

SOAH Docket No. 701-26-03113.IDEA
TEA Docket No. 068-SE-1025A

Before the State Office of Administrative Hearings

**Student., by next friends Parents
Petitioner**

v.

**Leander Independent School District,
Respondent**

FINAL DECISION

I. STATEMENT OF THE CASE

Student. (Student), by next friends Parents. (Parents or, collectively, Petitioner), brings this action against the Leander 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 case was filed on October 10, 2025, with notice provided by the Texas Education Agency on October 14, 2025.

The main issue in this case is whether Respondent conducted an appropriate manifestation determination review (MDR). The Administrative Law Judge (Judge) concludes that the conduct in question was not a manifestation of Student's disability and/or the result of the District's failure to implement the individualized education plan (IEP). The MDR was appropriate.

II. DUE PROCESS HEARING

The expedited due process hearing was conducted on November^{***}, 2025. The hearing was recorded and transcribed by a certified court reporter. Petitioner was represented by their attorney, Julianna Swann of the Cirkiel Law Group, P.C. In addition, ^{***}, advocates from the same firm as Ms. Swann, attended the hearing. Parents also attended the due process hearing.

Respondent was represented by its attorney, Kaylyn Kirkpatrick of Walsh, Gallegos, Kyle, Robinson & Roalson, P.C. ^{***}, the Executive Director of Special Education for the District, attended the hearing as the party representative. Both parties timely filed thorough written closing briefs. The Decision is due on December 5, 2025.

During the hearing, the Judge admitted Joint Exhibits 1-18 and Respondent Exhibits 1-7 without objection. Additionally, the Judge admitted Petitioner's Exhibits 11, 13, and 32 without objection. The Judge also admitted Petitioner's

Exhibit 17 for the limited purpose of demonstrating which documents Petitioner's expert witness had reviewed prior to her testimony without objection.

The following witnesses testified during the hearing:

1. Student's Parent, Parent., testified about the alleged shortcomings in the District's MDR.
2. *** testified as Petitioner's expert witness.
3. *** testified as Student's social skills teacher. *** has also frequently acted as Student's one-on-one aide.
4. *** testified as a school psychologist who had been part of the team conducting Student's educational evaluations.
5. *** testified as Student's assistant principal.
6. *** testified as the assistant principal of the alternative school to which Student has been assigned.
7. *** testified as the person who trains principals and assistant principals on student discipline issues.

III. ISSUES

A. PETITIONER'S ISSUES

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

1. Whether Student's Admission, Review, and Dismissal (ARD) Committee, acting as an MDR Committee, properly determined Student's behavior was not directly and substantially related to Student disability.
2. Whether Student's behavior was caused by Respondent's failure to follow Student's IEP.

B. RESPONDENT'S POSITION

The District generally and specifically denied Petitioner's issues and denied responsibility for providing any of Petitioner's requested relief.

IV. REQUESTED RELIEF

A. PETITIONER'S REQUESTED RELIEF

Petitioner seeks an order returning Student to Student home campus.

V. FINDINGS OF FACT

Background Information

1. Student is a *** old *** grade student at *** School who resides within the boundaries of the District. Student enjoys sports and playing with Student iPad and Student Nintendo Switch. Student hopes to become an engineer when Student grows up. Student is smart and can be funny. Student qualifies for special education and related services as a student with other health impairment (OHI) for attention deficit hyperactivity disorder (ADHD).¹
2. Student began Student academic career in the *** Independent School District in North Texas. Student family moved to the District during Student *** year, and Student began attending school in the District in the middle of that year. Student then attended a charter school for *** and the first half of *** grade. During the second half of *** grade and *** grade, Student attended school in the District again. Student was homeschooled for *** grade. Student then spent *** grade during the 2023-24 school

¹ Joint Exhibit (J)3; J8; Dur Process Hearing Transcript (Tr.) 35-36, 127.

year at *** School in the District. Student has been at *** School since the start of the 2024-25 school year.²

Student's Evaluations

3. The District conducted a three-year reevaluation in September 2023. On September ***, 2024, when Student was in *** grade in the District, the District completed a review of existing evaluation data (REED). Student has a full scale intelligence quotient (IQ) of ***, which places Student in the average range. Student does well academically in school. It was recommended Student maintain a schedule of general education classes and that Student continue to qualify for special education and related services as a student with OHI for ADHD. Student is also supported by a one-on-one aide and has a social skills class weekly.³
4. Evaluators also suspected Student may have some sort of emotional disability and/or autism. They wanted to conduct evaluations targeting both potential disability categories. Parents initially signed consent for the evaluations on October ***, 2024, but then revoked consent on November ***, 2024. Student's Parent testified at the due process hearing that they revoked consent because of ***. However, they notably revoked consent prior to the election. Because of Parents' refusal to allow the evaluations to move forward, the District has still not conducted the evaluations and does not have information on any potential emotional disabilities Student has.⁴
5. As part of the 2024 REED, the District conducted a functional behavioral assessment (FBA). The FBA identified the impact of Student's disability on Student's behavior. Student's behaviors tend to be preceded by not getting Student way or being given task demands Student does not prefer. The resulting behavior is either *** or off-task behaviors to avoid the task demanded. The *** Student uses is *** in nature. These target behaviors have been consistent over time and have always been the primary

² J1 at 7.

