



Whether the School Board retaliated against Petitioner in violation of Section 504 of the Rehabilitation Act of 1973.<sup>1</sup>

### PRELIMINARY STATEMENT

Petitioner filed a request for a due process hearing (Complaint) with the School Board on August 8, 2025, which the School Board forwarded to DOAH on August 14, 2025. A Case Management Order was issued on August 15, 2025. On August 19, 2025, Respondent filed a Response to Petitioner's Due Process Complaint. The undersigned issued an Order Requiring Response on September 17, 2025. On September 19, 2025, Petitioner filed a Response to the Order Requiring Response and a Motion to Permit Educational Liaison Participation. The undersigned held a telephonic scheduling conference on September 29, 2025. The parties agreed to schedule the final hearing for October 15 and 16, 2025, via Zoom conference.

On October 8, 2025, Petitioner filed a Motion to Modify Hearing Procedures to Ensure Fairness, a letter to Judge Marken requesting to exclude Petitioner as a witness, and a letter requesting a clarification of witness identification. The undersigned held a status conference on October 13, 2025, and addressed preliminary matters, including hearing procedures and Petitioner's parent's letters concerning the exclusion of witnesses.

The undersigned conducted the final hearing as scheduled. Petitioner presented the testimony of [REDACTED] and Petitioner's parent. The undersigned admitted Petitioner's Exhibits 3, 4, 6, 7, 13, 13b, 15 through 17, 19, 28, S3, and S4 into evidence. Respondent presented the testimony of [REDACTED], Assistant Principal, and two teachers, [REDACTED] and [REDACTED]

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<sup>1</sup> 29 U.S.C. § 794.

█. The undersigned admitted Respondent's Exhibits 2, 6 through 8, 12, 13, 15, 18, 19, 21, 25 through 30, and 35 through 37 into evidence.

At the conclusion of the due process hearing, the parties agreed to file proposed final orders within ten days of the School Board's filing of the Transcript, and that the undersigned would issue the Final Order five days after the parties filed their proposed final orders. The Transcript of the due process hearing was filed on November 5, 2025. Proposed final orders were due by November 17, 2025, and the Final Order was due by November 24, 2025. On November 14, 2025, Respondent filed an Emergency Motion for Extension of Time (Motion) because of a personal emergency. The undersigned granted the Motion and entered an Order Granting Extension of Time and Extending Time for Final Order, extending the deadline for Proposed Final Orders to November 24, 2025, and the Final Order deadline to December 1, 2025. The parties both filed timely Proposed Final Orders, which the undersigned considered in drafting this Final Order.

Unless otherwise indicated, all rule and statutory references refer to the version in effect at the time of the alleged violations. For stylistic convenience, the undersigned uses male pronouns in this Final Order when referring to Petitioner. The male pronouns neither intend, nor should anyone interpret them, as a reference to Petitioner's actual gender.

#### FINDINGS OF FACT

1. At the time of the due process hearing, the student is a █-year-old, █-grade student attending █ Elementary School. He has been attending the same school since █. He is eligible for Exceptional Student Education (ESE) in the Specific Learning Disability (SLD) category. The student has a medical diagnosis of autism spectrum disorder, Level 1,

and attention-deficit/hyperactivity disorder (ADHD). The student was taking medication to assist with his ADHD symptoms.

2. The student is very bright and follows directions respectfully. His teachers reported that he is a role model for classroom behavior. Teachers observe a willingness to work and to perform well in school. Outside the classroom, the student enjoys karate and playing video games. His academic strength is in math.

3. His SLD impacts his reading rate and comprehension. The student also experiences challenges with organization, time management, attention, and task initiation. He requires support to complete academic tasks. During the school day, he often requires more time to complete graded assignments. His teachers agreed that the student required accommodations such as extended time, encouragement, repetition, and clarification.

4. The student experiences challenges completing homework at home, and the parent reports frequent dysregulation. Due to his autism diagnosis, the student has heightened sensory sensitivities that may lead to sensory overload, emotional dysregulation, or physical discomfort. He often becomes dysregulated in the home setting, particularly when asked to complete homework. According to the parent, this dysregulation may include vocal stimming, continuous movement, crying, and significant emotional distress, which can extend into the evening and, at times, carry into the following morning.

