

SOAH Docket No. 701-25-11530.IDEA
TEA Docket No. 155-SE-0125

**Before the
State Office of Administrative
Hearings**

—
**Student., by next friends Parents.,
Petitioner
v.
Eanes Independent School District,
Respondent**

FINAL DECISION

I. STATEMENT OF THE CASE

Student. (Student), by next friends Parents. (Parents and, collectively, Petitioner), brought this action against Eanes 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 presented is whether the District denied Student a free appropriate public education (FAPE) by failing to develop and implement an appropriate individualized education program (IEP).

After considering the evidence and applicable law, the Administrative Law Judge (Judge) concludes Petitioner failed to show that the District denied Student a FAPE.

II. DUE PROCESS HEARING

The due process hearing was conducted on August ***, 2025, and it was recorded and transcribed by a certified court reporter. Petitioner was represented by Mark Whitburn with Whitburn & Pevsner, PLLC, and Parents attended.

Respondent was represented by Erik Nichols and Matthew Acosta with Spalding Nichols Lamp Langlois.***, Director of Special Education, and***, Assistant Director of Special Education, attended the hearing as party representatives for the District. Both parties timely filed written closing briefs. The decision in this case is due December 1, 2025.

Joint Exhibits 1-22 were admitted without objection. Petitioner offered 25 separate exhibits. Petitioner's Exhibits 1, 11-14, 18, and 19 were admitted. Petitioner's Exhibit 8-10 and 15-17 were admitted conditionally, pending a showing by Petitioner that an exception to the statute of limitations applied. Respondent offered 11 separate exhibits and 40 rebuttal exhibits. Respondent's Exhibits 3, 5, 6-8, 9 (pages 1-71 and 75-81), 10, and 11 were admitted. Respondent's Rebuttal Exhibits 15-19, 21-24, 27, and 28 were admitted.

Petitioner called the following witnesses:***; Student's special education teacher,***; District reading specialist,***; licensed specialist in school psychology (LSSP) for the District,***; Student's ***,***.; Student's Parent,Parent.; and family friend,

. The District called, an instructional coach for the District and one of Student's former teachers.

III. PETITIONER'S ISSUES AND REQUESTED RELIEF

A. Issues

Petitioner pled an exception to the statute of limitations and asserts that the relevant timeframe extends from Student's *** grade year to the present. Student was in *** grade when the Complaint was filed and *** the age of ***. *** the following issue for hearing on Student behalf:

- Whether the District denied Student a FAPE by failing to develop and implement an appropriate individualized education program (IEP) for Student and by failing to properly train District personnel.

B. Requested Relief

Petitioner requested the following items of relief:

1. An order compelling the District to design and implement an appropriate IEP for Student;
2. An order compelling the District to train its personnel appropriately to implement Student's IEP;
3. An order compelling the District to provide compensatory education in an amount and character recommended by Petitioner's experts and private evaluators;
4. An order compelling the District to reimburse Parents for funds expended on private services made necessary, whether retrospectively or prospectively, by the District's alleged failures; and
5. Any and all further relief that the Judge deems appropriate, or which is recommended by Petitioner's experts and private evaluators.

IV. RESPONDENT'S POSITION

Respondent denied Petitioner's allegations and asserted the statute of limitations as an affirmative defense. It maintains that it neither withheld any required information nor knowingly made a misrepresentation that prevented Petitioner from filing a complaint prior to the time the one was filed in this case.

V. FINDINGS OF FACT

A. Background

1. Student is *** old and attended school in the District beginning in *** grade (the 2016-17 school year) and continuing through *** grade (the 2024-25 school year). Student lives with Student parents and *** and participates in community activities with Student family and friends. Student is eligible for special education and related services as a student with an intellectual disability and speech impairment.¹
2. Student's Parent is a former special education teacher, has a master's degree in education, and completed training to become an educational diagnostician. Parents were very involved in the District's special education program and received procedural safeguard notices at least annually since Student began attending school in the District.²
3. On August ***, 2025, Petitioner relocated to *** and no longer resides within the jurisdictional boundaries of the District.³

¹ JE 2 at 13; JE 7 at 1; Tr. Vol. 3 at 457.

² RR Ex. 18 at 1; Tr. Vol. 1 at 41-42; Tr. Vol. 3 at 456-57.

³ Tr. Vol. 1 at 45; Tr. Vol. 3 at 532.

