

SOAH DOCKET NO. 701-21-1120.IDEA
TEA DOCKET NO. 090-SE-0121

STUDENT, B/N/F PARENT,	§	BEFORE A SPECIAL EDUCATION
Petitioner	§	
v.	§	
	§	HEARING OFFICER FOR
HARMONY PUBLIC SCHOOLS,	§	
Respondent	§	THE STATE OF TEXAS

DECISION OF THE HEARING OFFICER

I. STATEMENT OF THE CASE

Student, ***, by next friend Parent (collectively, Petitioner), brings this action against Harmony Public Schools (Respondent or the District) under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1482, and its implementing state and federal regulations. The main issue in this case is whether the District denied Student a free, appropriate public education (FAPE) during the 2019-20 and 2020-21 school years. The Hearing Officer concludes the District provided Student a FAPE by designing and implementing a program reasonably calculated to meet Student’s individual needs and provide educational benefit.

II. PROCEDURAL HISTORY

A. Legal Representation

Petitioner was represented throughout this litigation by Petitioner’s legal counsel, Karen Dalglish Seal, with the Law Offices of Karen Dalglish Seal. Respondent was represented throughout this litigation by its legal counsel, Christopher Schulz and Maia Levenson with Schulman, Lopez, Hoffer & Adelstein, L.L.P.

B. Preliminary Motions

On October 14, 2021, Respondent filed a Motion to Exclude Expert Witnesses based on Petitioner's failure to disclose the identity of four witnesses as experts during the discovery process. Having concluded Petitioner failed to respond to a properly propounded discovery request, the Hearing Officer excluded the expert testimony of *** and *** and limited the testimony of *** to factual matters. The Hearing Officer allowed the expert testimony of ***, concluding her identity was not known to Petitioner at the time the discovery was propounded or required to be supplemented.

III. DUE PROCESS HEARING

The due process hearing was conducted via the Zoom videoconferencing application on October 19-21, 2021. The hearing was recorded and transcribed by a certified court reporter. Petitioner continued to be represented by Petitioner's legal counsel, Karen Dalglish Seal. In addition, ***, Student's mother, attended the due process hearing.

Respondent continued to be represented by its legal counsel, Christopher Schulz and Maia Levenson. In addition, ***, the District Coordinator for Special Programs, attended the hearing as the party representative. Both parties filed written closing briefs in a timely manner. The Decision in this case is due on January 3, 2022.

IV. ISSUES

A. Petitioner's Issues

Petitioner raised the following IDEA issues for decision in this case:

FREE, APPROPRIATE PUBLIC EDUCATION: Whether the District failed to provide Student with a FAPE during the 2019-20 and 2020-21 school years, including:

1. Whether the District failed to develop and implement appropriate Individualized Education Program (IEP) goals and objectives to meet Student's individual needs based on data.
2. Whether the District's provision of services to Student was appropriate.
3. Whether the District failed to provide appropriate special education services (both related and supplemental services).

B. Respondent's Legal Position and Additional Issues

Respondent generally denies the factual allegations stated in the Complaint and contends it provided Student with a FAPE during the relevant time period, can continue to do so, and Petitioner is not entitled to any of the requested relief.

V. REQUESTED RELIEF

A. Petitioner's Requested Relief

Petitioner requested the following items of relief:

1. A determination that the District denied Student a FAPE.
2. An order directing the District to immediately provide Student with an in-person one-on-one aide with Registered Behavior Technician training either at home or at school in a clean room.
3. An order directing the District to provide Student with in-person instructional and related services.
4. Compensatory educational services.

B. Respondent's Requested Relief

1. Dismiss all claims arising under laws other than the IDEA (the Hearing Officer granted this request in Order No. 4).

VI. FINDINGS OF FACT

Student's Educational Profile

1. Student is ***-year-old *** grade student in the District. Student is eligible for special education and related services as a student with autism and a speech impairment.¹
2. On January ***, 2019, the District completed a Full Individual Evaluation (FIE) of Student. The District evaluated Student in the areas of psychological, communication, health and physical, emotional and behavioral, developmental and functional, and cognitive and adaptive behavior.²
3. Student has significantly below average cognitive abilities and adaptive functioning. Student has severe deficits in expressive and receptive language, pragmatics, and articulation. Student is ***, who utilizes *** to communicate.³
4. Student needs assistive technology (AT) in the form of a *** device to meet Student's communication needs.⁴
5. Student has difficulty maintaining attention and concentration. Student's intellectual functioning and short-term memory are extremely low when compared to same-aged peers. In an educational setting, Student has difficulty following oral directions, taking notes, and retaining and understanding information presented in a lecture format.⁵
6. Student's visual processing is in the extremely low range. Student has difficulty perceiving, manipulating, thinking with visual patterns, and mentally rotating objects in space. Student

¹ Joint Exhibit (JE) 16.

