

SOAH Docket No. 701-26-01283.IDEA

TEA Docket No. 021-SE-0925

Before the State Office of Administrative Hearings

—
**Student, by next friend Parent.,
Petitioner**

v.

**Cypress-Fairbanks Independent School District,
Respondent**

FINAL DECISION

I. STATEMENT OF THE CASE

Student (Student), by next friend Parent. (Parent or, collectively, Petitioner), brings this action against the Cypress-Fairbanks 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 properly determined that the conduct at issue was a manifestation of Student's disability or, alternatively, the result of the District's alleged failure to properly implement student individualized education program (IEP).

The Administrative Law Judge (Judge) concludes that the District properly determined Student's conduct was not a manifestation of student disability nor did Student's conduct result directly from a failure by the District to implement student IEP.

II. PROCEDURAL HISTORY

A. PARTIES AND LEGAL REPRESENTATION

Petitioner was represented throughout this litigation by Parent in Parent *pro se* capacity. The District was represented throughout this litigation by its legal counsel, ***, General Counsel for the District.

B. PRELIMINARY MOTIONS AND ORDERS

In the final week before the hearing, procedural issues arose which the Judge and the parties addressed informally via email to maintain the pace of final hearing preparations. The two sections that follow memorialize directives and orders given by the Judge between October 10, 2025, and October 17, 2025.

1. Irregularities with Disclosures

Disclosures and joint exhibits were due by 5:00 p.m. central time on Friday, October 10, 2025, with objections to exhibits and an agreed witness schedule due the

following Monday, October 13, 2025. The District timely and appropriately met all prehearing deadlines.

Petitioner made timely disclosures but required extra time and guidance from the Judge to submit final versions of the same, observing certain formatting directives. The Judge granted Petitioner this latitude over Respondent's objection, in the interest of allowing all participants in the hearing, including the Judge and court reporter, to expeditiously access and identify Petitioner's documents. 1 Tex. Admin. Code § 155.155.

Petitioner's objections to Respondent's disclosures were untimely filed on October 14, 2025, and the Judge deemed them waived.

2. Petitioner's Motion to Amend Complaint

Also on October 10, 2025, Petitioner submitted a motion requesting leave to amend the complaint. Respondent objected. On the same day, the Judge informed the parties that she intended to sustain Respondent's objection and deny Petitioner's motion.

All IDEA cases follow a fast procedural timetable that breaks into two stages: the resolution period and the hearing period. Filing a request for a due process hearing (complaint) usually triggers a 30-day resolution period with required sub-steps with deadlines. 34 C.F.R. § 300.510(1). The school district has 10 days to file a response and must convene a resolution session within 15 days. §300.510(a)(1)(i)(ii). The school district may only challenge the complaint's legal sufficiency within the first 15 days, and the judge must rule within five days. 34 C.F.R. §§ 300.508 (d)(1)-(2). When the resolution period ends, the second stage begins, during which

preparation for hearing, the due process hearing itself and the judge's decision-writing all take place. The IDEA allows 45 days for the second stage. 34 C.F.R. §300.510(c).

Sometimes a complainant needs to add material information to their complaint that changes the substance or scope of the hearing, or requests for relief, after the school district has already responded and attempted the resolution process. In this situation, a complainant may amend their complaint, but the resolution period and its internal deadlines must reset to allow the district to respond and the parties to attempt resolution activities relating to all disputed issues. 34 C.F.R. § 300.508(d)(4). The 45-day hearing period also resets with the new resolution period. 34 C.F.R. § 300.515(a). A complainant must amend their complaint at least seven days before the hearing to avoid unfair surprise to other parties. 1 Tex. Admin. Code §155.301(b)(2).

