STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

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Petitioner,

vs.

Case No. 25-6255E

ST. LUCIE COUNTY SCHOOL BOARD,

Respondent.
_____/

FINAL ORDER

By agreement of the parties, the due process hearing in this case was held on April 20, 2026, by Zoom conference. W. David Watkins, an Administrative Law Judge with the Division of Administrative Hearings ("DOAH"), presided over the hearing.

APPEARANCES

For Petitioner: Petitioner's Parent, pro se
(Address of record)

For Respondent: Erin A. Harrigan, Esquire
The School Board of St. Lucie County, Florida
9461 Brandywine Lane
Port St. Lucie, Florida 34986

STATEMENT OF THE ISSUES

(1) Whether the School Board of St. Lucie County, Florida ("School Board"), failed to timely determine Petitioner's eligibility for special education and related services; and, if so, whether such failure was a denial of a Free Appropriate Public Education ("FAPE");

(2) Whether the School Board changed Petitioner's placement within the meaning of the Individuals with Disabilities Education Act ("IDEA");

(3) Whether Petitioner's current placement is appropriate;

(4) Whether the School Board failed to implement Petitioner's Behavior Intervention Plan ("BIP") on November 3, [redacted]; and, finally,

(5) What relief, if any, is appropriate?

PRELIMINARY STATEMENT

Petitioner filed a due process complaint ("Complaint") with the School Board on or about December 9, 2025. The case was originally assigned to Judge Nicole Saunders. The parties participated in a pre-hearing conference on December 11, 2025; when they agreed to extend the final order deadline, and attend an Alternative Dispute Resolution conference. A second pre-hearing conference was held on January 21, 2026, at which time it was decided to hold the due process hearing on April 20 and 27, 2026.

Due to Judge Saunders impending departure from DOAH, this matter was transferred to Judge Jessica E. Varn on January 26, 2026, and an Amended Notice of Hearing was issued the following day, confirming the previously established hearing dates to be conducted via Zoom teleconference.

On April 13, 2026, Respondent filed its Proposed Undisputed Facts. On April 14, 2026, the case was transferred to the undersigned, and on April 15, 2026, an Amended Notice of Hearing by Zoom Conference was issued, again confirming the previously agreed-upon hearing dates.

On April 20, 2026, the due process hearing convened as scheduled. Petitioner called the student's [redacted] to testify, and offered three exhibits in evidence. The School Board presented the testimony of the Assistant Principal of [redacted], [redacted]; the Assistant Principal of [redacted], [redacted]; and the Executive Director of

Student Services and Exceptional Student Education, [redacted]. Respondent's Exhibits 1 through 9 and 11 were entered into evidence.

At the conclusion of the hearing, the parties agreed to file proposed final orders ten days after the Transcript was filed with DOAH. The Transcript was filed on May 11, 2026. The deadline for the proposed orders was May 21, 2026. The deadline for this Final Order was June 10, 2026. The School Board filed a timely Proposed Order, which was considered in preparation of this Final Order.

Unless otherwise indicated, all rule and statutory references are to the version in effect at the time of the alleged violations. 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

Based upon the credibility of the witnesses and evidence presented at the final hearing and on the entire record of this proceeding, the following Findings of Fact are made:

1. Petitioner enrolled at [redacted] ("[redacted]") on August 12, [redacted], following a move from New York.

2. At all times while at [redacted], Petitioner was enrolled in the general education setting.

3. On August 21, [redacted], [redacted] received an email from Petitioner's [redacted] requesting an Individualized Education Program ("IEP") for the student. On September 4, [redacted], in response to Petitioner's request, [redacted] held a Problem-Solving Team ("PST") meeting to discuss the request, review Petitioner's data, and share classroom observations.

4. At the PST meeting, the team determined that Tier 2 and 3 interventions should be implemented, and sought written consent to conduct an evaluation for Specific Learning Disability ("SLD").

5. A Notice and Consent for Initial Exceptional Student Education ("ESE") Evaluation to begin an evaluation for SLD was sent home to Petitioner's parents on September 8, [redacted]. It was signed and returned to [redacted] the same day.

6. Petitioner began to demonstrate escalating behaviors that required behavior interventions, in addition to the academic interventions already being implemented. A safety plan ("Safety Plan") was developed for Petitioner to help keep him and those around him safe when his behaviors manifested.

