

Petitioner's Issues

The school district's sole issue is whether the school district's FIE dated September 24, 2014 was appropriate within the meaning of the IDEA and whether Student is entitled to an IEE at school district expense.

Petitioner's Requested Relief

The school district requests a finding that its September 24, 2014 FIE was appropriate within the meaning of the IDEA and an order releasing the school district

2011. (J. Ex. 2). Student was placed unilaterally by Student's parents at *** beginning in 2014 and continued to attend *** during the period of assessment for the FIE. (J. Ex. 1-4, 1-8, 1-15).

2. Student's eligibility for special education was previously confirmed in June 2014 in a review of existing educational data (REED) when Student was identified as a student with an emotional disturbance. (J. Ex. 1-1). A June ***, 2014 Admission, Review & Dismissal Committee (ARD) referred Student for additional evaluation to provide updated information regarding Student's intellectual functioning, academic achievement, emotional and behavioral functioning, a functional behavior assessment and the need for related services. (J. Ex. 1-1) (Tr. pp. 16-17, 28-29). All areas of suspected disability, including a possible learning disability, were assessed by the FIE. (J. Ex. 1-35) (Tr. pp. 73, 88-90, 123-124, 128).
3. The FIE was conducted by a multidisciplinary team that included two licensed specialists in school psychology (LSSPs), and a certified behavior analyst (BCBA). Prior information collected by a behavior specialist in late May 2014 was also included in the FIE. (J. Ex. 1-1 to 1-2, 1-37).(Tr. p. 18). All members of the team held current licensures and had sufficient experience and training to conduct the FIE. (J. Ex. 7) (J. Ex. 8-1 to 8-12) (J. Ex. 6-2 to 6-21) (J. Ex. 1) (Tr. pp. 18, 30, 33, 66, 82-83, 85-86, 136-137, 148-149, 153-154).
4. A broad range of sources were used to evaluate Student's functional behavior. Student was observed in Student's current educational placement at *** by three different school district evaluators over several hours. (J. Ex. 1-1, 1-2, 1-15 to 1-28). The FIE included multiple teacher interviews and a review of private school records – including progress notes, incident reports, and detention slips from February 2013 through May 2014. A previous FBA conducted by a school district LSSP and an independent FBA conducted by Student's expert witness were also sources of information for the FIE. (J. Ex. 1-1 to 1-2; 1-15 to 1-28).
- 5.

Both assessments were conducted by an LSSP with a particular strength in the areas of academic achievement and intellectual testing. (J. Ex. 1-1 to 1-2) (Tr. p. 66). The LSSP scored the academic achievement testing appropriately. (J. Ex. 9-20, 9-50, 9-154 to 9-155) (Tr. pp. 92-94, 104, 106-111, 113, 116, 128).

9. The FIE included a review of Student's speech and language skills determined to be within normal limits based on teacher and parent information as well as a speech/language screening conducted by a speech/language pathologist in November 2010. There were no new indicators that Student's speech and/or language skills might be relevant to the testing. (J. Ex. 1-2) (Tr. pp. 65, 84). The FIE considered Student's native language (English), Student's academic language (English) and determined Student was not limited English proficient. (J. Ex. 1-2). Based on a review of the 2010 FIE and updated parent information the FIE concluded there were no concerns with Student's speech or language. (Tr. pp. 20-21, 44).
10. The Functional Assessment Screening Tool (FAST) is an informal screening tool used as a component of the FIE to assess Student's functional behavior. As an indirect assessment tool the FAST lacks strong validity but can be used to formulate a "preliminary picture." The FAST can appropriately serve as a "survey" of behaviors and was used merely as a "starting point" for further inquiry and assessment into Student's behavior. (J. Ex. 1-22 to 1-24) (Tr. pp. 150, 155, 166, 203-205). The BASC-2 and clinical interviews were also utilized to assess Student's functional behavior along with a review and analysis of behavioral records from ***. (J. Ex. 1-1 to 1-2, 1-18) (Tr. pp. 156-158, 161-162, 164-165).
11. The FIE was conducted in English - the language and form most likely to yield accurate information on what Student knew and what Student could do academically, developmentally, and functionally. (J. Ex. 1-3). The FIE included consideration of whether Student demonstrated any health or motor needs (Student did not), whether there were cultural, linguistic, or experiential factors that might influence Student's learning and/or behavior (there were not) and whether Student's sociological status indicated a lack of previous educational opportunities in reading or math (there was not). (J. Ex. 1-3, 1-7, 1-8) (Tr. pp. 20-21, 41-43, 65, 75, 84-85).
12. The team worked together in a collaborative manner to complete the FIE. (J. Ex. 5-1) (Tr. pp. 33, 35-36, 46-47, 50-51, 63, 84). The team collaborated in generating the final FIE report using a school district software program accessible to each team member for updates and editing. (Tr. pp. 37-38, 74, 120). The FIE resulted in valid and reliable data regarding Student's educational needs. (Tr. pp. 25, 87-88). The evaluation measures select TJiy(va)454521ction me 533.98 24A10004C0072.024 275.oomb

the responsibility of determining what additional data, if any, is needed to confirm the student's continued eligibility for special education services and the student's educational needs. This must include the student's

needs. 34 C.F.R. § 300.304 (c) (6) (7).

Application of the Regulatory Criteria to the School District's FIE

Variety of Tools & Strategies Used to Determine Eligibili

requirements and followed all IDEA procedures and was therefore appropriate within the meaning of the statute. Student's parents are not entitled to an Independent Educational Evaluation at school district expense. 34 C.F.R. §§ 300.304; 300.502 (b).

ORDERS

Based upon the foregoing findings of fact and conclusions of law it is therefore **ORDERED** that Petitioner's request for relief is **GRANTED** and Petitioner is not required to fund an Independent Educational Evaluation for the Respondent.

SIGNED the 25th day of March 2015

/s/ Ann Vevier Lockwood

Ann Vevier Lockwood

Special Education Hearing Officer

NOTICE TO THE PARTIES

The Decision of the Hearing Officer in this cause is a final and appealable order. Any party aggrieved by the

**BEFORE A SPECIAL EDUCATION HEARING OFFICER
STATE OF TEXAS**

**CLEAR CREEK INDEPENDENT
SCHOOL DISTRICT,
Petitioner,**

v.

**STUDENT,
bnf PARENT and PARENT,
Respondent.**

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DOCKET NO. 111-SE-1214

SYNOPSIS

ISSUE:

Whether school district's Full Individual Evaluation (FIE) of student with emotional disturbance was appropriate within the meaning of the Individuals with Disabilities Education Act (IDEA) or whether student was entitled to an Individual Educational Evaluation (IEE) at school district expense.

HELD: FOR THE SCHOOL DISTRICT

School district's FIE met all IDEA regulatory requirements. Student was not entitled to an IEE at school district expense. Student was assessed in all areas of suspected disability. Following confirmation of student's continued eligibility for special education using a review of existing evaluation data (REED) the Admission, Review & Dismissal Committee (ARD) referred the student for additional evaluation to provide updated information regarding student's intellectual functioning, academic achievement, emotional and behavior functioning, a functional behavior assessment, and student's need for related services.

FIE conducted by a multidisciplinary team including two licensed specialists in school psychology and a Board Certified Behavior Analyst. All members of the team held current licensures and had sufficient experience and training to conduct the FIE.

Broad ranges of sources were used to evaluate student's functional behavior -- including several hours of obm