

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

██████████,)
)
 Petitioner,)
)
 vs.) Case No. 11-0410E
)
 BROWARD COUNTY SCHOOL BOARD,)
)
 Respondent.)
 _____)

CORRECTION TO FINAL ORDER

The undersigned issued a Final Order in this matter on March 10, 2011. Shortly thereafter, it was brought to the attention of the undersigned that the undersigned had cited to the incorrect evidence in support of the decision in this matter. The error brought to the undersigned's attention does not change the final decision; however, in light of the notice of the error:

(a) The following Finding of Fact is substituted for Finding of Fact numbered 6 and the Endnotes remain the same in the Final Order:

6. The School Board has an Agreement with a local college (College).

A. Among other things, the Agreement between the School Board and the College provides that: (1) the School Board must weigh dual enrollment courses the same as advanced placement,

International Baccalaureate, and Advanced International Certificate of Education courses when grade point averages are calculated, and alternative grade calculation and weighting systems that discriminate against dual enrollment courses are prohibited²; and (2) entrance eligibility for dual enrollment includes a 3.0 cumulative unweighted GPA and, for specific placement information, as to eligibility, students should refer to, among other things, the institution's catalog³; and (3) a dual enrollment program is an articulated acceleration mechanism between the School Board and the College.⁴

B. The College's Accelerated Mechanisms Handbook provides, among other things, that dual enrollment eligibility requirements for the School Board students include:

2. Students must have achieved a minimum 3.0 unweighted grade point average (GPA). An exception can only be made by the Vice President for Academic Affairs or the Academic Standards Committee.

3. Students must maintain a 3.0 grade point average in their other high school academic work and must earn a "C" or better in all college-level work in order to continue in the program.
(emphasis added)

(b) The following Conclusions Of Law are substituted for Conclusions of Law numbered 33 and 34 (only the phrase "via specifically directing students to the College's handbook for

dual enrollment eligibility information, which is the College's Accelerated Mechanisms Handbook" is added to both):

33. Pertinent hereto, the Agreement, via specifically directing students to the College's handbook for dual enrollment eligibility information, which is the College's Accelerated Mechanisms Handbook, provides that, for continued eligibility in the Dual Enrollment program, a student is required to have a 3.0 unweighted GPA in high school academic work and to earn a 2.0 ("C") or better in college-level work.

34. The evidence demonstrates that the School Board failed to comply with the Agreement, via specifically directing students to the College's handbook for dual enrollment eligibility information, which is the College's Accelerated Mechanisms Handbook, in determining the Child's continued eligibility for the Dual Enrollment program. For continued eligibility, in accordance with the Agreement, the School Board should have performed two separate calculations: (a) a recalculation of the Child's unweighted GPA using only the grades that the Child received in the High School's academic courses; and (b) a calculation using only the grades received by the Child in the College's courses.

All other Findings of Fact, Conclusions of Law, and Endnotes in the Final Order remain the same.

DONE AND ORDERED this 16th day of March, 2011, in
Tallahassee, Leon County, Florida.

S

ERROL H. POWELL
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675 SUNCOM 278-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 16th day of March, 2011.

COPIES FURNISHED:

Brion L. Blackwelder, Esquire
Michelle R. Dessimoz, Intern
Francesca Annunziata, Intern
Jessica Chiappone, Intern
Shepard Broad Law Center
3305 College Avenue, Room 144
Fort Lauderdale, Florida 33314

Barbara J. Myrick, Esquire
Broward County School Board
600 Southeast Third Avenue, 11th Floor
Fort Lauderdale, Florida 33301

Lois Tepper, Acting General Counsel
Department of Education
1244 Turlington Building, Suite 1244
325 West Gaines Street
Tallahassee, Florida 32399-0400

Kim Komisar, Section Administrator
Bureau of Exceptional Education
and Student Services
Department of Education
325 West Gaines Street, Suite 614
Tallahassee, Florida 32399-0400

James F. Notter, Superintendent
Broward County School District
600 Southeast Third Avenue
Fort Lauderdale, Florida 33301

NOTICE OF RIGHT TO JUDICIAL REVIEW

This decision is final unless an adversely affected party:

- a) brings a civil action, within 30 days after the date of this decision, in the appropriate state circuit court pursuant to Section 1003.57(1)(b), Florida Statutes (2009), and Florida Administrative Code Rule 6A-6.03313(7)(j); or
- b) within 30 days after the rendition of this decision, files a notice of appeal with the clerk of the Division of Administrative Hearings, and files a copy of the notice, accompanied by any filing fees prescribed by law, with the clerk of the appropriate state district court of appeal, in accordance with Section 1003.57(1)(b), Florida Statutes; Section 120.68(2)(a), Florida Statutes; and the Florida Rules of Appellate Procedure.