





5. During December 2008, the parent objected to the placement of another disabled student copied the behavior of other students. (RR3-156)

6. -2009 school year, with the most significant behaviors beginning in February 2009. (RR3-189; R41) The student was extremely impulsive and would \*\*\* and was difficult if not impossible to deter. (RR3-155-156)

7. The student received the following disciplinary referrals: fighting, horseplay, \*\*\*, walking out of class, aggravating and instigating behavior, \*\*\*, arguing with another student, arriving to class late, \*\*\*, leaving class, \*\*\*. (R-41, 42, 44, 45, 47, 53, 54, 57, 60, 62) There were a total of \*\*\* referrals between February and May 2009. (R-62) The final referral of the year occurred on \*\*\* and \*\*\*. The referral indicated that the student \*\*\*. (R-62) The student was \*\*\* on that date.

8. plan a full individual evaluation and to discuss behaviors. (R48, 50) A previous ARD had been scheduled in March to discuss behaviors but was cancelled by the parent. During the April 2009 ARD Committee meeting, the parent requested a \*\*\* aide for the student to address bullying and \*\*\* because it felt the use of an aide would be too restrictive. (R-50, p. 41) The teacher

mind that student -135)

The parent also informed the ARD Committee that she was exploring placement at the \*\*\*

9. On April 10, 2009, the parent notified a district employee that the student had \*\*\*. (R-51) She also notified the employee that the student had been having \*\*\*. (R-51) She reported prior incidents of the student \*\*\* as well as from home and talked about prior \*\*\* referrals. The parent stated that because of behaviors they were desperate for help and said they needed help getting behaviors under control at home and at school. (R-51) She said this is why she was bringing up the subject of residential placement at \*\*\*.

10. On April 15, 2009, the parent wrote the special education director and requested an aide. She reported the stude -  
52)

11. follows:

still insist that student goes to the \*\*\* campus. [Student] is very hateful to [aide] and Student picks at those student can intimidate and I will have still have [sic] my other students next year and the personalities are clashing big time. I am so sorry I have to tell you but I can Not deal w/[student] much longer. I am trying to hang in until the end of May but I may have to \*\*\* will not help you, do not be fooled, she is pussy footing around. \*\*\* cannot help you, the District WILL NOT help you

financially. You are wasting your time by contacting \*\*\* or \*\*\*. \*\*\* is a sweetheart but they have NO intention of putting money out for [student]. They are stalling, trying to pacify you. YOU know that I can bet my life on it. They are NOT going to fork out

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\*\*\* 2 or more times and constantly late from lunch and \*\*\*. Student \*\*\*. Student told me that student would \*\*\* student written student

about it so what is the use? I am sick and tired and I am sorry that [student] is on my last nerve. Student starts \*\*\*

student \*\*\* and not even bother reporting student \*\*\*

a little. One day someone is going to knock socks off for \*\*\* and \*\*\*. A regular ed kid will do student in, if not some thug if student acts that way with them.

lease send student to the \*\*\*

student. Maybe they can help student student behaviourly [sic]. [Student]

-17)

12. The teacher testified that she was extremely frustrated when she wrote the email and attempted to minimize its impact at the hearing. However, in light of her testimony as a whole, I find that the P-17 email is a credi

to respond adequately to them. I also find that the credible evidence supports a finding that school personnel were well aware that the parent was seeking residential placement

notation that as early as March 2, 2009, school personnel were aware that the parents were seeking residential treatment at district expense. (R-106).

13. \*\*\* or \*\*\* grade level during the 2008-2009 school year, when student was a \*\*\* grader. (RR3-198) However, she acknowledged that student did not meet expectations on standardized assessments administered at the \*\*\* and \*\*\* grade level. (RR3-194-196).

having trouble staying on task. (RR3-155-156) When asked to give an example of

help the student if student asked. (RR3-94).

- 14.

16. The teacher told a \*\*\* in class and at home and spends several days a week \*\*\* due to misbehavior. She acknowledged that she was aware of the \*\*\* and had concerns about the safety. She further told the caseworker that the student acted on \*\*\* instincts, and that student could \*\*\* and just not know any better. (R-104, p. 20) The teacher explained during the hearing that by acting on \*\*\* instincts, she meant that the student \*\*\*. (RR3-211-212)
17. During the Spring of 2009, the student developed an obsession with \*\*\*. (RR3-204-205). While the credible evidence is that \*\*\*

the \*\*\* and the \*\*\* that attends ARD meetings, coordinates services and monitors progress. (R79)

27. -59)

28. ohol syndrome

control, and psychosis. (RR1-60)

29. The psychiatrist testified that because of disability, the student does not process information in a logical way. While some students with mental retardation may respond well to medication or behavior management, the student does not. The student is unpredictable in responses, engages in irrational behaviors, such as \*\*\*, is aggressive, and \*\*\*. (RR1-61-62)

30. -  
around services of a residential placement to provide structure for the student, address behavior, respond to crises at school, and coordinate between school and the residential program. (RR1-













problems with a residential placement, even if it is otherwise needed. This is consistent with

neglected by VISD. I find, based on a

## ORDER

Based upon a preponderance of the evidence and the foregoing findings of fact and conclusions of law, it is hereby **ORDERED** that the relief requested by Petitioner is **GRANTED**.

1. IT IS ORDERED that Petitioner shall be entitled to reimbursement for out-of-\*\*\* from June 3, 2009 to present.
2. IT IS FURTHER ORDERED that the District shall convene an ARD meeting within 10 school days of the date of this ORDER to implement placement at the \*\*\* as ordered herein
3. IT IS FURTHER ORDERED that at this ARD meeting, the parent shall present receipts for out-\*\*\*, and the District shall reimburse said expenses within 15 days of receipt.

IT IS ORDERED that all other relief not specifically awarded herein is DENIED.

Finding that the public welfare requires the immediate effect of this Final Decision and

## SYNOPSIS

Issue: Whether the parent is entitled to reimbursement for placement at \*\*\*?

Held: