

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

**SUBJECT: THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA v. A.S. -
Case No. 09- 053 (Kaplan)**

On September 29, 2009, the School Board administratively assigned Respondent, student A.S., from Miami Killian Senior High School to Young Men's Academy for Academic and Civic Development at MacArthur South for two grading periods in lieu of expulsion for violating the *Code of Student Conduct-Secondary* ("Code"). A.S. timely requested an administrative due process hearing to contest both the charges and the assignment. The hearing was held on December 15, 2009, before Hearing Officer Eli Kaplan.

By Recommended Order entered January 19, 2010, the Hearing Officer found that the School Board had shown by a preponderance of the evidence that student A.S., while enrolled at Miami Killian Senior High, had committed multiple violations of the *Code*. Accordingly, the Hearing Officer recommended that the School Board enter a final order sustaining the School Board's assignment of A.S. to an alternative educational placement for two grading periods.

A copy of the Recommended Order is being furnished to the Board under separate cover along with a copy of the proposed Final Order.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, enter a Final Order adopting the Hearing Officer's Recommended Order in the case of The School Board of Miami-Dade County, Florida v. A.S., Case No. 09-053(Kaplan).