

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

COLUMBIA COUNTY SCHOOL
BOARD,

Petitioner,

vs.

Case No. 26-2396E

**,

Respondent.

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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 June 24 and 25, 2026.

APPEARANCES

For Petitioner: Meagan L. Logan, Esquire
 Rumberger, Kirk & Caldwell, P.A.
 101 North Monroe Street, Suite 1050
 Tallahassee, Florida 32301

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

STATEMENT OF THE ISSUE

Whether the School Board's proposed educational placement in an interim alternative educational setting ("IAES") is appropriate.

PRELIMINARY STATEMENT

Petitioner filed a request for a due process hearing (Complaint) on May 12, 2026, and the undersigned issued a Case Management Order on the following date. On June 5, 2026, the undersigned held a pre-hearing

conference with all parties in attendance. During the conference, the parties agreed to schedule the hearing for June 24 and 25, 2026.

The final hearing proceeded as scheduled. At the end of the due process hearing, the parties agreed to file proposed final orders two weeks after the transcript was filed, and to extend the deadline for issuance of the Final Order to two weeks after the proposed final orders were filed. The complete Transcript was filed on July 28, 2026. Accordingly, the proposed final orders were due by August 11, 2026, and the deadline to issue this Final Order was extended to September 1, 2026. The parties timely filed Proposed Final Orders, which the undersigned considered in preparing this Final Order.

The identity of witnesses and the exhibits entered into the record are memorialized in the hearing Transcript. Unless otherwise indicated, all rule and statutory references are to the versions in effect during the relevant time period. For stylistic convenience, the undersigned will use male pronouns in this Final Order when referring to Respondent. The male pronouns are neither intended, nor should be interpreted, as a reference to Respondent's actual gender.

FINDINGS OF FACT

1. At the time of the due process hearing, Respondent was an [REDACTED] student. He is eligible for exceptional student education (ESE) under the categories of Autism Spectrum Disorder (ASD) and Language Impaired (LI).

2. During the [REDACTED] school year, the student attended [REDACTED] [REDACTED]. [REDACTED] is a comprehensive [REDACTED] and [REDACTED] [REDACTED] with about [REDACTED] students.

3. The student is educated on a modified curriculum. He has some intelligibility challenges and low cognitive skills, as well as multiple

maladaptive behaviors that result in physical harm to others on the school campus. His teacher described him as functioning academically at a [REDACTED]-to-[REDACTED] level. The student is tall and has a large, strong physical build for his age.

4. Before attending [REDACTED], the student participated in a clinical program at the [REDACTED]. The [REDACTED] is a highly structured program that serves individuals with severe problem behaviors, including aggression and self-injury. The program focuses on intensive, individualized behavioral interventions rather than academics. The student required extensive support while attending the program. At the beginning of his treatment, even a two-to-one adult-to-student ratio was not always sufficient to meet his needs.

5. The student made significant progress during treatment and eventually met the program's discharge criteria, which allowed him to transition to a less restrictive setting. Despite this progress, he continued to require a high level of supervision.

6. On December 9, [REDACTED], the student's parent met with [REDACTED] staff to discuss the student's return to a traditional school setting. The team discussed the student's needs and agreed that the parent would attend school with him until he acclimated to the new setting. The team also discussed support from the student's private Board-Certified Behavior Analyst (BCBA) and Registered Behavior Technician (RBT) and provided the parent with the necessary forms to allow both providers to support the student at school.

7. The student began attending [REDACTED] in January [REDACTED]. His educational setting was an ESE self-contained classroom with his teacher, a paraprofessional, and one other student. Initially, his parent and private RBT also attended with him to provide more support.

8. The student's most recent individualized education plan (IEP) dated back to [REDACTED] while he attended [REDACTED] school in [REDACTED]. The school

began to collect data and held a subsequent IEP meeting on February 4, [REDACTED].

9. The Center for Autism and Related Disabilities (CARD) supported the student's transition to [REDACTED]. CARD provides consultation, training, and technical assistance to schools serving students with autism and related disabilities. CARD observed the student in the classroom, consulted school staff, and provided recommendations regarding behavioral supports.

10. CARD, in collaboration with the student's BCBA and RBT, provided the school with a four-level system to categorize and track the student's aggressive behaviors. Level 1 included a strike; Level 2 included conduct that left a red mark; Level 3 included conduct that resulted in bruising, hair removal, or scratching that left a mark; and Level 4 included conduct that required medical attention.

