STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

**,

Petitioner,

vs.

Case No. 25-4918E

ALACHUA COUNTY SCHOOL BOARD,

Respondent.
_____/

FINAL ORDER

The parties mutually agreed to hold the due process hearing on two non-consecutive days, December 10 and 17, 2025. The parties also agreed to hold the case via Zoom conference. Administrative Law Judge Jessica E. Varn, from the Division of Administrative Hearings (DOAH), presided over the hearing.

APPEARANCES

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

For Respondent: Amy J. Pitsch, Esquire
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123 North Monroe Street
Tallahassee, Florida 32301

STATEMENT OF THE ISSUES[1]

Whether the School Board misclassified disability-related behavior under the School Environment Safety Incident Reporting (SESIR)[2];

Whether the School Board violated the Individuals with Disabilities Education Act (IDEA) by failing to conduct a manifestation determination review (MDR);

Whether the School Board failed to provide a FAPE to the student by failing to implement and provide Individualized Education Plan (IEP) services and accommodations;

Whether the School Board failed to meet its child find obligation under the IDEA;

Whether the School Board violated the IDEA by failing to provide the parents with meaningful participation in the educational planning for their son;

Whether the School Board unilaterally changed the student's placement without Prior Written Notice (PWN);

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[1] In Petitioner's Proposed Final Order, Petitioner raised an issue that he had not raised in the request for a due process hearing (Complaint). In the Complaint, Petitioner did not raise the issue of whether the student was denied a free and appropriate public education (FAPE) because the School Board failed to conduct a functional behavior assessment (FBA) and failed to create a Behavior Intervention Plan (BIP). This issue is not properly before the undersigned and is not addressed any further in this Final Order.

[2] The undersigned has no jurisdiction to hear this issue. Thus, it is not addressed any further in this Final Order. DOAH has the authority to adjudicate disputes involving the identification, evaluation, eligibility determination, or educational placement of a student or the provision of a FAPE to the student. *See* Fla. Admin. Code R. 6A-6.03311(9)(a).

Whether the School Board violated the IDEA by failing to place the student in the least restrictive environment (LRE); and lastly,

What remedy, if any, is appropriate?

PRELIMINARY STATEMENT

Petitioner filed his Complaint on September 5, 2025. The School Board forwarded the Complaint to DOAH on September 11, 2025; and filed its Response to the Complaint on September 15, 2025. On September 22, 2025, the School Board filed a Notice of Resolution Outcome, stating that the parties could not come to a resolution on any of the issues raised in the Complaint.

The parties agreed to hold a pre-hearing conference on October 8, 2025. During the conference, they agreed to the dates for the due process hearing, and the virtual format. The parties went on to conduct discovery in preparation for the hearing, and the due process hearing was held as scheduled.

At the hearing, Petitioner presented the testimony of both parents, and Petitioner's Exhibits A through H were admitted into evidence. The School Board presented the testimony of [redacted], Exceptional Student Education (ESE) Director; [redacted], ESE teacher; [redacted], Middle School teacher; [redacted], ESE teacher; [redacted], ESE teacher; [redacted], Paraprofessional; [redacted], Assistant Principal; and [redacted], Assistant Principal. School Board Exhibits B, D, E, G through K, O, Q through U, W, and X were admitted into evidence.

At the end of the due process hearing, the parties agreed to file proposed final orders 14 days after the Transcript was filed with DOAH. The parties

also agreed to extend the final order deadline to 14 days after the proposed final order deadline. The Transcript was filed on January 9, 2026. Accordingly, the deadline for the proposed final orders was January 23, 2026, and the Final Order is due on February 6, 2026.

Both parties filed proposed final orders, which were considered in preparing this Final Order. All of the witnesses' testimony was considered and all exhibits were reviewed, although they may not be referred to in the Findings of Fact below.

Unless otherwise indicated, all rule and statutory references are to the versions in effect during the relevant period.

FINDINGS OF FACT

1. The student is [redacted] years old, and currently in [redacted] grade. He is eligible for ESE services under the categories of Language Impairment and Speech Impairment.