5. Teachers reported that the student worked slowly on graded assignments, reducing the practice he received to strengthen key concepts. They also observed that, aside from his struggles with homework, he continued to do well academically and demonstrated a solid understanding during class activities.

6. The student's current Individualized Education Plan (IEP) provides specialized instruction consisting of 30 minutes per week of intensive reading focused on comprehension, and five minutes per week of independent

functioning instruction targeting time management with checklists, visuals, and charts. The IEP also provides supplementary aids and services, including a few minutes each day for planning and time-management strategies, a few minutes each day for organizing schoolwork and using the planner, daily access to organizational tools, and up to two brain breaks per day.

7. Except for the services outlined above, he received instruction in a general education classroom during his fourth-grade year. The class had about 23 students. The fourth-grade class was taught by two teachers: [REDACTED], who taught English-language Arts (ELA), and [REDACTED], who taught math and science.

8. [REDACTED] has been teaching ELA for around 20 years. [REDACTED] has been teaching fourth-grade ELA for around 18 years. [REDACTED] has about ten years of experience teaching fourth-grade math, science, and social studies.

Fourth-grade homework expectations

*English-language arts homework*

9. [REDACTED] assigned the following homework:

Monday	iStation:	30 minutes of iStation— a School Board-mandated online reading program.
Tuesday	Text Dependent Tuesday:	Reading a fiction or non-fiction passage and answering questions to reinforce the skills being taught in class.
Wednesday	Independent Reading:	30 minutes of independent reading plus a three to five sentence response to a prompt to be submitted through an online platform.
Thursday	Independent Reading:	30 minutes of independent reading plus a three to five sentence response to a prompt to be submitted through an online platform.
Friday	No homework.	

Students also completed reading quizzes (ReadnQuiz) to hold them accountable for their independent reading books. The student had to earn a number of points each marking period.

10. ██████████ expectation was for ██████ students to spend 20 to 40 minutes completing each night's assignment, with Wednesday's assignment being the longest, as it required students to write a couple of sentences.

11. Homework in ELA was graded solely on completion, not accuracy. Each week included four homework assignments, one for each day from Monday through Thursday, and students could earn one point per assignment, totaling four points per week. Students received full credit as long as they attempted the work, even if their answers were incorrect or their iStation performance was weak. The only exceptions were written responses that were completely off-topic or showed no attempt, which received a zero. Otherwise, ██████████ testified that ██████ was very lenient in grading and focused mainly on student effort.

12. The student struggled significantly with homework throughout the school year. He often did not attempt to complete his iStation minutes; even when logged in, he often completed fewer than 15 minutes. He regularly failed to complete the text-dependent assignments and the written responses assigned on Wednesdays and Thursdays.

*Math/Science/Social Studies Homework*

13. Math was the only subject that had consistent homework. Homework was not assigned in social studies, and in science, there were only occasional assignments, such as studying for a test or completing a review sheet. Math homework generally followed the following structure:

Three times per week	Paper-based assignments	A single front-and-back worksheet (5 to 12 math problems) tied to that day's lesson.
One time per week	DreamBox (online School board-mandated adaptive math program)	Complete the missing Dreambox lessons that

		were not completed in class.
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14. DreamBox is the School Board-mandated adaptive math program that provides individualized lessons based on each student’s skill level. The standard expectation for fourth-graders was to complete ten lessons per week, each typically taking 5 to 10 minutes. Students were routinely given class time to work on these lessons, and those who did not attend chorus—including the student—received additional in-school time each week to complete them. For students who demonstrate above-grade-level performance on DreamBox, the weekly lesson requirement was reduced to five lessons.

15. Because the student achieved a 5.4 grade-level benchmark in DreamBox, his assigned lessons were reduced in line with the adjusted expectations.

16. ██████ expectation was for ██████ students to spend 10 to 15 minutes completing each worksheet. Unlike ██████ ELA homework structure, which followed a consistent daily routine (specific tasks tied to each day of the week), ██████ math assignments varied depending on the lesson taught that day, with the homework written in students’ planners and adjusted as needed to reinforce the specific skill being taught.

17. Like ██████, ██████ graded math homework strictly on completion, not accuracy. ██████ graded worksheet completion separately from the Dreambox lessons. When students completed the homework, they received full credit; when they did not, they lost a few points that week. ██████ emphasized that homework accounted for only a small portion of the overall math grade, and served mainly for practice and reinforcement. Therefore, when the student missed homework, it lowered his homework score but had minimal effect on his overall grade.