7. On October 27, [redacted], a Manifestation Determination Review ("MDR") was held to determine whether Petitioner's escalating behaviors may be the result of a suspected disability. At the MDR, the team determined it was appropriate to complete a Functional Behavior Assessment ("FBA") for Petitioner to learn why certain behaviors were manifesting and how to encourage positive behavior replacement, as well as to add Emotional Behavior Disability ("EBD") to the evaluation process.

8. Following the completion of the agreed upon evaluations, an eligibility meeting was scheduled for, and held on, November 3, [redacted], to determine whether, based on the data presented, Petitioner met the criteria for eligibility in the area of SLD and/or EBD, and whether Petitioner required ESE supports and services.

9. An IEP meeting was scheduled for (and held on) November 10, [redacted], to develop Petitioner's IEP based on him having met criteria for EBD, having a need for ESE services, and the information from the FBA indicating the development of a BIP was appropriate. The November 10 IEP identified the supports and services necessary for Petitioner to receive FAPE. This included

a least restrictive environment ("LRE") for him to learn, as well as academic and behavioral goals to work towards.

10. Petitioner's IEP identified his LRE to be in an EBD separate setting where he spends 40 percent or less of his day with non-disabled peers, allowing him to focus on his behavior modification skills and coping mechanisms. This particular education setting (EBD separate class) is not available at [redacted]. Therefore, pursuant to the IEP, Petitioner was moved to [redacted] School ("[redacted]") where he would be provided his general education standards in the LRE identified on his IEP.

11. Petitioner's November 10, [redacted], IEP provided him with specialized transportation to [redacted]. That IEP also adopted the proposed BIP that was created using the information gathered in the FBA.

12. Although the IEP had been developed on November 10, [redacted], and signed by the members of the IEP team, it did not go into effect until Respondent received a signed consent from Petitioner's parents authorizing the provision of ESE services. That consent was received from the parents on November 13, [redacted].

13. Petitioner was enrolled at [redacted] on November 17, [redacted], and placed in his LRE identified in the November 10, [redacted], IEP.

14. Since the implementation of his IEP, Petitioner has demonstrated improvements, both academically and behaviorally.

15. Since the PST meeting on September 4, [redacted], Petitioner has received academic and/or behavioral supports and interventions to ensure he has received FAPE.

16. A school district, such as Respondent, has 30 days to meet with the parents following a request for evaluation. Respondent met this obligation.

17. A school district, such as Respondent, has 60 days from receiving written consent to evaluate a student. Respondent met this obligation.

18. Petitioner did not have a BIP on November 3, [redacted], however he was provided with behavior interventions on that day.

CONCLUSIONS OF LAW

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

20. Petitioner bears the burden of proof with respect to each of the claims raised in the Complaint. *Schaffer v. Weast*, 546 U.S. 49, 62 (2005).

21. In enacting the IDEA, Congress sought to "ensure that all children with disabilities have available to them a free appropriate public education [FAPE] 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).

22. Congress 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, which is contingent on the 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).

23. The School Board, a local education agency under 20 U.S.C. § 1401(19)(A), receives federal IDEA funds and is, thus, required to comply with certain provisions of that Act. *See* 20 U.S.C. § 1401, *et seq*.

24. 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).

25. 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 the 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).

26. Moreover, to satisfy the IDEA's substantive requirements, local school districts must provide all eligible students with FAPE, which is:

> [s]pecial education 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 section 1414(d) of this title.

See 20 U.S.C. § 1401(9).

27. The IDEA defines "special education" as "specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, including[,] instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings … ." 20 U.S.C. § 1401(29).

28. The components of FAPE are recorded in an IEP, which is "the centerpiece of the statute's education delivery system for disabled children." *Endrew 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 *Rowley*, 458 U.S. at 181).

29. At a minimum, an IEP must identify the child's present levels of academic achievement and functional performance; establish measurable annual goals; address the services and accommodations to be provided to the child, and whether the child will attend mainstream classes; and, specify the measurement tools and periodic reports to be used to evaluate the child's progress. *See* 20 U.S.C. § 1414(d)(1)(A)(i); 34 C.F.R. § 300.320.

30. 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. Second, it must be determined whether the IEP developed under the IDEA is reasonably calculated to enable the child to receive educational benefits. *Id.*, at 206-07.

31. 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." 137 S. Ct. at 999.

32. 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 child's disability. *See* 20 U.S.C. § 1414(d)(1)(A)(i)(II); *see also Alex R. v. Forrestville Valley Cmty. 12 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).

Issue 1: Did the School Board fail to timely determine Petitioner's eligibility for Special Education and Related Services, and if so, whether such failure was a denial of FAPE?