2. The relevant period, given the two-year statute of limitations in IDEA cases, begins when the student was in [redacted] grade, in the fall of [redacted]. While in [redacted] school, the student was in a placement where he spent a significant time of his day in a resource classroom, to access his core subjects of math and English-language Arts (ELA). [redacted] was his teacher for the resource classroom, in both [redacted] and [redacted] grades.

3. [redacted] communicated with the parents through an app called "[redacted]" in [redacted] grade; and in [redacted] grade, used an app called "[redacted]." [redacted] testified that the student consistently pulled up his shirt, and repetitively poked his exposed belly button with multiple objects; causing his body to shake. It was behavior that persisted throughout all of [redacted] and [redacted] grades, as is reflected in the messages sent by [redacted] to the

[redacted]. A recitation of some of those messages helps in understanding how often the maladaptive behavior occurred.

4. While in [redacted] grade, on December 8, [redacted], [redacted] wrote: "[**] had a hard time keeping his shirt covering his body today. He only tried once to access his belly in class by pulling his shirt up, however it seems to not fit exactly and shows his skin."

5. Moving now to the Spring of [redacted] grade, [redacted] wrote, on April 17, [redacted]: "Today he is struggling g[t]o stop self-stimulating. He is trying hard to focus, but having a hard time."

6. The next week, on April 22, [redacted], the IEP team met. The IEP contains this vague description of the student's maladaptive behaviors:

> When asked to stop behaviors he emits; he replies with "What" and needs an explanation as to why he was being spoken to and he will let the teacher/peer know if he still does not understand. He is able to attend closer to given tasks with "fidget" toys/tools to distract or redirect his behavior while learning.

7. The IEP makes no mention of needing to evaluate the self-stimulating behavior, or that any discussion was held over the troubling behavior. [redacted] agreed, during [redacted] testimony, that the IEP conference notes do not reflect [redacted] recollection—that [redacted] had suggested, in [redacted] grade, that an FBA be conducted, and that the [redacted] did not provide consent for an FBA.

8. The student's [redacted] agrees that [redacted] did not consent to an FBA at the time. The School Board, however, did not seek to override the parent's lack of consent by requesting a due process hearing—the necessary step to address the student's needs. Sadly, the School Board honored the [redacted] hesitancy, and, in doing so, failed to meet the student's needs. As would be expected, [redacted] continued to handle the behavior as best as [redacted] could, without a formal evaluation or intervention plan in place.

9. The day after the IEP meeting, [redacted] wrote the [redacted]: "Just an FYI, yesterday and today [**] has had a hard time not touching his belly

button by lifting his shirt and he has even been spoken to about smelling it as well once he touches it. We are still trying to replace the behavior with fidget toys. And will reward with [redacted]."[3]

10. On April 29, [redacted], [redacted] wrote: "Good morning, I'm hoping this early update will help [**] gain some control for the rest of the week... He also lifted his shirt to [pull] finger in with his belly button."

11. On April 30, [redacted], [redacted] wrote: "I'm sorry to share again today, [**] has had a hard time staying on task without putting his fingers in his belly button. This afternoon he was also sticking a pencil in his belly button."

12. On May 13, [redacted], [redacted] wrote: "[**] is having a hard time leaving his belly button alone today (lifting his shirt to access)."

13. Other undated messages sent by [redacted] during [redacted] grade include these statements:

> In the moment, he does ask me why he needs to stop touching his belly button. I give reasons, but he follows up with more whys…Today it was over 10 times. I am going to create a tracking form, so we can pin point when it occurs.
>
> One major thing he has been doing to get to his belly button is lifting his shirt to expose his belly area. We have tried explaining why it is not school appropriate and he asked where he could do it. I suggested home, somewhere private.
>
> We have two fidget spinners that he has been allowed to use to help him replace those behaviors, however he prefers a fidget worm. It has been taken away due to poking himself with it, he is reminded before use that it must stay on the table while in use and not touching his stomach, etc.
>
> For the last two months at least we have focused on helping [**] control his self-stimulating behavior. He uses his finger, pencils, pens, markers, toys (anything small) to dig into his belly button and poke

[3] "[redacted]" is a reference to a reward system for all students at the [redacted] school.

> repetitively. He also shakes/bounces his body to the point of shaking the table, etc. around him.