B. Evaluations

• 2018 Full and Individual Evaluation

4. The District conducted a full and individual evaluation (FIE) in 2018 while Student was in *** grade. The FIE reported cognitive functioning in the moderate range of intellectual disability with a full-scale IQ score of ***. The results indicated that Student learns *** slowly than others Student age.⁴
5. Student demonstrated significant difficulty with abstract reasoning and symbol recognition and was able to *** in short-term memory at a time. The evaluator noted that familiarity with a task increased the likelihood Student would be successful with it and that novel presentations may confuse Student.⁵
6. Educational achievement scores were *** percentile across all domains including letter and word recognition and reading comprehension. These results supported continued eligibility for special education under the category of intellectual disability.⁶

• 2021 Reevaluation

7. The District reevaluated Student in May 2021. The reevaluation did not repeat cognitive testing because prior data remained valid and showed abilities *** below age expectations. Academic achievement remained in the ***, approximately the ***.⁷
8. During the reevaluation, Student correctly identified *** letters presented, along with *** letter sounds. Student read the word “on,” but was unable to read the words,***.” Student could not blend sounds and did not demonstrate generalization of pre-reading skills across settings. The

⁴ PE 1 at 13; Tr. Vol. 2 (part 2) at 365-68.

⁵ PE 1 at 13.

⁶ PE 1 at 1-18.

⁷ JE 1 at 7, 11; Tr. Vol. 2 (part 1) at 286-91; Tr. Vol. 3 at 664-69.

2021 ARD Committee reviewed the results of the reevaluation and determined that Student would receive specialized reading instruction through ***, a special education class providing systematic decoding and phonological awareness instruction.⁸

9. The reevaluation included speech and language, music, and occupational therapy assessments and determined that Student continued to be eligible for those services.⁹

- **May 2024 Evaluation**

10. The District completed another FIE in May 2024, when Student was in *** grade. The May 2024 evaluation confirmed that Student's intellectual functioning and adaptive skills remained in the ***, consistent with previous results. The data also showed that Student had difficulty generalizing skills, including reading, as well as challenges with problem-solving. Student struggled to apply skills beyond the specific way in which they had been explicitly taught.¹⁰
11. In addition, Student demonstrated *** in the areas of receptive, expressive, and pragmatic language, as well as articulation. The evaluator concluded that, because these communication deficits could affect Student's ability to communicate effectively and be understood by peers and adults in the classroom setting, Student would continue to benefit from services and support provided by a speech-language pathologist.¹¹
12. The evaluation team also conducted a physical education (PE) inventory and completed an adapted PE checklist. The evaluators concluded that the results of those assessments indicated a need for adapted PE.¹²

⁸ JE 1 at 7-8; ; Respondent's Rebuttal Exhibit (RR Ex.) 27 at 19; Tr. Vol. 2 (part 1) at 286-91; Tr. Vol. 3 at 653-55, 665-69.

⁹ JE 1; PE 10 at 1.

¹⁰ JE 2 at 15-17; Tr. Vol. 2 (part 2) at 319-33, 366-69, 419-21, 429.

¹¹ JE 2 at 7.

¹² JE 2 at 11-12; Tr. Vol. 2 (part 2) at 319.

13. Several measures were also used to assess Student's educational and developmental performance. Visual discrimination tests were administered to provide information about Student's ability to discriminate between different figures and symbols. The ability to see the differences in shape and orientation of letters and words is a prerequisite for reading. Student discriminated between geometric forms with ***% accuracy by choosing the one that was different from a field of four choices. Student struggled to discriminate which uppercase letters *** lowercase letters *** and words (***) were different in a field of four. Student accuracy improved to *** for uppercase letters and *** for lowercase when asked to discriminate from a field of three.¹³
14. When asked to recite the alphabet, Student was unable to do so in sequence. Student correctly identified *** uppercase letters and *** lowercase letters when prompted to point to (rather than name) the target letter from a field of three; and Student provided the associated sound for *** letters when presented with the letters and letter names. Student was *** initial sound in two- and three-letter words and seemed *** word association rather than sound identification (***)¹⁴.
15. Student was able to recognize Student first name in print but not Student last name. Student ability to identify sight words by pointing to them was inconsistent, initially identifying *** pre-primer level sight words for *** and ***). The words Student correctly identified in each of the two attempts were different. However, Student was able to recognize approximately *** high-frequency words consistently when presented with visual cues. Student could not read continuous text.¹⁵

¹³ JE 2 at 19; Tr. Vol. 2 (part 1) at 322-33.

¹⁴ JE 2 at 19; Tr. Vol. 2 (part 2) at 329-30.