² JE 16.

³ JE 16 at 2-3; JE 18 at 6.

⁴ JE 1 at 4; JE 3 at 4; JE 18 at 5.

⁵ JE 16 at 4-6.

has extremely low fluid reasoning abilities, making it difficult for Student to comprehend instruction, generalize learning, and solve novel problems.⁶

7. Student has adaptive behavior skills in the extremely low range. Student has difficulty ***, working independently, asking for help when Student needs assistance, and making and maintaining friendships.⁷
8. Student has sensory processing issues, including tactile over responsiveness, limited *** preferences, under responsive ***, over and under responsive auditory processing, and over and under responsive visual processing.⁸
9. Student can ***. Student answers comprehension questions by ***. Student uses ***. Student can use ***.⁹
10. Student experiences behavioral challenges at school. Student *** when Student does not want to do an activity or when Student is not allowed to do a preferred activity.¹⁰

2019-20 School Year

11. The District convened an annual Admission, Review, and Dismissal (ARD) committee meeting for Student on August ***, 2019. Student's parents and their advocate participated in the meeting. Student's parents asked the District to conduct a functional behavior assessment (FBA) and a sensory evaluation and requested an increase in speech therapy services, a review of Student's AT, the development of goals for ***, a one-on-one aid, and that Student participate in general education special area classes and physical education.¹¹
12. The ARD committee recommended the District continue exploring *** devices with Student and continue speech therapy services at twenty-one, 30-minute sessions each *** weeks. The committee also determined an FBA and occupational therapy (OT) and AT evaluations were necessary to further assess Student's needs.¹²

⁶ JE 16 at 7.

⁷ JE 16 at 9-10.

⁸ JE 18 at 8.

⁹ JE 1 at 10-11.

¹⁰ JE 1 at 12.

¹¹ JE 1 at 35-38.

¹² JE 1 at 5, 7, 8.

13. The committee developed a goal for Student to ***. ¹³
14. The committee recommended placement in a *** classroom with a daily general education *** and a daily general education *** class. The committee further determined Student required *** instruction and five daily, 15-minute *** sessions to assist with *** skills. Student was provided seven, 30-minute OT sessions each *** weeks and twenty-one, 30-minute speech therapy sessions each *** weeks. ¹⁴
15. Following the August ***, 2019 ARD committee meeting, the District completed a FBA, AT evaluation, and an OT sensory evaluation. The evaluators determined Student needed interventions to assist with managing emotions and that further exploration of AT *** devices was needed due to Student's ***. The OT evaluator determined that Student had tactile over responsiveness, limited *** preferences, *** concerns, over and under responsive auditory processing, and over and under responsive visual processing. The evaluators concluded Student did not require a behavior intervention plan (BIP) to address Student's behavior at school. ¹⁵
16. On November ***, 2019, the District convened Student's ARD committee to review the OT sensory evaluation and FBA and to review Student's IEP goals. The committee developed behavior goals to address Student's expression of frustration and on-task behaviors, developed goals for ***, determined Student required a one-on-one aid in the education setting, and determined Student required extended school year (ESY) services. ¹⁶
17. The District closed for in-person instruction from mid-March 2020 to the end of the 2019-20 school year due to the COVID-19 global pandemic. ¹⁷

2020-21 School Year

18. For the 2020-21 school year, the District reopened for in-person instruction, following health and safety protocols on campus. The District also offered virtual instruction for families choosing to opt out of in-person instruction. ¹⁸

¹³ JE 1 at 13-19.

¹⁴ JE 1 at 20, 22, 30-31.

¹⁵ JE 18.

¹⁶ JE 2 at 8-12, 17, 33-35.

¹⁷ Transcript (TR) at 525.

¹⁸ JE 7; JE 9.

