

SOAH Docket No. 701-24-12111.IDEA
TEA Docket No. 195-SE-0224

**Before the
State Office of Administrative Hearings**

**STUDENT, BY NEXT FRIEND PARENT,
Petitioner
v.
KLEIN INDEPENDENT SCHOOL DISTRICT,
Respondent**

DECISION OF THE HEARING OFFICER

I. STATEMENT OF THE CASE

*** (Student), by next friend *** (Parent and, collectively, Petitioner) brings this action against Klein Independent School District (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's proposed change of placement is Student's least restrictive environment and reasonably calculated to enable Student to make appropriate progress in light of Student's unique circumstances. The Hearing Officer concludes that it is.

II. DUE PROCESS HEARING

The due process hearing was conducted on April 10, 2024, through the Zoom videoconferencing platform. A certified court reporter recorded and transcribed the proceedings, and a certified interpreter provided interpreting services. Parent and next friend, ***, represented Petitioner. Student's Parent was also present. Erik Nichols and Matthew Acosta, attorneys with Spalding, Nichols, Lamp, Langlois, represented Respondent. The Executive Director of Special Programs for the District, Dr. ***, and the District's Director of Special Education, Dr. ***, attended the hearing as party representatives. The Decision in this case is due June 3, 2024.

Respondent submitted 41 exhibits. Those exhibits were admitted without objection. Petitioner failed to submit any exhibits or a witness list prior to the disclosure deadline, and Respondent lodged an objection pursuant to 34 C.F.R. § 300.512. Respondent's objection was sustained, and Petitioner's untimely disclosures were excluded.

Both parents testified on behalf of Petitioner. Respondent called Student's special education teacher and the Director of the District's **** to testify.

III. PETITIONER'S ISSUE AND REQUESTED RELIEF

A. ISSUE

Petitioner confirmed that the relevant timeframe in this matter is from August 2023 to the present and raised the following issue for decision in this case:

Whether the educational placement proposed by the District is appropriate to meet Student's needs and, along with Student's individualized education program (IEP), reasonably calculated to enable Student to make progress appropriate in light of Student's unique circumstances.

B. REQUESTED RELIEF

Petitioner requested the following items of relief:

1. An order requiring the District to ensure that personnel trained and certified in applied behavior analysis (ABA) therapy are available to provide support and apply the appropriate techniques in case of a behavioral crisis; and
2. An order requiring the District to ensure that appropriate techniques are used by trained personnel.

IV. FINDINGS OF FACT

1. Student is *** years old and lives with Student's parents ***. Student was *** and was referred by Student's doctor in 2016 for an evaluation by the District. Student was *** old at the time.¹
2. Student was re-evaluated in 2019, and a review of existing evaluation data was completed in May 2022. Student was eligible for special education and related services for other health impairment (OHI), ***, and speech impairment.²

The 2023-2024 School Year: * Grade**

3. Student entered *** grade at *** in August 2023. Student was enrolled in the District's *** (*****) program. The ***** program is a self-

¹ Respondent's Exhibit (RE) 2 at 3, 5.

² RE 2 at 2-3, 5.

contained setting that is aligned with grade-level standards through pre-requisite skills. This learning environment uses a multimodal approach, provides opportunities to generalize skills across settings, supports *** services, and embeds instruction that promotes personal independence and social skills for students with *** deficits.³

4. Student is physically aggressive and ***. ***. Staff has attempted to modify Student's environment ***.⁴
5. Student engages in work avoidance and aggressive behavior towards staff and peers, such as ***. Student ***. Student's aggression has required staff to restrain Student for Student's safety and the safety of others. Student also began *** as the school year progressed.⁵
6. Student's teacher and other staff members collected data on Student's behaviors, and the school nurse was called to the classroom to assist with and document ***.⁶
7. Student required one-on-one support, and Student's classroom teacher spent 50% of the instructional day working with Student.⁷

³ RE 6 at 23, 27; Transcript (Tr.) at 43-44.

