

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

SUBJECT: * v. MIAMI-DADE COUNTY SCHOOL BOARD – DOAH CASE**
NO. 15-003019

On May 27, 2015, a request for a Section 504 due process was filed with the Florida Division of Administrative Hearings (“DOAH”) on behalf of a student. The hearing was held on July 30, 2015 before Administrative Law Judge (“ALJ”) Edward T. Bauer. By Recommended Order entered on October 6, 2015, the ALJ recommended that the School Board issue a Final Order to: (1) develop a Section 504 service and accommodation plan for the student that includes, at a minimum, weekly counseling sessions with the child’s school psychologist; and (2) reconsider the student’s other requests for accommodations pursuant to the correct legal standard.

The Superintendent filed exceptions to the Recommended Order. Petitioner filed a Response in Opposition to the Superintendent’s Exceptions. The Superintendent is requesting that the School Board reject the ALJ’s finding that the student was denied the benefits of an educational program on the basis of his disability. In addition, the Superintendent seeks to have the School Board reject certain findings of fact and conclusions of law. The complete record will be forwarded to the School Board members under separate cover.

RECOMMENDED: That The School Board of Miami-Dade County, Florida take one of the following actions in the case of *** v. The School Board of Miami-Dade County, Florida, DOAH Case No. 15-003019:

- (1) Adopt the Exceptions to the Recommended Order filed by the Superintendent and enter a Final Order consistent with those Exceptions, stating with particularity its reasons and citing to the record to justify the change in the recommendation; or
- (2) Adopt the Recommended Order issued by the Administrative Law Judge and enter a Final Order consistent with his findings of fact, conclusions of law, and recommendations.