19. On August ***, 2020, the District convened Student’s ARD committee for an annual meeting. Student’s parents and their advocate participated in the meeting and disagreed with the level of instructional and related services support in Student’s program.¹⁹
20. The District reconvened Student’s ARD committee on September ***, 2020. Student’s mother and Student’s advocate attended the meeting. Student’s mother disagreed with Student’s speech goals and the delivery of virtual instruction.²⁰
21. The committee adopted a goal for Student to ***. The committee also developed two behavior goals targeting expressing emotions and utilizing sensory integration strategies to address frustrating situations and four speech goals targeting identifying an appropriate emotion for the situation, utilizing ***.²¹
22. The committee determined Student required five, 15-minute *** sessions per day to assist Student with *** and decided Student required AT to address *** needs.²²
23. The ARD committee recommended one 30-minute OT session per week, one 45-minute speech therapy session per week, four 30-minute OT consultation sessions each *** weeks, and four 15-minute speech therapy consultations each *** weeks. At parental request, the ARD committee decided to change the focus of Student’s speech goals to *** and having Student *** instead of a ***.²³
24. Student was placed in *** for Math, ***. Student was placed in general education for *** classes.²⁴
25. Student’s parents chose to have Student receive Student’s instruction and related services at home because of health concerns for the family. Student’s parents requested that the District have staff come to their home to deliver the instruction and related services set forth in the IEP. The District declined this request and delivered Student’s services virtually.²⁵

¹⁹ JE 3 at 33.

²⁰ JE 5 at 31.

²¹ JE 3 at 8-13.

²² JE 3 at 14, 15.

²³ JE 3 at 24-25; JE 5 at 31.

²⁴ JE 3 at 24-25.

²⁵ JE 5 at 31.

26. Student's parents requested compensatory related services for gaps in service during the COVID-19 global pandemic. The ARD committee determined 30 minutes per week of additional speech and OT for four weeks was an appropriate amount of compensatory services.²⁶
27. On October ***, 2020, the District convened Student's ARD committee to review Student's program and placement. Student's mother renewed her request for in-person instruction and related services in Student's home. The District again declined this request and continued to provide virtual teletherapy for speech and OT and virtual instruction with one-on-one support.²⁷
28. On October ***, 2020, the District reconvened Student's ARD committee to continue discussions about Student's program. Student's mother again requested in-person services in the home and also requested a change in speech therapists. The District again declined to provide services in-person in the home but proposed installing a document camera in the home to better monitor Student's responses and interactions during virtual instruction.²⁸
29. The District honored Student's mother's request and changed Student's speech therapist.²⁹
30. The District determined sending a staff member to Student's home for one-on-one instruction was unsafe for District staff and Student. The District follows health and safety and sanitation protocols at school for a global pandemic and is unable to implement these protocols with fidelity in Student's home.³⁰
31. On January ***, 2021, the District convened Student's ARD committee to review Student's related services. The ARD committee updated Student's OT goals and changed Student's OT sessions to three, 25-minute sessions per week. The committee also developed a plan for making up speech services that were missed during the change in therapists.³¹

²⁶ JE 5 at 31.

²⁷ JE 7.

²⁸ JE 9.

²⁹ JE 9.

³⁰ JE 7; JE 9.

³¹ JE 11.

32. On February ***, 2021, the District reconvened Student's ARD committee to discuss Student's use of a *** device. The District obtained a *** device from the Region 20 Education Service Center for Student's use.³²
33. Throughout the 2020-21 school year, Student's special education teacher travelled weekly to Student's home to deliver instructional materials.³³
34. During the 2020-21 school year, Student made progress with ***. Student also made progress ***.³⁴
35. During the 2020-21 school year, Student made progress with ***, with following directions, and on Student's speech therapy goals.³⁵
36. Student's attendance for virtual instruction and therapy sessions was inconsistent which impacted Student's educational progress.³⁶

VII. DISCUSSION

A. Burden of Proof

The burden of proof in a due process hearing is on the party challenging the proposed IEP and placement.³⁷ *Schaffer v. Weast*, 546 U.S. 49, 62 (2005); *Teague Ind. Sch. Dist. v. Todd L.*, 999 F.2d 127, 131 (5th Cir. 1993). The burden of proof in this case is on Petitioner to show the District failed to provide Student with a FAPE *and* to offer a program that is reasonably calculated to provide Student with the requisite educational benefit. *Id.*

³² JE 13.

