

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

SARASOTA COUNTY SCHOOL BOARD,

Petitioner,

vs.

Case No. 23-0597E

**,

Respondent.

FINAL ORDER

This case came before Administrative Law Judge (“ALJ”) Mary Li Creasy of the Division of Administrative Hearings (“DOAH”) for final hearing by Zoom conference on March 20, 2023.

APPEARANCES

For Petitioner: Amy J. Pitsch, Esquire
Sniffen & Spellman
123 North Monroe Street
Tallahassee, Florida 32301

For Respondent: Respondent, pro se
(Address of Record)

STATEMENT OF THE ISSUES

Whether the reevaluation of October 28, 2022, conducted by Petitioner, Sarasota County School Board, was appropriate, and whether Respondent’s request for an Independent Education Evaluation (“IEE”) at public expense should be denied.

PRELIMINARY STATEMENT

On February 14, 2023, a due process hearing request was filed with DOAH by Petitioner seeking approval of its reevaluation of Respondent, and requesting that Respondent's request for a neuropsychological evaluation with brain mapping IEE at public expense be denied. The final hearing was conducted as scheduled on March 20, 2023, by Zoom conference. Petitioner presented the testimony of two witnesses: [REDACTED], School Psychologist; and [REDACTED], [REDACTED] of Exceptional Student Education ("ESE"). Petitioner's Exhibits 1 through 3 were admitted into evidence. Respondent's parent, [REDACTED], testified on the student's behalf.

Respondent also presented the testimony of [REDACTED], retired Licensed Child and Adolescent Psychologist and neighbor of Respondent; [REDACTED], Special Education Advocate; and [REDACTED], [REDACTED] Child Welfare for Family Initiative. Respondent's Exhibits 1, 5 through 7, 8 (pages 27 through 29), 9 through 16, 19 through 24, 26, and 28, and Respondent's Exhibit A were admitted into evidence.

At the conclusion of the hearing, the parties agreed to submit proposed final orders within 14 days of the filing of the transcript with DOAH, with the final order to follow 14 days thereafter. The parties requested and were granted a brief extension of time of an additional 14 days, which, in turn, resulted in an extension of the due date for this Final Order.

The Transcript was filed on April 4, 2023. The parties timely filed their proposed final orders, which were taken into consideration in the drafting of this Final Order.

Unless otherwise indicated, all rule and statutory references are to the versions in effect at the time Petitioner performed the evaluation at issue. For stylistic convenience, the undersigned will use female pronouns in this

Final Order when referring to Respondent. The female pronouns are neither intended, nor should be interpreted, as a reference to Respondent's actual gender.

FINDINGS OF FACT

Background of A.C.

1. [REDACTED] is a [REDACTED]-grade student currently attending a private school, [REDACTED]. [REDACTED] has attended the private school since August 15, 2022.

2. Prior to attending [REDACTED], [REDACTED] attended [REDACTED], a public school in Sarasota County, from October 14, 2021, to May 10, 2022. While attending [REDACTED], [REDACTED] had an Individualized Education Plan ("IEP") under the Individuals with Disabilities Education Act ("IDEA") due to a specific learning disability ("SLD"). She received specially designed instruction in the area of task-related behaviors and weekly counseling as a related service.

3. While attending [REDACTED] during the 2021-2022 school year, [REDACTED] had only one disciplinary incident on April 27, 2022, when she brought a knife to school and displayed it during a verbal dispute with another student during afternoon dismissal.

4. This incident was the only time Petitioner learned [REDACTED] brought a knife to school, and it was considered an outlier behavioral event for [REDACTED] at school. Nevertheless, following a manifestation determination meeting convened to address the April incident, Petitioner offered [REDACTED] placement for a year at Petitioner's alternative school. The alternative school, [REDACTED], had the ability to implement [REDACTED] IEP. [REDACTED] parent declined placement at [REDACTED] believing it was disproportionately comprised of boys and that placement at [REDACTED] would not be successful for [REDACTED] and she did not return to a public school in Sarasota County.

5. While attending [REDACTED], [REDACTED] successfully accessed her education with the supports and services offered in her IEP. Although [REDACTED] had several behavioral incidents outside of school during that time, the school only knew about these incidents because the parent reported them to staff. After the parent shared this information, the school social worker followed up with the family to ensure their access to the highest level of community-provided, intensive outpatient, wraparound mental health services.