18. ██████ explained that homework supports math learning because the subject relies on regular practice and repetition to help students retain

the skills they learn in class. [REDACTED] added that these assignments give families a clearer view of what their children study each day.

19. The student showed inconsistent completion of math homework. He often turned in only some of the assigned paper worksheets, and in certain weeks, he completed two of the three assignments. His DreamBox work also varied, including weeks when he did not complete any lessons.

20. Fun Friday served as a weekly reward period at the end of the school day for students who met the required behavior and homework expectations. Students earned Fun Friday by following classroom rules and completing all homework assigned for the week. Those who did not meet these expectations were sent to a separate room to complete any missing work or address behavior concerns. Fun Friday did not occur every week because scheduling demands sometimes prevented it, but when it took place, the two fourth-grade classes combined. [REDACTED] reported that the student missed most Fun Fridays because he did not complete the required homework.

Homework accommodations before the [REDACTED] IEP

21. A parent-teacher conference took place in January [REDACTED] to discuss the student's struggle with homework completion. Before the January [REDACTED] parent-teacher conference, [REDACTED] had informally adjusted the student's ELA homework by allowing him to complete Monday's iStation assignment on Sunday, requiring only the odd or even questions on text-dependent homework, and permitting his parent to write his responses. Similarly, [REDACTED] had adjusted the student's workload by giving him extra in-class time to complete DreamBox, allowing him to make up missed lessons, and letting him do reduced paper homework by choosing fewer or simpler problems when needed, allowing him to complete only the odd or even problems to cut the assignment in half, and allowing him to turn in any half of the worksheet on days when she forgot to circle specific items.

22. Present at the parent-teacher conference were [REDACTED], the Assistant Principal; [REDACTED], the ELA teacher; [REDACTED], the math

teacher; [REDACTED], the ESE teacher; the parent; [REDACTED], the educational liaison; and [REDACTED], another ESE teacher. It is common practice at the school for the administration to attend a parent meeting if the teacher requests support. This applies to all students with or without disabilities. This is often the case when someone besides the parent is present, such as an educational advocate or liaison.

23. The parent provided a physician's report form completed by [REDACTED], [REDACTED], the student's Developmental-Behavioral Pediatrician. [REDACTED] listed the student's medical diagnoses and recommended that homework "should be substantially reduced or replaced with other means of demonstrating knowledge, such as oral presentation or hands-on project."

24. The meeting focused on the student's significant struggles in completing homework. The parent expressed the student's constant dysregulation at home, and the impact it had on their home life. She also expressed that, even after hours of trying to get him to complete it, he was completing at best only 50% of the assignments.

25. After the meeting, [REDACTED] proposed a 50% percent reduction of his ELA homework:

		<i>50% Homework Reduction</i>
Monday	iStation:	15 minutes of iStation
Tuesday	Text Dependent Tuesday:	Even or odd questions and the parent could submit the response.
Wednesday and Thursday	Independent Reading:	15 minutes. The student would only need to submit minimal information on the online platform (e.g., the author's name, the number of pages read, and a one-sentence summary if able to complete it).
Friday	No homework.	

26. The proposal also included one “free-choice” day per week, allowing him to skip a homework assignment and still receive full credit. He was also allowed to split his iStation across multiple days, including weekends, to give him additional time and flexibility.

27. Similarly, ██████████ proposed a homework reduction and a student “choice day,” meaning he only needed to complete three of the four weekly homework assignments to receive full credit.

		<i>50% Homework Reduction</i>
Three times per week	Paper-based assignments	Student only needed to complete half of the problems
One time per week	Dreambox (online School board-mandated adaptive math program)	The Dreambox lessons remained at the reduced rate of five per week.

28. Some weeks, he completed all of his DreamBox lessons during class, while in other weeks, he did none at home and received a zero, although ██████████ at times let him make up the missed lessons. Even with the reduced expectations, there were weeks when he completed only one of the assigned math pages, despite having both a “free choice” day and half the workload.

██████████ Annual IEP

29. The student’s annual IEP meeting took place over two meeting dates—February 26, ██████████, and March 10, ██████████.

