STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

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Petitioner,

vs. Case No. 25-4755E

PASCO 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 final hearing via Zoom conference over 4 non-consecutive days, beginning on November 20, 2025, and concluding on February 5, 2026.

APPEARANCES

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

For Respondent: Molly Lauren Shaddock, Esquire
Sniffen & Harmon, P.A.
605 North Olive Avenue, Second Floor
West Palm Beach, Florida 33401

STATEMENT OF THE ISSUES

Whether Petitioner's individualized education plan (IEP), dated May [redacted], was designed to provide a free and appropriate public education (FAPE);

Whether Petitioner's IEP, dated June [redacted], was designed to provide FAPE;[1]

Whether Petitioner's IEP, dated August [redacted], was designed to provide FAPE;

Whether the School Board failed to create a positive behavior intervention plan (BIP) for Petitioner and, if so, whether such failure was a denial of FAPE;

Whether the School Board's proposed placement for Petitioner is the least restrictive environment (LRE) within the meaning of the Individuals with Disabilities Education Act (IDEA);

Whether the School Board denied Petitioner's parent the right to meaningfully participate in the August [redacted] IEP meeting;

Whether the School Board predetermined Petitioner's proposed placement; and

What relief, if any, is appropriate?

PRELIMINARY STATEMENT

Petitioner filed a request for a due process hearing (Complaint) with the School Board on August 29, 2025, which the School Board forwarded to DOAH on September 3, 2025. The case was initially assigned to ALJ Nicole Saunders. ALJ Saunders issued a Case Management Order

[1] Since there is no record of a June [redacted] IEP, therefore, this issue is not addressed in the order.

on September 3, 2025.[2] Respondent replied to the Complaint on September 8, 2025. ALJ Saunders held a status conference on September 25, 2025. During the conference, the parties agreed to extend the resolution period to October 8, 2025. On October 17, 2025, ALJ Saunders issued a Notice of Zoom Scheduling Conference for October 23, 2025. At the conference, the parties agreed to confirm and provide the tribunal with several mutually agreeable dates, as well as the preferred format for conducting the hearing, by October 30, 2025. On October 29, 2025, Respondent filed a Response to Order Requiring Response, indicating that the parties agreed to a virtual hearing format, but had not agreed on dates for the final hearing. As a result, ALJ Saunders held a pre-hearing conference on October 31, 2025. At the conference, the parties agreed to schedule the final hearing for November 20 and 21, 2025.

On November 3, 2025, Petitioner filed a Motion to Amend Issue for Final Hearing (Motion), and Respondent filed a response on the following date. On November 6, 2025, Petitioner filed a Response in Opposition to Respondent's Motion to Cancel Final Hearing. On the same date, ALJ Saunders issued an Order on Pending Motion addressing all three pleadings. The Order denied Petitioner's Motion and indicated that the hearing would proceed on the previously scheduled dates and on the issues identified in the Notice of Hearing. On November 7, 2025, this matter was transferred to the undersigned.

The parties filed a Joint Statement of Undisputed Facts on November 12, 2025. Petitioner then filed an Emergency Motion for Assistance in Securing Witnesses (Emergency Motion) on November 13, 2025. On the same date, the undersigned issued a Notice of Motion Hearing by Zoom Conference for

[2] There was a scrivener's error on the initial Case Management Order. An Amended Case Management Order was issued on the same day.

November 14, 2025, and Respondent filed a Response in Opposition to Petitioner's Emergency Motion for Assistance in Securing Witnesses. At the Motion Hearing, Petitioner clarified inadvertent misrepresentations, Respondent agreed to accept timely service of subpoenas for current School Board employees, and the Motion was rendered moot. The undersigned held the final hearing as scheduled, but the parties did not finish presenting their cases, so the undersigned scheduled additional hearing dates on February 2, 5, and 6, 2026. Petitioner failed to appear for the hearing on February 2, 2026. The hearing concluded on February 5, 2026, with all parties in attendance.

Petitioner presented the testimony of Petitioner's parent; [redacted], Senior Supervisor of Compliance and Resolution; [redacted], Student Support Specialist; [redacted], Instructional Assistant; [redacted], Intervention Specialist; [redacted], Varying Exceptionalities teacher; [redacted], school psychologist; [redacted], teacher. The parties jointly presented the testimony of [redacted], teacher, and [redacted], Student Discipline Assistant. During their case, Respondent recalled [redacted], [redacted], [redacted], and [redacted]. Additionally, Respondent presented the testimony of [redacted], Compliance and Resolution Specialist; [redacted], Assistant Principal; and [redacted], Student Support Specialist. The exhibits entered into the record are memorialized in the hearing Transcript.

