

STUDENT,	§	BEFORE A SPECIAL EDUCATION
B/N/F PARENT & PARENT	§	
	§	
VS.	§	HEARING OFFICER
	§	
LEWISVILLE INDEPENDENT	§	
SCHOOL DISTRICT	§	FOR THE STATE OF TEXAS

DECISION OF THE HEARING OFFICER

Statement of the Case

STUDENT, by next friends and parents *** and ***

et seq., complaining of Lewisville Independent

special education hearing officer for hearing but reassigned to the undersigned hearing officer on February 10, 2015.

The hearing was set by agreement of the parties and order of the Hearing Officer for two consecutive days in March 2015. A winter storm intervened and the hearing was conducted on March 6 and April 17, 2015, in the offices of the Lewisville Independent School District in Lewisville, Texas.

Petitioner was represented by Mark Whitburn with the law firm of Whitburn and Pevsner, PLLC, in Arlington, Texas. Respondent was represented by Nona Matthews, an attorney in the Irving office of Walsh, Gallegos, Treviño, Russo & Kyle, P.C.

At the close of the hearing, the parties jointly moved for an extension of the decision deadline to provide an opportunity to file written closing arguments. Counsel for the parties filed written closing arguments and agreed that the decision is due June 5, 2015.

Petitioner alleged that the district failed to provide the student a free, appropriate, public

meaningful educational benefit;

performance;

the student

stakeholders;

years old and in ***

261-262]

3. ***,

significant concerns in pragmatic language skills and social issues related to problems with these

-51, 53-57 & 76-78]

13. The independent speech evaluator recommended increases in speech services for the student, attention to off-task behavior, and development of strategies to deal with social

-57]

14. *** completed an evaluation of the student by an autism evaluation team. The
ty
of settings and concluded that the student was not receiving the intensive services they believe
are required for success in high-functioning students with autism. *** recommended more
socialization services for the student, training for district personnel, a focus in frequency and
intensity in instruction, and awareness of issues in the problems with pragmatic speech.

-125]

15. ***
with the diagnostic impressions, eligibility recommendations, and recommended strategies for
not implemented recommendations for the student in both the di
independent evaluation. Other recommendations from ***, however, are not credible to district
personnel because the gathering of information was problematic, inconsistent, and based on
mistakes in standardized assessment of

Transcript Pages 314-317 & 359]

16. An ARD committee for the student reviewed the current evaluation in April 2014.
*** evaluation, and the
independent speech evaluation. The committee adopted additional goals and objectives for the
student and increased the amount of speech services. One of the parents of the student attended
the ARD and did not request any changes or additions in the

Exhibits 34 & 35; and Transcript Pages 322-327 & 433-435]

17. *** grade year (2014-2015), the student made measurable and meaningful educational progress in academic and non-behavior included minor issues of non-

-13; and Transcript Pages 487-488, 542 & 595-598]

18. for typically developing peers. The parents also believed that the proposed speech services were & 269]

19. regression in speech and behavior and included speech therapy, behavior strategies, and he proposed program, the district asked for suggestions for a private program for the student and offered to the student did not attend ESY; and the student did not receive any benefit from the speech and 175-176 & 414-420]

20. All ARD committees for the student utilized appropriate assessment of the mance and achievement. The assessment was timely conducted by the district.

se

5. The district properly complied with the provisions of 34 CFR 300.502(b)(2) in responding to the parents request for an IEE. The district properly developed criteria to ensure that the cost of a publically funded IEE is reasonable, and the district complied with the criteria in granting and refusing IEEs under the standard of M.V. v. Shenendehowa Central Sch. Dist., 60 IDELR 213 (N.D.N.Y. 2013) and Letter to Parker, 41 IDELR 155 (OSERS 2004).

ORDER

Based on the foregoing findings of fact and conclusions of law, IT IS HEREBY ORDERED that all relief requested by Petitioner is DENIED and all claims are DISMISSED with prejudice.

SIGNED this 5th day of June, 2015.

/s/ Lucius D. Bunton
Lucius D. Bunton
Special Education Hearing Officer

DOCKET NO. 107-SE-1214

STUDENT,
B/N/F PARENT & PARENT

§
§
§
§

BEFORE A SPECIAL EDUCATION

VS.

HEARING OFFICER