³ J1 at 1, 26, 51.

⁴ J1 at 1, 11; Tr. 58-59, 90, 112, 197-98.

results of Student's disability. Student also struggles with impulse control and with maintaining peer relationships.⁵

Fall 2025 Behavior Incident

6. During the fall of 2025, while a student at ***School, Student targeted another student for bullying (Victim). Student developed a five-part plan called ***. As part of ***, Student *** to help. If ***. One of the children *** anonymously reported the *** to the administration and that is how the District became aware of ***. Student developed *** outside of school, so no District personnel knew about it other than through the anonymous report.⁶
7. Student had experienced difficulty with *** in the past. At various times, the District had instituted a "stay away order" designed to keep *** and Student apart. No such "stay away order" was ever part of the IEP and it was not in place during the fall of 2025.⁷
8. Student admitted Student created ***, which was part of Student plan to *** to *** and the District obtained screenshots *** in its investigation. District personnel interviewed and collected written statements from several other children Student had *** in **. All children who gave statements asserted that Student had created the plan and ***.⁹

⁵ J1, at 21; Tr. 21, 86, 103-04, 174.

⁶ J6; J8; Tr. 164-66, 190, 192, 199-200, 248.

⁷ J12 at 2; Tr. 201-02.

⁸ *** is the name of the neighborhood in the District in which Student lives.

⁹ J9; Tr. 31, 251, 272.

9. Student acted on Student plan as well. Phase three of the five-part plan involved creating a *** at Victim's home. Student began collecting parts of a student's bicycle to make the "potato cannon."¹⁰

October 8, 2025 Manifestation Determination Review

10. On October ***, 2025, the District held an MDR to discuss Student's creation of ***. Ahead of the MDR, the District provided notice of the meeting and the notice of procedural safeguards to Parents. Other than that, the District did not provide additional records and Parents did not request additional records. During the MDR, the District solicited and Parents provided input. Parents did not want Student to go to an alternative school and considered it akin to a jail placement. They also placed blame for the incident on the lack of a "stay away" order and on ***. Parents also stated the behavior could be the result of Student's impulse control stemming from Student ADHD. Parents did not address how the prolonged nature of the behavior could be "impulsive" and did not present additional evaluations or documents for the MDR Committee to consider.¹¹
11. The MDR concluded that Student's creation of *** off campus was not the result of a failure to implement the IEP. The MDR also concluded that the behavior was not related to Student's ADHD. The plan was thought out and methodical, involving multiple phases and prolonged ***. It was not the result of an uncontrollable impulse that could be related to Student's disability. While testifying during the due process hearing, Petitioner's expert declined to take a position on whether the creation of *** was caused by a failure to implement the IEP and/or was directly and substantially related to Student's disability.¹²
12. The District assigned Student to 30 days in a disciplinary alternative education placement (DAEP). The DAEP teaches the regular curriculum any other *** school in the District does while also implementing social skills training and other interventions to help students learn from their mistakes.

¹⁰ J9, Tr. 191, 249.

¹¹ J12, at 44; Tr. 33, 52, 55-56, 290.

¹² J12, at 2-3; Tr. 170, 183-84.

The DAEP also has special education teachers on staff and is capable of implementing Student's IEP. It is also obligated by law to do so. Parents withdrew Student from the District formally on October ***, 2025. Student is now being homeschooled. Student has not attended any school days in the DAEP.¹³

VI. DISCUSSION

A. DISCIPLINARY REMOVALS

Under the IDEA, school districts have the authority to discipline students with disabilities. However, when exercising this authority, a school district must:

- Follow its Student Code of Conduct;
- only impose discipline that is consistent with discipline imposed upon students without disabilities;
- when planning to change the student's placement as part of the discipline, determine whether the behavior that violated the code of student conduct was a manifestation of the student's disability; and
- provide educational services during disciplinary removals that constitute a change in placement.

34 C.F.R. § 300.530

In this case, the District had the authority to impose discipline on Student. When it did so, the District followed its Student Code of Conduct, did not impose a discriminatory punishment, conducted a manifestation determination review before imposing the punishment handed down through the disciplinary process, and was prepared and obligated to offer Student special education and related services during

¹³J10; Tr. 17, 253, 277-80.

Student DAEP assignment if Student had attended DAEP. As such, the disciplinary process followed by the District was consistent with the IDEA.

