

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

** ,

Petitioner,

vs.

Case No. 17-4555E

PINELLAS COUNTY SCHOOL BOARD,

Respondent.

_____ /

FINAL ORDER

A due process hearing was held in this case before Jessica E. Varn, an Administrative Law Judge of the Division of Administrative Hearings (DOAH), on [REDACTED] [REDACTED] and [REDACTED], [REDACTED], in Largo, Florida.

APPEARANCES

For Petitioner: [REDACTED] [REDACTED]. [REDACTED], Esquire
Windsor Law, LLC
2014 4th Street
Sarasota, Florida 34237

[REDACTED] [REDACTED] [REDACTED], Esquire
Montgomery Law, LLC
Suite 420
1420 Locust Street
Philadelphia, Pennsylvania 19102

For Respondent: [REDACTED] [REDACTED]. [REDACTED], Esquire
Pinellas County School Board
301 4th Street Southwest
Post Office Box 2942
Largo, Florida 33779-2942

STATEMENT OF THE ISSUES

Whether the School Board denied the student a free and appropriate public education (FAPE) by failing to locate and evaluate the student to determine the student's eligibility for exceptional student education (ESE); whether the student was "thought to be eligible" for ESE at the time of discipline, and, if so, whether the School Board should have conducted a manifestation determination review; and lastly, whether Petitioner is entitled to reimbursement of the cost of private school tuition.

PRELIMINARY STATEMENT

A request for a due process hearing (Complaint) was filed on [REDACTED], [REDACTED]. A Case Management Order was issued on [REDACTED], [REDACTED], establishing deadlines for a sufficiency review, as well as the mandatory resolution session. On [REDACTED], [REDACTED], the School Board filed a Motion Objecting to an Expedited Hearing, arguing that the Complaint alleged a child find violation and thus was not entitled to an expedited hearing. On [REDACTED], [REDACTED], an Order Granting Respondent's Motion Objecting to Expedited Hearing was entered, removing the right to an expedited hearing. On [REDACTED], [REDACTED], the School Board filed a Notice of Case Status, stating that following a Resolution Meeting on [REDACTED], [REDACTED], the parties were

continuing to work towards a resolution to the parent's concerns but had not yet reached one.

An Amended Case Management Order was entered on [REDACTED] [REDACTED], [REDACTED], extending the deadlines for a sufficiency review and the mandatory resolution session. On [REDACTED] [REDACTED], [REDACTED], Petitioner filed a Notice of Case Status, stating that following the resolution meeting, the parties had agreed to have the student evaluated by the school psychologist and to waive the deadlines set forth in the Amended Case Management Order. An Order Placing Case in Abeyance was entered on [REDACTED] [REDACTED], [REDACTED], following a telephone conference with both parties. The parties were required, by no later than [REDACTED] [REDACTED], [REDACTED], to provide mutually agreeable dates for the scheduling of the due process hearing.

Both parties filed status reports on [REDACTED] [REDACTED], [REDACTED], requesting a 30-day extension to complete the student evaluation. An Order continuing the abeyance was issued on [REDACTED] [REDACTED], [REDACTED], extending the deadline to provide mutually agreeable dates for the final hearing until [REDACTED] [REDACTED], [REDACTED].

On [REDACTED] [REDACTED], [REDACTED], the School Board filed a Notice of Case Status, stating that while the evaluation process had begun, it was not yet complete. The School Board anticipated that the evaluation would be complete and an ESE eligibility meeting would be completed by [REDACTED] [REDACTED], [REDACTED]. On [REDACTED] [REDACTED],

█████, an Order Continuing Case in Abeyance was entered, continuing the abeyance and extending the deadline for potential hearing dates until ██████ █, █████. Both parties filed a status report on ██████ █, █████, indicating mutual agreement for a 30-day extension of time to complete an Independent Educational Evaluation (IEE) and a ██████ █ ██████ evaluation. An Order Continuing Case in Abeyance was entered on ██████ █, █████, granting the requested 30-day extension and requiring the parties to file a status report by ██████ █, █████.

