

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**,

Petitioner,

Case No. 26-0202E

vs.

MIAMI-DADE COUNTY SCHOOL
BOARD,

Respondent.

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FINAL ORDER

The due process hearing was held on June 10, 2026, via Zoom conference. Jessica E. Varn, an Administrative Law Judge with the Division of Administrative Hearings (DOAH) presided over the hearing.

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 School Board denied the student a free and appropriate public education (FAPE) by failing to design an appropriate individualized education plan (IEP) to meet the student's needs; specifically, if the student's curriculum is appropriate.

Whether the parents were denied meaningful participation in the educational planning for the student.

Whether the IEPs designed for the student were predetermined.

What remedies, if any, are appropriate?

PRELIMINARY STATEMENT

Petitioner filed a request for a due process hearing (Complaint) on January 9, 2026. The School Board filed a Response on January 20, 2026. Mediation was attempted in late January 2026, but the dispute was not resolved. On January 29, 2026, Respondent filed a Status Report and Agreed Motion to Hold Case in Abeyance for 60 days to give the parties more time to resolve the dispute. The motion was granted and the parties were to confer by March 30, 2026.

Respondent filed another Status Report on March 30, 2026, stating the parties were unable to resolve the issues in the due process complaint and requested a pre-hearing conference. A pre-hearing conference was held on April 21, 2026.

Petitioner moved to recognize [REDACTED] as a Qualified Representative on April 20, 2026. This Motion was denied because [REDACTED] did not meet the qualifications of a qualified representative under Florida Administrative Code Rule 28-106.106.

The due process hearing was held as scheduled. Petitioner offered the testimony of both of the student's parents, and [REDACTED], President and Founder of [REDACTED]. Petitioner's Exhibits 1, 1A, 2, 3, 5, and 7 through 9 were admitted into the record. Respondent offered the testimony of one expert, [REDACTED], District School Psychologist.

At the end of the due process hearing, the parties agreed that the final order would be due seven days after the filing of the parties' proposed final orders, and they agreed to file proposed final orders seven days after the transcript was filed. On July 24, 2026, Petitioner filed an Unopposed Motion for Extension of Time to File Proposed Final Order. On July 27, 2026, an Order Extending Final Order Deadline was entered, allowing the parties to file proposed final orders 14 days after the transcript was filed, and the final order would be due 14 days after the proposed final orders were filed. The Transcript was filed on August 10, 2026. Thus, the parties' proposed final orders were due on August 24, 2026, and the final order deadline was extended to September 8, 2026.

The parties filed timely Proposed Final Orders, which were considered in preparing 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, male pronouns will be utilized 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 recently completed [REDACTED] grade through [REDACTED] [REDACTED], a home education program. He was educated through the home education program for all of his [REDACTED] school years, but during [REDACTED] school, he attended a private school. He last attended a Miami-Dade County public school in [REDACTED] grade at [REDACTED] School.

2. The student is eligible for exceptional student education (ESE) services under the categories of Emotional/Behavioral Disability and Autism Spectrum Disorder. His last IEP, created in [REDACTED], placed him on a modified curriculum.

3. In [REDACTED], the student's parents reached out to the School Board, requesting an updated IEP, seeking transition planning and services.

4. The student's parents provided several private evaluations for the IEP team's consideration, which were reviewed at an IEP meeting on December 15, [REDACTED].

5. One of these private evaluations was completed by [REDACTED], a licensed school psychologist and clinical social worker. On August 16, [REDACTED], [REDACTED] evaluated the student to assess his current levels of functioning and to determine whether he had a continued need for special education support. [REDACTED] conducted several assessments including the Wechsler Intelligence Scale for Children (WISC-V).

6. The student's intellectual abilities on the WISC-V resulted in a full-scale Intelligence Quotient (IQ) score of 76, falling within the low average range. After reviewing the IQ score in the evaluation, the IEP team determined that the student no longer met eligibility criteria to be educated on a modified curriculum. Unfortunately, he had to be placed on a standard curriculum. The team further made updates to the goals, services, and transition planning as it related to his current needs and the data presented.

