

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA

FLORIDA CHRISTIAN COLLEGE,
BRITTANY BETANCOURT, KATRENE
LAWRENCE, ALICIA HOFFMAN, and
LUKE STAMPS,

Plaintiffs,

v.

KATHLEEN SHANAHAN, ROBERTO
MARTINEZ, SALLY BRADSHAW,
GARY CHARTRAND, A.K. DESAI,
BARBARA FEINGOLD, and JOHN R.
PADGET, in their official capacities as
members of the Florida Board of
Education; GERARD ROBINSON, in his
official capacity as a member of the Florida
Board of Education and as Commissioner
of the Florida Department of Education;
THERESA ANTWORTH, in her official
capacity as Director of the Florida
Department of Education Office of Student
Financial Assistance State Scholarship and
Grant Programs; LEVIS HUGHES, in his
official capacity as Bureau Chief of the
Florida Department of Education Office of
Student Financial Assistance; and LINDA
CHAMPION, in her official capacity as
Deputy Commissioner of the Florida
Department of Education Office of Finance
and Operations,

Defendants.

Case No. 4:12-cv-00109-RH-CAS

MEDIATION SETTLEMENT AGREEMENT

Final resolution of this matter and controversy has been settled by and between the parties, as reflected herein:

Plaintiffs filed their Complaint on March 8, 2012 seeking injunctive, declaratory and monetary relief for the violation of their constitutional rights. Plaintiffs' Amended Complaint

was deemed filed on August 2, 2012. Plaintiffs' Complaint challenged Defendants' exclusion of Florida Christian College, and consequently, its students, from the Florida Resident Access Grant ("FRAG") program, codified at Fla. Stat. § 1009.89(1), as well as the "secular purpose" requirement of the FRAG statute and Defendants' application of that requirement.

Defendants filed their Answer to the First Amended Complaint on August 24, 2012 and deny that they have any liability in this Action.

In order to resolve this Action, the parties have negotiated a settlement which is memorialized in the following agreement.

1. Plaintiff Florida Christian College reiterates that its purposes include secular ones.
2. Defendants will disburse \$1,075 (the amount of the FRAG grant for the spring semester of the 2012-2013 academic year) to each of the individual student plaintiffs: Brittany Betancourt, Alicia Hoffman, Katrene Lawrence and Like Stamps.
3. Defendants agree to admit Florida Christian College to the FRAG program beginning with the 2013-2014 academic year.
4. Defendants agree that Defendant will request that the Legislature grant the full FRAG grant, not the reduced amount given to students at newly eligible schools.
5. Defendants shall revise the Florida Department of Education's ("Department") institutional eligibility application for the FRAG program so that it no longer asks institutions to declare whether they are "secular" or "non-secular" to include language that tracks the statutory requirement that an institution has a secular purpose.
6. Defendants shall no longer employ the "secularity checklist" produced to the Plaintiffs in discovery to assess the eligibility of religious institutions for the FRAG program.

7. In satisfaction of Plaintiffs' claims for attorneys' fees and costs under 42 U.S.C. §1988, Defendants agree to pay the sum of \$ 65,000 in attorneys' fees and expenses to Plaintiffs' counsel.

8. In exchange, Plaintiffs shall execute and provide to Defendants' attorneys, within ten (10) days of execution of this agreement, a Release of All Claims and shall voluntarily dismiss the pending action.

9. It is understood that this settlement by the Defendants are not admissions of any liability whatsoever for any wrongdoing with respect to Plaintiffs or the Defendants' procedures as previously enacted by the Defendants and/or by any person, employee, agent, representative, or board member of the Department, but is in compromise of a disputed claim.

10. The agreement is made in full satisfaction of Plaintiffs' claims contained in the First Amended Complaint.

11. Plaintiffs acknowledge that receipt of grant funds makes FCC subject to audits to ensure compliance with the individual student eligibility requirements.

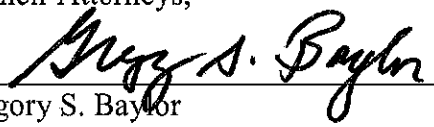
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Dated this 14th day of November, 2012.

FLORIDA CHRISTIAN COLLEGE,
BRITTANY BETANCOURT, KATRENE
LAWRENCE, ALICIA HOFFMAN and
LUKE STAMPS,
Plaintiff,

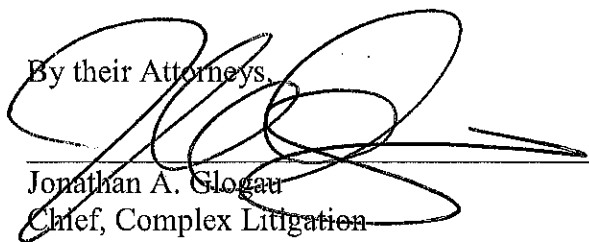
KATHLEEN SHANAHAN, ROBERTO
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SHARTRAND, A.K. DESAI, BARBARA
FEINGOLD, and JOHN R. PADGET,
GERARD ROBINSON, THERESA
ANTWORTH, LEVIS HUGHES, and LINDA
CHAMPION,
Defendants,

By their Attorneys,

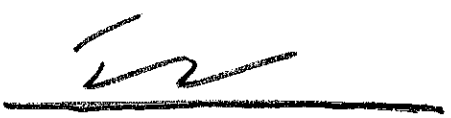


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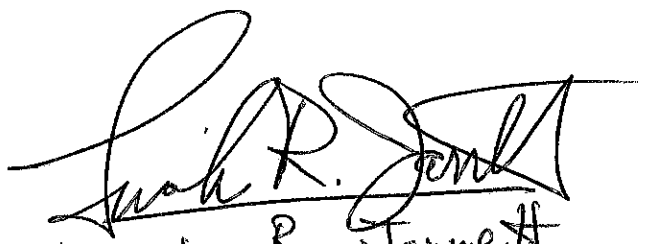
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