B. MANIFESTATION DETERMINATION REVIEW

The IDEA requires an MDR must convene within 10 school days of any decision to change the placement of a child with a disability due to a violation of Student Code of Conduct. The MDR must review all relevant information provided by the parents. The MDR must then determine whether the conduct at issue was caused by or had a direct and substantial relationship to the child's disability. The MDR must also determine if the conduct at issue was a direct result of the school district's failure to implement the child's IEP. 34 C.F.R. § 300.530(e)(1); Tex. Educ. Code § 37.004(b). A student who disagrees with an ARD committee's manifestation determination may file a due process hearing request to challenge the determination. 34 C.F.R. § 300.532(a).

1. District's Decision to Change Student's Placement

On October ***, 2025, after a thorough investigation where it became clear Student had engaged in the alleged conduct, the District held an MDR Committee meeting and determined that Student violated the District's Student Code of Conduct by creating *** to attempt to **. For this violation, the District imposed a 30-day DAEP placement on Student. The District sent notice of the meeting to Parents prior to the meeting and provided the notice of procedural safeguards. Petitioner argued that the District should have provided more documentation to Parents prior to the meeting. However, the District was only required to provide a meeting notice and the procedural safeguards. 34

C.F.R. § 300.530(h). Respondent did so and Parents did not request any additional records. While Respondent is also required to consider additional information provided by a parent, Parents did not provide any. Respondent did solicit and consider Parents' input and opinions during the meeting.

2. Relationship Between Student's Disability and the Conduct at Issue

The District correctly concluded that Student's creation of *** to *** and Student *** toward that purpose was not directly and substantially related to Student disability. Student's disability could cause impulse control issues; however, the development of *** was not the result of an uncontrollable impulse. Student created a five-phase plan while off-campus and then ***. Even Petitioner's own expert declined to take a position on whether the behavior was directly and substantially related to Student's disability. Petitioner did not provide concrete evidence establishing a substantial relationship between this five-point *** plan and Student ADHD.

Petitioner argued that Student's issues with peer relations and impulsivity were well documented over the years. However, Petitioner did not present evidence that Student's intricate plan was related to either of those. With their own expert refusing to take a position on that question, Petitioner did not produce any evidence, such as additional evaluations or documentation, to tie Student's ADHD to this

behavior. The difficulty with peer relationships over the years had never involved such an intricate plan and no evaluations produced ever contemplated such behavior.

Petitioner then argued that there was not sufficient discussion during the MDR about the potential connection. During the MDR Committee meeting on October ***, 2025, the Committee considered parental input, considered Student evaluations and teacher input, and discussed the potential impact of Student's disability. 34 C.F.R. § 300.530(e)(1). The Committee properly concluded that the *** behavior in question was not connected to Student's disability in a direct and substantial way.

To the extent there may be an emotional disability or autism that can explain Student's creation of ***, Parents have not allowed an evaluation on either of those to take place. Petitioner cannot assert IDEA protections for Student after refusing to consent to evaluations. *See M.L. ex rel. A.L.*

v. El Paso Indep. Sch. Dist., 610 F. Supp. 2d 582, 599 (W.D. Tex. 2009). Because Parents refuse to allow evaluations for emotional disturbance or autism, potential emotional disabilities and their connection to Student's *** behavior are not being considered in this matter.

3. Manifestation Determination Conclusion

If the MDR Committee determines either that the conduct was caused by or had a direct and substantial relationship to the student's disability or that the

conduct was directly related to the failure to implement the student's IEP, then the behavior is considered a manifestation of the student's disability. 34 C.F.R. § 300.530(e)(2). Once the behavior is determined to be a manifestation of the student's disability, the school district must return the student from Student disciplinary placement to Student prior educational placement. 34 C.F.R. § 300.530(f)(2).

As documented above, the behavior was not related to Student's disability. Further, the behavior occurred off campus. The District's implementation of the IEP would have been irrelevant to behavior taking place away from school. Thus, the MDR Committee properly concluded that the answer to both questions is no. 34 C.F.R. § 300.530(e)(2). The District can impose discipline on Student. The District has elected to send Student to DAEP for 30 days.

VII. CONCLUSIONS OF LAW

1. Respondent complied with the IDEA's procedural disciplinary requirements when it subjected Student to disciplinary proceedings for violating the District Student Code of Conduct and then conducted an MDR to ascertain whether the conduct that resulted in a disciplinary change of placement was related to Student's disability. 34 CFR § 300.530.
2. Student's conduct was not directly and substantially related to Student disability and was not the result of the District's failure to implement the IEP. 34 C.F.R. § 300.530(e); Tex. Educ. Code § 37.004(b).

ORDER

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

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), 300.516, 300.532(c)(5); 19 Tex. Admin. Code § 89.1185(n).

Signed December 5, 2025.

ALJ Signature:

A handwritten signature in black ink, appearing to read "Ian Spechler", is written over a horizontal line.

Ian Spechler

Presiding Administrative Law Judge