On ██████ █, █████, Petitioner filed an amended Notice of Case Status requesting an additional 30-day extension to complete the IEE due to errors in paperwork. The School Board filed a Notice of Case Status on the same day but requested a 60-day extension to conduct the IEE. On ██████ █, █████, following a telephone conference with the parties, a Notice of Hearing was entered scheduling the hearing for ██████ █ through █, █████.

A Motion for Continuance was filed on ██████ █, █████, requesting an extension to allow time for the School Board to fulfill Petitioner's outstanding request for records. That same day, an Order Granting Continuance and Rescheduling Hearing was entered, rescheduling the hearing for █ █ through █, █████.

On ██████ █, █████, an Order Allowing Testimony by Telephone was entered, allowing █. █████ █████ and █████ █████ to

testify via telephone. On [REDACTED] [REDACTED], [REDACTED], an Order Denying Motion in Limine, Granting Continuance, and Rescheduling Hearing was entered, as Petitioner required additional time to secure witnesses that were necessary for the presentation of the case. The due process hearing was rescheduled for [REDACTED] [REDACTED] through [REDACTED], [REDACTED]. Following a telephonic motion hearing on [REDACTED] [REDACTED], [REDACTED], regarding the School Board's Motion in Limine/Motion to Quash on [REDACTED] [REDACTED], [REDACTED], an Order Denying Motion in Limine and Motion to Quash was entered on the same day. The due process hearing was held from [REDACTED] [REDACTED] and [REDACTED], [REDACTED].

Petitioner presented the testimony of [REDACTED] [REDACTED], Principal; [REDACTED] [REDACTED], Assistant Principal; [REDACTED] [REDACTED], Counselor; [REDACTED] [REDACTED], Reading Evaluator; [REDACTED] [REDACTED], Teacher; the student's [REDACTED]; and [REDACTED] [REDACTED], Psychologist. Petitioner Exhibits 4, 6, 7, 10 through 17, 21, 23, 24 (pp. 1 through 5, 8 through 10, 12, 24, and 27 through 31), 25, 26, 28 (pp. 7 through 17, 20 through 21, and 24 through 27), and 29 (pp. 1 and 27) were admitted into the record. The School Board presented the testimony of [REDACTED] [REDACTED], Staff Attorney; [REDACTED] [REDACTED], Teacher; [REDACTED] [REDACTED], Psychological Services Manager; and [REDACTED] [REDACTED], Assistant Principal. All of the School Board's proposed exhibits were admitted into the record by stipulation. School Board Exhibits 12 and 27 were admitted as Joint Exhibits.

The Transcript of the due process hearing was filed on [REDACTED] [REDACTED], [REDACTED]. An Order of Specific Extension of Time for Final Order was entered on [REDACTED] [REDACTED], [REDACTED], establishing the deadlines for the proposed final orders and the final order, which the parties had agreed to at the conclusion of the due process hearing. This Final Order was due no later than [REDACTED] [REDACTED], [REDACTED].

Unless otherwise noted, citations to the United States Code, Florida Statutes, Florida Administrative Code, and Code of Federal Regulations are to the current codifications. For stylistic convenience, the undersigned will use [REDACTED] pronouns in this Final Order when referring to Petitioner. The [REDACTED] pronouns are neither intended, nor should be interpreted, as a reference to Petitioner's actual gender.

FINDINGS OF FACT

1. At the time of the due process hearing, the student was a [REDACTED]-year-old, finishing the [REDACTED] grade while attending a private [REDACTED] [REDACTED] school. [REDACTED] has always been a general education student, and has never been identified or found eligible for ESE.

2. Prior to attending a Pinellas County school, the student attended a Hillsborough County [REDACTED] school for [REDACTED] grade. According to correspondence written by [REDACTED] [REDACTED], [REDACTED] repeated [REDACTED] grade because that year, [REDACTED] [REDACTED] [REDACTED] involved

the [REDACTED] of [REDACTED] [REDACTED], which included [REDACTED] [REDACTED].

3. After repeating [REDACTED] grade in Hillsborough County, [REDACTED] completed the year with [REDACTED] to [REDACTED]-[REDACTED] grades in [REDACTED] [REDACTED] classes.