14. The student's self-stimulating behaviors persisted in [redacted] grade. On September 12, [redacted], [redacted] wrote: "Just an FYI: During FAST ELA test today [**] was lifting his shirt to poke his belly button, he was given a fidget to use an alternative. He put the fidget down and began using his belly button again. When asked to pull his shirt down he calls [p]out why, and did not comply until he knew I was sending a message. While he was doing it he was quite aggressive about it. I would not be surprised if it isn't sore or bruised."

15. Four days later, on September 16, [redacted], [redacted] wrote: "I'm so sorry to ask for help again. [**] is not complying with simple requests. He was poking his belly button while working in small group with me and two others and when I asked him to put his hands on the table he asked why. I then asked for the pencil as I realized he was poking his belly with it. He did not comply and said why."

16. Next, on September 24, [redacted], [redacted] wrote: "[**] has been unable to earn [redacted] during the first half hour of class as he has been in the bathroom since entering my class at 11:15ish. I have asked him 3 times to come out and explained why. He is still in there now."

17. In November [redacted], the IEP team met. This IEP described the self-stimulating behavior in this vague manner:

> When asked to stop behaviors he emits; he replies with "What" and needs an explanation as to why he was being spoken to and he will let the teacher/peer know if he still does not understand. He is able to attend closer to given tasks with "fidget" toys/tools to distract or redirect his behavior while learning. The student needs his attention gained and confirmed before directions are given, he needs periodic checks to make sure he remains on task with a question and increased opportunity for

> movement during classroom and state/district assessments.

18. The Spring semester of [redacted] grade reflects the same self-stimulating behaviors. On January 23, [redacted], [redacted] wrote: "[**] is having a hard time leaving his belly button alone. I have asked him repeatedly to stop poking with his finger. He just asks why."

19. On February 25, [redacted], [redacted] wrote: "Just an FYI, [**] has had a hard time controlling his need to stimulate his belly button. I have acquired two pencils he was using and a peer reminded him markers are not for that earlier."

20. Surprisingly, in April [redacted], the IEP team determined that at the required reevaluation point, which is every three years, there were no new needs to evaluate. The maladaptive behaviors that surfaced repeatedly were not addressed as one of the student's needs that required evaluation. Here again, the [redacted] did not insist that the student be reevaluated. The school-based team members had the obligation, however, to evaluate his behavioral needs, even without parental approval. Without parental consent or request, the School Board has an affirmative duty to reevaluate if the student needs it; and, if need be, file a request for a due process hearing to override the lack of consent.

21. In early May [redacted], at the end of [redacted] grade, the IEP team met again. Finally, this troubling behavior was described in an IEP:

> When asked to stop behaviors he emits (shaking his body in his seat, poking his belly button); he will stop and will need reminders. He will let the teacher/peer know if he still does not understand. He is able to attend closer to given tasks with "fidget" toys/tools to distract or redirect his behavior while learning.

22. On May 12, [redacted], [redacted] wrote: "[**] has had repeated reminders to not lift his shirt and poke his belly button. He came and read the message I was sending to help him choose to leave his shirt down."

23. On May 19, [redacted], [redacted] wrote: "Just an FYI [**] has started a new behavior of closing his eyes and resting his head on his hand, when he is to be reading or completing a computer task…I will do my best to keep him engaged and working. I am also worried his belly button may be sore. He has used it a lot lately."

24. The [redacted] credibly testified, and the record as a whole supports [redacted] recollection, that [redacted] repeatedly requested counseling, behavior interventions, and behavioral support, and it was not provided.

25. During all of [redacted] and [redacted] grade, the School Board did not conduct an FBA or create a BIP to address this disruptive and maladaptive behavior. It never sought to override the [redacted] lack of consent in [redacted] grade, and never again sought consent to evaluate the student's maladaptive behavior that constantly manifested itself throughout two entire school years.

26. Sadly, the School Board's failure to evaluate the student for further eligibilities and additional services resulted in a failure to meet its child find duty. The School Board never evaluated the function of the behavior and did not develop consistent, data-driven strategies to replace the maladaptive behavior. Without evaluation and without a behavior plan in place, the maladaptive behavior escalated when the student arrived in middle school.

