

SOAH Docket No. 701-23-08677
TEA Docket No. 130-SE-1222

**Before the
State Office of Administrative
Hearings**

—
**STUDENT, by next friends PARENT and PARENT,
Petitioner**

v.

**McAllen Independent School District,
Respondent**

DECISION OF THE HEARING OFFICER

I. STATEMENT OF THE CASE

CONFIDENTIAL

12.

Student's IEPs and Educational Services

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IDEA procedural safeguards to parents, the statute of limitations for IDEA violations commences without disturbance . . . that simple act suffices to impute upon them constructive knowledge of their various rights under the IDEA”).

Additionally, Petitioner brought a trained advocate to every ARD Committee meeting. That advocate could have told Petitioner about their right to file a request for a due process hearing and their other special education rights. Therefore, the two-year statute of limitations applies in this case. This Decision will address issues arising between December 28, 2020-December 28, 2022.

B. Duty to Provide FAPE

Andrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist.

RE-1,

C. Burden of Proof

Schaffer ex rel. Schaffer v. Weast

and

Id.; Andrew F.

D. FAPE

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CONFIDENTIAL

*Cypress-Fairbanks Indep. Sch. Dist. v. Michael F. by Barry F.,
E.R. ex rel. E.R. v. Spring Branch Indep. Sch. Dist.*

Id.

E. The District's Evaluations

X. NOTICE TO THE PARTIES