Unless otherwise indicated, all rule and statutory references refer to the version in effect at the time of the alleged violations. For stylistic convenience, the undersigned uses male pronouns in this Final Order when referring to Petitioner. The male pronouns neither intend, nor should anyone interpret them, as a reference to Petitioner's actual gender.

FINDINGS OF FACT

1. Before the due process hearing, the parties stipulated to these facts:

Stipulated Facts

2. Petitioner resides within the boundaries of the Pasco County School District.

3. Petitioner was born on November 26, [redacted], and is currently [redacted]-years-old.

4. For the [redacted] school year, Petitioner was a [redacted] student enrolled at [redacted], a [redacted] school located in the district, and then transferred on January 27, [redacted], to [redacted], a district-operated [redacted] school.

5. For the [redacted] school year, Petitioner was a [redacted]-grade student at [redacted], but stopped attending on August 15, [redacted]. Petitioner was withdrawn from the district on October 6, [redacted], to attend a [redacted] school using the [redacted].

6. Petitioner is a student with a disability under the IDEA.

7. Petitioner has an IEP.

Findings of Fact based on the record

8. The student is eligible for exceptional student education (ESE) services under the category of Other Health Impaired (OHI). The student has a medical diagnosis of attention-deficit/hyperactivity disorder (ADHD) and a mood disorder.

9. As a result of his disabilities, the student often becomes emotionally dysregulated. He engages in elopement and physical aggression towards himself and others.

10. During the fall of [redacted], while attending [redacted], the student demonstrated behavioral and academic concerns such as physical aggression, elopement, and the inability to remain on task. This led the school to implement behavior strategies, including first-then prompts, reward systems,

breaks, visual schedules, and social stories. He was also unable to regularly attend school, missing approximately half of all school days—a problem that will persist at all times relevant to this Order.

11. On January 24, [redacted], [redacted] held an eligibility meeting to determine if the student was eligible for ESE under the category of OHI. The IEP team found the student ineligible because the school lacked the required medical documentation supporting a medical diagnosis.

12. Although the team found the student ineligible for an IEP at [redacted], the record reflects that school staff advised the parent that the student required additional supports and services not available at the [redacted] school, which prompted [redacted] to withdraw him from [redacted] and enroll him at [redacted].

13. The student began at [redacted] on January 28, [redacted]. He experienced the following behavioral incident:

> Hello. Below are the notes that I have for [**]'s day for when the behavior team assisted. 1:20, [**] was in class, went to the bathroom, and was slamming the bathroom door (opening it and slamming it closed repeatedly.) I went to check on him just to make sure everything was okay. [**] was climbing on top of the sink. In my opinion, I did not feel this was safe, so I stood there trying to talk to him and him and to keep him safe. After about two minutes, [**] pushed me out the way, grabbed the chair, and threw it at me, and ran out the classroom, and then out of the school building. [**] was running towards our car loop. I was able to block him from getting into the loop and out to traffic, as this is around when the high school and middle school on our campus are dismissing. I called for an extra behavior support to walk [**] back into the building. We made it inside the building at 1:25, while walking [**] into the building, he became upset and proceeded to kick myself and [redacted] (the behavior intervention specialist.) We brought him into our calm-down room to give him a few minutes to calm down. While with us, he proceeded to be physical with myself and

> [redacted], as well as kicking the walls and peeling the paint from the wall. During this time, he was not safe and made unsafe" -- it says "insafe"; it should say "un" – "statements and at which" -- should say "point, we had to get our guidance counselor, [redacted] involved to talk with [**]. [**] went back to class at 2:25 for specials. During our time with [**] he was physical with staff about 13 times, and was unsafe with himself about seven times, hitting his head on the walls and floor. If you have any questions, please do not hesitate to reach out with my information listed below.

After the incident, the student missed the following two weeks of school.

14. On February 7, [redacted], the school held a meeting with the student's parent to plan for a way for the student to return to school. The parent indicated that it would be best if the student attended half days for the first week back to school, and she would remain in the front office in case he needed additional support. On February 10, [redacted], the parent provided consent for an evaluation pursuant to Section 504 of the Rehabilitation Act of 1974.