6. According to [REDACTED] parent, [REDACTED], has a complex history of childhood trauma and abuse. She likely experienced trauma in utero and as a baby due to domestic violence. She was removed from her biological parents and placed into foster care as a toddler. She was adopted at age four. [REDACTED] was subsequently a victim of a sexual assault at school.

7. [REDACTED] diagnoses include “clinical significance levels” of: generalized anxiety; major depression; post-traumatic stress disorder (“PTSD”); disruptive mood dysregulation disorder; reactive attachment disorder; and attention-deficit/hyperactivity disorder (“ADHD”). Most recently she has been diagnosed with bipolar disorder.

8. [REDACTED] behavior in the home and community includes uncontrollable rages (including against her parents and sibling), which resulted in several Baker Act (involuntary) commitments and an arrest. At the time of the October 2022 reevaluation, [REDACTED] resided in a shelter due to stealing from her parent to buy marijuana.

9. Prior to attending [REDACTED], [REDACTED] attended another private school, [REDACTED]. [REDACTED] parent reports that [REDACTED] was sexually assaulted at [REDACTED] in the fall of 2021 and she pulled a knife on her attacker. She was subsequently expelled or dismissed from [REDACTED]. Petitioner was not aware of the details of [REDACTED] departure from [REDACTED].

10. After the episode at [REDACTED], [REDACTED] self-reported that she regularly carried a knife on her person, including to school. Neither her schools nor her parents were previously aware of this.

11. [REDACTED] parent asserts that [REDACTED] history of trauma and abuse directly affects her education because she was expelled or dismissed¹ from two schools in two years. [REDACTED] parent felt that an initial evaluation performed by Petitioner in October 2021, when she entered Sarasota County Public Schools, failed to address [REDACTED] needs in the educational setting. In the fall of 2022, [REDACTED] parent requested a full, independent, neuropsychological evaluation with qEEG brain mapping.

12. In response, Petitioner offered a reevaluation in the fall of 2022. [REDACTED] also had private testing of her cognitive function and academic achievement conducted in the fall of 2021 and completed by Elite DNA in January 2022. The Evaluator

13. [REDACTED] is the [REDACTED] and [REDACTED] Psychologist who supervises the 28 school psychologists employed by Petitioner. [REDACTED] has held the [REDACTED] position for five years. [REDACTED] has a bachelor of science in psychology with a minor in pedagogy. After graduation from college, [REDACTED] worked at an inpatient unit for mental health treatment. [REDACTED] then entered graduate school and earned a master of arts in school psychology in 1999.

14. [REDACTED] holds her certification to practice school psychology from the Florida Department of Education. [REDACTED] also has a license from the Florida Department of Health to engage in private practice as a psychologist. [REDACTED] is an adjunct professor at a community college, certified with the National Organization for Victims Assistance, and has PREPaRE training through the

¹ Petitioner disputes that [REDACTED] was expelled or dismissed from [REDACTED]. After the knife incident, she was offered an alternative placement at [REDACTED] which the parent declined.

National Association of School Psychologists, which is a training in crisis response and prevention for students. [REDACTED] receives ongoing training from [REDACTED] employer and private organizations related to trauma in early childhood; [REDACTED] has received at least eight hours of trauma training this school year alone.

15. [REDACTED] has been a practicing school psychologist for 21 years. Prior to becoming the Lead Psychologist for Petitioner, [REDACTED] conducted over 100 evaluations of students per year. As the Department Chair, [REDACTED] conducts anywhere from ten to 30 student evaluations per year.

The 2022 Reevaluation of [REDACTED]

16. [REDACTED] evaluated [REDACTED] on two occasions, in October 2021, when [REDACTED] first enrolled in a Sarasota County public school, and again in October 2022. Respondent's parent is challenging the 2022 reevaluation.

17. As part of the 2022 reevaluation, [REDACTED] reviewed previous outside evaluations of [REDACTED] conducted in 2016 and fall 2021. [REDACTED] reported seven DSM diagnoses of [REDACTED] listed in the evaluation report prepared by Elite DNA in January 2022. [REDACTED] considered these DSM diagnoses when selecting assessments to perform on [REDACTED] during the 2022 reevaluation.