4. For [REDACTED] grade, [REDACTED] attended a [REDACTED] school in Pinellas County, again earning [REDACTED]-[REDACTED] to [REDACTED] grades in all courses. [REDACTED] end-of-year course examinations revealed [REDACTED]-[REDACTED] test scores.

5. The student's [REDACTED] grade year was during the [REDACTED]-[REDACTED] school year; [REDACTED] was enrolled at yet a [REDACTED] [REDACTED] school, School A. On [REDACTED] [REDACTED], [REDACTED], the student's [REDACTED] sent the Assistant Principal an email regarding [REDACTED] [REDACTED] application for admission to the [REDACTED]/[REDACTED] Program at School A, which is an [REDACTED] [REDACTED] program. As a [REDACTED] [REDACTED] program, students were selected based on their prior [REDACTED] performance. The student's [REDACTED] wrote:

[**] is a [REDACTED] [REDACTED] and [REDACTED] student whom would benefit greatly from a program such as this. As you're aware, [**] was [REDACTED] [REDACTED] in [REDACTED] grade, however this was due to the distraction of a [REDACTED] involving [REDACTED] [REDACTED]. I hope this won't [REDACTED] [REDACTED] on [REDACTED] and/or [REDACTED] eligibility [sic] into the program.

6. The student was accepted into the [REDACTED] program; therefore, [REDACTED] was registered for [REDACTED] and [REDACTED] courses,

including three courses that, if completed, would result in [REDACTED] school credit. At this juncture, and consistent with all other school years, the student's [REDACTED] made no mention of a suspected disability; in fact, [REDACTED] was advocating for [REDACTED] [REDACTED] to be challenged and admitted to a [REDACTED] [REDACTED] program, with no mention of a need for evaluation or a need for any accommodations. The student had progressed from year to year with [REDACTED] than [REDACTED] grades and [REDACTED] than [REDACTED] standardized test scores up until this point.

7. In January of [REDACTED], the student's [REDACTED] [REDACTED] teacher contacted [REDACTED] [REDACTED] to let [REDACTED] know that the student was [REDACTED] the class due to missing assignments, but that if [REDACTED] turned in the missing assignments, [REDACTED] could raise [REDACTED] grade. At this point, the student's [REDACTED] did not indicate that the student needed any type of assistance, or that [REDACTED] needed to be evaluated. Instead, [REDACTED] expressed [REDACTED] and [REDACTED], given that the student, in [REDACTED] opinion, had [REDACTED] and was focused on [REDACTED]-[REDACTED] [REDACTED]. The parent never indicated that the student needed assistance of any type to complete the work, nor did [REDACTED] request an evaluation at this point.

8. Also in [REDACTED] of [REDACTED], the student was placed on [REDACTED] for the [REDACTED] [REDACTED], which was not unusual for students in the [REDACTED] program. Most of the students are able to make up the work and remain in the [REDACTED] program. Given

that the focus of the program is mastery of the subjects, many students are afforded extra time to complete assignments. To be clear, [REDACTED] from the [REDACTED] [REDACTED] program would only result in the student being placed in [REDACTED] education classes, not [REDACTED] classes. The teachers testified that the student had been [REDACTED] from school due mostly to [REDACTED]; therefore, they provided [REDACTED] with extra time to submit missing assignments.

9. The student's [REDACTED] [REDACTED] teacher credibly testified that [REDACTED] was never aware of the student having any [REDACTED] [REDACTED]; when the students [REDACTED] [REDACTED] and [REDACTED] [REDACTED], [REDACTED] was on topic--and [REDACTED] [REDACTED] was good.

10. On [REDACTED] [REDACTED], [REDACTED], the student was involved in a [REDACTED] [REDACTED] while at school, during the school day. [REDACTED] and a [REDACTED] student had previously agreed to [REDACTED] class and [REDACTED] on school grounds during the school day. Once they did [REDACTED], the students [REDACTED] and the student [REDACTED] the [REDACTED] [REDACTED] and [REDACTED] [REDACTED], [REDACTED] [REDACTED] with [REDACTED] [REDACTED]. When later questioned about the incident, the student was [REDACTED] and [REDACTED] to these actions. A few days after the [REDACTED] [REDACTED], the [REDACTED] reported that [REDACTED] had not [REDACTED] to the [REDACTED] [REDACTED], and she had clearly told [REDACTED] to [REDACTED].

