

PRELIMINARY STATEMENT

On June 10, 2025, Petitioner's parent filed a request for a due process hearing (Complaint) with the School Board, which the School Board forwarded to DOAH on June 12, 2025. A Case Management Order was issued on June 13, 2025. On June 20, 2025, the School Board moved to extend the deadline for responding. The undersigned granted the extension. On June 26, 2025, the School Board responded to the Complaint, and Petitioner filed a rebuttal to the School Board's response. On the same day, Respondent filed a status report, stating that the parties had not resolved the issues in the Complaint and requested that the case be set for a final hearing. The undersigned held a telephonic scheduling conference with the parties on July 1, 2025. During that conference, the parties agreed to set the hearing for August 21 and 22, 2025.

On July 2, 2025, Respondent filed a Notice Concerning Final Hearing, requesting that the final hearing have an option for witnesses or parties to participate via Zoom conference. The undersigned later issued a Notice of Hearing which included the option to participate using Zoom conference. On July 2, 2025, Petitioner filed a Motion to Rescind Trespass Order, and, on July 9, 2025, the undersigned issued an Order Denying the Motion to Rescind Trespass Order. On August 11, 2025, Petitioner filed a Statement of Facts and Memorandum of Law in Support of Petitioner's Statement of Facts. Subsequently, on August 15, 2025, Respondent filed a Statement of Facts and Petitioner filed an Updated Statement of Facts.

The final hearing occurred as scheduled. Petitioner's father presented testimony on Petitioner's behalf. The School Board presented testimony of [REDACTED], Associate Director of Exceptional Student Education (ESE). Petitioner's Exhibit 2 was admitted into evidence. Respondent's Exhibits A, B, D, E, H, N through Q, T, and U were admitted into evidence.

The hearing concluded on August 21, 2025. At the conclusion of the hearing, the parties agreed to file the proposed final orders within ten business days after the Transcript was filed, and the final order would be issued ten business days after the proposed final orders were filed. The Transcript was filed on September 8, 2025. Accordingly, the proposed final orders were due on September 22, 2025. Respondent filed its Proposed Final Order on September 22, 2025, which the undersigned considered in drafting this Final Order.

Unless otherwise indicated, all rule and statutory references are to the version in effect at the time of the challenge to the continued placement. For stylistic convenience, the undersigned will use male pronouns in this Final Order when referring to Petitioner. The male pronouns are neither intended, nor should be interpreted, as a reference to Petitioner's actual gender.

FINDINGS OF FACT

1. The student is a [REDACTED]-grade student. He is eligible for ESE services in the categories of Autism Spectrum Disorder (ASD), Language Impaired (LI), and Other Health Impaired (OHI). The student also receives occupational therapy as a related service.

2. The student accesses his education in an ESE classroom for students with varying exceptionalities. As delineated in the student's Individual Education Plan (IEP), he receives specialized instruction in all academic areas as well as 60 minutes of weekly language therapy and 30 minutes of weekly occupational therapy.

3. The student's most recent psychological reevaluation indicates that the student's intellectual functioning is very low compared to that of other students of his age. His academic achievement also falls in the very low range compared to his peers.

4. The student has shown consistent improvement on his individualized IEP goals, with some goals mastered, while only making incremental progress on others.

5. The student's progress on his IEP goals reflects his advancement toward meeting his unique educational needs. It does not, however, reflect the student's ability to meet grade-level academic expectations.

6. The student has historically struggled to meet grade-level academic expectations. On state standardized assessments, the student has consistently scored a level one, indicating that he requires urgent academic intervention.

7. Although his scores have remained at level one, the record reflects year-to-year improvement. For example, his reading scores on the Florida Assessment of Student Thinking (FAST) increased from 158 on the PM2 assessment in January [REDACTED] to 163 on the PM3 assessment in May [REDACTED].

8. [REDACTED]-grade students who score below level two on the FAST reading assessment must remain in [REDACTED] grade unless they qualify for a good cause exemption. The student did not attain a level two on his spring assessment and did not meet the criteria for a good cause exemption.

9. The student's father actively participated in the development of all the student's IEPs, attending meetings and contributing input regarding [REDACTED] child's educational needs. [REDACTED] participated in discussions regarding the student's third-grade retention and expressed [REDACTED] disagreement over the state-mandated assessment and summer school.

10. The record established that the parent had multiple opportunities to meaningfully participate in the development of the student's IEPs. Petitioner did not present evidence that the School Board denied the student FAPE.

CONCLUSIONS OF LAW

11. DOAH has jurisdiction over the parties and the subject matter of this proceeding pursuant to section 1003.57(1)(b), Florida Statutes, and Florida Administrative Code Rule 6A-6.03311(9)(u).

12. The burden of proof is on Petitioner to prove the claims by a preponderance of the evidence. *See Schaffer v. Weast*, 546 U.S. 49, 62 (2005); *Loren F. v. Atlanta Indep. Sch. Sys.*, 349 F.3d 1309, 1313 (11th Cir. 2003); *Devine v. Indian River Cnty. Sch. Bd.*, 249 F.3d 1289, 1291 (11th Cir. 2001).

