

DOCKET NO. 012-SE-0909

STUDENT

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BEFORE A SPECIAL EDUCATION

V.

HEARING OFFICER FOR THE

CORPUS CHRISTI

Respondent filed a Response the Complaint, asserting that Petitioner has received an appropriate education in accordance with the IDEIA.

uring the Prehearing Conference held October 7, 2009, the issues raised in the Complaint which remain at issue in this Due Process Hearing were defined as follows:

5. Petitioner and Respondent entered into a Settlement Agreement on July 17, 2008

8. The August 12, 2008 ARDC determined that Student would be provided with the following services: General Education classroom with extensive accommodations and modifications for all subjects, except ***, which would be provided in a Special Education classroom, and *** twice per week for 30 minutes, because Student cannot achieve the IEP goals in the general education setting alone.

9. Petitioner and Respondent executed a Mediation Agreement on November 30, 2008. In the Agreement, the School District agreed to provide an SRA reading program for 45 days, implementing the SRA reading language arts class. Additionally, School District agreed to provide Petitioner with *** SRA reading instruction sessions of one hour each, five days per week, with a certified teacher trained in SRA reading instruction. If Student failed to make progress with the SRA programming provided by Respondent, then School District would pay for *** reading services.

10. A Review ARD December 4, 2008. The ARDC determined that Student would receive *** SRA reading program for an hour daily, to implement the specific terms of the November 30, 2008 Mediation Agreement.

11. Student was enrolled in the SRA reading program during the school day and *** from

18. During the August 21, 2009 ARD, Stu SRA teacher reviewed Student performance during the SRA trial. Teacher noted that Student exhibited frustration with decoding, but had excellent recall. Student did show improvement in fluency and decreased errors. Student showed growth in sight word reading, and in reading comprehension. Student also showed growth in vocabulary and comprehension. Student was able to participate and work hard in the *** reading program without regularly occurring difficulties with exhaustion or frustration.

19. SRA as an *** reading program during the school year, because it is most effective as a *** intensive program. The SRA and method of instruction was shown to be the most effective methodology and setting during the 45 day trial period from *** to*** the SRA *** proposal.

20. School District administered a Progress Report for the 2008-2009 School Year in for Reading Instruction /Tutoring, compiling data from a 45-day trial District reading program in the Spring of 2009. School District used several tests, including Decoding on December 8, 2008 and March 5, 2009; Basis Reading Comprehension on December 8, 2009 and March 4, 2009; Brigance Word Recognition on December 16, 2008 and February 27, 2009; and STAR Reading Test on April 4, 2008 and February 27, 2009, in order to get a broader range of information in

21. ue the SRA program *** because of Par ***, . Parent was also concerned about ***, and, consequently, Student was unable to participate in ***.

III. Discussion

In this case, Petitioner complained that School District failed to implement an appropriate reading program for a student with specific learning disabilities in reading comprehension and written expression, and dyslexia, thereby denying Student a free appropriate public education. Petitioner and Respondent resolved the program, and had ultimately agreed

necessary reading program at all times after December 8, 2008, except when Petitioner refused such services, during the summer of 2009. 34 CFR §§300.22, 300.101.

4. Respondent and the ARDC developed an appropriate IEP for Student which included appropriate educational programming and related services for the 2009-2010 school year. 34 CFR §§300.17,300.22,300.34.

5. Respondent provided Student with a FAPE in the least restrictive environment for all of the 2009-2010 school year in a manner that included the key stakeholders. 34 CFR §300.17; *Board of Education v. Rowley*, 458.U.S. 176, 73L.Ed.2d 690, 102 S.Ct. 3034 (1982).; *Cypress-Fairbanks Indep. School Dist, v. Michael F.*, 118 F.3d 245 (5th Cir. 1997).

6. Petitioner was not entitled to reimbursement for private educational services or compensatory educational services when there was no showing of a denial of FAPE. 34 CFR §§ 300.17, 300.101; *Rowley, supra*; *Michael F., supra*.

V. Order

After due consideration of the record, the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer ORDERS that the relief sought by Petitioner is DENIED.

SIGNED in Austin, Texas this 1st day of March, 2010.

Gwendolyn Hill Webb
Special Education Hearing Officer

DECISION OF THE HEARING OFFICER
MARCH 1,

