

Office of Superintendent of Schools  
Board Meeting of June 16, 2004

June 15, 2004

Office of School Board Attorney  
Johnny Brown, Board Attorney

**SUBJECT: C.M. v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA  
D.O.A.H. CASE NO. 04-0813E**

A request for a due process hearing was filed by the parents of the above-referenced exceptional student. The parents sought to have the exceptional student remain in a regular educational program. A meeting was held on May 24, 2004, concerning the placement of the student, at which time, the parties reached consensus regarding the contours of a settlement agreement where the student will receive instruction in a self-contained setting with the appropriate supplemental aids, services, and accommodations including the services of a Certified Behavior Analyst to provide the student with positive behavior goals and strategies to help address his aggressive behavior. The parents have agreed to waive any claim for attorney's fees and release the School Board as to all past, pending, and future claims arising out of the issues in this case.

The Administration is in agreement with the settlement. A copy of the proposed Settlement Agreement and Release has been forwarded to the School Board under separate cover.

The appropriation for this item is included in the General Fund of the 2003-2004 Adopted Budget under Fund 0100, Function 5217, Program 6840, Object 5310, Location 9731. ] ADDED

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the School Board Attorney to enter into a settlement agreement in C.M. v. The School Board of Miami-Dade County, Florida, DOAH Case No. 04-0813E, and authorize the Division of Exceptional Student Education to expend up to \$25,000 to contract with a Certified Behavior Analyst to work with C.M. as required by the settlement agreement. The appropriation for this item is included in the General Fund of the 2003-2004 Adopted Budget. ] REVISSED ] ADDED

REVISED

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JAB/dm