¹⁵ JE 2 at 19-20; Tr Vol. 1 at 98-100.

16. When answering open-ended questions about stories that had been read to Student, Student answered them with *** accuracy at the lower *** grade level and *** accuracy at the upper *** grade level.¹⁶
17. The evaluation team concluded that Student continued to qualify for school-based occupational therapy services and recommended the following related services: occupational, speech, and ***, adapted PE, and transportation.¹⁷
18. Evaluators observed that Student required specialized, small group instruction across academic skill areas, access to grade level standards on a pre-requisite level, and an alternate curriculum.¹⁸
19. The evaluation team also noted that Student benefitted from the use of assistive technology which included audio books, calculation devices, visual supports, graphic organizers, a token reward system to assist with on-task behavior, *** to assist with selection of reinforcers to encourage positive behavior, and access to a school issued iPad with an external keyboard.¹⁹
20. Evaluators recommended an alternate curriculum emphasizing functional academic skills and activities to increase *** skills. They noted that Student required intensive repetition, practice, and review to promote retention and recommended instructional strategies and accommodations, including shortened instructions, repeating or rephrasing instructions, using visual supports, hands-on learning activities, modeling, errorless teaching procedures for new learning, providing explicit instruction, reteaching important concepts, and allowing extra response time.²⁰

¹⁶ JE 2 at 20.

¹⁷ JE 2 at 23-24.

¹⁸ JE 2 at 18. A student working on grade-level standards at a prerequisite level receives instruction aligned to the same academic standards as Student peers, but at a level that addresses the student's current skill development. This approach emphasizes mastery of the fundamental or component skills that precede the full grade-level expectations, allowing progress along the same learning continuum even when performance is ***.

¹⁹ JE 2 at 20; Tr. Vol. 2 (part 1) at 414-15.

²⁰ JE 2 at 25.

C. IEP Development and Implementation

- *** Grade: 2022-23 IEP

21. Student's ARD Committee met on April ***, 2022, considered the results of Student 2021 reevaluation, reviewed Student present levels of academic achievement and functional performance ("present levels"), and developed an IEP for *** grade. Teachers reported that Student benefitted from daily repetition of skills in a structured setting, and with modeling, could write all the letters of Student first and last name. Student required supports to complete academic tasks, including repeated readings, oral presentation of text, and the use of an external keyboard for writing activities. Student verbalized complete sentences, which staff modeled in capital letters on a whiteboard so that Student could replicate them in typed form. Student then used a *** type the sentence into a Word document.²¹
22. The ARD Committee developed goals in the following areas based on evaluative data and Student's present levels: walking to class independently; written communication; calculator skills; money identification; quantity discrimination; Biology; content comprehension focused on social studies and personal information; self-advocacy including identifying the need for a break and asking for one; two conversation goals; ***; and handling conflict with others. The IEP also included three reading goals identified as "reading improvement" goals that targeted decoding, listening comprehension, and sight words. Student had a second sight word goal and a letter recognition goal.²²
23. In addition, the ARD Committee considered course options and agreed that Student would benefit from *** (a special education social skills class), PE (***), and either *** or another elective. The final schedule listed ***, PE, and a general education elective. It did not include the *** class. The Committee agreed on this combination of courses to provide Student with additional exposure to interest-based subjects. Student was also scheduled to take alternate classes in ***

²¹ PE 10 at 3, 16.

²² JE 12; JE 13 at 10-11; PE 11 at 1-10.

because these courses were required ***. Student received two ***-minute sessions per week of direct speech therapy and two ***-minute indirect sessions of consultative support.²³

24. The Committee determined that Student would continue to receive instruction in the *** classroom with support services provided in the general education setting during lunch, assemblies, and similar activities. This educational placement provided a smaller student-to-teacher ratio, additional time for Student to master goals and objectives and complete tasks, and allowed for specialized instruction to meet Student needs.²⁴
25. Student's primary reading instruction during the 2022-23 school year occurred in Student *** class. Student's teacher worked with Student on Student phonics and sight-word goals but did not provide a separate *** class.²⁵
26. Student received the following accommodations: audio books, calculation devices, clearly defined limits, social skills support, directions given in a variety of ways, simplified vocabulary, external keyboard for typing activities, extra time for completing assignments and oral response, individualized reinforcement system, oral administration of all written materials or instructions, positive reinforcement, preferential seating, proximity control, reduced answer choices, supervision during transitions, visual aids, and ***.²⁶
27. The IEP included seven ***-minute sessions of direct and two ***-minute sessions of indirect occupational therapy every nine weeks, four ***-minute sessions of *** every nine weeks, and transportation services.²⁷
28. The IEP also included extended school year (ESY) services in *** and math for two hours per day, three days a week, for six weeks. Parent

²³ PE 10 at 6-7, 17; Tr. Vol. 1 at 138-41, 175-77, 181; Tr. Vol. 2 (part 1) at 295-96.