18. In [REDACTED] report, [REDACTED] included Elite DNA's cognitive assessment results from the fall 2021 evaluation of [REDACTED] did not reassess [REDACTED] in this area.

19. [REDACTED] easily established a rapport with [REDACTED] due to their previous evaluation together in 2021, but [REDACTED] reported that due to the many evaluations conducted of [REDACTED] from October 2021 to October 2022, [REDACTED] had lost motivation to persevere on some test items. [REDACTED] reported to [REDACTED] that [REDACTED] saw a counselor five times a week while living in the shelter, which she found helpful.

█ Academic Testing

20. █ administered the Wechsler Individual Achievement Test – Fourth Edition (“WIAT”), demonstrating that █ reading and written expression ability fall in the average range. On the WIAT, █ demonstrated low average ability in math calculation and math problem solving, which █ attributed to her ADHD diagnosis² and to a lack of interest in attempting all of the components of the math assessment. The previous October, █ performed better on the math component of the WIAT.

21. █ administered a subtest of the Wide Range Achievement Test to probe █ reading comprehension ability, since she noticed a discrepancy between her own assessment of this area in October 2021 and the Elite DNA assessment conducted shortly thereafter. █ also administered the Wide Range Achievement subtest to measure █ reading comprehension ability because students with ADHD demonstrate difficulty with details and context clues in reading passages; they tend to be “whole picture oriented.” █ scored an 88 in this area, which is in the broad average range.

22. In summary, █ reading and math achievement are average. █ referenced █ prior IEP and concluded the accommodations contained in that IEP targeted ADHD-type deficits. With respect to math achievement, █ recommended that █ math teacher complete additional division and elapsed time problems to see if she requires a skill refresher or needs individualized instruction in those areas.

Testing of █ Social-Emotional Behavior

23. █ administered the Behavior Assessment System for Children, Third Edition (“BASC”), to █ her parent, and two current teachers at the private school. The BASC assesses and helps to educationally

² The Elite DNA evaluation reported that █ had a diagnosis of ADHD. Petitioner and █, in particular, never doubted the validity of the diagnoses reported by outside evaluators.

plan for children and adolescents experiencing or at risk of experiencing behavioral and/or emotional difficulties. Scores range from average, to at risk, to clinically significant.

24. ■■■ assessed herself as average, or not having significant or at-risk problems in school; ■■■ sees herself as being a typical student in the school setting. She rated her social stress as average. However, she rated her locus of control (control over her life and choices) as clinically significant. Her self-report was clinically significant for anxiety and somatization and at risk for depression. She rated her relations with peers as average and her relations with her parents as clinically significant.

25. ■■■ parent also completed the BASC and her ratings yielded an “F index,” which means she rated ■■■ in an inordinately negative manner. ■■■ found a “significant difference” between how ■■■ parent rated her and how her two teachers rated her. Addressing the parent ratings, ■■■ indicated that “[i]t could also have to do with how her behavior could be out of control at home versus at school where it’s not, but it’s a different child or a different perception of her totally than what her teachers have.”

26. ■■■ parent rated her as at risk or clinically significant in every area on the assessment. Her teachers both rated her as at risk for withdrawal, social skills, and leadership only. Teacher ■■■ had no other elevated ratings for ■■■ Teacher ■■■ rated her at risk for conduct problems and anxiety, and clinically significant for depression. ■■■ also rated her as at risk for learning problems, including attention and academic difficulties, which is consistent with her eligibility for SLD and with her ADHD diagnosis.

27. ■■■ parent rated her as clinically significant in hyperactivity, aggression, conduct problems, depression, attention problems, atypicality, withdrawal, social skills, leadership, functional communication, and

activities of daily living. [REDACTED] summarized the differences between the parent and teacher ratings as follows:

It appears based on the information that the mom is presenting as from the community and from home versus what the teachers are seeing at school is that she's able to access her IEP at school, she is learning at school, she's progressing, but – and there's not a significant behavior concern at school. At home it's another story that sometimes it can be a systems issue, like a family systems issue versus a school systems issue where we have different concrete expectations that are consistent for a student. But it's definitely a different child night and day when I look at the information provided from her teachers versus her mother.

28. In her evaluation report, [REDACTED] noted the following with respect to [REDACTED] private school teachers: “[Her] teachers reported that she does not have behavioral problems at school and her strengths include her kind heart and ability to make friends easily.” [REDACTED] also indicated that A.C.'s behavior at the private school is similar to her behavior when she attended [REDACTED].

