

Office of School Board Attorney
JulieAnn Rico, Board Attorney

**SUBJECT: C.M. v. THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA,
DOAH CASE NO. 07-4752E**

The parents of an exceptional student filed a petition for a due process hearing after the school District assigned the subject student to a specialized District educational center. The District asserted that the student requires the intensity of services at this center because of his level of need, including a history of extreme, aggressive behaviors in the school setting. However, his parents refused the District's placement. Subsequently, a settlement was reached, wherein the District will pay for an intensive verbal behavior program for the student within the home by an outside agency, as well as assign a District teacher that will provide additional academic assistance. The teacher will consult and communicate regularly with the parents, and the parents have agreed to provide the District access to all records and consent to communicate with personnel from the verbal behavioral program concerning the student's progress. Approval of the settlement will result in payment by the Board to a Special Needs Trust for the student in the amount of \$18,000 to be used for payment for the privately contracted services.

The parties agree that the settlement constitutes a free and appropriate public education for the student for the 2007/2008 school year and that a new IEP will be developed for the 2008/2009 school year.

Administration is in agreement with the proposed settlement. A copy of the settlement agreement will be provided to the Board under separate cover. The proposed settlement is in the best interest of the School Board.

RECOMMENDED: That The School Board of Miami-Dade County, Florida authorize the Superintendent to enter into a Settlement Agreement with the parents of student, C.M., as described herein (and more specifically in the Settlement Agreement) and authorizing payment of \$18,000 for the contracted services that are to be provided to the Petitioner, for the settlement of all claims against the School Board in the case known as C.M. vs. Miami-Dade County School Board, DOAH Case No. 07-4752E.