

DOCKET NO. 365-SE-0719

STUDENT,
B/N/F PARENT

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BEFORE A SPECIAL EDUCATION

claims under Section 504, the ADA, and Title IX were dismissed for lack of jurisdiction.

As relief, Petitioner sought:

- an appropriate educational placement with related services for the student;
- the district's retention of outside consultants to develop and implement services for the district and the student;
- independent educational evaluations (IEEs) in eleven different areas;
- private tutoring;
- a change of placement for the student to general education in all settings;
- a 1:1 dedicated paraprofessional aide for the student; and
- various accommodations.

Petitioner also sought:

- reimbursement for moving expenses to move into the district;
- reimbursement for applied behavioral analysis (ABA) services; and
- reimbursement for private counseling and psychiatric services.

Respondent filed a response to the request for hearing, a plea to the jurisdiction, and a counterclaim. Petitioner's claims arising under statutes other than IDEA (that is, Section 504,

grade levels during the 2018-2019 school year. [J. 1; T. 320, 327-328, 353]

10. The student has accessed the general education curriculum at school and has received grades consistently 80% or more in academic programming. The student's work has been consistent and the student's performance does not appear to have been adversely effected by

restrictive settings individualized for the student. The student's emotional and social skills needs are effectively met without pull-out psychological or counseling services. The student is successful and is making progress in social/behavioral/emotional issues in the student's current setting. [J. 13-19; R. 11, 12; T. 273-275, 375-378]

14. The ARD committee meetings convened for the student by the district have been duly constituted with appropriate district and professional staff and have included proper written notice to the student's parent. The committee worked in collaboration with the student's parent in designing, reviewing, and modifying the student's independent education plans. [J. 1- 3, 11, 12, 20; T. 114, 147-148]

15. District personnel determined that the student's performance reflected progress. No evidence of possible regression was found and the district concluded ESY would not be appropriate for the student. [J. 13-19; T. 184-195]

progress. Andrew F., supra

NOTICE TO THE PARTIES

The Decision of the Hearing Officer in this case is a final and appealable order. Any party aggrieved by the findings and decision made by the Hearing Officer may bring a civil action with respect to the issues presented at the due process hearing in any state court of competent jurisdiction or in a district court of the United States. 19 Tex. Admin. Code §89.1185(p); Tex. Govt Code §2001.144(a)(b).