

STUDENT/N/PARENT,
Petitioner,

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BEFORE A SPECIAL EDUCATION

V.

HEARING OFFICER

FORT BEND ISD,
Respondent.

FOR THE STATE OF TEXAS

FINAL DECISION OF THE SPECIAL EDUCATION HEARING OFFICER

I.
STATEMENT OF THE CASE

On April 26, 2025, Student/n/Parent ("Petitioner" or "Student") filed a Complaint with the Texas Education Agency ("TEA") against Fort Bend ISD ("Respondent").

Respondent's Objections to Disclosure; also on May 23, 2023, the undersigned issued Order No. 7: Rules
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18.

Petitioner's Multidisciplinary Team ("MDT") consisted of an educational diagnostician and a Licensed Specialist in School Psychology ("LSSP"). MDT reviewed Petitioner's education



Petitioner has executive functioning difficulties in the areas of attentional control and problem solving. In the educational setting, Petitioner has difficulty maintaining self-control and regulating impulsive behavior [R.914 & 32].

25. A Cross-Battery Assessment is a process by which assessors use information from multiple(&)]



a. Comprehension Knowledge This includes the breadth and depth of a student's acquired
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g. Auditory Processing is the ability to perceive, analyze, and synthesize patterns among auditory stimuli and to discriminate subtle nuances in patterns of sound and speech when presented under distorted conditions. This includes phonological awareness, resistance to auditory stimulus distortion, and memory for sounds. Petitioner achieved an overall score of 22, which is in the average range [R.9.20].

29. The MDT determined Petitioner's overall Intelligence Quotient (IQ) was 18.2. Petitioner argues that if the assessments were conducted properly, Student's IQ, which is far different than the recorded IQ of

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student with a SLD in Math Calculation and Reading Fluency. Petitioner also struggles with Reading Comprehension due to Student's difficulties in Reading Fluency.

34. The MDT likewise found Petitioner manifested characteristics of ADHD. However, a licensed physician must be part of the [R.9.32] ARDC. Accordingly, Petitioner's MDT determined that Petitioner's ARDC would make an ADHD eligibility determination if the doctor's information is received and an OHI disability form is completed [R.9.32].

Petitioner's May**, 2022, initial ARDC Meeting:

35. The District tried to contact Petitioner's Parents on April, 2022, to set up a time to review the FIIE; however, Petitioner's Parents did not respond. The District again contacted Petitioner's Parents on May**, 2022, but received no response. Finally, on May**, 2022, the District was able to review the FIIE with the Parent, who agreed with the evaluation [R.1013].T.III.612-
36. Petitioner's ARDC met on May, 2022, to review Petitioner's FIIE as well as informal data provided by Petitioner's teachers, Parents, and Petitioner. The Committee determined that Petitioner was eligible for special education services [R.1013].T.III.612-



50. Petitioner



Student's IEPs and BIPs developed at the May **, 2022, and August **, 2022 ARDC Meeting:

58. At the conclusion of the FIE, Petitioner's ARDC met on **/2022, to review the assessments, recommendations, and any new data. The ARDC meeting was convened in compliance with the thirty-day timeline established by TEX ADMIN CODES 89.101[R 14]. The ARDC reviewed the evaluation report identified, and established Petitioner's PLAAAP. An IEP and BIP identified needed supplementary aids and services. (i)1 (0 Tc 0 Tw 6.77Tm (EX)Tj 0 Tc 1

V.
DISCUSSION

A.
BURDEN OF PROOF

There is no distinction between the burden of proof in an administrative hearing and a judicial proceeding. *Richardson Indep. Sch. Dist. v. Michael*, 580 F.3d 286, 292 n.10 (5th Cir. 2009). The IDEA creates a presumption favoring the education plan proposed by a school district and places the burden of proof on the student challenging that plan. It is well settled that a party challenging the district's eligibility determination or offer of services under IDEA bears the burden to prove that the child has been denied a FAPE. *Schafer v. Weast*, 126 U. S. 528 (2005); *State of Texas v. F.A.P.E.*, 783 F.2d 832 (5th Cir. 1983), aff'd 468 U.S. 883 (1984); *R. v. Spring Branch Indep. Sch. Dist.* under den of (h26E5-h26E5)-1 (h I)-3 (n1R6

NOTICE TO THE PARTIES

The Decision issued by the Hearing Officer is final, except that any party aggrieved by the Find