7. The student's parents participated in the December 15, [REDACTED], meeting, along with their advocate, actively discussing their son's needs and current levels, and provided a statement included in the parent input section of the IEP. Ultimately, the parents and their advocate disagreed with the decision to remove the student from a modified curriculum.

8. The IEP was completed in February [REDACTED]. It describes the student as a polite and respectful student, who has a willingness to engage. He wishes to obtain employment in gaming or voice acting. The student can read and understand material at a [REDACTED]-grade level. The student can perform basic math and is able to express his needs and interests to others.

9. He struggles academically, socially, and functionally. In all academic subjects, his skills are below or well below grade level. He struggles with task

completion and self-regulation and requires frequent redirection. Socially, the student exhibits deficits in his language and communication skills, including difficulty with maintaining conversations and understanding social cues. He does not currently possess the functional skills to manage impending adulthood.

10. Since being enrolled in home education, the student has not participated in any statewide assessments.

CONCLUSIONS OF LAW

11. DOAH has jurisdiction over the subject matter of this proceeding and of the parties. *See* § 1003.57(1)(c), Fla. Stat.; Fla. Admin. Code R. 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. 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).

14. 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.” *Id.* 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).

15. 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).

16. 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).

17. 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).

18. 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.*

19. 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.").

20. States are also required to develop challenging academic achievement standards and assessments for all students. 34 C.F.R. § 200.1. For students with the most significant cognitive disabilities, states may define and develop alternative achievement standards and curriculum. 34 C.F.R § 200.1(d).

21. In Florida, each student must participate in the General Statewide, Standardized Assessment program under section 1008.22, Florida Statutes, and the coordinated screening and progress monitoring system under section 1008.25, Florida Statute, unless determined otherwise by the IEP team. *See* Fla. Admin. Code R. 6A-1.0943. In order to be eligible for an alternative assessment, the student must meet the criteria under Florida Administrative Code Rule 6A-1.0943(5)(c).

22. One of the criteria is that the student must have a “most significant cognitive disability.” *See* Fla. Admin. Code R. 6A-1.0943(5)(c)11. A “most significant cognitive disability” is defined as:

(f) “Most significant cognitive disability” means a global cognitive impairment that adversely impacts multiple areas of functioning across many settings and is a result of a congenital, acquired or traumatic brain injury or syndrome and is verified by either:

1. A statistically significant below average global cognitive score that falls within the first percentile rank (**i.e., a standard, full-scale score of sixty-seven (67) or under**); or

2. In the extraordinary circumstance when a global, full-scale intelligent quotient score is unattainable, a school district-determined procedure that has been approved by the Florida Department of Education under paragraph (5)(e) of this rule.

(Emphasis added). Fla. Admin. Code R. 6A-1.0943(1)(f).

23. In the present case, Petitioner’s predominant complaint is that the IEP fails to provide FAPE because it does not provide for an alternate assessment and a modified curriculum. Guided by the principles above, the

undersigned finds that the student's full-scale IQ of 76 deems him ineligible for a modified curriculum. Thus, the curriculum determination is found to be appropriate and this claim fails.

24. Further, Petitioner presented no persuasive evidence establishing that the parents were denied meaningful participation. The greater weight of the evidence showed that the parents were present for the December 15, [REDACTED], IEP meeting, brought data and evaluations for the team to consider and discuss, provided parental input included in the IEP, spoke with the IEP team about concerns related to transition planning, and had meaningful participation. This claim also fails.

25. Finally, Petitioner failed to present any evidence establishing that the February [REDACTED] IEP was predetermined.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Petitioner failed to meet his burden of proof and all claims for relief are DENIED.

DONE AND ORDERED this 2nd day of September, 2026, in Tallahassee, Leon County, Florida.


Case No. 26-0202F

JESSICA E. VARN
Administrative Law Judge
DOAH Tallahassee Office

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Filed with the Clerk of the
Division of Administrative Hearings
this 2nd day of September, 2026.

COPIES FURNISHED:

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Michael Barrett, General Counsel (eServed)	Petitioner (eServed)
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Dr. Jose Dotres, Superintendent
(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).