

SOAH DOCKET NO. 701-23-13640.IDEA
TEA DOCKET NO. 196-SE-0323

STUDENT, B/N/F PARENT,	§	BEFORE A SPECIAL EDUCATION
Petitioner	§	
	§	
v.	§	HEARING OFFICER FOR
	§	
AXTELL INDEPENDENT SCHOOL	§	
DISTRICT,	§	
Respondent	§	THE STATE OF TEXAS
	§	

DECISION OF THE HEARING OFFICER

*** (Student), by next friend *** (Parent, and, collectively, Petitioner)¹ brings this action against the Axtell Independent School District (Respondent or the District) under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1482, and its implementing state and federal regulations. The issue in this case is whether the District failed to conduct a timely full and individual evaluation (FIE) of Student. The Hearing Officer concludes that the District timely evaluated Student.

I. DUE PROCESS HEARING

The due process hearing was conducted on June 1, 2023 through the Zoom videoconferencing platform. Student was represented throughout this litigation by Student’s family.

¹ Student is *** however Student ***, contained within the case record, ***.

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

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Parent, Student's.02 -0 0 10.02 531.6 686.34 Tm(2)TjET@847.34 670.74 193.801 25.979 reW nBT10.07Tw

3. Consent for a reevaluation was discussed at an ARD Committee meeting held on December ***, 2018, shortly before Student was withdrawn from the District. Parent did not sign consent.⁵
4. In October 2019, near the deadline for a three-year re-evaluation, the District sent Parent a letter indicating willingness to conduct an evaluation if Parent consents. The District did not receive a response.⁶
5. In June 2021, an advocate acting on behalf of Petitioner contacted the District and requested an updated FIE for Student, and a *** translator for Parent. Parent had never previously requested *** translation. The District had back and forth correspondence with Petitioner's advocate about the consent process.⁷
6. However, in September 2021, Parent ultimately returned the consent paperwork indicating that he did not consent to the FIE. Consent paperwork had been provided in English and ***.⁸
7. On September ***, 2021, the District sent follow-up correspondence in English and *** indicating the District's willingness to conduct an FIE with Parent's consent.⁹
- 8.

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V. CONCLUSIONS OF LAW

1. The burden of proof in a due process hearing is on the party challenging the District's actions. *Schaffer*, 546 U.S. at 62.
2. The District timely ~~De~~ evaluateist

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