27. On August 8, [redacted], right before middle school began, the IEP team amended the IEP. The most impactful change from elementary school to middle school was his placement. For [redacted] grade, he was placed in the general education classroom for all subjects, and would leave the classroom only for his language therapy. The maladaptive behavior was described as it had been in the last IEP:

> When asked to stop behaviors he emits (shaking his body in his seat, poking his belly button); he will stop and will need reminders. He will let the teacher/peer know if he still does not understand. He is able to attend closer to given tasks with "fidget" toys/tools to distract or redirect his behavior while learning.

28. The first day of [redacted] grade was August 11, [redacted]. On August 27, [redacted], the student was in a general education classroom with both a general education teacher, [redacted], and an ESE teacher, [redacted], as co-teachers. [redacted] first saw the student with his shirt all the way up, holding a marker in one hand and poking it into his belly button. The student's other hand was pinching his groin area, over his pants.

29. [redacted] knew that the student's [redacted] had suggested that if the self-stimulating behavior occurred, one tip was to reset the student by encouraging him to get a drink of water. [redacted] did exactly that—got his attention and took him out of class to get a drink of water. [redacted] asked the student if he was upset, tired, or bored; but he said he was not. [redacted] reminded him that he should not stick objects into his belly in class. When asked if he was ready to go back in the classroom, the student said yes. After returning to the classroom, [redacted] took the marker away.

30. The student sat back down and continued to wiggle in his seat and not engage in his work. [redacted], a paraprofessional in the classroom, then observed that the student had exposed his genitals and was engaging in masturbatory behavior. [redacted] told [redacted] what was happening, and [redacted] immediately went to his table and took him out of the classroom for a break.

31. [redacted] recalled that the student knew he had done something wrong, and that he was mostly concerned about which parent would be notified.

32. The student received two days of In School Suspension (ISS) for the disciplinary incident. The Principal or designee is tasked with enforcing the Code of Student Conduct and has reasonable discretion in determining the severity of misconduct and the appropriate response consistent with the Code.

33. [redacted] testified that the codes given to disciplinary consequences depend on the School Board's policies for discipline contained in the Code of

Student Conduct, which includes the SESIR codes. The disciplinary incident was given the SESIR code "Sex Offense," which required contacting law enforcement.

34. The student's parents appealed the disciplinary incident under the Code of Student Conduct, which resulted in a change to the coding of the offense from "Sex Offense" to "Other Minor" because the student did not act in a lewd manner. The discipline, a two-day ISS, remained.

35. The School Board did not hold an MDR after the two-day ISS because that requires a ten-day removal from school, which did not occur.

36. In September [redacted], the parents withdrew the student from Alachua County Schools.

37. The record as a whole reflects that the parents were involved in the educational planning for their son; in fact, the [redacted] refusal to consent to a behavior evaluation in [redacted] grade was honored for two school years. This inaction, tragically, allowed the student's persistent maladaptive behavior to continue, and escalate. Simply put, by placating the student's [redacted], the student's behavioral needs were not met.

38. There was no persuasive evidence establishing that the student's deficient IEPs were not implemented; and no evidence establishing that the student was not placed in the LRE, or that a PWN needed to be issued to the parents.

CONCLUSIONS OF LAW

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

40. The burden of proof is on Petitioner, to prove the claim by a preponderance of the evidence. *See Schaffer v. Weast*, 546 U.S. 49, 62 (2005); *Devine v. Indian River Cnty. Sch. Bd.*, 249 F.3d 1289, 1291 (11th Cir. 2001).

41. 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).

42. In enacting the IDEA, Congress intended to address inadequate educational services offered to children with disabilities and to combat the exclusion of such children from the public education system. *See* 20 U.S.C. § 1400(c)(2)(A)-(B). To achieve these aims, Congress provides funding to participating state and local educational agencies and requires such agencies to comply with the IDEA's procedural and substantive requirements. *Doe v. Ala. State Dep't of Educ.*, 915 F.2d 651, 654 (11th Cir. 1990).

43. The School Board, a local educational 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*.

44. 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).