An exception occurs when a parent files for due process to appeal school district decisions about a disciplinary change of placement, and the case follows an expedited timeline. 34 C.F.R. §300.532(a), .532(c)(1). The resolution meeting must occur within seven days, the hearing is within 20 school days, and the final decision is due 10 school days later. 34 C.F.R. § 300.532(c)(2)-(3). The rules for expedited hearing procedures include the same jurisdictional and pleading requirements, and provide the same resolution, hearing and decision structures as for non-expedited cases. 34 C.F.R. § 300.532(c)(1). However, the option to amend a complaint that is allowed for non-expedited cases is absent from the expedited hearing rules. *Id.*

The instant case is an expedited proceeding. As such, Petitioner did not have the option to amend the complaint. However, even if the expedited timetable

allowed for an amended complaint, Petitioner's original complaint contained all the information it needed to fairly put Respondent on notice of the principal facts and legal claims involved in Petitioner's appeal of the decisions made regarding Student's disciplinary change of placement. Petitioner's proposed additions on October 10, 2025, while more detailed, were not "material" in the sense of altering Petitioner's claims against the District in a way that would trigger Respondent's right to more time to engage in the resolution process.

Having considered the foregoing, Petitioner's motion to amend was denied.

III. DUE PROCESS HEARING

The due process hearing was conducted on October ***, 2025. The hearing was recorded and transcribed by a certified court reporter.**, the District's Assistant Superintendent of Educational Support Services, attended the hearing as the party representative. Both parties timely filed written closing briefs. The decision in this case is due November 6, 2025.

The parties offered sixteen joint exhibits which were admitted into evidence. Petitioner offered seven separate exhibits, of which six were admitted over objections and one was excluded. Respondent offered one separately disclosed exhibit, which was admitted.

Petitioner called the principal and an assistant principal at *** School to testify, and Parent also provided sworn testimony. Respondent called the District's lead psychologist, the diagnostician at *** School, and recalled the assistant principal.

IV. PETITIONER'S ISSUES AND REQUESTED RELIEF

A. ISSUES

Petitioner raised the following IDEA issues for decision:

1. Whether the District improperly determined that Student's conduct resulting in a 30-day disciplinary placement was a manifestation of student disability.
2. Whether Student's conduct was the direct result of the District's failure to properly implement student IEP.
3. Whether the District predetermined that Student's conduct was a manifestation of student disability.
4. Whether the District committed procedural violations that significantly impeded Parent's right to meaningful participation in educational decision-making on Student's behalf.

B. REQUESTED RELIEF

1. Order the District to hold another manifestation determination review (MDR) by Student's Admission, Review, and Dismissal (ARD) Committee in which all medical and therapeutic documentation are considered.
2. Order the District to provide all IDEA procedural safeguards as required, including but not limited to prior written notice, right to appeal, and access to all records and documentation
3. Order the District to train all staff implementing and/or working on Student's educational program on predetermination and consideration of medical diagnoses.
4. Order the District to provide sensitivity training for all staff who participated in the events that are the subject of this case, and for all staff implementing and/or working on Student's educational program.

5. Order the District to evaluate Student to determine student social, communicative, and behavioral needs, including consideration of medical and therapeutic assessments.
6. Order the District to allow student to respond directly to allegations about student conduct in a controlled and supportive setting consistent with IDEA procedural safeguards, so Student may clarify intent, context, and misunderstandings with respect to student conduct.¹

V. RESPONDENT'S POSITION

The District generally and specifically denies Petitioner's factual allegations and legal claims and affirmatively asserts that it provided Student with appropriate process and decisions under the IDEA.

VI. FINDINGS OF FACT

1. Student is a ***year-old, ***grade student who transferred from the *** School District in ***, to *** School in the District for the 2025-26 school year.²

Educational History

2. Student attended Cypress-Fairbanks ISD schools for student ***and *** years. Student began ***grade in the District, but that year, Student also attended public school in ***. Student finished *** grade at *** School (***) in *** ISD.
3. Student returned to *** ISD for *** grade in the 2019-20 school year. On August 13, 2019, Student had an extensive visit with a neurologist at

¹ Petitioner's closing brief added the following requests for relief:

1. Expungement or sealing of all disciplinary records related to September 2025;
2. Compensatory education equal to lost instruction;
3. Corrective training for staff on IDEA and TEC § 37.115;
4. Written assurance of non-retaliation.

² Joint Exhibit (J. Ex.) 9; J. Ex. 14.