²⁴ PE 10 at 12.

²⁵ PE 9 at 10-12; PE 11 at 8-9; Tr. Vol. 1 at 59; Tr. Vol. 2 (part 1) at 284.

²⁶ PE 10 at 6-7.

²⁷ PE 10 at 7.

reported that Student was demonstrating increased *** The Committee also recommended parent training to help with generalization of skills across settings.²⁸

- ***** Progress (2022-23)**

29. IEP progress reports from the 2022-23 school year show that, although Student did not master Student annual reading goals, Student made progress towards them. Student decoding goal required Student to accurately decode three-sound words with short and long vowel patterns at a rate of ***%. In October 2022, Student achieved ***% accuracy; by January ***, 2023, Student accuracy increased to ***%; and by March ***, 2023, Student reached ***% accuracy.²⁹
30. Student listening comprehension goal involved material read aloud by others and targeted Student ability to accurately answer comprehension questions about that material. Student's ability to select the correct response from a field of three to four answer choices increased ***.³⁰
31. Student's sight word goal sought to increase the number of sight words mastered by *** per grading period. In October 2022, Student met this goal and mastered the Level 1 sight words included in the *** Program. In December 2022, Student continued to make progress and was working on Level 2 and 3 sight words. By March 2023, Student had mastered Levels 1 and 2 and continued to work on Level 3. At the time of Student annual review, Student was increasing Student number of mastered sight words but was still working on Level 3.³¹
32. Student met mastery criteria for Student written communication, ESY calendaring, ESY calculator skills, personal information, ***, money identification, quantity discrimination, ***, ***, and conversation

²⁸ PE 10 at 13, 17.

²⁹ JE 13 at 10-12; PE 9 at 10-12.

³⁰ JE 13 at 10-11; PE 9 at 10-12.

³¹ JE 13 at 11; PE 9 at 12.

(increasing clarity) goals. Student teacher reported observing steady progress while working with Student.³²

- ***** Grade: 2023-24 IEP**

33. Student's ARD Committee met on April***, 2023, for an annual review of Student IEP for the 2023-24 school year. The IEP included academic goals in English, math, science, and *** that were aligned with Student's present levels of performance.³³
34. Student's English goals targeted conversation, letter recognition, and sight words. The sight word goal required Student to correctly choose the target word ***.³⁴
35. The IEP addressed Student's functional and *** needs through goals focused on ***, calendar use, organization, and social skills.³⁵
36. The ARD Committee discussed and agreed that Student's class schedule would include alternate classes in ***, and a general education elective. *** is a *** class that focuses on ***, communication, and self-advocacy skills. Student would also receive additional 1:1 support during electives and transitions.³⁶
37. Student's Parent expressed concern during the meeting regarding Student's reading ability. A District staff member reminded Student that Student had been in *** during the 2021-22 school year and "encouraged the family to consider continuing in a reading class." *** is an elective course, and it conflicted with other electives, including PE and***.³⁷

³² JE 12 at 1-11; Tr. Vol. 1 at 75.

³³ JE 3; JE 4.

³⁴ JE 4 at 1-2; PE 9 at 5-6; Tr. Vol. 1 at 57-65.

³⁵ JE 3 at 5-8; JE 4 at 6-9.

³⁶ JE 3 at 7, 16; Tr. Vol. 1 at 53, 128.

³⁷ JE 3 at 16; Tr. Vol. 1 at 93-97, 176-77; Tr. Vol. 3 at 507-08.

38. Accommodations consistent with those included in Student previous IEPs were incorporated, and Student continued to receive occupational, speech, and ***. The IEP also included ESY services for ***, math, and English one hour per day, three days a week for six weeks.³⁸
39. On August ***, 2023, Student's Parent emailed the District, noting that Student's schedule did not include a class, such as PE or***, where Student could get some exercise. Student's case manager offered to switch out Student ***elective for adapted PE. Student's final report card from the 2023-24 school year indicates that adapted PE was added to Student schedule in lieu of the ***class.³⁹
40. On February ***, 2024, the District held a Person-Centered Planning meeting with Parent and Student to generate ideas for future IEP goals and help provide direction for Student's transition plan.⁴⁰
41. A review of existing evaluation data (REED) was conducted on March ***, 2024, and the District agreed to complete a new FIE by May 10, 2024.⁴¹

- ***** Grade Progress: (2023-24)**

42. Student's sight word goal required Student to choose the correct sight word (printed on an index card) from a field of two or three. The teacher would say the word, and Student could either point to or pick up the correct card. Student accuracy increased from correctly identifying ***, to *** in December. Student maintained this level of accuracy through the end of the 2023-24 school year before the goal was discontinued.⁴²
43. Student's letter recognition goal required Student to identify the first letter sound of an already mastered sight word with *** accuracy. In May 2023, Student accuracy was***. By October, it increased to ***%, and by January 2024, Student

³⁸ JE 3 at 5-8, 12, 16.

³⁹ RE 9 at 17; JE 19.

⁴⁰ RE 9 at 23-36.

⁴¹ JE 6; PE 13 at 3.

⁴² JE 13 at 5; PE 9 at 6; Tr. Vol. 1 at 62-66.

reached***. In March 2024, Student could identify first letter sounds of already mastered sight words with ***% accuracy when the letters of the words were presented in capital format.⁴³

44. Progress reports indicate that Student met the mastery criteria for Student goals in calculator skills, number identification, vending machines, science content comprehension, answering and asking questions, communication repair, community awareness, independent prevocational skills, and communicating vocational preferences and experiences to the ARD Committee. Student made progress towards other goals and objectives related to handling conflict with others, identifying and sorting bills and coins, identifying numbers, engaging in conversations with peers, and self-advocacy.⁴⁴

• **2024-25 IEP: ***Grade**

45. On April***, 2024, Student's ARD Committee met for Student annual review and to address Parent's reading concerns. Parents asked the District to table the meeting and reconvene it after the May 2024 Evaluation was completed.⁴⁵
46. The Committee reconvened on May***, 2024. After reviewing the evaluation and in light of Parents' concerns regarding Student's progress in reading, the ARD Committee recommended ESY services with a focus on reading goals. The ARD Committee also proposed ***as an elective during the 2024-25 school year. The ***class used the***—a multi-sensory, sequential, systematic reading curriculum. Lessons focused on phonological awareness and listening comprehension. Student was not reading continuous text.⁴⁶
47. The ARD committee ultimately agreed that Student's schedule for the following school year would include alternate English, ***, and

⁴³ JE 13 at 5; PE 9 at 5.

⁴⁴ PE 9 at 14-21, 23-25.

⁴⁵ JE 7 at 17-18; Tr. Vol. 1 at 93-97.

⁴⁶ JE 7 at 7, 14, 17-19; JE 14; JE 15 at 3-5; PE 19 at 11-19; Tr. Vol. 1 at 189, 212-22, 225-27.

48. ***Student's 2024-25 IEP identified goals across academic and functional areas of need. It included two English goals targeting Student ability to (1) increase proficiency in navigating Student augmentative and alternative communication (***) device by locating and using a list of 50 core words independently with *** accuracy, and (2) compose and send text messages or emails using the *** device with *** accuracy.⁴⁸
49. The IEP also included two *** goals. The first goal identified six objectives aimed at increasing Student's phonological awareness ***.⁴⁹
50. The second ***goal sought to increase listening comprehension by improving Student ability to correctly answer main idea and detail questions about nonfiction texts at Student instructional reading level that were read aloud to Student.⁵⁰
51. ***
52. The ***teacher, a certified reading specialist, used Reading by Design and supplemented it with components of the *** System. Her instruction targeted foundational literacy skills and incorporated

⁴⁷ JE 7 at 7.

⁴⁸ JE 8 at 1.

⁴⁹ JE 8 at 6-7.

⁵⁰ JE 8 at 7.

⁵¹ JE 14.

Student's relative strengths, including Student ability to read certain digraphs ("sh," "ch," "th") and initial blends such as "sn."⁵²

53. Student's three math goals focused on Student budgeting skills and making purchases while Student adapted PE goal focused on improving endurance and promoting participation in physical activities.⁵³
54. Student had two goals in Student *** class: one targeting healthy food choices and another addressing self-regulation by teaching strategies to manage emotions.⁵⁴
55. The IEP also included an *** goal for meal preparation, a speech goal for communication repair, social skills goals for problem solving and asking questions, a ***.⁵⁵
56. Student continued receiving speech, music, and occupational therapy as well as the accommodations included in Student previous IEPs.⁵⁶
57. ***and *** met with Parent in November 2024 to discuss Parents' continued concerns regarding Student's progress. During the meeting, the District outlined a multi-pronged plan that included compensatory services, instruction using the *** program, and longer-term support to meet Student's needs. The plan was developed collaboratively with the LSSP, Student's special education teacher, and the District's assistant director of special education.⁵⁷

⁵² PE 19 at 11; Tr. Vol. 1 at 145, 147, 189, 212-14, 263.

