

DOCKET NO. 047-SE-1023A

STUDENT b/n/f PARENT
Petitioner

V.

KLEIN INDEPENDENT
SCHOOL DISTRICT

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BEFORE A SPECIAL EDUCATION
HEARING OFFICER FOR THE
STATE OF TEXAS

Issues for the Expedited Hearing

1. Whether the manifestation determination made by the district for the student was appropriate under the Individuals with Disabilities Education Act (IDEA).

2. Whether the discipline applied to the student was appropriate under the Individuals with Disabilities Education Act (IDEA).

5. The parent received notice on October ***, 2023, that an MDR meeting would be held on October ***, 2023. (P80; Tr. 97, 5-6)

6. A Manifestation Determination Review (MDR) was conducted for the student on October ***, 2023. (J4-094-108).

7. Those present at the MDR meeting were the parent; ***, Admission Review and Determination (ARD) committee manager and education diagnostician; ***, ***, ***, assistant principal; ***, general education teacher; ***, special education teacher and ***, teacher and ***, school psychologist (J4-081)

8. The MDR addressed whether the possession of *** was caused by, or had a direct and substantial relationship to, the student's eligibility for Special Education for an emotional disturbance or OHI for ADHD or whether the conduct was the direct result of the district's failure to implement the student's IEP. The MDR also addressed disciplinary consequences for the student under the district's SCOC. (J4-089-09; Tr. 150 -164).

9. The MDR committee reviewed the statement of the *** associate principal who observed the student in possession of a firearm. [8 (DR-0.001-4 (il)-5 (u)-3 (re2.52))TJ 0 mJ -0.0((tid)-3g) Tc.[(Th)-c32

services may only be made by an ARD Committee after conducting an MDR (34 CFR § 300.530(d)), and the child must:

- (i) Continue to receive educational services, provided in § 300.101(a) so as to enable the child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the child's IEP; and
- (ii) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications that are designed to address the behavior violation so that (By <a>41(f)(n) the student's educational file, including the IEP, teacher observations, and any relevant information provided by parents.

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at the due process hearing in any state court of competent jurisdiction or district court of the United States 20 U.S.C §§1415(i)(2) and (3)(A); 19 Tex. Admin. Code § 89.1185(n).