30. At the February ██████████ IEP meeting, the parent and the educational liaison, ██████████, provided the school with an “impact of diagnoses on education” statement from the student’s doctor. ██████████ statement outlined how the student’s autism and ADHD diagnoses could impact his functioning in the general education setting and his ability to complete tasks independently. The letter recommended reduced workloads, explicit and structured instructions, flexible assignment deadlines, sensory supports, coordinated collaboration with providers, and ongoing communication to

ensure the student's needs were met effectively. The statement reflected a change from [REDACTED] earlier recommendation in January. [REDACTED] was now recommending that the student should not be asked to do more than ten minutes of homework per day.

31. During the IEP meeting, the team discussed efforts to further reduce homework following the January [REDACTED] parent-teacher conference. The team noted the parent's report that homework continued to cause significant distress at home. They discussed alternative ways for the student to practice skills when he could not complete assignments and considered the parent's request for additional reductions. The team also reviewed the student's reading disability and proposed audiobooks to reduce the time spent on homework by allowing him to engage with the material without reading it.

32. The team then discussed the student's ongoing difficulty initiating homework and the supports intended to increase his independence. Staff reported that he responded well to flowcharts, timers, and planning tools, and also noted that his daily living skills therapy increased his after-school demands. The team also said that the time-management supports and reduced expectations introduced earlier in the year led to an increase in his homework submissions.

33. The team finalized a structured homework-reduction plan for the IEP and reduced reading and math homework to 50% of the standard requirements. Under the plan, the student would complete half of his math worksheet, with the teacher selecting two problems and the student choosing the remaining items. He would complete 15 minutes of independent reading with audiobook access and provide a brief summary using dictation or speech-to-text, answer half of the text-dependent questions for weekly passages, and complete 15 minutes of iStation. He would complete either DreamBox or the reduced math worksheet and would receive one homework pass per week in both subjects. The team also set a 30-minute homework timeframe and reduced the point requirement for ReadnQuiz. To support

motivation, the student will earn one point each for completing math and reading homework and must earn six of eight weekly points to participate in Fun Friday.

34. The IEP team considered the parent's input, and the parent acknowledged that all of her input was memorialized in the IEP.

35. The parent's educational liaison testified that this proposed accommodation did not address the student's behavior related to his autism diagnosis; instead, it just addressed the student's challenges as a result of his reading disability. She also stated that as a result, the accommodation was inappropriate because it addressed only one of his disabilities.

Q: So you're telling me your position is that even though the team was talking about ways to reduce homework and one of them was to give him the ability to listen versus read, that's not a homework accommodation?

A: It's a homework accommodation for his specific learning disability.

36. On February 27, [REDACTED], [REDACTED] filed a complaint with the Florida Department of Education regarding the implementation of homework and expressed [REDACTED] concerns over the School Board's behavior. The complaint specifically alleged that the student's teachers and [REDACTED], the Assistant Principal, failed to adhere to the doctor's recommendation regarding homework. Aside from the state complaint, [REDACTED] filed a report with the Department of Children and Families (DCF). Both complaints stemmed from the annual IEP meeting—which did not conclude until March [REDACTED]—and [REDACTED] disagreement centered on the school-based team's decision to modify the homework rather than eliminate it.

37. [REDACTED] began working as an educational liaison in January [REDACTED] and soon after began working with the family. As of the hearing, [REDACTED] had been involved with them for several months. In her testimony, [REDACTED] explained that [REDACTED] viewed [REDACTED] role as bridging communication between

students' medical providers and the school system, and that ■■■ relayed medical information and accommodation recommendations ■■■ believed were relevant in the educational setting.

38. ■■■ testified that ■■■ did not believe homework provides academic value and stated that, in ■■■ experience as a hospital educational liaison, schools generally followed the recommendations ■■■ communicates from the students' medical team. According to ■■■ testimony, these recommendations had included eliminating homework or limiting the time students spend on it.

39. ■■■ also testified that ■■■ had minimal firsthand knowledge of the student at the time of the IEP meeting. ■■■ had not observed him in the school setting or at home while he tried to complete homework.

40. The record reveals that the reduced-homework accommodations discussed in January ■■■, and finalized at the February/March ■■■ IEP meeting, were never implemented at home. As a result, the team had no opportunity to determine whether the accommodations would have improved the student's homework completion. This fact directly conflicts with the March ■■■ IEP statement that the student had begun turning in more homework "since trialing" the reductions.