45. The first and arguably most important procedural obligation, logically, is to identify and evaluate students for IDEA eligibility, most often referred to as the School Board's ongoing child find obligation. Child find "refers to a school's obligation, under relevant federal law, to identify students with disabilities who require accommodations or special education services

proactively rather than waiting around for a child's parents to confront them with evidence of this need." *Culley v. Cumberland Valley Sch. Dist.*, 758 Fed. Appx. 301, 306 (3d Cir. 2018).

46. The IDEA sets forth the child find obligation as follows:

> All children with disabilities residing in the State, including children with disabilities who are homeless children or are wards of the State and children with disabilities attending private schools, regardless of the severity of their disabilities, and who are in need of special education and related services, are identified, located, and evaluated and a practical method is developed and implemented to determine which children with disabilities are currently receiving needed special education and related services.

20 U.S.C. § 1412(a)(3); 34 C.F.R. § 300.111(a).

47. In compliance with the child find mandate, rule 6A-6.0331 sets forth the school district's ongoing responsibilities related to students suspected of having a disability. This rule provides that school districts have the responsibility to ensure that students suspected of having a disability are subject to general education intervention procedures. Additionally, they must ensure that all students with disabilities and who need ESE are identified, located, and evaluated, and FAPE is made available if it is determined that the student meets the eligibility criteria.

48. As an initial matter, the school district has the "responsibility to develop and implement a [multi-tiered system of support, or RTI], which integrates a continuum of academic and behavioral interventions for students who need additional support to succeed in the general education environment." Fla. Admin. Code R. 6A-6.0331(1).

49. The general education intervention requirements include parental involvement, observations of the student, review of existing data, vision and hearing screenings, and evidence-based interventions. Fla. Admin. Code R. 6A-6.0331(1)(a)-(e). Rule 6A-6.0331(1)(f) cautions, however, that nothing in

this section should be construed to either limit or create a right to FAPE or to delay appropriate evaluations of a student suspected of having a disability.

50. In *J.N. v. Jefferson County Board of Education*, 12 F.4th 1355 (11th Cir. 2021), the Eleventh Circuit clarified the child find obligation, explaining that a parent must, after establishing a child find violation, also put forth evidence that the student was owed ESE services for the time that lapsed before finally receiving ESE services. ("So to succeed in her claim, Molly's mother needs to show more than a child-find violation. She needs to show that Molly's education 'would have been different but for the procedural violation.'") *Id.* at 1366, *quoting Leggett v. Dist. of Columbia*, 793 F.3d 59 at 68.

51. Here, there is overwhelming evidence that the student's maladaptive behavior impeded his ability to access his education—his self-stimulating behavior, which surfaced regularly, required constant redirection, and constant trouble-shooting for the teachers to keep the student focused and engaged with his schoolwork. It escalated to a level that almost certainly could have been avoided if the behavior had been properly evaluated when it first surfaced, in [redacted] grade.

52. The evidence demonstrated that the School Board failed in its ongoing child find obligation in the fall of [redacted], when the student was in [redacted] grade. The evidence also demonstrated that the student needed an FBA and a BIP to address these maladaptive behaviors, and perhaps more intense behavioral therapy and counseling. The behavior was never replaced with a positive behavior, and, tragically, escalated to a level that could have been prevented.

53. In the Complaint, Petitioner also asserts that the School Board failed to provide him with an appropriate placement, in violation of the LRE mandate. Petitioner argues that the student, in middle school, was seated in a general education classroom, but he was clustered with only disabled

students. Petitioner alleges that this seating was a change in placement, violates the LRE mandate, and required the School Board to issue a PWN.

54. The IDEA provides directives on students' placements or educational environments in the school system. Title 20 U.S.C. § 1412(a)(5)(A) provides:

> Least Restrictive Environment.
>
> 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.

55. Under the IDEA's implementing regulations, states must have in effect policies and procedures to ensure that public agencies in the state meet the LRE requirements. 34 C.F.R. § 300.114(a). Additionally, each public agency must have a continuum of alternative placements available to meet the needs of children with disabilities for special education and related services. 34 C.F.R. § 300.115. Florida's Department of Education has enacted rules to comply with the LRE mandate. *See* Fla. Admin. Code R. 6A-6.03028(3)(i) and 6A-6.0311(1).