*** (***) to follow-up on a previous attention deficit hyperactivity disorder (ADHD) determination. The neurologist's treatment summary identified several medical diagnoses, symptoms and diagnostic impressions, including ADHD, autism, social communication disorder, anxiety, ***, developmental concern, neurologic disorder, neurological complaint, poor fine motor skills, ***, attention and concentration deficit, and ***. Student was *** years old at that time.³

4. Student was referred for a Full and Individual Initial Evaluation (FIIE). Testing began in January 2020 and was almost complete when *** ISD suspended in-person instruction at the onset of the COVID-19 pandemic. The evaluators used six different research-based, standardized instruments, two formal rating systems, district-level reading assessments, report cards, and parent and teacher interviews to assess Student's functional, academic, cognitive, and behavioral skills. The only components that had not been completed before the school closure were the pragmatic and abstract language elements of the speech-language evaluation.⁴
5. The Spring Branch FIIE, dated September ***, 2020, found Student eligible for special education as a student with specific learning disabilities in the areas of basic reading (dyslexia) and written expression (dysgraphia). It also identified Student with other health impairment (OHI) for ADHD. Student's attentional problems were noted as having a short attention span, poor concentration, getting off task, spacing out, organizational challenges, a propensity for fidgeting, and difficulties regulating student emotions. The combined parent and teacher ratings ruled out autism as a potential eligibility category due to Student's intact social skills and flexible thinking.⁵
6. The record suggests Student attended *** grade in *** ISD during the 2020-21 school year. Student returned to Cypress-Fairbanks ISD in 2022-23 for *** grade. Student's triennial reevaluation would be due early in the following school year, so the District updated it in the spring semester 2023.

³ J. Ex.11; J. Ex.13 at 0112, 0117.

⁴ J. Ex.13 at 0112-0116, 0132.

⁵ J. Ex.13 at 0131-0132.

Behavioral information from the *** grade teachers described Student as kind, bright, and polite. They said Student was supportive of student classmates and respected adult authority. The teachers observed that Student had a hard time staying focused and attending to tasks, Student needed to work on maintaining ***and using student unstructured time appropriately, and that Student struggled with impulsivity ***. The evaluation report dated May ***, 2023, formally updated Student's cognitive and educational performance assessment, which showed student reading abilities were responding to the daily dyslexia intervention Student received, but Student was farther behind in student written expression. Student was *** old when the reevaluation was completed.⁶

7. Student appears to have returned to *** ISD for ***grade. Student moved to ***, in March 2025, nearing the end of student *** grade year. Student's annual IEP meeting occurred on May ***, 2025, and planned for the current 2025-26 school year. The ***School District's IEP noted that Student was easily distracted in class and that Student struggled to complete classwork, to organize student thoughts for writing and to complete multi-step tasks. It contained two IEP goals, one for reading comprehension and the other for task and assignment completion within the required time frame. The IEP team requested a new psycho-educational evaluation to be completed at the beginning of the 2025-26 school year.⁷

The 2025-26 School Year

8. Student enrolled in *** grade at ***School in Cypress-Fairbanks ISD for the 2025-26 school year. On Thursday, September 4, 2025, another student reported overhearing Student telling others not to come to school on Friday because Student was going to "**** the school." An assistant principal interviewed the student who had reported and several others who had information about that statement and similar comments Student had made. Their reports recounted similar stories regarding Student's comments and ***

⁶ J. Ex.12 at 0092-0105.

⁷ J. Ex.9 at 0064; J. Ex.14 at 0137-0139, 0146-0147.

. Several peers reported not knowing ***.⁸

9. The assistant principal called Student in to talk to Student and notified the campus police officer to join them. Student said Student was joking but admitted that student comments could lead others to believe Student ***. After interviewing Student, the assistant principal called Parent to come to school to pick Student up. Assistant principal told Parent that assistant principal was suspending Student for the next three school days until Student could conclude student investigation and assign a disciplinary consequence.⁹
10. The assistant principal advised Parent at that time that Student thought Student's actions likely constituted ***. This was a Level IV violation of the District's student code of conduct that would result in a mandatory removal to the ***, the District's disciplinary alternative education program. The assistant principal consulted with the District Student Services Office, and after considering all the information at hand, dropped student final recommendation from the *** offense to a lesser *** offense of a Single Serious Disruption to the Learning Environment with a 30-day *** placement.¹⁰
11. The assistant principal scheduled a disciplinary conference with Parent for the following ***, September ***, 2025, during which they would discuss the investigation, its findings, and the final recommended change of placement to the ***. This meeting was rescheduled and held on September ***, 2025. Parent was informed that she had the right to appeal the assistant principal's recommendations and that relevant members of Student's ARD Committee

⁸ J. Ex.1; J. Ex.4. Transcript Volume (Tr. Vol.) at 63-78, 92-130.