15. The student attended school intermittently for the next few weeks. On February 20, [redacted], the parent provided consent to evaluate the student for ESE eligibility in the OHI category. At the meeting, school staff also discussed strategies and interventions to address the student's maladaptive behaviors. These included implementing the behavior plan received from [redacted] and providing a range of behavioral supports and interventions—such as behavior chart systems, including token and reward programs, and a coloring-based incentive chart—as well as ongoing staff support. The school also utilized de-escalation strategies and provided access to calm-down areas or rooms. Behavior intervention staff repeatedly attempted to de-escalate the student's behavior and support the student in regaining control during periods of dysregulation.

16. Despite these interventions and supports, the student attended school inconsistently and was present for approximately 28 days between January and May [redacted]. When present, he continued to exhibit maladaptive behaviors, including frequent elopement and physical aggression. The student's poor attendance significantly affected the effectiveness of the interventions and supports, as it limited the school's ability to implement them consistently and to collect sufficient data on his behavior.

17. On April 3, [redacted], the student engaged in a significant behavioral crisis that resulted in a threat assessment. The student was placed in a calm-down room, where he exhibited escalated dysregulation, made statements involving threats of self-harm, and removed his clothing down to his underwear. Staff responding to the incident wore protective gear due to the nature of his behaviors, and staff removed items from the room to maintain safety. The incident required intervention by the behavior team and was severe enough to prompt a formal threat assessment.

18. During the spring of [redacted], the school attempted to complete a Functional Behavioral Assessment (FBA); however, the student's absenteeism prevented the team from collecting the weeks of consistent data required to complete the assessment.

19. In May, the school convened an IEP meeting to develop the student's initial IEP following his eligibility for ESE services. The meeting began on May 12, [redacted], but continued to May 16, [redacted], due to a lack of consensus among team members. The team ultimately finalized the IEP on May 16, [redacted], which included accommodations and supports addressing the student's behavioral needs. However, because the school had not completed the FBA, the IEP did not include a formal Behavior Intervention Plan (BIP). During the meeting, the parent expressed disagreement with the proposed plan and left before the meeting concluded.

20. Following the May IEP meeting, the student missed all but one day of school before the end of the school year.

21. In June, the student's parent requested that the school complete a reevaluation and expressed concern over the student's lack of academic progress. The school-based team convened on June 2, [redacted], determined that additional data focusing on the student's academic achievement levels would be useful, and requested the parent's consent to conduct the reevaluations.

22. For reasons the record does not reflect, the parent did not provide consent for the reevaluation until August 15, [redacted], at which point, the school psychologist made several attempts to meet with the student. Ultimately, [redacted] evaluated the student on September 17, [redacted].

23. The X[redacted] school year began on August 11, [redacted]. The student attended four days of class and never returned.

24. The school convened another IEP meeting on August 20, [redacted]. At the meeting, the team reviewed the student's needs and revised his IEP, considering his behavioral challenges, attendance, and lack of progress. The IEP included the student's present levels of achievement, measurable goals, and accommodations. The team determined that the student would access his education in a special education classroom rather than a general education classroom, as the school team concluded that a general education setting could not meet the student's needs. The parent attended and actively participated in the meeting but disagreed with the team's recommendations.

25. The parent withdrew the student from [redacted] in October [redacted].

26. The greater weight of the evidence does not establish that the School Board denied the student FAPE. The May and August IEPs were reasonably calculated to enable the student to make progress in light of his circumstances. The record demonstrates that the student's chronic absenteeism significantly hindered his ability to make educational progress. The evidence does not support any of the issues raised by Petitioner.

CONCLUSIONS OF LAW

27. 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).

28. 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).

29. 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).

30. 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." 20 U.S.C. § 1400(d)(1)(A); *Phillip C.,* 701 F.3d at 694. 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).

31. 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).

32. 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.J. v. Muscogee Cnty. Sch. Dist.*, 668 F.3d 1258, 1270 (11th Cir. 2012). Instead, the school board denies a student FAPE only when a 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).

33. Petitioner asserts that the School Board denied the student's parent the opportunity to meaningfully participate in the August IEP meeting, and that it had predetermined the student's proposed placement in an ESE classroom.

34. The Eleventh Circuit addressed the issue of predetermination for the first time in *R.L., S.L., individually and on behalf of O.L. v. Miami Dade County School Board*, 757 F.3d 1173 (11th Cir. 2014). In that case, the Eleventh Circuit held that "Predetermination occurs when the state makes educational decisions too early in the planning process, in a way that deprives the parents of a meaningful opportunity to fully participate as equal members of the IEP team." *Id.* at 1188. This prohibition arises out of the IDEA's implementing regulation, which "maintains that a child's placement

'must be based on the IEP.'" *Id.* (citing 34 C.F.R. § 300.116(b)). Thus, "the state cannot come into an IEP meeting with closed minds, having already decided material aspects of the child's education program without parent input." *Id.* at 1188. *See N.L. v. Knox Cnty. Schs.*, 315 F.3d 688, 694-95 (6th Cir. 2003) (finding no predetermination where school district representatives "recognized that they were to come to the meeting with suggestions and open minds, not a required course of action"); *H.B. v. Las Virgenes Unified Sch. Dist.*, 239 Fed. App'x 342, 344 (9th Cir. 2007) (explaining that when determining predetermination, a trier of fact must make findings on the school district's predetermined plan and its unwillingness to consider alternative options).