56. The School Board here never altered the student's placement on the LRE continuum, and so no PWN was necessary. Thus, Petitioner's claim related to LRE and a failure to issue a PWN both fail.

57. Petitioner also alleges that the School Board failed to give the parents meaningful participation in the educational planning for their son. This claim also fails, as the record establishes that the parents did participate at every IEP meeting, and communicated weekly with the student's teacher.

58. Petitioner also alleges that the student's IEPs were not properly implemented. The Eleventh Circuit addressed the issue of implementation for the first time in *L.J. v. School Board*, 927 F.3d 1203 (11th Cir. 2019). In that case, the court outlined the standard for claimants to prevail in a "failure-to implement case." *Id.* The court concluded that "a material deviation from the plan violates the [IDEA]." *L.J.*, 927 F.3d at 1206. The *L.J.* court expanded upon this conclusion as follows:

> Confronting this issue for the first time ourselves, we concluded that to prevail in a failure-to implement case, a plaintiff must demonstrate that the school has materially failed to implement a child's IEP. And to do that, the plaintiff must prove more than a minor or technical gap between the plan and reality; de minimis shortfalls are not enough. A material implementation failure occurs only when a school has failed to implement substantial or significant provisions of a child's IEP.

Id. at 1211.

59. The court provided a few principles to guide the analysis. *Id.* at 1214. First, the court said that the focus in implementation cases should be on the proportion of services mandated to those provided, viewed in the context of the goal and importance of the specific service withheld. Thus, the task is to compare the services that are delivered to the services described in the IEP itself. In turn, "courts must consider implementation failures quantitatively and qualitatively to determine how much was withheld and how important the withheld services were in view of the IEP as a whole." *Id.*

60. Additionally, the *L.J.* court noted that the analysis must consider implementation as a whole:

> We also note that courts should consider implementation as a whole in light of the IEP's overall goals. That means that reviewing courts must consider the cumulative impact of multiple implementation failures when those failures, though minor in isolation, conspire to amount to something

> more. In an implementation case, the question is not whether the school has materially failed to implement an individual provision in isolation, but rather whether the school has materially failed to implement the IEP as a whole.

Id. at 1212.

61. Here, Petitioner provided no persuasive evidence that the student's IEPs, as written, were not implemented. Thus, this claim also fails.

62. Lastly, Petitioner claims that the School Board should have conducted an MDR after the August 27, [redacted], incident. As a threshold matter, it must first be determined whether the student has experienced a change of placement because of a disciplinary removal.

63. Florida Administrative Code Rule 6A-6.03312 provides that "[s]chool personnel may consider any unique circumstances on a case-by-case basis when determining whether a change in placement, consistent with the requirements and procedures in this rule, is appropriate for a student with a disability who violates a code of student conduct."

64. Under this rule, a "change of placement because of disciplinary removal" is defined as follows:

> (1) Definitions applicable to discipline of students with disabilities. For purposes of this rule, the following definitions apply:
>
> (a) Change of placement because of disciplinary removals. For the purpose of removing a student with a disability from the student's current educational placement as specified in the student's IEP under this rule, a change of placement occurs when:
>
> 1. The removal is for more than ten (10) consecutive school days, or
>
> 2. The student has been subjected to a series of removals that constitutes a pattern that is a change of placement because the removals cumulate to more

> than ten (10) school days in a school year, because the student's behavior is substantially similar to the student's behavior in previous incidents that resulted in the series of removals, and because of additional factors, such as the length of each removal, the total amount of time the student has been removed, and the proximity of the removals to one another. A school district determines on a case-by-case basis whether a pattern of removals constitutes a change of placement, and this determination is subject to review through proceedings. due process and judicial proceedings.

Fla. Admin. Code R. 6A-6.03312(1).

65. Here, the two-day suspension was not a change in placement, triggering the obligation to conduct an MDR. Petitioner failed to establish that the School Board should have conducted an MDR in disciplining the student for this one-time offense.

