

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

SUBJECT: S.E.A. v. MIAMI-DADE COUNTY SCHOOL BOARD - DOAH CASE NO. 14-0765E

On February 14, 2014, the parent of S.E.A., an M-DCPS middle school student receiving accommodations under a Section 504 plan, filed a request for a due process hearing in response to the Section 504 team's denial of one-to-one paraprofessional services. The parent timely requested an administrative hearing, which was held on April 11, 2014, before Administrative Law Judge ("ALJ"), Claude B. Arrington, of the Division of Administrative Hearings ("DOAH").

The Administrative Law Judge issued his Recommended Order on June 5, 2014. The ALJ recommended that the School Board enter a Final Order sustaining the Section 504 team's denial of paraprofessional services to Petitioner, as such does not constitute discrimination on the basis of a disability under Section 504 of the Rehabilitation Act of 1973. Petitioner failed to meet the burden of proving that the student requires paraprofessional services. Furthermore, the accommodations provided for the student in his existing Section 504 plan are appropriate and reasonably implemented.

We recommend that the School Board accept the Recommended Order as the School Board's Final Order. Administration is in agreement with this recommendation. A copy of the Recommended Order is being furnished to the Board under separate cover with a copy of the proposed Final Order for the Board's consideration.

RECOMMENDED: That The School Board of Miami-Dade County, Florida adopt the Recommended Order of the Administrative Law Judge in its entirety as its Final Order in the case of S.E.A. v. Miami-Dade County School Board, DOAH Case No. 14-0765.