11. Based on the report of the [REDACTED] [REDACTED] [REDACTED], which occurred on school grounds during the school

day, the student was found to be in [REDACTED] of the [REDACTED] of [REDACTED] [REDACTED], and was immediately [REDACTED] to complete the school year at an [REDACTED] school designed for students who have [REDACTED] the [REDACTED]. The student had never before been [REDACTED] or been the subject of [REDACTED] [REDACTED].

12. The guidance counselor credibly testified that the student had never before [REDACTED], and that the issues that had arisen between the student, the [REDACTED], and the [REDACTED] [REDACTED] were typical [REDACTED] school problems. [REDACTED] was, therefore, [REDACTED] at the [REDACTED] [REDACTED] that had occurred on school grounds, given that the student had been a [REDACTED] student with no prior [REDACTED] [REDACTED].

13. The student's parent received a [REDACTED] of [REDACTED] and [REDACTED] [REDACTED], which included language giving the parent the right to request an evaluation for ESE if the parent thought it was appropriate. No such request was made. The parent was also notified that [REDACTED] could appeal the decision, but no appeal was pursued.

14. Sometime after this [REDACTED] was final, and before the end of the school year, the [REDACTED] recanted. [REDACTED] [REDACTED] that the entire [REDACTED] [REDACTED] was indeed [REDACTED]; and yet, despite the fact that the [REDACTED] had [REDACTED] [REDACTED] in what has been characterized as a [REDACTED] [REDACTED] of the [REDACTED]

██████████ (the ██████████ ██████████ ██████████) and ██████████ had also ██████████ to the school staff and the resource officer during the ██████████ (while the student at issue in this case was ██████████)--the ██████████ was ██████████ ██████████. ██████████ was ██████████ ██████████ to the ██████████ ██████████, as the student had been. At the due process hearing, the Principal of School A was unable to explain why there was such ██████████ ██████████ of the students, based solely on gender.

15. In ██████████, an attorney specialized in education law represented the family and sought to have the student's educational records of the ██████████ incident amended to ██████████ any mention of a ██████████ ██████████ or ██████████, as had first been ██████████ ██████████ by the ██████████. The records were amended as requested. No request was made by counsel or by the student's parent for a review of the ██████████, or for a manifestation determination review, or for an evaluation of a suspected disability.

16. The student's ██████████ expired at the end of ██████████ ██████████ grade year, but ██████████ did not return to a Pinellas County school. ██████████ also never attended the ██████████ ██████████ school. Instead, for ██████████ entire ██████████ grade year and the end of ██████████ ██████████ grade year, ██████████ was enrolled in ██████████ school. ██████████

██████████ all ██████████ classes, advancing from ██████████ grade to ██████████, and then to ██████████ grade.

17. In ██████████, the student was evaluated by a psychologist, ██████████. ██████████. It stands to reason that a ██████████ ██████████ ██████████ of ██████████ ██████████, who ██████████ ██████████ ██████████ which resulted in ██████████ ██████████, would ██████████ ██████████ ██████████ ██████████ as a result of the ██████████. ██████████. ██████████ opined that the student did not suffer from any ██████████ ██████████. ██████████ noted that ██████████ achievement at the time of ██████████ evaluation and ██████████ ██████████ ██████████ were more likely to be related to ██████████ and ██████████ issues, and ██████████ recommended that ██████████ promptly be returned to a ██████████ ██████████ program.

18. In ██████████ of ██████████, the student was evaluated by a speech and language pathologist, ██████████. ██████████. At this point, the student was choosing to attend ██████████ ██████████ school, rather than attend a ██████████ and ██████████ ██████████. ██████████. ██████████ found the student to have some ██████████ ██████████, but also found that ██████████ had developed some compensatory strategies, and that ██████████ disliked ██████████. This finding is consistent with the credible testimony provided by the School A teachers, which is that they saw no reason to suspect that the student was ██████████ in any manner, or that ██████████ needed any assistance.

