

DOCKET NO. 171-SE-0310

STUDENT,	§	BEFORE A SPECIAL EDUCATION
	§	
B/N/F PARENTS	§	
	§	HEARING OFFICER
VS.	§	
	§	
CORPUS CHRISTI INDEPENDENT	§	FOR THE STATE OF TEXAS
SCHOOL DISTRICT	§	

DECISION OF THE HEARING OFFICER

Statement of the Case

The student, b

et seq., complaining of Corpus Christi Independent School District

Petitioner was represented by Christopher Jonas, an attorney in Corpus Christi. Respondent was represented by John Janssen, an attorney with the Corpus Christi Independent School District. Petitioner's request for hearing was filed on March 12, 2010, and came on for hearing by agreement of the parties and order of the hearing officer on May 17, 2010. Counsel filed written closing arguments, and the parties agreed that the decision would be timely issued on or before July 2, 2010, in accordance with the statutory and regulatory time-line.

Petitioner alleged that CCISD failed to provide appropriate educational programming, supplemental support services, and appropriate related services for the student. Petitioner alleged that CCISD did not provide appropriate 1-on-1 or small group support in special education tutoring services. Petitioner alleged the district failed to conduct appropriate psychological and counseling evaluations and that the district failed to provide the student with a free appropriate public education. As relief, Petitioner seeks an order requiring an appropriate

educational placement, appropriate evaluations, and appropriate modifications, interventions, and services which, when properly implemented, would be an appropriate educational program for the student.

Based upon the evidence and argument of counsel, the Hearing Officer makes the following findings of fact and conclusions of law:

Findings of Fact

1. The student resides with the student Independent School District. [Transcript Page 16]
2. At the time of the hearing, the student was *** years old. [Transcript Page 16]
3. The student has been served by the district based upon eligibility criteria for s -12 & 14- -12 & 16-35]
4. ***. The student has problems with *** and anxiety about it. [Transcript Page 17]
5. During the *** school year the student attended the *** grade at *** school.
6. During the *** school year, the student was expelled from the *** school for ***. [Transcript Pages 116-118]
7. *** school would accept the student and the student returned to CCISD. The student was placed in a behavior class and attended regular education classes. [Petition
8. student in *** ***. The IEP included objectives to increase positive behaviors and decrease negative behaviors, the use of

The parent has the burden of proof to demonstrate that the district failed to follow the law in providing an appropriate educational placement and related services necessary for the student to make educational progress. The parent failed to meet the burden of proof.

Conclusions of Law

1. The student is eligible for special education and related services under the provisions of IDEA, 20 U.S.C. §1400, et seq., and related statutes and regulations.

2. The Corpus Christi Independent School District is the local education agency provided by the district for the student were appropriately developed by district personnel in collaboration with the student and provide an educational placement and related services reasonably calculated to enable the student to receive educational benefit under the standard of Board of Education of the Hendrick Hudson School District v. Rowley, 458 U.S. 176 (1982), 34 CFR 300.552, and 19 T.A.C. §89.1055.

3. assessment and performance; the program was administered in the least restrictive environment; the services were provided in a coordinated and collaborative manner by key stake holders; and positive academic and nonacademic benefits were demonstrated. Cypress-Fairbanks ISD v. Michael F., 118 F.3d 245 (5th Cir. 1997), 34 CFR 300.300, and 19 T.A.C. §89.1055.

4. Petitioner failed to mee

Tatro v. Texas, 703 F.2d 823 (5th Cir. 1983), Adam J. v. Keller ISD, 328 F.3d 804 (5th Cir. 2003).

ORDER

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

SIGNED this 2nd day of July, 2010.

/s/ Lucius D. .53 6BT1 0 0 1 374.59 TBTJET EMC[

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SYNOPSIS

ISSUE: Whether the district failed to provide an appropriate educational placement for the student.

CFR CITATIONS: 34 CFR 300.552 and 34 CFR 300.300.

TEXAS CITATION: 19 T.A.C. §89.1055

HELD: For Respondent.