Richard T. Donegan, Jr., Esq., Carson & Linn, P.A., Special Labor Counsel, State Board of Education, Cambridge Centre, 253 East Virginia Street, Tallahassee, Florida 32301; Jim Smith, Esq., Attorney General, State of Florida, The Capitol, Tallahassee, Florida 32301, and Thomas Young, Esq., General Counsel, FEA/United, 208 West Pensacola Street, Tallahassee, Florida 32304.

By:

  
FRANK A. HOWARD, JR.