³³ TR at 608.

³⁴ JE 28; TR at 656-657, 661.

³⁵ TR at 148-152, 176-181, 697-698.

³⁶ JE 27; JE 30; TR at 280.

³⁷ There is no distinction between the burden of proof in an administrative hearing or in a judicial proceeding. *Richardson Ind. Sch. Dist. v. Michael Z.*, 580 F. 3d 286, 292 n. 4 (5th Cir. 2009).

B. Duty to Provide FAPE

The purpose of the IDEA is to ensure that all children with disabilities have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. 20 U.S.C. § 1400(d). The District has a duty to provide a FAPE to all children with disabilities ages 3-21 in its jurisdiction. 34 C.F.R. §§ 300.101(a), 300.201; Tex. Educ. Code § 29.001.

The District is obligated to provide Student with specially designed, personalized instruction with sufficient support services to meet Student's unique needs so Student can receive an educational benefit. The instruction and services must be provided at public expense and comport with Student's IEP. 20 U.S.C. § 1401(9); *Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 458 U.S. 176, 188-189, 200-201, 203-204 (1982). Here, Petitioner contends the District denied Student a FAPE by failing to develop an appropriate program to meet Student's individual needs.

The Fifth Circuit has articulated a four-factor test to determine whether a school district has provided a program of FAPE to an individual student. Those factors are:

- Whether the program is individualized on the basis of the student's assessment and performance;
- Whether the program is administered in the least restrictive environment;
- Whether the services are provided in a coordinated, collaborative manner by the key stakeholders; and
- Whether positive academic and non-academic benefits are demonstrated.

Cypress-Fairbanks Ind. Sch. Dist. v. Michael F., 118 F. 3d 245, 253 (5th Cir. 1997).³⁸

These four factors need not be accorded any particular weight nor be applied in any particular way. Instead, they are merely indicators of an appropriate program and intended to guide the fact-intensive inquiry required in evaluating the school district's educational program. *Richardson Ind. Sch. Dist. v. Leah Z.*, 580 F. 3d 286, 294 (5th Cir. 2009).

1. Individualized on the Basis of Assessment and Performance

Petitioner takes issue with the District's development of Student's IEP, contending the IEP does not address Student's identified needs. The District has an obligation to have an IEP in place for Student at the beginning of each school year. 34 C.F.R. § 300.323(a). The IEP must be more than simply a written statement of annual goals and objectives and how they will be measured. Instead, the IEP must include a description of the related services, supplementary supports and services, the instructional arrangement, program modifications, supports for school personnel, designated staff to provide the services, the duration and frequency of the services, and the location where the services will be provided. 34 C.F.R. § 300.22. While the IEP need not be the best possible one nor must it be designed to maximize Student's potential, the District must nevertheless provide Student with a meaningful educational benefit—one that is likely to produce progress not regression or trivial advancement. *Houston Indep. Sch. Dist. v. V.P. ex rel. Juan P.*, 582 F.3d 576, 583 (5th Cir. 2009). The basic inquiry in this case is whether the IEP developed by the District was reasonably calculated to enable Student to make progress appropriate in light of Student's circumstances. *Andrew F. v. Douglas County. Sch. Dist. RE-1*, 137 S. Ct. 988, 999 (2017).

³⁸ Even after the Supreme Court's 2017 decision in *Andrew F.*, the test to determine whether a school district has provided a FAPE remains the four-factor test outlined by the Fifth Circuit. *E.R. by E.R. v. Spring Branch Indep. Sch. Dist.*, 909 F.3d 754, 765 (5th Cir. 2018).

The District's obligation when developing Student's IEP is to consider Student's strengths, Student's parent's concerns for enhancing Student's education, results of the most recent evaluation data, and Student's academic, developmental, and functional needs. 34 C.F.R. § 300.324(a)(i)-(iv). Here, the District based Student's IEP on Student's identified cognitive, functional, and language and communication deficits, as identified in the 2019 FIE. In September 2019, the District conducted an additional OT evaluation to assess Student's sensory needs. To address Student's identified need for functional skills, the District developed IEP goals that addressed functional living skills of ***. The District addressed Student's language and communication needs through numerous IEP goals and direct, weekly speech therapy. Student's sensory needs were addressed through OT services. In January 2021, the District increased the frequency and changed the length of Student's OT sessions in response to Student's changing needs.