⁹ J. Ex.1 at 0001; Tr. Vol. 1 at 93-110. The judge takes judicial notice of the Cypress-Fairbanks 2025-26 Student Code of Conduct found at <https://www.cfsd.net/our-district/policies-handbooks/policiesregulations/student-code-of-conduct-student-handbook>.

¹⁰ *Id.*

would convene an MDR meeting soon. Parent requested an appeal of the placement decision.¹¹

12. On ***, September ***, 2025, Student's ARD Committee convened for student annual ARD meeting, which had already been in the planning stages when the disciplinary issues arose. The Committee added a transition plan, goals, accommodations and more instructional support for Student's learning disabilities and student ADHD-related need to build student sustained attention to tasks and instruction. The updated program was more robust than the *** IEP, but the areas of need it addressed remained consistent with the previous program and prior evaluation. Parent shared the 2019 *** treatment summary with the Committee but did not appear to assert that Parent felt Student might have unmet behavioral needs. The diagnostician offered to revisit the contents of the report after collecting some additional data. Parent participated actively in the ARD committee meeting, did not question the proposed IEP and signed in agreement at the end. Parent was provided with the Procedural Safeguards.¹²
13. Simultaneously, between September ***, 2025, and September ***, 2025, the *** school was attempting to schedule a meeting to address Parent's request for an appeal to the principal of the determinations made through the general education disciplinary process. The school offered several different times, but Parent was not responding to the communications. Parent eventually replied, and she indicated she would not be available for this meeting for several days.¹³
14. Student's ARD Committee convened for an MDR meeting on ***, September ***, 2025. Nine District professionals attended the meeting, along with Parent. Four of the nine District attendees were assessment or psychological services professionals.¹⁴

¹¹ J. Ex.2; J. Ex. 3; Petitioner's Exhibit (P. Ex.) 20; P. Ex. 21.

¹² J. Ex.9; Tr. Vol. 2 at 284-285.

¹³ J. Ex. 3; Tr. Vol. 2 at 190-191.

¹⁴ J. Ex.7 at 0041; Tr. Vol. 1 at 117-119.

15. Parent opened the MDR meeting with a statement that parent had just sent her request for a due process hearing to the Texas Education Agency (TEA) because she believed the MDR conclusion was predetermined, and Parent did not want the meeting to proceed. Parent said parent would not provide input if the meeting were to continue and stated parent reserved all commentary for the due process hearing. The Committee asked for Parent's input on each agenda item during the meeting, but Parent declined to participate substantively and repeated parent statement about reserving commentary for the due process hearing each time she was asked.¹⁵
16. The Committee began by considering the relationship of Student's learning disabilities in basic reading, reading fluency, and reading comprehension (dyslexia and dysgraphia) to the conduct in question. The group (without Parent) concluded that Student's learning disabilities impacted Student academically and were not substantially related to the disciplinary incident.¹⁶
17. The Committee also discussed Student's ADHD and concluded that it was not a cause of Student's conduct in early September. They looked at Student's evaluations, which described student ADHD as causing Student to be inattentive, restless, and having difficulty concentrating. Student was known, historically, to have trouble with impulsivity and emotional dysregulation at times. The lead psychologist, who attended Student's annual ARD Committee meeting and the MDR meeting, testified credibly that Student's seemingly calm conduct, which occurred over several days, in different locations and with different peers, was inconsistent with the way student ADHD presented in that the conduct did not appear to result from inattentiveness or impulsivity.¹⁷
18. The District ARD Committee members concluded that the District had not failed to implement Student's IEP, which, at the time of the incident, was the

¹⁵ J. Ex.7 at 0043-0045; Tr. Vol. 2 at 191, 203, 211-212.

