

DOCKET NO. 238-SE-0415

STUDENT,

§

6.

*** grade. Many of

*** and ***

Exhibits 7 & 9; and Transcript Pages 35-38]

7. The student has been promoted to ***

Transcript Page 38]

8. ARD committee meetings for the student were convened in March and April 2015.

During the spring 2015 semester the student was failing courses in ***

-30

& 52]

9. At the March ARD committee mee

-to-one

Conclusions of Law

1. The Edinburg Consolidated Independent School District is responsible for properly identifying and evaluating the student for special education services. The district is required to provide the student with a free appropriate education in the least restrictive environment under the provisions of IDEA, 20 U.S.C. §§ 1412 and 1414; 34 CFR 300.301; and 19 TAC §89.1011.

2. The student is eligible for special education under the eligibility criteria of autism and other health impairment. IDEA, 20 U.S.C. §§ 1412 and 1414; 34 CFR 300.301; and 19 TAC §89.1011.

3. Petitioner failed to meet its burden of proof to demonstrate a violation of IDEA under the standard of Schaffer v. Weast, 126 S.Ct. 528 (2005), 34 CFR 300.523(a) or prove the 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.

4. The IEP for the student is reasonably calculated to provide a meaningful assessments and performance; b) the program is administered in the least restrictive environment; c) the services are provided in a coordinated and collaborative manner by the key stakeholders in the program; and d) positive academic and non-academic benefits are 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.

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 10th day of August, 2015.

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

DOCKET NO. 238-SE-0415

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

SYNOPSIS

ISSUE: Whether Petitioner met its burden of proof to demonstrate that the educational placement of the student was inappropriate.