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Petitioner,

Case No. 26-2908E

VS.

MIAMI-DADE COUNTY SCHOOL
BOARD

Respondent.

FINAL ORDER

This case came before Administrative Law Judge (ALJ) Sara Marken of the Division of Administrative Hearings (DOAH) for a due process hearing held by Zoom conference on August 7, 2026.

APPEARANCES

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

For Respondent: Gabrielle L. Gonzalez, Esquire
Miami-Dade County School Board
1450 Northeast Second Avenue, Suite 430
Miami, Florida 33132

STATEMENT OF THE ISSUES

Whether the student's proposed educational placement violates the Individuals with Disabilities Education Act's (IDEA) least restrictive environment (LRE) requirement.

Whether the student's individualized education plan (IEP) appropriately considered the use of positive behavior interventions and supports, and other strategies, to address behavior.

What remedy, if any, is appropriate?

PRELIMINARY STATEMENT

Petitioner filed a request for due process hearing (Complaint) with the Miami-Dade County School Board (School Board or Respondent) on June 5, 2026, and the School Board forwarded the Complaint to DOAH on June 9, 2026. The undersigned issued a Case Management Order on June 10, 2026. On June 15, 2026, Respondent filed a Response to the Complaint. The parties mutually agreed to attend a pre-hearing conference on July 13, 2026. On the same date, the undersigned issued a Notice of Hearing by Zoom Conference for August 7, 2026.

The undersigned conducted the final hearing as scheduled. Petitioner's parents testified on Petitioner's behalf. The undersigned admitted Petitioner's Exhibits 1 through 7. No other witnesses or exhibits were introduced.

At the conclusion of the due process hearing, the parties agreed to file proposed final orders no later than five business days after the transcript was filed, and the undersigned's final order would be issued five business days after the proposed final orders were filed. The Transcript of the due process hearing was filed on August 12, 2026. Accordingly, the proposed final orders were due by August 17, 2026, and this Final Order is due by August 24, 2026. Respondent timely filed a Proposed Final Order, which the undersigned considered when drafting this Final Order.

Unless otherwise indicated, all rule and statutory references are to the versions in effect at the time Respondent performed the evaluations at issue. 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

Petitioner's evidence at the final hearing consisted of four photographs depicting an injury he sustained in the spring of [REDACTED]; two emails from the parent, one regarding injuries Petitioner sustained during an altercation for which the parent believed Petitioner was unfairly disciplined, and the other one in which the parent reported inappropriate conduct by the assistant principal toward Petitioner; and a written statement prepared by the parent explaining the reasons for the parent's disagreement with the proposed change of school.

Based on the witness testimony and evidence presented at the final hearing, the following facts were established:

1. At all times relevant to this proceeding, Petitioner was a [REDACTED]-grade student at [REDACTED]. Petitioner has a medical diagnosis of Attention-Deficit/Hyperactivity Disorder (ADHD). No evidence was presented regarding the exceptional student education (ESE) eligibility category under which Petitioner is eligible.

2. Petitioner has attended [REDACTED] since [REDACTED]. Academically, Petitioner has been promoted from grade to grade but, because of his poor academic performance, was required to attend summer school in the summer of [REDACTED]. No other evidence was presented regarding the specifics of Petitioner's academic performance or progress.

3. Petitioner has exhibited maladaptive behaviors at school and has been repeatedly suspended. The parent acknowledged Petitioner's disciplinary "cases" but believed Petitioner was unfairly disciplined because the underlying incidents were not properly investigated.

4. The parent recalled attending multiple meetings concerning Petitioner but could not identify the nature of those meetings or whether they were IEP meetings.

5. The School Board has proposed to transfer Petitioner from [REDACTED] to a different school. The parent believes the proposed change in school is motivated by the school's assistant principal and was triggered by the parent's complaints regarding the assistant principal's conduct toward Petitioner.

6. The parent did not know whether Petitioner would benefit from the proposed school. However, the parent believed that remaining at [REDACTED] was in Petitioner's best interest because Petitioner would remain in the same school environment he has known since [REDACTED].

