

DOCKET NO. 282-SE-0515

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

DECISION OF THE HEARING OFFICER

Statement of the Case

STUDENT, by next friend and parent, PARENT (hereinafter "Petitioner" or "the student"), brought a complaint pursuant to the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. §1400, et seq., complaining of the North East Independent School District (hereinafter "Respondent" or "the district").

Petitioner filed its request for hearing on May 16, 2015, and sought an expedited hearing. Petitioner subsequently filed an amended request for hearing withdrawing the request for expedited hearing. The parties jointly moved for continuances of the decision date to pursue settlement discussions and mediation. When the parties failed to settle the matter, Petitioner filed a second amended request for hearing and asked that the hearing be expedited. By order of September 3, 2015, the matter was set for an expedited hearing within twenty (20) school days of the amended request for an expedited hearing.

The case came on for hearing in the offices of the district in San Antonio, Texas, on September 25, 2015, and this decision is timely issued on the tenth school day after the hearing.

Petitioner was represented by Karen Seal, an attorney in San Antonio, and Respondent was represented by Ricardo Lopez and Allen Keller, attorneys in the San Antonio office of Schulman, Lopez, Hoffer & Adelstein.









The district's witnesses established the propriety of the district's action with credible testimony and documentation. Petitioner failed to meet its burden of proof.

#### Conclusions of Law

1. The North East Independent School District is responsible for providing special education and related services for the student under the provisions of IDEA, 20 U.S.C. §1400, et seq., and related statutes and regulations.

2. The student is eligible for special education and related services based on the eligibility criteria of specific learning disabilities and OHI.

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

4. The IEP for the student is reasonably calculated to provide a meaningful educational benefit because: (i) the program is individualized on the basis of the student's assessments and performance; (ii) the program is administered in the least restrictive environment; (iii) the services are provided in a coordinated collaborative manner by the key stakeholders in the student's education; and (iv) positive academic and non-academic benefits are demonstrated. Cypress-Fairbanks ISD v. Michael F., 118 F.3d 245 (5th Cir. 1997), 34 CFR



DOCKET NO. 282-SE-0515

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

SYNOPSIS

**ISSUE:** Whether the district's determination in an MDR was appropriate.

**CFR CITATIONS:** 34 CFR 300.300 and 34 CFR 300.530(e)

**TEXAS CITATION:** 19 T.A.C. §89.1055

**HELD:** For Respondent.