⁴ RE 3 at 12, 23; RE 39; RE 40; RE 41; Tr. at 45-46.

⁵ RE 17; RE 18; RE 19; RE 21; RE 22; RE 23; RE 24; RE 25; RE 26; RE 27; RE 28; RE 29; RE 30; RE 31; RE 32; RE 33; RE 34; RE 40; RE 41; Tr. at 45, 48-49.

⁶ RE 3 at 13; RE 39; RE 40, RE 41; Tr. at 49, 54.

⁷ RE 3 at 13; Tr. at 52-53.

8. A full and individual evaluation (FIE) was conducted and a written report completed on October ***, 2023. Based on the results of the FIE, Student's Admission, Review, and Dismissal (ARD) Committee determined Student met the eligibility criteria for autism.⁸
9. An annual ARD Committee meeting was held on October ***, 2023. Parents attended and participated in the meeting, and the meeting ended in agreement. Autism was added as the primary area of disability. Student continued to be eligible under the additional categories of ***, speech impairment, and OHI.⁹
10. The committee reviewed Student's present levels of academic achievement and functional performance and included the following academic and non-academic goals in Student's IEP: a reading goal aimed at ***; a communication goal requiring Student to ***.¹⁰
11. The IEP identifies numerous accommodations related to classroom instruction and behavior management, adapted or additional materials to support Student's learning, and assistive technology to meet Student's needs. Student receives three direct 30-minute speech therapy sessions every four weeks, 30 minutes of occupational therapy every four weeks, and transportation services twice a day. Student's IEP includes *** services for 240 minutes per day and an autism supplement. Student is a ***, and Student receives ***.¹¹

⁸ RE 3; RE 6 at 2.

⁹ RE 6 at 2, 30-31.

¹⁰ RE 6 at 2-6, 10-16.

¹¹ RE 6 at 19-20, 23, 27, 32.

12. Pursuant to the schedule of services in Student's IEP, Student receives math, *** instruction in the ***** classroom. The schedule further indicates Student will attend*** in the general education setting with in-class support. Notwithstanding staff attempts to integrate Student into the general education environment, Student refused to leave the *** classroom.¹²
13. The District also conducted a functional behavior analysis (FBA) when it completed the October ***, 2023 FIE. The FBA found the primary behaviors affecting Student's access to the general education curriculum included physical aggression and noncompliance. Physical aggression occurred every other day and noncompliance occurred daily. A behavior intervention plan (BIP) was developed based on the FBA.¹³
14. Student's BIP included two goals. The first behavior goal focused on developing Student's ability to use pre-taught coping strategies (such as a cool-down area) while keeping Student's hands, feet, and objects to ***self. The second behavior goal targeted compliance with adult directives.¹⁴
15. The BIP identified the following strategies and accommodations to prevent aggression and noncompliance: providing a consistent routine and clear expectations of behavior; providing visuals, including a visual schedule; providing opportunities and procedures for requesting a break to manage frustration; using verbal and non-verbal methods to prompt and redirect behavior; using "first/then" prompts; and providing scheduled breaks, personal space, and calm down areas. The BIP also included strategies for teaching and reinforcing behaviors to replace Student's aggression and noncompliance.¹⁵

¹² RE 3 at 13; RE 6 at 26, 28; RE 12 at 10; RE 39 at 21; Tr. at 44.

¹³ RE 3 at 24-26; RE 6 at 39-40; RE 7 at 3-5; RE 20.

¹⁴ RE 6 at 17, 39-40.

¹⁵ RE 6 at 39-40.