66. Because the School Board procedurally violated the IDEA by failing in its child find obligation; and because the student was deprived of adequate behavioral services from September [redacted] to September [redacted], and was denied FAPE in the IEPs created, the student is entitled to appropriate remedies.

67. In that regard, if a district court or administrative hearing officer determines that a school district has violated the IDEA by denying that student FAPE, then the court shall "grant such relief as the court determines is appropriate." 20 U.S.C. § 1415(i)(2)(C)(iii). In so doing, the court or administrative hearing officer has broad discretion. *Knable ex rel. Knable v. Bexley City Sch. Dist.*, 238 F.3d 755, 770 (6th Cir. 2001); *see also Forest Grove Sch. Dist. v. T.A.*, 557 U.S. 230, 244 n.11 (2009)(observing that 20 U.S.C. § 1415(i)(2)(C)(iii) authorizes courts and hearing officers to award appropriate relief, despite the provision's silence in relation to hearing officers).

68. Such "appropriate" relief may include reimbursing parents for the cost of private replacement therapy; transportation expenses; credit card

transaction fees and interest; and, for times when a trained service provider is unavailable, reimbursement for the time a parent spent in providing therapy personally. *See Bucks Cnty. Dep't of Mental Health v. Pa.*, 379 F.3d 61, 63 (3d Cir. 2004)("[W]e hold that under the particular circumstances of this case, where a trained service provider was not available and the parent stepped in to learn and performed the duties of a trained service provider, reimbursing the parent for her time spent in providing therapy is 'appropriate' relief'"); *D.C. ex rel. E.B. v. N.Y.C. Dep't of Educ.*, 950 F. Supp. 2d 494, 516 (S.D.N.Y. 2013)(awarding reimbursement for transportation costs); *JP v. Cnty. Sch. Bd.*, 641 F. Supp. 2d 499, 506-07 (E.D. Va. 2009) (awarding parents a reasonable rate of interest to compensate them for tuition payments made on their credit cards, as well as credit card processing fees). Appropriate relief also depends on equitable considerations, so that the ultimate award provides the educational benefits that likely would have accrued from special education services the school district should have supplied in the first place. *Reid v. Dist. of Columbia*, 401 F.3d 516, 523 (D.C. Cir. 2005).

69. In addition, one type of relief that a court may provide is an award of compensatory education. *Sch. Comm. of Town of Burlington v. Dep't of Educ. of Mass.*, 471 U.S. 359, 369 (1985) (*quoting* 20 U.S.C. § 1415(e)(2)) Compensatory education is an award "that simply reimburses a parent for the cost of obtaining educational services that ought to have been provided free." *Hall v. Knott Cnty. Bd. of Educ.*, 941 F.2d 402, 407 (6th Cir. 1991); *see also Draper v. Atlanta Indep. Sch. Sys.*, 480 F. Supp. 2d 1331, 1352-53 (N.D. Ga. 2007)(holding that, in formulating a compensatory education award, "the Court must consider all relevant factors and use a flexible approach to address the individual child's needs with a qualitative, rather than quantitative focus"), *aff'd*, 518 F.3d 1275 (11th Cir. 2008).

70. Guided by the above stated principles, Petitioner is entitled to compensatory behavioral services, designed specifically for his behavioral

needs, for the period between September [redacted] and September [redacted]; with a full evaluation, a behavior intervention plan designed by behavioral experts, and a consideration of additional eligibilities.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that the School Board failed in its ongoing child find obligation; and is

ORDERED to:

1. Conduct a full evaluation of the student, including an FBA conducted by a behavior expert, to address all of the student's current needs;

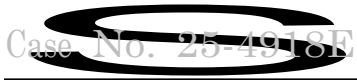
2. Create a BIP to address the student's maladaptive self-stimulating behaviors;

3. After a full evaluation, consider additional eligibilities and ESE services;

4. Provide two years of mental health counseling as compensatory education;

5. All other forms of relief are DENIED.

DONE AND ORDERED this 4th day of February, 2026, in Tallahassee, Leon County, Florida.



JESSICA E. VARN
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Filed with the Clerk of the
Division of Administrative Hearings
this 4th day of February, 2026.

COPIES FURNISHED:

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Petitioner
(eServed)

Dr. Kamela Patton, Interim 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).