¹⁶ J. Ex.7 at 0043-0045.

¹⁷ J. Ex.7 at 0043-0045; Tr. Vol. 1 at 119; Tr. Vol. 2 at 267-8.

IEP developed by the *** School District. The only goals in place were for reading comprehension and task completion.¹⁸

19. The participating Committee members concluded that the behavior resulting in Student's code of conduct violation was neither a manifestation of Student's disability nor the product of the school's failure to implement student IEP. They determined that the same disciplinary procedures and consequences applicable to students without disabilities could appropriately be applied to Student and accordingly recommended a change of placement to the *** for 30 days. The instructional team also affirmed that they could provide the services in Student's new IEP during student *** placement.¹⁹
20. The Committee asked for Parent's input on each of the inquiries about the relationships between Student's conduct and student disabilities, and between student conduct and the implementation of student IEP. Parent was asked for feedback on the recommendation to place Student at *** for 30 days while providing student updated IEP services there. Each time, parent refused to provide input, or to agree or disagree with the Committee's conclusions, instead repeating parent initial statement that parent reserved all commentary for the due process hearing. Parent was again provided the Procedural Safeguards.²⁰
21. In the meantime, the conference in which the principal was to hear Parent's appeal of the assistant principal's decisions was scheduled for September ***, 2025. Parent did not attend. Student has not attended school in the District since September ***, 2025.²¹

¹⁸ J. Ex.14 at 0137-0139, 0146-0147.

¹⁹ J. Ex.7 at 0044.

²⁰ J. Ex.7.

²¹ J. Ex. 7.

VII. DISCUSSION

A. BURDEN OF PROOF

The party seeking relief bears the burden of proof in a due process hearing. *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 62 (2005). 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). Here, Petitioner bears the burden to show Student's disciplinary placement violated the IDEA.

B. DISCIPLINARY CHANGE OF PLACEMENT

In a general sense, the facts in this case unfolded in typical fashion. A ***-schooler reported the concerning behavior of another student to adults at school, the assistant principal investigated and made decisions about what happened, and the student whose conduct was inappropriate received a disciplinary consequence.

Here, because Student also has a disability and an IEP, and the discipline would constitute a change of placement, the school was charged with conducting a second layer of inquiry before carrying out the assistant principal's recommendation. 34 C.F.R. §300.530(e). The second inquiry, the MDR, is a protective mechanism to ensure that the offending behavior—for which a student with a disability receives the same discipline that a non-disabled peer would receive for the same infraction—is neither the product of student disability, nor the result of the school's failure to provide IEP services that could have prevented or mitigated the inappropriate conduct. In

this way, during the disciplinary process that applies to all students, the IDEA requires an MDR as an add-on for the subset of students the statute protects. *Id.*

1. Stay Put

Parent submitted the request for a due process hearing to appeal the Committee’s manifestation determination just before the MDR meeting began on September ***2025. Petitioner contends that this action should have stopped the MDR and disciplinary processes, giving Student the right to remain in school, in student then-current placement, for the pendency of the due process proceedings. This reflects a misunderstanding of the law.

School personnel may suspend a student with disabilities to another setting for up to 10 consecutive school days, and this does not constitute a change of placement or require an MDR. 34 C.F.R. §300.530(b)(1). A school can also change the student’s placement to an alternative disciplinary setting in the same manner, and for the same duration up to 45 days, as these procedures would be applied to children without disabilities, as long as the school district engages in the MDR process and the student’s committee finds that the conduct giving rise to the disciplinary consequence was not a manifestation of the student’s disability. 34 C.F.R. § 300.530(c). While Petitioner accurately cites to the general IDEA requirement that the student “stay put” in their current placement during the pendency of due process proceedings, a parent appeal of a disciplinary change of placement—which is the nature of this case—is exempt from this rule. §§ 300.518(a), .533.

Here, the assistant principal initially suspended Student from campus for *** days, after which Student could have returned to school, where Student would have received student educational services in in-school suspension until student Committee met for the MDR. Because the initial suspension began on *** September ***, 2025, Student could have returned to school on ***, September ***, through the September *** MDR meeting. This would have constituted eight days of suspension, which is allowable as a removal without an MDR. Likewise, once the Committee concluded that the conduct was not a manifestation of Student's disability and adopted the assistant principal's recommended 30 days in ***, the IDEA would have permitted that removal. Because this action is Parent's appeal of those decisions and not another type of IDEA action, "stay put" does not apply.