In developing a student's IEP, the ARD Committee must consider whether the student needs AT devices and services. 34 C.F.R. § 300.324(a)(2)(v). Student exhibited an identified deficit in communication and the District repeatedly indicated Student required AT to address Student's communication deficits. By specifically identifying AT in Student's IEP, the District clearly recognized AT was necessary as special education, a related service or a supplemental aid or service Student needed in order to access and make progress in the general curriculum. 34 C.F.R. § 300.105(a). However, the District took no systematic approach for assessing and identifying the appropriate AT for addressing Student's identified needs. Instead, the District changed communication devices in and out and never stayed with a single device long enough to determine its effectiveness. The District should have more thoroughly evaluated Student's AT needs and trained Student on the use of Student's AT. 34 C.F.R. § 300.6(a), (e). The District attempts to blame Student's Parents for the changes back and forth with assistive technology. However, the District, not the parent, is obligated for the provision of a FAPE. 34 C.F.R. §§ 300.101(a), 300.201; Tex. Educ. Code § 29.001.

For Student, whose behavior impedes Student’s learning and that of others, the District was also required to consider positive behavioral interventions and supports and other behavioral strategies when developing Student’s IEP. 34 C.F.R. § 300.324(a)(2)(i); *R.P. v. Alamo Heights Indep. Sch. Dist.*, 703 F.3d 801, 813 (5th Cir. 2012). Here, the District conducted an FBA to determine the nature of Student’s behavioral needs. The District then developed behavior goals to address Student’s expression of frustration and Student’s on-task behavior. The District also determined Student required a one-on-one aid to assist Student in the school.

Petitioner argues the District should have delivered Student’s program in-person in Student’s home in order to address Student’s individual needs. Student’s parents made a legitimate decision to protect their family’s health and safety in choosing virtual learning. However, during this unprecedented global pandemic, the District cannot be faulted for also acting prudently to protect its staff, as well as Student. Under these circumstances, the District appropriately developed a program that was delivered virtually. The District’s virtual program was based upon Student’s identified needs and included direct instruction and direct teletherapy. To address some of the limitations of direct virtual instruction, the District had a document camera installed in Student’s home to provide additional feedback for the instructors.

Even with the deficiencies related to AT, when viewed as a whole, Student’s program was individualized on the basis of Student’s assessments and needs. *Klein Indep. Sch. Dist. v. Per Hovem*, 690 F. 3d 390, 391 (5th Cir. 2012).

2. Least Restrictive Environment

The IDEA requires that a student with a disability shall be educated with non-disabled peers to the maximum extent appropriate and that special classes, separate schooling and other removal from the regular education environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved

satisfactorily. This provision is known as the “least restrictive environment requirement.” 34 C.F.R. § 300.114(a)(2)(i-ii). To determine whether a school district is educating a student with a disability in the least restrictive environment, consideration must be given to:

- Whether the student with a disability can be satisfactorily educated in general education settings with the use of supplemental aids and services; and
- If not, whether the school district mainstreamed the student to the maximum extent appropriate.

Daniel R.R. v. State Bd. Of Ed., 874 F. 2d 1036, 1048 (5th Cir. 1989).

The determination of whether a student with a disability can be educated in general education settings requires an examination of the nature and severity of the student’s disability, the student’s needs and abilities, and the school district’s response to the student’s needs. *Id.*

Student has significant cognitive, functional, communication, and behavioral deficits. The District is unable to educate Student in a general education setting while also addressing Student’s significant deficits. A *** classroom is the most appropriate setting to address Student’s individual needs. The District included Student with Student’s peers without disabilities in *** classes and ***. Given the nature and severity of Student’s disability, the District educated Student in Student’s least restrictive environment. 34 C.F.R. § 300.114(a)(2)(i-ii); *Daniel R.R.*, 874 F.2d at 1048.