Q: ■■■, the statement ■■■ read, "Since trialing the time management supports, reduced expectations, including him choosing some of his math problems, and the alternative means of demonstrating knowledge, [\*\*] has been turning in more homework," your testimony is that those strategies were implemented at school or at home?

A: They were implemented at school and had nothing to do with home.

41. Both the parent and the educational liaison expressed that they do not find homework assignments academically meaningful, and the record showed that neither believed completing homework provides educational value.

42. The record reflects the student's steady academic performance. On state-mandated assessments, the Florida Assessment of Student Thinking (FAST), he scored Achievement Level 3 in both ELA and math in September [REDACTED], and Level 2 in ELA and Level 4 in math in December [REDACTED]. FAST Levels 3 and above indicate on-grade-level achievement. His results on the School Board writing exam improved from non-proficient to approaching proficiency. The iStation Indicators of Progress consistently reflected proficiency, with the student performing at Level 3 or Level 4 across the school year. His ELA report-card grades also showed improvement, rising from D's in the first two quarters to C's in the third and fourth quarters. His math grades remained strong overall, with an A in the first quarter, followed by a C, then a B, and another B in the final quarter.

43. The greater weight of the evidence, including persuasive teacher testimony and the student's academic performance, did not demonstrate that the homework accommodations were inappropriate or that the School Board failed to provide them. Instead, the evidence showed that the accommodations were appropriate and resulted in an IEP that enabled the student to make adequate progress in light of his circumstances.

#### CONCLUSIONS OF LAW

44. DOAH has jurisdiction over the parties and the subject matter of this proceeding pursuant to sections 1003.57(1)(c) and 1003.5715(5), Florida Statutes, and Florida Administrative Code Rule 6A-6.03311(9)(u).

45. 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).

46. Congress passed the Individuals with Disabilities Education Act (IDEA) "to ensure that all children with disabilities have available to them

a free appropriate public education [FAPE] that emphasize[s] 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. ex rel. A.C. v. Jefferson Cnty. Bd. of Educ.*, 701 F.3d 691, 694 (11th Cir. 2012).

47. In enacting the 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).

48. The IDEA provides parents and children with disabilities with substantial procedural safeguards. *Bd. of Educ. v. Rowley*, 458 U.S. 176, 205-06 (1982). Among other protections, parents can 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 about any matter relating to the identification, evaluation, or educational placement of their child, or the provision of FAPE. *See* 20 U.S.C. § 1415(b)(1), (b)(3), & (b)(6).

49. 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. First, 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, the school board denies a student FAPE only when a procedural flaw impedes the student's right to FAPE, significantly infringes on the parents' opportunity to participate in the decision-making process, or causes an actual deprivation of educational benefits. *Winkelman v. Parma City Sch. Dist.*, 550 U.S. 516, 525-26 (2007).

50. Petitioner does not claim that the School Board committed any procedural violations. The dispute, therefore, centers on the adequacy of the student's IEP and whether it provided FAPE in light of his individual needs.

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

[S]pecial education services and related 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).

52. 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).

53. In *Endrew F.*, the Supreme Court held that “[t]o meet its substantive obligation under the IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.” *Endrew F.*, 137 S. Ct. at 999. As discussed in *Endrew F.*, “[t]he ‘reasonably calculated’ qualification reflects a recognition that crafting an appropriate program of education requires a prospective judgment by school officials,” and that “[a]ny review of an IEP must appreciate that the question is whether the IEP is reasonable, not whether the court regards it as ideal.” *Id.*

54. Most importantly, the IDEA provides that an IEP must be individualized to the student and include measurable annual goals and services designed to meet each of the educational needs that result from the student’s disability.

20 U.S.C. § 1414(d)(1)(A)(i)(II); *Alex R. v. Forrestville Valley Cmty. Unit Sch. Dist. #221*, 375 F.3d 603, 613 (7th Cir. 2004)(explaining that an IEP must respond to all significant facets of the student’s disability, both academic and behavioral); *CJN v. Minneapolis Pub. Schs.*, 323 F.3d 630, 642 (8th Cir. 2003)(“We believe, as the district court did, that the student’s IEP must be responsive to the student’s specific disabilities”).