Other Types of Assessments

29. [REDACTED] did not administer a qEEG, also called a “brain mapping,” to [REDACTED]. It is not an educational evaluation and not necessary to ensure a comprehensive evaluation of a student. In fact, the BASC is a better measure of how a student functions in school, because it provides information about how the student's teachers observe the student performing and how the student perceives herself.

30. In her professional opinion, [REDACTED] does not believe a neuropsychological evaluation of [REDACTED] is necessary or required to ensure her access to a free and appropriate public education. These types of evaluations correspond to DSM diagnoses and private treatment, not to the school setting. A student's needs in the educational environment drive goals.

31. Based on [REDACTED] evaluation of [REDACTED] she is having significant issues at home and in the community, but she is able to make academic progress in school and behaviors in school do not impede her access to education.³

32. [REDACTED] evaluation is sufficiently comprehensive to enable the IEP team to determine if [REDACTED] qualifies for additional eligibility classifications and would assist the IEP team in drafting goals and selecting services for [REDACTED]. If [REDACTED] returns to a public school in Sarasota County, Petitioner would convene an IEP meeting to consider her needs in the high school setting.

33. Petitioner previously provided [REDACTED] parent with a form for her physician to complete to assist the IEP team in determining eligibility for the classification of Other Health Impairment; the physician completed the form and indicated there were no medical implications for instruction.

Parental Concerns with the Reevaluation

34. [REDACTED] parent argues that the reevaluation only addressed [REDACTED] ADHD diagnosis and ignored her other trauma-based mental health issues.

Respondent's Proposed Final Order states:

We fostered [REDACTED] with already having past exposure to trauma and RAD. We have had her in counseling from the time we got her. Now after a sexual assault more mental illness she has PTSD. None of her mental illnesses that are identified and diagnosed are addressed in school psychologist [REDACTED] report. There are no recommendations for school counseling, no social skills goals. Nothing to address her violent behaviors. Just like [REDACTED], [REDACTED] knows [REDACTED] has violent behaviors but because she did not "identify" and "see" the violent behaviors on school grounds there is nothing in the IEP, based

³ The Executive Director of Exceptional Student Education likewise indicated that before the April 2022 outlier disciplinary incident and [REDACTED] departure from public school in spring 2022 (by parent choice), [REDACTED] did not exhibit behaviors during the school day that indicated a need for a functional behavior assessment.

on ██████████ report, to address these behaviors.

* * *

My [student] has identified and diagnosed Specific Learning Disabilities. We placed her in a private school that addressed those disabilities and today she is close to being on grade level in reading, writing and math. That does not mean she is cured and no longer needs any special education services in reading, writing and math. ██████████ report does not provide any goals and/or services to address my [student's] reading, writing and math disabilities.

See Resp.'s Proposed Final Order, ¶¶ 34 and 35.

35. As explained by ██████████, “[w]e have students with diagnoses, and what’s important is how does that student look in the school – they have a diagnosis, but what does that look like in the school, and what it looks like in the school is what would drive her education plan.”

36. ██████████ reevaluation obtained the information needed to determine the educational needs of the student. ██████████ reviewed outside psychoeducational evaluations provided by ██████████ parent conducted in 2016 and 2021. ██████████ reviewed her own prior evaluation of ██████████ conducted in October 2021, as well as ██████████ academic performance on District assessments. In addition, she administered norm-based, standardized assessments accepted in the school psychologist community to obtain a student’s present levels of academic performance. Overall, this variety of strategies and assessment tools gathered relevant functional, developmental, and academic information regarding ██████████ that yielded accurate and reliable information regarding ██████████ and her abilities.

37. Taking ██████████ various mental health diagnoses into consideration, ██████████ administered the BASC, a standardized assessment that helps schools to educationally plan for children and adolescents experiencing or at

risk of experiencing behavioral and/or emotional difficulties. [REDACTED] administered the BASC to the student, her parent, and two of her current teachers, which yielded significant social-emotional data concerning her functioning across domains (external and internal problems, school problems, and behavioral symptoms).

38. The October 2022 reevaluation provides relevant, comprehensive information about [REDACTED] for the IEP team to determine her educational needs in the areas of academic achievement and functional performance. In sum, the unrebutted testimony and evidence presented by Petitioner established that the psychoeducational reevaluation complied with the IDEA and Florida law.