33. Pursuant to rule 6A-6.0331(3)(c), a school district has thirty (30) days to obtain consent from a parent following a request for an evaluation. The rule goes on to say the consent must be informed consent. Fla. Admin. Code R. e 6A-6.0331(4)(a).

34. Evidence presented at hearing established Petitioner's [redacted] requested an IEP evaluation by email on August 21, [redacted].

35. Respondent presented evidence that it received a request for an evaluation (August 21, [redacted]) and within thirty (30) days, met with the parents to discuss the request (September 4, [redacted]), and obtained signed written consent to proceed with the initial evaluation for SLD (September 8, [redacted]). August 21, [redacted], to September 8, [redacted], is eighteen (18) calendar days, which is less than the thirty (30) days required by the rule.

36. Respondent timely obtained consent to evaluate Petitioner for SLD.

37. Rule 6A-6.0331(3)(g) provides a school district sixty (60) calendar days from receipt of written consent to complete the identified evaluation. Respondent presented evidence the evaluations were completed prior to the eligibility meeting held November 3, [redacted], at which time the evaluations were discussed to determine eligibility. September 8, [redacted], to November 3, [redacted], is fifty-six (56) calendar days, which is less than the sixty (60) days required by the rule.

38. Respondent then proceeded with the evaluation for SLD as agreed upon at the PST meeting with the parents. Respondent met the timeline requirements of IDEA and the Florida Administrative Code. In addition, Respondent provided Petitioner with FAPE throughout the evaluation process. Respondent presented evidence that Petitioner was supported with interventions, academic and behavioral, from September 4, [redacted], through the implementation of his IEP (which took over the intervention support).

39. Respondent did timely evaluate Petitioner and an eligibility determination was timely made.

40. Petitioner received FAPE at all times relevant to this matter.

Issue 2: Did the School Board change Petitioner's placement within the meaning of the Individuals with Disabilities Education Act?

41. Respondent went on to establish an IEP for Petitioner and identified the supports and services necessary to ensure Petitioner received FAPE. The IEP identified Petitioner's LRE as an EBD separate setting, which was a change from his prior general education setting. This change was made in accordance with the requirements of the IDEA and never without the consent of Petitioner's parents. Petitioners parents were present at all IEP meetings, either in-person or virtually.

42. Respondent established at hearing that Petitioner's IEP was not implemented, including the change in educational placement, until after it received signed consent from the parent to provide ESE services as required by rule 6A-6.0331(9)(a).

43. Petitioner's placement was changed within the meaning of IDEA and done so in accordance with the requirements of IDEA, including written consent from the parent to provide ESE supports and services.

Issue 3: Is Petitioner's current placement appropriate?

44. Respondent presented testimony at hearing that Petitioner is doing well in his current educational placement (the EBD separate class at [redacted]), noting that he is improving academically and there has been a drastic decrease in the negative behavioral incidents since joining the class on November 17, [redacted].

45. Petitioner's current educational placement is appropriate based on his needs.

46. At hearing, Petitioner's father noted the Petitioner's school changed at the same time his educational placement changed. "IDEA does not require

that each school building in a local education agency (LEA) be able to provide all the special education and related services for all types and severities of disabilities." *Letter to Trigg*, 50 IDELR 48 (OSEP 2007). Petitioner's initial school, [redacted], does not offer the LRE identified to best meet the needs of Petitioner. However, the School Board does provide the LRE at [redacted], another of its comprehensive campuses. The School Board provides Petitioner with specialized transportation to [redacted].

Issue 4: Did the School Board fail to implement Petitioner's Behavior Intervention Plan on November 3, [redacted]?

47. Respondent presented evidence at hearing that it did not fail to implement a BIP for Petitioner on November 3, [redacted], because the BIP had not yet been developed and adopted by the IEP team. However, Respondent did have a Safety Plan in place to support Petitioner and it was implemented on November 3, [redacted]. As a result, Petitioner was provided FAPE.

Conclusion

48. Petitioner has failed to meet its burden as he did not prove any of the claims set forth in the Complaint. Respondent, although it did not have a burden of proof, nor an obligation to present any evidence, did establish through witness testimony and evidence that the allegations of Petitioner's Complaint are unfounded, and are contradicted by competent substantial evidence of record.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that all of Petitioner's requests for relief are DENIED.

DONE AND ORDERED this 3rd day of June, 2026, in Tallahassee, Leon County, Florida.

W. DAVID WATKINS
Administrative Law Judge
DOAH Tallahassee Office

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Filed with the Clerk of the
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this 3rd day of June, 2026.

COPIES FURNISHED:

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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).