

Office of Superintendent of Schools
Board Meeting of August 18, 2004

August 10, 2004

Office of School Board Attorney
Johnny Brown, Board Attorney

**SUBJECT: B.B. v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
 CASE NO. SBC: 05-011**

By letter received by the School Board Clerk on July 21, 2004, the attorney for the parent of the student, B.B., has requested a due process hearing to determine whether B.B. received a gifted education when he was in the public schools. He last attended a public school during the 1999/00 school year.

The Office of the School Board Attorney is recommending that the School Board deny the request for administrative hearing as untimely as set forth in the memorandum and proposed final order submitted under separate cover. The student last attended a public school on June 14, 2000. The request for hearing is dated July 17, 2004, and docketed by the School Board Clerk on July 21, 2004, more than four (4) years after the event giving rise to the request. Board rule provides between three (3) days and twenty (20) days to file petitions for various types of administrative hearings. The most analogous statute of limitations under §95.11, Fla. Stat., gives four (4) years in which to file a request for hearing. The Eleventh Circuit Court of Appeal suggests an even shorter timeframe so that disputes over placements of exceptional students can be promptly resolved.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, enter its order in Case No. SBC 05-011 denying the Request for Administrative Hearing filed on behalf of B.B., as untimely.

MPS/sh

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