16. Student's teacher implemented the strategies included in the BIP and consulted with District staff members to address Student's behaviors.¹⁶
17. Due to Student's noncompliant behavior, Staff members were often unable to collect data to determine whether Student was making progress towards Student's IEP goals. When they were able to collect data, the data showed that Student was not making sufficient progress to master Student's goals by the next annual ARD Committee meeting.¹⁷

The District's * (*****)**

18. The District convened another ARD Committee meeting on December ***, 2023, because Student's behavior was impeding Student's ability to make progress. Between August and December 2023, the District documented ***. Physical contact included ***. Student also disrupted the classroom environment by ***.¹⁸
19. The District proposed a change of placement and recommended Student receive special education and related services at *****. The District also proposed a new behavior goal focused on Student's ability to enter and remain in an area designated for specials. Parents disagreed with the District's proposed goal and change of placement.¹⁹
20. The ARD Committee reconvened on February ***, 2024, to review additional data (including medical information provided by Parents from the ***) and continue deliberations regarding the proposed change in placement. The District continued to recommend changing Student's placement, but with a shortened school day to accommodate Student's ***. The District also recommended

¹⁶ RE 6 at 39-41; Tr. at 50.

¹⁷ RE 9; RE 10; RE 11; RE 12.

¹⁸ RE 7 at 3-5, 10, 12, 13.

¹⁹ RE 7 at 8-17, 37.

extended school year (ESY) services and offered Parents in-home training. The meeting ended in non-consensus.²⁰

21. ***** is an off-campus program designed to help students who are struggling with coping and social skills to such a degree that they are considered a danger to themselves or others. It is a *** students and provides special education and related services to students from ***. Students are placed in classrooms based on grade bands, cognitive abilities, academic achievement, and the curriculum they are working on.²¹
22. ***** was architecturally designed to have more natural light. There is no ***, and the ***—providing the feeling of more space. ***** classrooms are larger than the typical classroom. Two classrooms share a bathroom between them, and the entry and exit doors are positioned in a way that they are not a focal point for students. ***** has cool down areas both inside and outside the classroom, and students have access to whichever one meets their specific needs.²²
23. The campus includes ***. The *** is specially designed for children with disabilities, has ***. There is also a *** (developed and maintained in collaboration with occupational therapists from the District) where students have access to a wide variety of tools and equipment to work with staff on activities like ***.²³
24. ***** offers other innovative programs to meet the needs of its students. For example, the *** program provides an opportunity for students to work with *** and helps them learn social skills and coping strategies. Students are often less defensive and

²⁰ RE 8 at 27; Tr. at 44.

²¹ Tr. at 65-66.

²² Tr. at 67, 80-81.

²³ Tr. at 68.

more receptive to learning these skills through ***, and it helps them make connections with their own behavior.²⁴

25. The *** Director is a licensed specialist in school psychology (LSSP), and the facility has a school psychologist, a related services counselor, a general education counselor, continued access to speech and occupational therapists, and District interventionists. Each classroom has a teacher, typically two paraprofessionals, and behavior associates. Staff members consult with one another on an ongoing basis to meet the needs of each student on the campus.²⁵
26. *** teachers are certified in special education and are trained in non-violent crisis prevention intervention (CPI). This intervention is a nationally-certified proactive strategy that looks at behavior as a form of communication and is aimed at deescalating a situation before it becomes a crisis.²⁶
27. *** uses aspects of ABA therapy with students throughout the day. These strategies include—among others—positive reinforcement, task analysis, shaping, and chaining.²⁷
28. *** is appropriate for students who struggle with physical aggression, work avoidance, or non-compliance and for students with autism and/or cognitive deficits. ***²⁸

²⁴ Tr. at 68-69.

²⁵ Tr. at 72, 76-78.

²⁶ Tr. at 79.

²⁷ Tr. at 73-74, 78-79.

²⁸ Tr. at 72-74, 77.

V. DISCUSSION

A. BURDEN OF PROOF

The burden of proof in a due process hearing is on the party seeking relief. *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 62 (2005); *R. H. v. Plano Indep. Sch. Dist.*, 607 F.3d 1003, 1010 (5th Cir. 2010). There is no distinction between the burden of proof in an administrative hearing or in a judicial proceeding. *Richardson Indep. Sch. Dist. v. Michael Z.*, 580 F.3d 286, 292 n.4 (5th Cir. 2009). The burden in this case is therefore on Petitioner to show the placement proposed by the District is not reasonably calculated to provide Student a FAPE in Student's least restrictive environment.