19. For [REDACTED] [REDACTED] grade year, the school year of [REDACTED]-[REDACTED], [REDACTED] enrolled at a [REDACTED] [REDACTED] [REDACTED] school. [REDACTED] did [REDACTED] academically, and the staff at the school reported that [REDACTED] did not receive any accommodation different from that provided to all of [REDACTED] peers.

20. The greater weight of the evidence establishes that as of [REDACTED], when the Complaint was filed, the School Board had no reason to suspect that the student had a disability, or that [REDACTED] needed to be evaluated for ESE eligibility.^{1/} Not one single individual, teacher, parent or school official proposed or suggested that the student may be in need of special education until well after the [REDACTED] which resulted in [REDACTED]. The student's academic performance was [REDACTED] at times, and most often [REDACTED] [REDACTED]--there was simply no reason for anyone to suspect a need for ESE.

CONCLUSIONS OF LAW

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

22. Petitioner bears the burden of proof with respect to each of the claims raised in the Complaint. Schaffer v. Weast, 546 U.S. 49, 62 (2005).

23. In enacting the IDEA, Congress sought to ensure that all children with disabilities have available to them a FAPE 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 is contingent on the agency's compliance with the IDEA's procedural and substantive requirements. Doe v. Alabama State Dep't of Educ., 915 F.2d 651, 654 (11th Cir. 1990).

24. The IDEA contains an affirmative obligation for every local public school system to identify students who might be disabled and evaluate those students to determine whether they are indeed eligible. L.C. V. Tuscaloosa Cnty. Bd. of Educ., 2016 U.S. Dist. LEXIS 52059 at *12 (N.D. Ala. 2016)(quoting N.G. v. D.C., 556 F. Supp. 2d 11, 16 (D.D.C. 2008))(citing 20 U.S.C. § 1412(a)(3)(A)). This obligation is referred to as "Child Find," and a local school system's failure to locate and

evaluate a potentially disabled child constitutes a denial of FAPE. Id. Thus, each state must put policies and procedures in place to ensure that all children with disabilities residing in the state, regardless of the severity of their disability, and who need special education and related services, are identified, located, and evaluated. 34 C.F.R. § 300.111(a).

25. Here, the student advanced from grade to grade, always in a [REDACTED] [REDACTED] setting, with [REDACTED] to mostly [REDACTED]-[REDACTED] grades, and was ultimately admitted to a [REDACTED] [REDACTED] program for [REDACTED] last school year while attending a Pinellas County public school. At no point leading up to the [REDACTED], which led to [REDACTED] [REDACTED], was there reason to suspect that [REDACTED] had a disability; at no time did a parent, teacher, school official or professional evaluator spot any evidence of a disability, or of the student's need for any assistance. Absent from the record is any evidence that the [REDACTED] or anyone on behalf of the student, including an attorney specialized in education law, requested an evaluation for ESE eligibility until well after the [REDACTED] of the [REDACTED] of [REDACTED] [REDACTED].

26. Between the time of the [REDACTED] ([REDACTED]) and the filing of the request for a due process hearing, the only suggestion of a potential need for special education services was the evaluation conducted by [REDACTED]. [REDACTED], which was conducted

during the time that the student was attending ██████████ ██████████ school. ██████████ findings were not inconsistent with the School A teacher observations; that is, even though the student might test ██████████ ██████████ in some ██████████ skills, ██████████ adequately ██████████ for them in such a manner that ██████████ presented to school staff as being capable of handling the ██████████ curriculum ██████████ chose to participate in.