2. MDR Procedures

The IDEA requires an MDR when the consequence to the student is a removal from their regular campus and instructional arrangement to an alternative disciplinary placement for more than ten consecutive school days. 34 C.F.R. § 300.530(e). When an MDR is required, the school must satisfy certain procedures. The school must first notify the parent of the disciplinary decision and provide the IDEA procedural safeguards on the same day the disciplinary decision is finalized. 34 C.F.R. § 300.530(h). Next, the school must convene an MDR meeting within ten school days of the final disciplinary decision. 34 C.F.R. §300.530(e)(1). Finally, the MDR committee must include the parent, relevant ARD Committee members, and district representative(s). 34 C.F.R. §300.530(e)(1).

The assistant principal and Parent met for a disciplinary conference on September ***, 2025, to discuss the investigation, the code of conduct violation, and the recommended disciplinary placement at ***. There, the assistant principal let Parent know parent had the right to appeal student general education disciplinary conclusions to the school principal. Student also informed Parent that—to ensure Student’s IDEA rights were protected before Student transitioned to the disciplinary placement—the campus special education department would organize an MDR meeting. The assistant principal provided Parent with a letter containing the same information on the same day, but did not include the Procedural Safeguards, as required.

The MDR meeting was properly noticed and convened four school days after the assistant principal notified Parent of student disciplinary decision. Representatives from Student’s instructional team and the campus diagnostician attended, as did the assistant principal, the District’s lead psychologist, other district-level behavior support personnel, and Parent. The Committee was thus properly constituted. *Id.*

3. Decisions about Student’s Conduct

At an MDR meeting, the ARD committee must answer two questions:

- Was the student’s conduct caused by their disability, or did the disability have a direct and substantial relationship to the conduct?
- Did the student’s conduct result directly from the school’s failure to implement the IEP?

34 C.F.R. § 300.530(e)(1)(i-ii).

These questions are designed to protect the student from the potential unfairness of discipline imposed either for behavior that is a part of a student's disability, or for behavior that should have been supported by a child's IEP. To inform their conclusions about each question, the committee must review any relevant information in the student's file, including the child's IEP, teacher observations, and relevant information provided by the parents. 34 C.F.R. § 300.530(e)(1).

The Committee found that there was no relationship between Student's dyslexia/dysgraphia and the conduct at issue because Student's learning disabilities impacted Student academically, but not in the context in which the offending comments took place. The Committee also concluded that Student's ADHD was not at the root of the conduct. Members of the Committee noted that Student presented primarily with difficulties in controlling student attention, i.e., that Student was easily distracted, inattentive and had trouble maintaining student attention, and they recognized that Student could also be impulsive because of student ADHD. However, they reasoned that these features of ADHD would not give rise to consistently themed comments over the course of a few days, in different environments and with several different peers.

Petitioner suggests that the Committee's analysis of Student's dyslexia, dysgraphia, and ADHD inappropriately excluded the conditions listed in the 2019 *** report. However, the lead psychologist testified that during the MDR, Student led the Committee through a discussion of the 2020 *** FIIE, which took the *** report into consideration. The FIIE independently assessed Student's intellectual and adaptive abilities and tested for autism, specific learning disabilities, and difficulties in executive functioning and social-emotional skills. There is no

evidence in the record that Parent believed the 2020 FIE missed something that was suggested by the *** report or that the medical diagnoses and impressions enumerated there continued to be a source of potential unmet educational needs between when Student was a ***-old and the present. Parent went through the triennial reevaluation process with the District in 2023, and there is nothing to suggest ongoing parental concerns from 2019 in that evaluation either.