13. In enacting the Individuals with Disabilities Education Act (IDEA), Congress sought to "ensure that all children with disabilities have available to them a free appropriate public education that emphasized special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living." 20 U.S.C. § 1400(d)(1)(A); *Phillip C. v. Jefferson Cnty. Bd. of Educ.*, 701 F.3d 691, 694 (11th Cir. 2012). The statute was intended to address the inadequate educational services offered to children with disabilities and to combat the exclusion of such children from the public school system. 20 U.S.C. § 1400(c)(2)(A)-(B). To accomplish these objectives, the federal government provides funding to participating state and local educational agencies, contingent on each agency's compliance with the IDEA's procedural and substantive requirements. *Doe v. Ala. State Dep't of Educ.*, 915 F.2d 651, 654 (11th Cir. 1990).

14. Parents and children with disabilities are accorded substantial procedural safeguards to ensure that the purposes of the IDEA are fully realized. *Bd. of Educ. v. Rowley*, 458 U.S. 176, 205-06 (1982). Among other protections, parents have a right to examine their child's records and participate in meetings concerning their child's education; receive written notice before any proposed change in the educational placement of their child; and file an administrative due process complaint with respect to any matter

relating to the identification, evaluation, educational placement of their child, or the provision of FAPE. 20 U.S.C. § 1415(b)(1), (b)(3), & (b)(6).

15. To satisfy the IDEA's substantive requirements, school districts must provide all eligible students with FAPE, which is defined as:

[S]pecial education services that –

(A) have been provided at public expense, under public supervision and direction, and without charge; (B) meet the standards of the State educational agency; (C) include an appropriate preschool, elementary school, or secondary school education in the State involved; and (D) are provided in conformity with the individualized education program required under [20 U.S.C. § 1414(d)].

20 U.S.C. § 1401(9).

16. The components of FAPE are recorded in an IEP, which, among other things, identifies the child's present levels of academic achievement and functional performance; establishes measurable annual goals; addresses the services and accommodations to be provided to the child, and whether the child will attend mainstream classes; and specifies the measurement tools and periodic reports to be used to evaluate the child's progress. 20 U.S.C. § 1414(d)(1)(A)(i); 34 C.F.R. § 300.320. "The IEP is the centerpiece of the statute's education delivery system for disabled children." *Andrew F. v. Douglas Cnty. Sch. Dist. RE-1*, 137 S. Ct. 988, 994 (2017)(quoting *Honig v. Doe*, 108 S. Ct. 592 (1988)). "The IEP is the means by which special education and related services are 'tailored to the unique needs' of a particular child." *Id.* (quoting *Bd. of Educ. v. Rowley*, 458 U.S. at 181).

17. In *Rowley*, the Supreme Court held that a two-part inquiry must be undertaken in determining whether a local school system has provided a student with FAPE. As an initial matter, it is necessary to examine whether the school district has complied with the IDEA's procedural requirements. *Rowley*, 458 U.S. at 206-07. A procedural error does not automatically result

in a denial of FAPE. *See G.C. v. Muscogee Cnty. Dist.*, 668 F.3d 1258, 1270 (11th Cir. 2012). Instead, FAPE is denied only if the procedural flaw impeded the student's right to FAPE, significantly infringed the parents' opportunity to participate in the decision-making process, or caused an actual deprivation of educational benefits. *Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516, 525-26 (2007).

18. In this case, Petitioner alleged a single procedural violation—that the School Board denied the parent meaningful participation in the development of the student's IEPs. Petitioner argued that he was denied meaningful participation because the School Board allegedly issued a no-trespass order from the school. The record contains no evidence corroborating the existence of such an order, and, even if one had been issued, there is no indication that it prevented the parent from participating in the student's educational planning. To the contrary, the record establishes that the parent was a consistent and active member of the IEP team. The evidence, therefore, does not establish that the School Board committed a procedural violation.

19. As to the allegation that the student was denied FAPE, Petitioner presented no evidence to support this claim. Although the student's disability significantly impairs his ability to meet grade-level expectations, the student's IEPs included present levels of academic achievement and functional performance, measurable annual goals, special education and related services, the accommodations necessary to support the student's learning, and methods for measuring progress toward these goals. The IEP team reviewed the IEP at least annually with parental participation to ensure that it continued to address the student's evolving needs. The record further establishes that the student made consistent progress on his IEP goals. The student's IEP was reasonably calculated to enable progress appropriate in light of his circumstances. Accordingly, Petitioner has not met his burden of proving that the School Board denied the student FAPE.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Petitioner failed to satisfy his burden of proof with respect to the claims asserted in Petitioner's Complaint. All requests for relief are DENIED.

DONE AND ORDERED this 3rd day of October, 2025, in Miami, Dade County, Florida.


Case No. 25-3185E

SARA M. MARKEN
Administrative Law Judge
DOAH Miami Office

Division of Administrative Hearings
2001 Drayton Drive
Tallahassee, Florida 32311
(850) 488-9675
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 3rd day of October, 2025.

COPIES FURNISHED:

Amanda W. Gay, Esquire
(eServed)

Bryce D. Milton, Educational Program Director
(eServed)

Amy J. Pitsch, Esquire
(eServed)

Petitioner
(eServed)

Molly Lauren Shaddock, Esquire
(eServed)

Dr. Laurie Breslin, Superintendent
(eServed)

William D. Chappell, General Counsel
(eServed)

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).