27. ██████████ ██████████, which the student would have been entitled to if ██████████ had ever been found eligible for ESE, can also be asserted by this student if the School Board is deemed to have had knowledge of the student's disability before the ██████████ that precipitated the ██████████. Florida Administrative Code Rule 6A-6.03312(10) sets forth the requirements that apply to regular education students who have ██████████ in ██████████ that ██████████:

(10) Protections for Students not Determined Eligible for Special Education and Related Services. A regular education student who has engaged in behavior that violated a code of student conduct may assert any of the protections afforded to a student with a disability under this rule if the school district had knowledge of the student's disability before the behavior that precipitated the disciplinary action occurred.

(a) Basis of knowledge. A school district is deemed to have knowledge that a student is a student with a disability if:

1. The parent has expressed concern in writing to supervisory or administrative personnel of the appropriate school district, or a teacher of the student, that the student needs special education and related services;
2. The parent has requested an evaluation to determine whether the student is in need of special education and related services; or
3. The teacher of the student, or other school district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the school district's special education director or to other supervisory school district personnel.

28. Here, the date of the [REDACTED] [REDACTED] on school grounds was [REDACTED] [REDACTED], [REDACTED]. Prior to that date, there is no record evidence of the parent expressing concern in writing to supervisory or administrative school personnel, or to a teacher of the student, indicating that the student needed special education and related services. There is also no evidence that the parent requested an evaluation to determine whether the student was in need of special education and related services.

29. Lastly, the only evidence of staff members expressing specific concerns about a pattern of behavior prior to [REDACTED] [REDACTED], [REDACTED], was the fact that the student had [REDACTED] to turn in some assignments, due mostly to [REDACTED] [REDACTED], and that [REDACTED] needed to turn in the assignments to raise [REDACTED] grades and remain in the [REDACTED] [REDACTED] program. The teachers were never concerned that

the student had a disability; the only concern was that ■■■, like many of ■■■ peers in the ■■■ program, needed more time to master the material and turn in assignments. The student had been ■■■ for many days due mostly to ■■■, and since the ■■■ were ■■■, the student was given more time to complete the work. Even if the student had been removed from the ■■■ program, it would not have signaled a need for special education; it would have only resulted in the student being placed in ■■■ classes.

30. The student in this case, therefore, may not assert any of the ■■■ protections afforded to students with disabilities because the School Board is not deemed to have knowledge of the student potentially having a disability before ■■■, ■■■.

31. Based on the Findings of Fact and Conclusions of Law thus far, Petitioner's request for a manifestation review is dismissed, and all other requests for relief, including the request for private school tuition reimbursement, are also dismissed.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, it is ORDERED that Petitioner's Complaint is DENIED in all respects.

DONE AND ORDERED this 30th day of July, 2018, in
Tallahassee, Leon County, Florida.

S

JESSICA E. VARN
Administrative Law Judge
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, Florida 32399-3060
(850) 488-9675
Fax Filing (850) 921-6847
www.doah.state.fl.us

Filed with the Clerk of the
Division of Administrative Hearings
this 30th day of July, 2018.

ENDNOTE

^{1/} Evaluations conducted after the Complaint was filed, which occurred in [REDACTED] of [REDACTED], were found to be of limited probative value, given that the evaluations could only inform the undersigned as to what knowledge the School Board could be deemed to have had prior to the filing of the Complaint. The Complaint was never amended, nor has Petitioner filed a new complaint, challenging the eligibility team determination made in [REDACTED].

COPIES FURNISHED:

[REDACTED] [REDACTED], Esquire
Pinellas County School Board
301 4th Street Southwest
Post Office Box 2942
Largo, Florida 33779-2942
(eServed)

[REDACTED] [REDACTED], Superintendent
Pinellas County School Board
301 4th Street Southwest
Largo, Florida 33770

██████████ ██████████, Esquire
Windsor Law, LLC
2014 4th Street
Sarasota, Florida 34237
(eServed)

██████████ ██████████
Department of Education
325 West Gaines Street
Tallahassee, Florida 32399
(eServed)

██████████ ██████████ ██████████, Esquire
Montgomery Law, LLC
Suite 420
1420 Locust Street
Philadelphia, Pennsylvania 19102
(eServed)

██████████ ██████████, General Counsel
Department of Education
Turlington Building, Suite 1244
325 West Gaines Street
Tallahassee, Florida 32399-0400
(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).