11. The team first planned for the student to attend full school days. However, his behavioral difficulties prevented him from consistently completing a full day, so the team shortened his schedule to about 9:00 a.m. to 11:20 a.m. The team planned to gradually increase his school day in small increments based on his progress. The goal was to extend his day after he maintained only Level 1 or Level 2 behaviors for approximately two weeks. The school eventually extended his day to 12:00 p.m., but the student never progressed beyond a 9:00 a.m. to 12:00 p.m. schedule during the [REDACTED] school year.

12. Four days after beginning school, while working on a math worksheet, the student showed signs of frustration and jabbed his teacher in the chest with a colored pencil. The teacher stopped the activity, stepped away, and gave the student time to calm down. After the student calmed down, the bell rang to transition to physical education. As the group prepared to leave, the student became upset and acted aggressively toward his [REDACTED], who was present in the classroom. The student then grabbed his teacher by the hair and repeatedly punched [REDACTED] in the head. The teacher freed [REDACTED], and the

student then directed his aggression toward his [REDACTED]. His [REDACTED] took him home following the incident. The school suspended the student for three days. The teacher also left school for the day and sought medical attention.

13. In February [REDACTED], the IEP team met to develop the student's annual IEP and review his progress since beginning at [REDACTED]. The team discussed the student's significant maladaptive behaviors, including physical aggression and elopement. The team also reviewed the behavior plan developed with input from CARD and the student's private behavioral providers and discussed how to adapt the plan for implementation in the school setting.

14. On March 3, [REDACTED], the student attended music class for the first time. During the class, the music teacher and another student played an instrument. The student became upset by the noise, walked across the room, and struck the other student in the head several times.

15. Throughout his time at school, the student often eloped from his classroom and other assigned areas. Although the student generally remained on campus, he wandered into other classrooms, offices, and areas of the school, requiring staff to follow and redirect him. The school attempted to limit the student's elopement by installing special locks, but the student destroyed them. His elopement also created safety concerns during emergency drills because he did not reliably remain in designated areas. During one lockdown, the student left the classroom and wandered toward another area of campus. As a result, the school deviated from its lockdown procedures, and two deputies helped staff escort the student to the vehicle that transported him home.

16. On April 24, [REDACTED], during a transition to physical education, the student first refused to leave the classroom. Staff gave the student space and waited until he appeared ready. The student eventually agreed to leave and began walking toward the football field. During the transition, however, the student became physically aggressive, grabbed his teacher's arm, struck his

RBT, pulled out a chunk of his teacher's hair, and punched [REDACTED] in the head. Security helped staff return the student to the classroom, where he also tried to strike the paraprofessional. The team classified the incident as a Level 3 behavior because the student's aggression resulted in hair removal.

17. In May [REDACTED], the school transported the student home in a school vehicle. The paraprofessional drove the vehicle; the student and his RBT rode in the back seat. Before the vehicle reached the first stop sign, the student came forward from the back seat and struck the paraprofessional twice. The RBT instructed the student to "use nice hands," after which the student struck the RBT and hit the vehicle's windows and door. Before reaching his home, the student struck the paraprofessional again. The entire incident occurred during the approximately ten-minute drive home.

18. From January [REDACTED] through the end of the school year in May [REDACTED], the student attended school on 50 of 81 school days.

19. Following the May incident, the school held a manifestation determination review (MDR) and interim IEP meeting. The meeting notice did not include the student's educational placement as a topic, but the team agreed at the beginning of the meeting to add placement to the agenda. The team determined that the student's aggressive conduct was a manifestation of his disability. After completing the MDR, the school-based team, along with School Board representatives, proposed community-based instruction for the rest of the [REDACTED] school year and placement at [REDACTED] for the [REDACTED] school year.

20. [REDACTED] is Petitioner's IAES. The school serves around [REDACTED] students, including more than [REDACTED] students with IEPs. The school operates a program for students with significant behavioral needs who access their education through a modified curriculum. The student's proposed classroom currently serves around [REDACTED] students and offers dedicated paraprofessional support. [REDACTED] also has a smaller, fenced campus, teachers experienced in developing and implementing behavior plans, a full-time

counselor, and regular support from a psychologist who works with students, families, and staff to develop and monitor behavioral interventions. The program also provides related services and opportunities for life-skills instruction, art, and gardening.