The Committee's manifestation determination thus relied on the comprehensive 2020 FIE that was conducted almost contemporaneously with the *** report, in conjunction with the District's own 2023 FIE, Student's three weeks of experience at *** School, the annual IEP that had just been developed, and their understanding of Student's ADHD as primarily inattentive with features of impulsivity. In addition, Parent refused to provide input during all stages of the MDR discussion. Despite Parent's apparent misapprehension that the MDR should not have gone forward after parent's request for a due process hearing, the MDR meeting was parent's chance to share parent's perspective on Student's disability and how the professionals' interpretations might be incorrect. The MDR Committee continued to solicit Parent's input, but parent forewent the opportunity.

The Judge finds that the Committee appropriately considered a comprehensive set of information in determining whether Student's conduct was related to student disabilities.

Finally, the Committee concluded that the conduct in question was not a direct result of a failure to implement Student's IEP. The IEP in place in early September 2025 was the one developed by *** School District the previous May. This IEP included two annual goals: one for reading comprehension and the other

for task completion. The record is silent as to what IEP implementation looked like in the first three weeks of school at ***but even if it were wholly unimplemented, the IEP then in place contained services that only would have been offered in a classroom and could not be expected to have a bearing on Student's interactions with peers in less structured settings.

4. Requirements for ensuring IEP implementation in a disciplinary placement

If an ARD committee conducts an MDR and determines that the conditions in either of the two questions above were met, the conduct **was a manifestation** of the student's disability, and the school must take immediate steps to remedy the deficiencies in the student's program. 34 C.F.R. § 300.530(e)(2), (3). In this situation, the school must 1) update the student's behavior intervention plan (BIP) if they have one or conduct a functional behavior assessment (FBA) and create a BIP if they do not; and 2) return the student to their regular placement. 34 C.F.R. § 300.530(f). If, on the other hand, the committee determines that the conduct **was not a manifestation** of the student's disability, the school may remove the student to the disciplinary placement as long as this would be the same consequence for a student without a disability under the same circumstances. 34 C.F.R. §300.530(c).

In the latter instance, once an MDR committee concludes the conduct was **not a manifestation**, they next determine the setting for the student's disciplinary placement. 34 C.F.R. § 300.531. The committee's last task is to revisit the student's IEP. The school district must provide the IEP services the student needs in the disciplinary placement to continue making progress on their IEP goals and their participation in the general education curriculum. The student also must receive an

FBA and behavioral intervention services designed to prevent a recurrence. 34 C.F.R. § 300.530(c), (d)(1)-(2).

Here, Student's Committee concluded that Student's conduct **was not** a manifestation of student disability. It went on to confirm that Student's new IEP services could be implemented at ***, and as such, the Committee made the decision to change Student's placement to *** for 30 days.

5. Procedural Violations

Petitioner argues that the District committed numerous procedural violations that deprived her of the opportunity to participate meaningfully. Petitioner's case focuses primarily on the assistant principal's disciplinary investigation and decisions. Petitioner asserts that the peers and their reports were unreliable; the school police officer should not have been involved; Parent should have been called and allowed to be present before Student was interviewed; the school's threat assessment process should have been initiated; and that the assistant principal's final Level III conclusion and recommendation for 30 days at the *** effectively predetermined the MDR outcome, rendering that process performative in nature.

To the extent Petitioner challenges the way the disciplinary process played out before the assistant principal finalized student disciplinary recommendation (the first "layer," as discussed in the introductory remarks to section B above), IDEA requirements were not yet in play. The requirements for how to handle code of conduct violations, investigations, student discipline, the role of police officers on public school campuses and threat assessment procedures are all a matter of state

law and outside the jurisdiction of an administrative IDEA hearing. 34 C.F.R. §300.507(a)(1).

Liability for a procedural violation under the IDEA only arises if the procedural deficiency significantly impedes the parent's opportunity to participate in the decision-making process regarding the provision of FAPE or causes a deprivation of educational benefit to the student. 34 C.F.R. § 300.513(a)(2); *Adam J. ex rel. Robert J. v. Keller Indep. Sch. Dist.*, 328 F.3d 804, 812 (5th Cir. 2003). If a district determines a student's placement without considering their needs, before an IEP meeting, or without parental input, it may be denying the student FAPE through predetermination. *Deal v. Hamilton County Bd. of Educ.*, 546 U.S. 936 (2005).