B. FAPE

The purpose of the IDEA is to ensure that all children with disabilities have available to them a FAPE 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). School districts have a duty to provide a FAPE to children with disabilities ages 3 through 21 residing within their jurisdictional boundaries. 34 C.F.R. §§ 300.101(a), 300.201; Tex. Educ. Code § 29.001. The services and supports provided must be at public expense and comport with the student's IEP. 20 U.S.C. § 1401(9); *Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 458 U.S. 176, 188-89, 200-01, 203-04 (1982). In this case, the District is responsible for providing Student with a program in Student's least restrictive environment that is reasonably calculated to meet Student's needs in light of Student's unique circumstances. *Andrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 580 U.S. 386, 399, 403 (2017).

C. APPROPRIATE PROGRAM

A hearing officer applies a four-factor test to determine whether a school district's program meets IDEA requirements. These factors include:

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

Cypress-Fairbanks Indep. Sch. Dist. v. Michael F. by Barry F., 118 F.3d 245, 253 (5th Cir. 1997); *E.R. ex rel. E.R. v. Spring Branch Indep. Sch. Dist.*, 909 F.3d 754, 765-66 (5th Cir. 2018) (citing *Andrew F.*, 580 U.S. 386).

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 into an evaluation of the educational program at issue. *Michael Z.*, 580 F.3d at 294.

1. Individualized on the Basis of Assessment and Performance

A school district must have an IEP in effect at the beginning of each school year. 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, 300.320, 300.323(a). In developing the IEP, the school district must consider the student's strengths, Student's parents' concerns for enhancing Student's education, results of the most recent evaluation data, and the student's academic, developmental, and functional needs. 34 C.F.R. § 300.324(a)(1). And when a student's behavior impedes Student's learning or that of others, the ARD Committee must consider positive behavioral interventions and supports and other behavioral strategies to address that behavior. 34 C.F.R. § 300.324(a)(2)(i). While the IEP need not be the best possible one or designed to maximize a student's potential, it must nevertheless provide the 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).

Here, Student's IEP included reading, math, *** goals along with appropriate accommodations to support Student's progress. The evidence shows that Student's goals were based on assessment and Student's present levels of achievement and performance. Student's IEP also included an autism and a *** services supplement, and Student received speech and occupational therapy, transportation services, assistive technology, and adaptive equipment. Because Student's behavior impeded Student's learning and that of others, the District conducted an FBA, and the ARD Committee developed a BIP. The BIP focused on Student's aggressive and noncompliant behaviors; identified environmental supports to prevent or minimize them; included curricular accommodations and modifications to support Student's progress; and specified strategic steps to teach and reinforce replacement behaviors while also discontinuing actions that might reinforce the problem behaviors.

Based on the evidence presented, the Hearing Officer concludes that Student's IEP was appropriately individualized on the basis of assessment and performance. Petitioner did not dispute this or offer any evidence to support a contrary conclusion. This factor weighs in favor of the District.

2. Least Restrictive Environment

The IDEA reflects a strong preference for mainstreaming students with disabilities and dictates that they be educated with nondisabled peers to the maximum extent appropriate. *Daniel R.R. v. State Bd. of Educ.*, 874 F.2d 1036, 1045 (5th Cir. 1989); *see also H.W. by and through Jennie W. v. Comal Indep. Sch. Dist.*, 32 F.4th 454 (5th Cir. 2022). This preference is only overcome when education in a regular classroom cannot meet the student's needs. *H.W.*, 32 F.4th at 460-61 (citing *Daniel R.R.*). This provision is known as the "least restrictive environment" requirement and dictates that school districts provide a continuum of instructional arrangements and settings based on students' individual needs and their IEPs. 34 C.F.R. § 300.114(a)(2)(i), (ii); *Daniel R.R.*, 874 F.2d at 1048. In Texas, this continuum includes mainstream classes, resource rooms or services, self-contained classrooms on a regular campus, off-campus programs, non-public day schools, residential treatment facilities, and homebound instruction. 19 Tex. Admin. Code § 89.1005(c).