35. That said, "'[P]redetermination is not synonymous with preparation,' which the IDEA allows." *M.V. v. Conroe Indep. Sch. Dist.*, CV H-18-401, 2019 WL 193923, at *5 (S.D. Tex. Jan. 15, 2019). Therefore, school-based members of the IEP team may have preformed opinions on what is appropriate for a child's education so long as such views do not "obstruct the parents' participation in the planning process." *R.L.,* 757 F.3d at 1188.

36. As the Court explained, to avoid a finding of predetermination, there must be evidence that the School Board was receptive and responsive at all stages to the parents' position, even if it ultimately rejected it. *Id.* (citing *Doyle v. Arlington Cnty. Sch. Bd.,* 806 F. Supp. 1253, 1262 (E.D.Va. 1992)). The inquiry into whether predetermination occurred is inherently fact-intensive, but it should identify those cases in which parental participation is meaningful and those in which it is merely a formality. *R.L.,* 757 F.3d at 1189.

37. The parent actively participated in the August [redacted] IEP meeting and voiced strong disagreement with the proposed educational placement. The record reflects that the School Board convened multiple meetings and coordinated with the parent, including rescheduling or delaying them when

necessary to facilitate her participation. The evidence does not establish that the School Board predetermined the student's placement.

38. Petitioner also alleges that both the May and August IEPs do not provide FAPE.

39. 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).

40. 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).

41. 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." 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.*

42. 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").

43. In this case, the IEPs included the required components, including the student's present levels of academic achievement and functional performance, measurable annual goals, specially designed instruction, related services, and a placement determination. The only specific allegation raised by Petitioner is that the student should have been provided a one-to-one aide. However, the record does not establish that the absence of a one-to-one aide rendered the IEPs inadequate. Rather, the record demonstrates that the student's inconsistent attendance hindered the School Board's ability to implement interventions and supports to address his behavioral challenges and enable him to access his education.

44. The next issue concerns whether the School Board's failure to develop a formal BIP denied the student a FAPE. "In 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.

45. Here, it is unrefuted that the School Board did not create or implement a formal BIP. However, the record establishes that the School Board provided behavioral interventions and implemented behavioral strategies to address the student's maladaptive behaviors. The School Board also initiated an FBA, which is a necessary step in developing an appropriate BIP. The student's inconsistent attendance prevented the team from collecting the consistent data required to complete the FBA and, as a result, from developing a formal BIP. Under these circumstances, the absence of a BIP did not deny the student a FAPE. Accordingly, Petitioner does not prevail on this issue.

46. Finally, Petitioner alleges that the School Board's proposed placement in the August [redacted] IEP is not the LRE within the meaning of the IDEA. 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.

47. With the LRE directive, "Congress created a statutory preference for educating handicapped children with nonhandicapped 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 Act, school districts must both seek to

mainstream handicapped 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).

48. 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.

874 F.2d at 1048.

49. 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.

50. The greater weight of the evidence establishes that the student requires supports and services beyond those available in a general education setting. The proposed placement would have mainstreamed the student to the maximum extent appropriate.

51. In sum, Petitioner failed to prove, by a preponderance of the evidence, that the School Board denied the student FAPE.

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. All requests for relief are DENIED.

DONE AND ORDERED this 27th day of March, 2026, in Miami, Dade County, Florida.

SARA M. MARKEN
Administrative Law Judge
DOAH Miami Office

Division of Administrative Hearings
2001 Drayton Drive
Tallahassee, Florida 32311
(850) 488-9675
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 27th day of March, 2026.

COPIES FURNISHED:

Bryce D. Milton, Educational Program Director
(eServed)

William D. Chappell, General Counsel
(eServed)

Dr. John Legg, Superintendent
(eServed)

Petitioner
(eServed)

Paul Matthew Meeker, Esquire
(eServed)

Amy J. Pitsch, Esquire
(eServed)

Molly Lauren Shaddock, Esquir
(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).