7. Petitioner failed to present any evidence establishing that the proposed educational placement violates the IDEA's LRE requirement or that the student's IEP failed to appropriately address his behavioral needs.

CONCLUSIONS OF LAW

8. 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).

9. 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).

10. Congress passed the 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).

11. 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).

12. 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).

13. 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." *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 *Bd. of Educ. v. Rowley*, 458 U.S. at 181).

14. 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.*

15. Additionally, the IDEA provides that, “[i]n the case of a child whose behavior impedes the child’s learning or that of others, [the IEP must] consider the use of positive behavioral interventions and supports, and other strategies, to address that behavior.” 34 C.F.R. § 300.324.

16. In this case, Petitioner’s IEP was not admitted into evidence, and no testimony was presented regarding the contents of the IEP, including its provisions addressing Petitioner’s behavioral needs. Similarly, no evidence was presented regarding the discussions that occurred during the meeting at which the proposed change in educational placement was considered. Instead, the parent’s concerns focused primarily on the fairness of Petitioner’s disciplinary investigations. Accordingly, Petitioner failed to establish that the IEP did not appropriately address Petitioner’s behavioral needs.

17. Petitioner also alleges that the proposed placement violates the IDEA’s LRE requirement. The IDEA provides directives on students’ placements or education environments in the school system. Specifically, 20 U.S.C. § 1412(a)(5)(A) provides, as follows:

Least restrictive environment.

(A) In general. To the maximum extent appropriate, children with disabilities, including children in

public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

18. With the LRE directive, “Congress created a statutory preference for educating [disabled] children with [nondisabled] children.” *Greer v. Rome City Sch. Dist.*, 950 F.2d 688, 695 (11th Cir. 1991). “By creating a statutory preference for mainstreaming, Congress also created a tension between two provisions of the [IDEA], school districts must both seek to mainstream [disabled] children and, at the same time, must tailor each child’s educational placement and program to his special needs.” *Daniel R.R. v. State Bd. of Educ.*, 874 F.2d 1036, 1044 (5th Cir. 1989).

19. In *Daniel*, the Fifth Circuit set forth a two-part test for determining compliance with the mainstreaming requirement:

First, we ask whether education in the regular classroom, with the use of supplemental aids and services, can be achieved satisfactorily for a given child. *See* § 1412(5)(B). If it cannot and the school intends to provide special education or to remove the child from regular education, we ask, second, whether the school has mainstreamed the child to the maximum extent appropriate.

Daniel, 874 F.2d at 1048.

20. In *Greer*, the Eleventh Circuit adopted the *Daniel* two-part inquiry. In determining the first step, whether a school district can satisfactorily educate a student in the regular classroom, several factors are to be considered: (1) a comparison of the educational benefits the student would receive in a regular classroom, supplemented by aids and services, with the benefits he will receive in a self-contained special education environment; (2) what effect the

presence of the student in a regular classroom would have on the education of other students in that classroom; and (3) the cost of the supplemental aids and services that will be necessary to achieve a satisfactory education for the student in a regular classroom. *Greer*, 950 F.2d at 697.

21. Petitioner presented no evidence addressing the factors relevant to determining whether the proposed educational placement complies with the LRE requirement. Rather, the parent preferred that Petitioner remain at [REDACTED] because of his familiarity with the school environment.

22. Based on the foregoing, Petitioner failed to establish by a preponderance of the evidence that the student's IEP failed to consider the use of positive behavioral interventions and supports to address his behavioral needs or that the proposed educational placement violated the IDEA's LRE requirement.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Petitioner failed to satisfy his burden of proof related to the claims asserted in Petitioner's Complaint. The requested relief is DENIED.

DONE AND ORDERED this 20th day of August, 2026, in Miami, Dade County, Florida.


Case No. 26-2908E

SARA M. MARKEN
Administrative Law Judge
DOAH Miami Office

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Filed with the Clerk of the
Division of Administrative Hearings
this 20th day of August, 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).