55. In this case, the primary dispute concerns the School Board’s provision of homework accommodations. The more persuasive evidence does not demonstrate that the School Board failed to provide them. Teachers consistently reduced and adjusted the student’s homework load, offered flexible options for completion, and incorporated these reductions into the IEP. The student’s steady academic progress throughout the school year further supports the conclusion that the IEP was appropriately designed and

aligned with his needs. The IEP also included all required components—accurate present levels, measurable goals, and services tailored to his academic and functional needs. As a whole, the evidence establishes that the IEP was reasonably calculated to enable the student to make progress appropriate in light of his circumstances.

56. In sum, Petitioner failed to prove, by a preponderance of the evidence, that the School Board denied the student FAPE.

57. Lastly, Petitioner claims that the School Board violated Section 504. Section 504 of the Rehabilitation Act of 1973 forbids organizations that receive federal funding, including public schools, from discriminating against people with disabilities. 29 U.S.C. § 794(b)(2)(B). In relevant part, Section 504 provides that no otherwise qualified individual with a disability shall, “solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity” receiving Federal financial assistance. 29 U.S.C. § 794(a). A school board, as is alleged here, violates Section 504 by intentionally discriminating against a student on the basis of his or her disability. *T.W. v. Sch. Bd. of Seminole Cnty.*, 610 F.3d 588, 603-04 (11th Cir. 2010).

58. To establish a prima facie case under Section 504, Petitioner must prove that he: (1) had an actual or perceived disability; (2) qualified for participation in the subject program; (3) was discriminated against only because of his disability; and (4) the relevant program is receiving federal financial assistance. *Moore v. Chilton Cnty. Bd. of Educ.*, 936 F. Supp. 2d 1300, 1313 (M.D. Ala. 2013)(citing *L.M.P. v. Sch. Bd. of Broward Cnty.*, 516 F. Supp. 2d 1294, 1301 (S.D. Fla. 2007)); see also *J.P.M. v. Palm Beach Cnty. Sch. Bd.*, 916 F. Supp. 2d 1314, 1320 (S.D. Fla. 2013).

59. If Petitioner establishes a prima facie case, the School Board must present a legitimate, nondiscriminatory reason for the adverse actions it

took. *Lewellyn v. Sarasota Cnty. Sch. Bd.*, 2009 WL 5214983, at \*10 (M.D. Fla. Dec. 29, 2009)(citing *Wascura v. City of S. Miami*, 257 F.3d 1238, 1242 (11th Cir. 2001)). The Eleventh Circuit has stated that the respondent's burden, at this stage, is "exceedingly light and easily established." *Id.* (quoting *Perryman v. Johnson Prods. Co. Inc.*, 698 F.2d 1138, 1142 (11th Cir. 1983)). Once the School Board has articulated a nondiscriminatory reason for the actions it took, Petitioner must show that the School Board's stated reason was pretextual. "Specifically, to discharge their burden, Plaintiffs must show that Defendant possessed a discriminatory intent or that the Defendant's espoused non-discriminatory reason is a mere pretext for discrimination." *Id.*; see also *Daubert v. Lindsay Unified Sch. Dist.*, 760 F.3d 982, 985 (9th Cir. 2014).

60. Here, Petitioner asserts a retaliation claim under Section 504. Because no direct evidence of retaliatory intent was presented, the claim must be analyzed under the *McDonnell Douglas* burden-shifting framework. *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973). Under that framework, the initial burden falls on Petitioner to establish a prima facie case of retaliation. *Id.* That requires Petitioner to prove that: (1) either he or his parents engaged in activity protected under Section 504; (2) the School Board took adverse action against him or his parents; and (3) there was a causal connection between the protected activity and the adverse action. *D.B. v. Esposito*, 675 F.3d 26, 41 (1st Cir. 2012).

61. The evidence shows that the team designed an IEP that addressed the student's needs and responded to the parent's homework concerns. Nothing in the record establishes that the School Board took any adverse action against the student or his parent, nor does it reflect discriminatory or retaliatory intent. Petitioner therefore did not prove the essential elements of a Section 504 claim, and no violation occurred. Thus, Petitioner has failed to establish a violation of Section 504.

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 1st day of December, 2025, in Miami, Dade County, Florida.

  
Case No. 25-4422E

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Administrative Law Judge  
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Filed with the Clerk of the  
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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).