

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

**SUBJECT: A.L. v. MIAMI-DADE COUNTY SCHOOL BOARD –  
DOAH CASE NO. 10-8963**

This case is before the School Board for review of a Recommended Order and the School Board's Exceptions to said Recommended Order.

On March 12, 2010, Petitioners filed a due process hearing request alleging that the School Board denied A.L. a free appropriate public education ("FAPE") under the Individuals with Disabilities Education Act and intentionally discriminated against him on the basis of his disabilities in violation of Section 504 of the Rehabilitation Act of 1973. The parents sought reimbursement for private school tuition, related costs, and attorney's fees.

REVISED

The Administrative Law Judge ("ALJ") issued a Final Order in favor of the School Board on all FAPE claims and denied private school tuition reimbursement. Although the ALJ held that Petitioner did not set forth any claim for damages on the Section 504 issue, he issued findings of fact and conclusions of law indicating that the School Board committed intentional discrimination by not allowing A.L. to enroll in the aftercare program at Mandarin Lakes K-8 Center. He recommended that the School Board adopt the findings of fact and conclusions of law in its final agency order.

On September 28, 2010, the Superintendent filed Exceptions to the Recommended Order, requesting that the Board reject some of the ALJ's recommended findings of fact and the ALJ's conclusion that the Board committed intentional discrimination in violation of Section 504. The complete record was forwarded to the Board on November 17, 2010. In the Exceptions, the Superintendent states with particularity, the reasons he believes the Board should reject or modify such recommended findings of fact and conclusions of law.

REVISED

The process shall be addressed as follows:

1. Opening of Hearing
2. Argument(s) of Exceptions
3. Questions and Discussion
4. Voting on Exceptions and School Board's direction concerning the Final Order to be adopted.

**Revised**  
**G-2**

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida take one of the following actions in the case of A.L.v. The School Board of Miami-Dade County, Florida, DOAH Case No. 10-8963:

- (1) Reject each Exception filed by the Superintendent, adopt the Recommended Order of the Administrative Law Judge and enter a Final Order consistent with the findings of fact and conclusions of law; or
- (2) Adopt one or more of the Exceptions filed by the Superintendent, and adopt a Final Order consistent with the Exceptions adopted, stating with particularity the reasons for adopting each Exception, as required by the Administrative Procedures Act.