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STATE OFFICE OF
ADMINISTRATIVE HEARINGS
Jessie Harbin, CLERK

ACCEPTED
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STATE OFFICE OF
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Jessie Harbin, CLERK

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Pursuant to FERPA – 20 U.S.C. § 1232(g);
34 C.F.R. Part 99

SOAH DOCKET NO. 701-22-

of IDEA cases under the Federal Rules of Civil Procedure, specifically Federal Rule of Civil Procedure 56.¹ The wording between the federal and Texas rules is materially the same. Federal precedent on the federal rule is considered persuasive when applied to the Texas rule.²

A. No-Evidence Summary Judgment

The applicable rules authorize a party to file a no-evidence motion seeking summary judgment. Tex. R. Civ. P. 166a(i). Specifically,

“After adequate time for discovery, a party without presenting summary judgment evidence may move for summary judgment on the ground that there is no evidence of one or more essential elements of a claim or defense on which an adverse party would have the burden of proof at trial. The motion must state the elements as to which there is no evidence. The court must grant the motion unless the respondent produces summary judgment evidence raising a genuine issue of material fact.” *Id.*

A no-evidence motion should be specific as to the challenged elements to give fair notice to the non-movant of the matters on which it must produce some evidence.³ A party can contest every element of its opponent’s case so long as each element is distinctly and explicitly challenged.

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ORDERS

Based upon the foregoing, the record on file, in accordance with the IDEA and its implementing state and federal regulations, and because Petitioner did not produce any summary judgment evidence raising a genuine issue of material fact under Texas Rule of Civil Procedure 166a or 166a(i), it is therefore **ORDERED** that Respondent's Motion for Summary Judgment is hereby **GRANTED** and this case is **DISMISSED WITH PREJUDICE**.

SIGNED February 7, 2022.



Jessica White
Special Education Hearing Officer
For the State of Texas