In determining whether a school district is educating a student with a disability in the least restrictive environment, a hearing officer must consider (1) whether the student can be satisfactorily educated in a general or regular education setting with the use of supplemental aids and services, and (2) if not, whether the district mainstreamed the student to the maximum extent appropriate. *Daniel R.R.*, 874 F.2d

at 1048. The first prong of this inquiry turns on an examination of the nature and severity of the student's disabilities, Student's needs and abilities, and the school district's response to Student's needs. *Daniel R.R.* sets forth the following factors to guide this analysis:

- whether the school district has taken steps to accommodate the student in the general education environment;
- whether the student will receive an educational benefit from general education;
- the student's overall educational experience in the mainstreamed environment, balancing the benefits of general and special education for Student; and
- the effect the student's presence has on the learning environment and the education of the other students.

Id. at 1048-49.

a) Educating Student in the Regular Education Environment with Supplementary Aids and Services

The evidence shows that the District took steps to accommodate Student's placement in a self-contained classroom on a regular campus. Student worked on a modified curriculum, and the District provided intensive academic and behavioral support. The staff-to-student ratio for transitions and acquiring, maintaining, and generalizing skills was 2:1 and 2:7 for ***. Student also had a BIP that was implemented by District staff, and Student received 240 minutes of *** services per day. In addition, Student's IEP indicated that Student would attend general education classes for *** with in-class support. Student, however, spent most of Student's time in the *** classroom due to the severity of Student's behaviors and Student's refusal to leave the room. Because Student refused

to leave the *** classroom and participate in general education opportunities, the conclusion logically follows that Student did not receive an educational benefit from them. Finally, the evidence shows that Student's behavior caused safety concerns for ***self and others and negatively impacted the learning environment in Student's classroom and the general education setting during transitions. Accordingly, the Hearing Officer concludes that Student cannot be satisfactorily educated in the general education environment with the use of supplementary aids and services.

b) Efforts to Mainstream Student to the Maximum Extent Appropriate

The District attempted to integrate Student into general education classes in accordance with Student's IEP. As discussed above, however, its efforts to do so were met with limited success and did not result in an educational benefit to Student. Moreover, Student continues to struggle with aggressive and noncompliant behavior. A school district's duty to mainstream a student must be balanced with its obligation to provide the student a FAPE. *Daniel R.R.*, 874 F.2d at 1048 (reasoning that mainstreaming a student who will suffer from the experience violates the student's right to a FAPE). Under the circumstances presented here, the District mainstreamed Student to the maximum extent appropriate and has proposed a more restrictive placement in order to provide Student with the additional structure and support Student needs to receive an educational benefit.

During the hearing, Petitioner expressed concern that Student was not in the *** program long enough for the District to collect sufficient data to recommend a change in placement and that the District "made up" behavior reports to bolster its recommendation. These claims are not supported by the record.

District staff kept detailed records of the behavior incidents leading up to the revision ARD Committee meeting in December 2023 and the reconvened ARD Committee meeting on February^{***}, 2024. These records include numerous behavior incident logs, discipline referrals, written reports of restraints used, and nursing logs from August 2023 through February 2024. District staff determined this was sufficient data to recommend a change in placement, and the Hearing Officer agrees. As for Petitioner's claim that the District fabricated behavior reports in order to move Student off campus, Petitioner's claim is wholly unsupported by the record.

c) Placement at ^{*}**

The weight of credible evidence shows that ^{***} is appropriate for Student. ^{***} is an off-campus program designed to help students with disabilities who struggle with coping and social skills to such a degree that they are considered a danger to themselves or others. ^{***} is architecturally designed to have more natural light, larger classrooms, and ^{***} to address sensory needs and remove potential environmental triggers. The campus offers innovative programs like the ^{***} program to help students better understand their behavior. It has a ^{***} specially designed for children with disabilities, and it includes a ^{***} to meet student needs. Meanwhile, the ^{***} Director is an LSSP, and the facility has continued access to speech and occupational therapists, a school psychologist, a related service counselor, a general education counselor, and District interventionists. ^{***} is a ^{***}, and ^{***} classroom has a teacher, two paraprofessionals, and behavior associates. Staff members regularly consult with one another to meet the needs of each student. And ^{***} teachers are certified in special

education, trained in CPI, and use different aspects of ABA therapy with students throughout the day.

