

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, the School Board filed a due process request with the Division of Administrative Hearings at the request of attorney, Mark Kamleiter on behalf of A.L. The hearing was held June 7 through June 10, 2010 before Administrative Law Judge J.D.C. Newton, II ("ALJ"). The School Board prevailed on the Exceptional Student Education claims. However, by Recommended Order entered on September 14, 2010, the ALJ recommended that the School Board issue a Final Order finding that the School Board committed intentional discrimination in violation of Section 504 of the Rehabilitation Act of 1973 by not allowing A.L. to enroll in the aftercare program at Mandarin Lakes K-8 Center.

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 and violated Section 504 of the Rehabilitation Act. The complete record will be forwarded to the Board on or before 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 conclusions of law and interpretation of administrative rule.

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.

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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.