21. The record evidence established that maintaining the student's current placement at [REDACTED] is substantially likely to result in injury to the student or others. His conduct resulted in repeated physical attacks on teachers, paraprofessionals, his RBT, and another student, and created additional safety concerns during transitions, transportation, and emergency procedures. [REDACTED] provides a smaller and more secure campus, experienced behavioral staff, and embedded behavioral and psychological services designed to address the student's significant needs.

CONCLUSIONS OF LAW

22. DOAH has jurisdiction over the subject matter of this proceeding and the parties. *See* § 1003.57(1)(c), Fla. Stat.; Fla. Admin. Code R. 6A-6.03312(7).

23. The School Board carries the burden of proving all elements of its claim. "The burden of proof in [a due process hearing] is properly placed upon the party seeking relief." *See Schaffer v. Weast*, 546 U.S. 49, 61 (2005); *see also West Platte R-II Sch. Dist. v. Wilson*, 439 F.3d 782, 784 (8th Cir. 2006); *Devine v. Indian River Cnty. Sch. Bd.*, 249 F.3d 1289, 1292 (11th Cir. 2001), *cert. denied*, 123 S. Ct. 82 (2002).

24. 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, which depends 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).

25. A parent can file a due process hearing request regarding matters related to the identification, evaluation, eligibility determination, or educational placement of a student or the provision of a free appropriate public education (FAPE). Fla. Admin. Code R. 6A-6.03311(9); § 1003.57(1)(c), Fla. Stat.

26. Certain circumstances authorize or require a school board to initiate a due process proceeding. A school board must file a request for due process when it denies a parent's request for an independent educational evaluation at public expense. *See* Fla. Admin. Code R. 6A-6.03311(6)(a). A school board may also request due process when: 1) a parent denies consent for an initial evaluation or reevaluation; 2) a parent denies consent for the student to take an alternative state assessment; 3) a parent denies consent to place the student in an ESE center. *See* § 1003.5715, Fla. Stat.; Fla. Admin. Code R. 6A-6.03311(9). An ESE center is defined as a separate school to which nondisabled students do not have access. § 1003.57(1)(b), Fla. Stat.

27. Additionally, a school board may initiate an expedited due process proceeding when it believes that maintaining the student's current education placement is substantially likely to result in injury to the child or others. Fla. Admin. Code R. 6A-6.03312(7); 34 C.F.R. § 300.532. Under this framework and after completing an expedited due process hearing, the hearing officer may:

Return a child with a disability to the placement from which the child was removed; or order a change in placement of a child with a disability to an appropriate interim alternative educational setting

for not more than 45 school days if the hearing officer determines that maintaining the current placement of such child is substantially likely to result in injury to the child or to others. The procedures may be repeated if a school district believes that returning the student to the original placement is substantially likely to result in injury to the student or to others.

20 U.S.C. § 1415(k)(3); Fla. Admin. Code R. 6A-6.03312(8).

28. An IAES is defined as a “different location where educational services are provided for a specific period of time due to disciplinary reasons and that meets the requirements of this rule.” *See* Fla. Admin. Code R. 6A-6.03312(1)(g).

29. Unlike a hearing officer’s authority to override a parent’s disagreement and order a student’s placement in an ESE center, the undersigned’s authority to place a student in an IAES is limited to the circumstances outlined in Fla. Admin. Code R. 6A-6.03312 and, in no event, may exceed 45 school days. The undersigned has found no authority, and Petitioner has cited none, providing otherwise.

30. Petitioner did not file this matter as an expedited due process proceeding. Petitioner did not immediately assign the student to the IAES following the May [REDACTED] MDR and IEP meeting. Instead, the IEP team proposed the IAES placement for the [REDACTED] school year.¹

31. As described above in the Findings of Fact, the student has injured multiple faculty members at [REDACTED] on multiple occasions. The School Board has shown, by a preponderance of the evidence, that the student is substantially likely to injure himself or others if he remains at [REDACTED] and has shown that [REDACTED] is the appropriate IEAS.

¹ Had the School Board filed this matter as an expedited due process proceeding, it could have placed the student in the IAES throughout this proceeding or until the expiration of the 45-school-day period, whichever occurred first. *See* 20 U.S.C. § 1415(k)(3).

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that the student's placement must be changed to the IAES for no more than 45 school days, because maintaining his placement at [REDACTED] [REDACTED] is substantially likely to result in injury to himself or others.

DONE AND ORDERED this 31st day of August, 2026, in Miami, Dade County, Florida.


Case No. 26-2401EDM

SARA M. MARKEN
Administrative Law Judge
DOAH Miami Office

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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)