Petitioner's reliance on the assistant principal's final disciplinary recommendation as evidence of a predetermined MDR outcome is misguided and reflects a lack of understanding of the law. As discussed above and throughout, IDEA protections in the code of conduct/disciplinary removal context begin with being given the Procedural Safeguards with the final disciplinary decision, not before. A final disciplinary decision serves as the trigger for a student's MDR rights (i.e., there is no MDR without a disciplinary decision). Petitioner attempts to conclude that the fact that the assistant principal "finalized" student part in the process proves predetermination of the MDR outcome but has presented no evidence demonstrating that the Committee decided the manifestation, IEP implementation, disciplinary placement, or service delivery questions outside of the September ***2025 meeting. To the contrary, credible evidence points to active discussion, review of relevant information and concerted efforts to obtain parent input in the meeting itself. That the MDR Committee adopted the assistant principal's 30-day ***

recommendation in the end does not negate the IDEA-compliant inquiry that came before. In this case, the MDR Committee's discussion and decisions effectuated Student's disciplinary placement, not the assistant principal's decisions in the earlier disciplinary process.

Moreover, 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.*

When Parent requested that the MDR meeting not move forward and she refused to participate in the discussion, the Committee appropriately continued through the process. School officials cannot lawfully relax IDEA requirements for holding a properly constituted MDR meeting under the conditions and within the time limits mandated by the regulations, whether at parent request or otherwise. Within the context of a meeting that the District had to convene and its required agenda, District members of the Committee continued to ask for Parent's input at different junctures and thoroughly addressed the *** report with the

information they had at their disposal. As such, the District cannot be said to have excluded Parent in bad faith or to have refused to listen to parent

The only procedural anomaly apparent from the record is that the District did not provide the Procedural Safeguards to Parent on September 11, 2025, during the discipline conference or with the assistant principal's letter. In this instance, the District missed an IDEA requirement in an otherwise appropriate start to the MDR process. However, with respect to this defect, the diagnostician testified that Parent was provided with the Procedural Safeguards two school days later, at the September *** annual IEP meeting, and again at the September ***MDR meeting. In light of the facts that 1) Parent was given the Procedural Safeguards at Student's annual IEP meeting two school days after receiving notice of the disciplinary decision; 2) Parent successfully filed a request for a due process hearing before the MDR meeting; and 3) Student has not attended school since September ***, 2025, the Judge finds that neither Parent's ability to participate meaningfully nor Student's access to a FAPE were impacted in any way by the late delivery of the Procedural Safeguards after the September *** disciplinary notice.

C. MANIFESTATION APPEAL CONCLUSION

The Committee's conclusion that Student's conduct was not a manifestation of student disability was appropriate. Aside from one instance of late delivery of Procedural Safeguards (which had no impact on parent participation or FAPE), the Judge also finds that the District appropriately conducted the IDEA-required procedures associated with Student's disciplinary change of placement.

VIII. CONCLUSIONS OF LAW

1. Petitioner failed to show that Student's conduct in the first week of September 2025 had a direct and substantial relationship to student disability and therefore failed to show that Student's conduct was a manifestation of student disability. 34 C.F.R. § 300.530(e)(1)(i); Tex. Educ. Code § 37.004(b).
2. Petitioner did not show that the conduct at issue was the direct result of the District's failure to properly implement Student's IEP. 34 C.F.R. § 300.530(e)(1)(ii).
3. Petitioner did not show that the Committee determined Student's placement before the September ***, 2025 MDR meeting or that it failed to consider student needs or parental input. Petitioner therefore failed to prove that the District predetermined the outcome of the MDR meeting. *Deal v. Hamilton County Bd. of Educ.*, 546 U.S. 936 (2005).
4. Petitioner failed to show procedural violations that significantly impeded Parent's right to participate meaningfully in decision-making about Student's FAPE or that deprived Student of an educational benefit under the IDEA. 34 C.F.R. § 300.513(a)(2).

ORDER

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

Signed November 6, 2025.



Caroline Nelson
Presiding Administrative Law Judge

IX. NOTICE TO THE PARTIES

The decision of the Judge in this case is a final and appealable order. Any party aggrieved by the findings and decisions made by the Judge 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), .516; 19 Tex. Admin. Code § 89.1185(n).