

Office of Superintendent of Schools
Board Meeting of April 12, 2000

March 27, 2000

Office of School Board Attorney
Johnny Brown, Board Attorney

SUBJECT: LILLIAM RANGEL-DIAZ AND ADOLFO DIAZ, JR. v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, CASE NO. 00-325 (1999/00)

By request received by the School Board Clerk on March 27, 2000, the parents of student A.D. have requested a due process hearing to contest alleged harassment and retaliation against them in their work on behalf of disabled youth through their business, The Center for Educational Advocacy (C.E.A.).

Section 230.23(4)(m)5, Fla. Stat., authorizes a due process hearing on the "identification, evaluation, and placement, or lack thereof" of an exceptional child, not on allegations of harassment and discrimination against advocates who are owners of an advocacy business.

The Office of the School Board Attorney is recommending that the School Board deny the request for due process hearing as unauthorized by § 230.23(4)(m)5, Fla. Stat., as set forth in the proposed order submitted under separate cover.

RECOMMENDED: That The School Board of Miami-Dade County, Florida enter its order in Case No. 00-325 (1999/00) denying the Request for Due Process Hearing filed by Lilliam Rangel-Diaz and Adolfo Diaz, Jr., as unauthorized by § 230.23(4)(m)5, Fla. Stat., as set forth in the proposed order.