

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

DECISION OF THE HEARING OFFICER

Statement of the Case

STUDENT, by next friend and 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 Huntsville Independent School District (hereinafter “Respondent” or “the district”).

Petitioner’s request for hearing was filed on September 13, 2016. Petitioner was represented by Carolyn Morris, a lay parent advocate with ~~Parent~~ Parent Connectio in Lancaster, Texas. Respondent was represented by Paula Maddox Roalson and Christian L. Garcia with the offices of Walsh, Gallegos, Treviño, Russo & Kyle, P.C., in their office in Houston, Texas, and Oscar G. Treviño from the Austin office in that law firm.

The matter came on for hearing in Huntsville on December 14, 2016, in the offices of the district by agreement of the parties and order of the Hearing officer. At the close of the hearing, Respondent moved for an extension of the decision deadline so that written closing arguments could be filed; the parties agreed that the arguments would be filed on or before December 28, 2016, and agreed that the decision in2(i)-2(e)-6(ns)-6(ns(t)-2(t)2(e)4(ns)7(e)4-6(r8l)-2(d be)4(f)32(i)-

Petitioner alleged thate the district was not providing the student with a free appropriate education in the least restrictive environment. Petitioner also alleged that Petitioner was entitled to an independent educational evaluation (“IEE”) at public expense. Petitioner later dropped its claim for an IEE.

During the course of the proceedings, Respondent filed a motion for partial dismissal of Petitioner’s original claims. In a previous request for hearing by Petitioner, the parties entered into a settlement agreement on March, 2016, the student was ***on that date, and Petitioner

The student ***in the 20162017 school year. The student was found to be eligible for special education and placed in special education on September ***, 2016. Because all matters previously in controversy were resolved on March ***, 2016, and Petitioner released all claims against the district through that date, the Hearing Officer dismissed any claims arising on before March ***, 2016. Only claims arising after that date were considered at this hearing.

As relief, Petitioner is seeking:

1. 1:1 (oneto-one) services for the student in the school setting for all academic instruction and *** services;
2. inclusion for the student in general education classes for more than ***% of the instructional day;
3. a meeting of the student's admission review and dismissal ("ARD") committee to consider the student's**, taking into consideration the student's *** and all *** when determining the student's *** placement;
4. *** that run "parallel with the curriculum"; and
5. the provision of the student's progress reports on the individual education plan ("IEP") every three weeks to the student's parent.

At the beginning of the hearing, the parties sought introduction into evidence for a number of exhibits. Respondent's exhibits were admitted. Respondent objected to the admission of any exhibits of the Petitioner because they were not disclosed to Respondent by the due d(dm)-()-10(e)471n: po-1(ponde)4(nt)-2(b)-sipo-1(ponde) w11(e)4(t d(dm)-()-10(e m)-2(or)3(2(n

The student has received special education services from the district since ***. [Respondent's Exhibit 18 and Transcript Page 205]

The law is clear, however, that the parent in this case bears the burden of proof to show that the district is not offering an educational program which can confer both academic and non academic progress.

Petitioner failed to meet its burden.

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 of Petitioner are DISMISSED with prejudice.

SIGNED this 13th