3. Services Provided in a Coordinated, Collaborative Manner by Key Stakeholders

The IDEA contemplates a collaborative process between the school district and the parents. *E.R. v. Spring Branch Indep. Sch. Dist.*, 2017 WL 3017282, *27 (S.D. Tex. 2017), *aff’d* 909 F.3d 754 (5th Cir. 2018). Here, Petitioner contends the District failed to collaborate with Student’s Parents, because the District did not respond to all of the requests of Student’s parents. However,

the IDEA does not require a school district, in collaborating with a student’s parents, to accede to a parent’s demands. *Blackmon ex rel. Blackmon v. Springfield R-XII Sch. Dist.*, 198 F.3d 648, 658 (8th Cir. 1999). The right to meaningful input does not mean a student’s parents have the right to dictate an outcome, because parents do not possess “veto power” over a school district’s decisions. *White ex rel. White v. Ascension Parish Sch. Bd.*, 343 F.3d 373, 380 (5th Cir. 2003). Absent bad faith exclusion of a student’s parents or refusal to listen to them, a school district must be deemed to have met the IDEA’s requirements regarding collaborating with a student’s parents. *Id.*

The District allowed the parents to be active participants in the ARD process and honored many parental requests. Student’s parents and their advocate attended and participated in eight ARD committee meetings during the 2019-20 and 2020-21 school years. At Student’s Parents’ request, the District changed speech pathologist, conducted an FBA, conducted an OT sensory evaluation, developed *** goals, adopted *** goals, and considered and provided compensatory related services. As further evidence of collaboration, Student’s teacher brought instructional material directly to Student’s home.

A preponderance of the evidence demonstrates that services were provided in a coordinated, collaborative manner by key stakeholders during the relevant timeframe. Petitioner failed to show that the District excluded Student’s parents in bad faith or refused to listen to them.

4. Academic and Non-Academic Benefits

Here, Student’s progress was difficult to measure during the relevant time period because of Student’s inconsistent attendance for virtual instruction and teletherapy. Nonetheless, the evidence showed Student made behavioral progress with ***. Student also made progress on Student’s IEP goals for ***, with following directions, and on Student’s speech therapy goals.

The District developed a program for Student that was reasonably calculated to provide Student's educational benefit based upon Student's unique needs. *Andrew F.*, 137 S. Ct. 988. Student's IEP and program were developed using District evaluations, input from Student's parents, and placed Student in Student's least restrictive environment. Student's parents, as well as key stakeholders from the District, provided input to develop Student's program and Student made progress in behavior, speech, and with functional skills. A review of the overall educational program shows Student was provided a FAPE and made progress with the program as it was developed. *Michael F.*, 118 F.3d at 253; *Per Hovem*, 690 F. 3d at 391.

VIII. CONCLUSIONS OF LAW

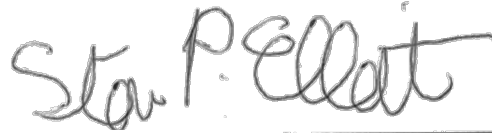
1. The burden of proof in a due process hearing is on the party challenging the proposed IEP and placement. *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 62 (2005); *Teague Ind. Sch. Dist. v. Todd L.*, 999 F. 2d 127, 131 (5th Cir. 1993).
2. Student was provided FAPE during the relevant time period and Student's IEP was reasonably calculated to address Student's needs in light of Student's unique circumstances. *Rowley*, 458 U.S. 176; *Andrew F.*, 137 S. Ct. 988.
3. Petitioner did not meet Petitioner's burden of proving that Respondent denied Student a FAPE during the 2019-20 and 2020-21 school years by failing to provide Student an IEP that was reasonably calculated to address Student's needs in light of Student's unique circumstances. *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 62 (2005); *Teague Ind. Sch. Dist. v. Todd L.*, 999 F. 2d 127, 131 (5th Cir. 1993); *Rowley*, 458 U.S. at 188, 203-04; *Andrew F.*, 137 S. Ct. at 999.

IX. ORDERS

Based upon the foregoing findings of fact and conclusions of law Petitioner's requests for relief are **DENIED**.

All other relief not specifically stated herein is **DENIED**.

SIGNED January 3, 2022.



Steve Elliot
Special Education Hearing Officer
For the State of Texas

X. NOTICE TO THE PARTIES

The Decision of the Hearing Officer in this cause is a final and appealable order. Any party aggrieved by the findings and decisions made by the hearing officer may bring a civil action with respect to the issues presented at the due process hearing in any state court of competent jurisdiction or in a district court of the United States. 20 U.S.C. § 1415(i)(2); 34 C.F.R. § 300.516(a); 19 Tex. Admin. Code § 89.1185(n).