In sum, the evidence establishes that Student's placement at *** is the least restrictive environment to meet Student's needs.

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.*, Civil Action No. 4:16-CV-0058, 2017 WL 3017282, at *27 (S.D. Tex. June 15, 2017), *aff'd*, 909 F.3d 754 (5th Cir. 2018). 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 evidence shows that Parents attended and were active participants in ARD Committee meetings. Student's teacher and the school nurse communicated with Parents regularly regarding Student's behavior, health, and physical assessments conducted after Student's frequent ***. The District offered Parents in-home training and ***. The District also agreed to a shortened school day *** to accommodate

Parents' concern that the change of placement would interfere with Student's ***. To the extent Petitioner contends the District predetermined Student's placement at *** and made up behavior reports to support its decision, Petitioner failed to offer any evidence to support Petitioner's claim.

Accordingly, the Hearing Officer finds that the District satisfied its obligation to provide services to Student in a coordinated, collaborative manner. This factor weighs in favor of the District.

4. Academic and Non-Academic Benefits

Whether a Student received academic and non-academic benefit is one of the most critical factors in any analysis as to whether a Student has received a FAPE. *R.P. ex rel. R.P. v. Alamo Heights Indep. Sch. Dist.*, 703 F.3d 801, 813-14 (5th Cir. 2012). If a student's placement does not confer a meaningful benefit, the student is entitled to be placed in a more restrictive program. *Hartmann v. Loudoun Cnty. Bd. of Educ.*, 118 F.3d 996, 1005 (4th Cir. 1997), *cert. denied*, 552 U.S. 1046 (1998). The evidence demonstrates here that Student was not making progress and that *** is designed to meet Student's needs in a manner that cannot be achieved through Student's current placement in the *** program. The Hearing Officer concludes that, although *** is a more restrictive environment, it is reasonably calculated to provide Student with academic and non-academic benefits. This factor also weighs in favor of the District.

5. FAPE Conclusion

Student's IEP included academic, occupational therapy, ***, and behavioral goals based on assessment and performance. It also provided accommodations, behavioral supports, and related services tailored to meet Student's needs. As such, Student's program was appropriately individualized. When it became clear, however, that Student's behavior was impeding Student's ability to make progress in a self-contained setting, the District recommended a change in Student's placement to a more restrictive setting in an off-campus program that will provide Student with the additional support Student needs. The District communicated with Parents and provided them with opportunities for meaningful participation in the educational decision-making process. Student's lack of progress in an otherwise appropriately individualized program warrants the more restrictive placement recommended by the District.

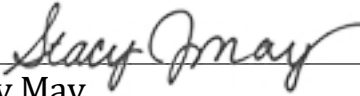
VII. CONCLUSIONS OF LAW

1. The burden of proof in this case was on Petitioner. *Schaffer*, 546 U.S. at 62 (2005).
2. Petitioner failed to show that Student's proposed placement *** is not reasonably calculated to enable Student to make progress appropriate in light of Student's unique circumstances. *Schaffer*, 546 U.S. at 62; *Andrew F.*, 580 U.S. at 399, 403.
3. The District's proposed placement *** is the least restrictive environment for Student. *Daniel R.R.*, 874 F. 2d at 1045-48.

VIII. ORDER

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

Signed May 29, 2024.



Stacy May
Administrative Law Judge

IX. NOTICE TO THE PARTIES

The Decision of the Hearing Officer in this case 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. §§ 300.514(a), 300.516; 19 Tex. Admin. Code § 89.1185(n).