Ultimate Findings of Fact

39. The concerns raised by Respondent's parent, while certainly valid, do not invalidate or diminish the adequacy or appropriateness of the reevaluation in accordance with Florida Administrative Code Rule 6A-6.0331(5). Petitioner is not required to provide an ideal or perfect evaluation but rather one that is "appropriate," as defined by applicable state and federal law.

40. In sum, the credible and persuasive testimony presented by [REDACTED], and the preponderance of the evidence at hearing, demonstrate that [REDACTED] reevaluation of Respondent was appropriate.

CONCLUSIONS OF LAW

41. DOAH has jurisdiction over the subject matter of this proceeding and of the parties hereto pursuant to sections 1003.57(1)(b) and 120.57(1), Florida Statutes, and rule 6A-6.03311(9)(u).

42. District school boards are required by the Florida K-20 Education Code to provide for an "appropriate program of special instruction, facilities, and services for exceptional students [ESE] as prescribed by the State Board of Education as acceptable." §§ 1001.42(4)(l) and 1003.57, Fla. Stat.

43. The Florida K-20 Education Code's imposition of the requirement that exceptional students receive special education and related services is necessary in order for the state of Florida to be eligible to receive federal funding under the IDEA, which mandates, among other things, that participating states ensure, with limited exceptions, that a "free appropriate public education is available to all children with disabilities residing in the State between the ages of 3 and 21." 20 U.S.C. § 1412(a)(1)(A); *Phillip C. v. Jefferson Cnty. Bd. of Educ.*, 701 F.3d 691, 694 (11th Cir. 2012).

44. Under the IDEA and its implementing regulations, a parent of a child with a disability is entitled, under certain circumstances, to obtain an IEE of the child at public expense. The circumstances under which a parent has a right to an IEE at public expense are set forth in 34 C.F.R. § 300.502(b), which provides, as follows:

(1) A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency, subject to the conditions in paragraphs (b)(2) through (4) of this section.

(2) If a parent requests an independent educational evaluation at public expense, the public agency must, without unnecessary delay, either-- (i) File a due process complaint to request a hearing to show that its evaluation is appropriate; or (ii) Ensure that an independent educational evaluation is provided at public expense, unless the agency demonstrates in a hearing pursuant to §§ 300.507 through 300.513 that the evaluation obtained by the parent did not meet agency criteria.

(3) If the public agency files a due process complaint notice to request a hearing and the final decision is that the agency's evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense.

(4) If a parent requests an independent educational evaluation, the public agency may ask for the parent's reason why he or she objects to the public evaluation. However, the public agency may not require the parent to provide an explanation and may not unreasonably delay either providing the independent educational evaluation at public expense or filing a due process complaint to request a due process hearing to defend the public evaluation.

(5) A parent is entitled to only one independent educational evaluation at public expense each time the public agency conducts an evaluation with which the parent disagrees.

45. Florida law, specifically rule 6A-6.03311(6), provides similarly, as follows:

(6) Independent educational evaluations.

(a) A parent of a student with a disability has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the school district.

* * *

(g) If a parent requests an independent educational evaluation at public expense, the school district must, without unnecessary delay either:

1. Ensure that an independent educational evaluation is provided at public expense; or
2. Initiate a due process hearing under this rule to show that its evaluation is appropriate or that the evaluation obtained by the parent did not meet the school district's criteria. If the school district initiates a hearing and the final decision from the hearing is that the district's evaluation is appropriate, then the parent still has a right to an independent educational evaluation, but not at public expense.

* * *

(h) If a parent requests an independent educational evaluation, the school district may ask the parent to give a reason why he or she objects to the school district's evaluation. However, the explanation by the parent may not be required and the school district may not unreasonably delay either providing the independent educational evaluation at public expense or initiating a due process hearing to defend the school district's evaluation.

(i) A parent is entitled to only one (1) independent educational evaluation at public expense each time the school district conducts an evaluation with which the parent disagrees.

46. A district school board in Florida is not automatically required to provide a publicly funded IEE whenever a parent asks for one. A school board has the option, when presented with such a parental request, to initiate a due process hearing to demonstrate, by a preponderance of the evidence, that its own evaluation is appropriate. *T.P. v. Bryan Cnty. Sch. Dist.*, 792 F.3d 1284, 1287 n.5 (11th Cir. 2015). If the district school board is able to meet its burden and establish the appropriateness of its evaluation, it is not required to provide the requested IEE.

47. To satisfy its burden of proof, Petitioner must demonstrate that the assessments at issue complied with rule 6A-6.0331(5), which sets forth the elements of an appropriate evaluation. Rule 6A-6.0331(5) provides, as follows:

(5) Evaluation procedures.

(a) In conducting an evaluation, the school district:

1. Must use a variety of assessment tools and strategies to gather relevant functional, developmental, and academic information about the student within a databased problem solving process, including information about the student's response to evidence-based interventions as applicable, and information provided by the parent.

This evaluation data may assist in determining whether the student is eligible for ESE and the content of the student's individual educational plan (IEP) or educational plan (EP), including information related to enabling the student with a disability to be involved in and progress in the general curriculum (or for a preschool child, to participate in appropriate activities), or for a gifted student's needs beyond the general curriculum;

2. Must not use any single measure or assessment as the sole criterion for determining whether a student is eligible for ESE and for determining an appropriate educational program for the student; and,

3. Must use technically sound instruments that may assess the relative contribution of cognitive and behavioral factors, in addition to physical or developmental factors.

(b) Each school district must ensure that assessments and other evaluation materials and procedures used to assess a student are:

1. Selected and administered so as not to be discriminatory on a racial or cultural basis;

2. Provided and administered in the student's native language or other mode of communication and in the form most likely to yield accurate information on what the student knows and can do academically, developmentally, and functionally, unless it is clearly not feasible to do so;

3. Used for the purposes for which the assessments or measures are valid and reliable; and,

4. Administered by trained and knowledgeable personnel in accordance with any instructions provided by the producer of the assessments.

(c) Assessments and other evaluation materials and procedures shall include those tailored to assess

specific areas of educational need and not merely those that are designed to provide a single general intelligence quotient.

(d) Assessments shall be selected and administered so as to best ensure that if an assessment is administered to a student with impaired sensory, manual, or speaking skills, the assessment results accurately reflect the student's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the student's sensory, manual, or speaking skills, unless those are the factors the test purports to measure.

(e) The school district shall use assessment tools and strategies that provide relevant information that directly assists persons in determining the educational needs of the student.

(f) A student shall be assessed in all areas related to a suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

(g) An evaluation shall be sufficiently comprehensive to identify all of a student's ESE needs, whether or not commonly linked to the suspected disability.

48. Based on the findings of fact as stated herein, Petitioner has proven that its reevaluation of █████ fully complied with rule 6A-6.0331(5). In particular, it was conducted by a trained and knowledgeable professional who utilized, and properly administered, a variety of valid instruments that yielded reliable and comprehensive information concerning the student's educational needs.

49. Although Respondent is not entitled to an IEE at public expense, the parent is free to present an evaluation obtained at private expense to Petitioner, the results of which Petitioner is required to consider. *See Fla.*

Admin. Code R. 6A-6.03311(6)(j)1. (providing that if a parent “shares with the school district an evaluation obtained at private expense ... [t]he school district shall consider the results of such evaluation in any decision regarding the provision of FAPE to the student, if it meets appropriate district criteria”).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that the Sarasota County School Board’s October 2022 reevaluation of Respondent was appropriate and met all criteria set forth in rule 6A-6.0331(5). The student is not entitled to a neuropsychological IEE with qEEG brain mapping, at public expense.

DONE AND ORDERED this 11th day of May, 2023, in Tallahassee, Leon County, Florida.



MARY LI CREASY
Administrative Law Judge
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Filed with the Clerk of the
Division of Administrative Hearings
this 11th day of May, 2023.

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NOTICE OF RIGHT TO JUDICIAL REVIEW

This decision is final unless, within 90 days after the date of this decision, an adversely affected party:

- a) brings a civil action in the appropriate state circuit court pursuant to section 1003.57(1)(c), Florida Statutes (2014), and Florida Administrative Code Rule 6A-6.03311(9)(w); or
- b) brings a civil action in the appropriate district court of the United States pursuant to 20 U.S.C. § 1415(i)(2), 34 C.F.R. § 300.516, and Florida Administrative Code Rule 6A-6.03311(9)(w).