⁵³ JE 8 at 1-5.

⁵⁴ JE 8 at 5.

⁵⁵ JE 8 at 7-9.

⁵⁶ JE 7 at 7-8.

⁵⁷ PE 19 at 25, 27-29; Tr. Vol. 1 at 31-35.

58. The District offered these services in an effort to collaborate with Parents and because it believed Student would benefit from additional reading instruction—not because it believed Student’s program was deficient.⁵⁸
59. Student’s IEP was amended on February^{***}, 2025, to revise Student schedule and adjust Student IEP goals. The goals related to self-regulation, ^{***} discontinued because Student was no longer enrolled in the ^{***} class. Student math goal for making purchases was also discontinued because the course addressing that skill no longer aligned with Student lunch schedule.⁵⁹
60. After the amendment to Student IEP, Student’s schedule included alternate ^{***} twice a day. Parents approved the changes to Student’s goals and schedule by email.⁶⁰

• **^{***} Grade Progress: (2024-25 School Year)**

61. Student mastered one of Student ^{***} goals and met three of the six objectives associated with the second. Student also nearly met Student ESY ^{***} ^{***} vocabulary goal, achieving ^{***}% accuracy with mastery measured at ^{***}0%.⁶¹
62. By October 1, 2024, Student mastered ^{***} writing and rhyming units, demonstrated approximately ^{***}% accuracy with identifying the onset and rime components of a word, and was able to count syllables with ^{***}% accuracy. Student’s ^{***} teacher reported that Student made progress during summer 2024 and over the course of the 2024-25 school year.⁶²

⁵⁸ Tr. Vol. 1 at 32-33, 37-38.

⁵⁹ JE 10 at 8.

⁶⁰ JE 10 at 8-9.

⁶¹ JE 14.

⁶² JE 15 at 4; PE 19 at 11; RE 3; Tr. Vol. 1 at 214, 228, 237-40.

D. Collaboration and Parental Participation

63. Parents attended every ARD Committee meeting convened for Student between 2018 and 2025. Prior to the annual ARD Committee meetings, the District met with Parents to review progress and draft proposed goals. Parents actively participated and contributed information about Student's strengths, home behaviors, and educational priorities at each meeting.⁶³
64. Student's IEPs included specific data regarding Student present levels of performance. The District sent home progress reports every grading period, and Student's progress reports and IEPs accurately reflected the data collected in class. Student's case manager was available to meet with Parents, answer questions, and provide additional information.⁶⁴

VI. DISCUSSION

A. Statute of Limitations

Petitioner filed the request for a due process hearing in this case on January *** 2025. Under the IDEA, a parent must request a due process hearing "within two years of the date the parent knew or should have known about the alleged action that forms the basis of the complaint." 20 U.S.C. §§ 1415(b)(6)(B), 1415(f)(3)(C); 34 C.F.R. § 300.507(a)(2). The two-year limitations period applies in Texas. 19 Tex. Admin. Code § 89.1151(c).

A substantive challenge to an IEP must be linked to a specific act adopting, changing, or declining to change the IEP, and the limitations period begins when the parent knew or should have known that the action resulted in an allegedly deficient program. *R.S. v. Highland Park Indep. Sch. Dist.*, 951 F.3d 319, 326–27 (5th Cir. 2020).

⁶³ PE 10 at 16; JE 7 at 17; Tr. Vol. 3 at 507-21, 535-41, 617.

⁶⁴ JE 7 at 18; Tr. Vol. 3 at 540-41.

Where the complaint rests on a generalized allegation that a student's IEPs were not reasonably calculated to confer benefit over multiple years, accrual turns on when the alleged deficiency became sufficiently apparent. *Id.* Student's Parent was a special education teacher, had a master's degree in education, and received training as an educational diagnostician. Parents participated in every ARD Committee meeting, reviewed goals, progress reports, schedules, and services, and consistently raised questions about reading. The record thus supports the conclusion that any alleged deficiency in the IEPs developed for Student prior to January ***, 2023, would have been apparent when the IEPs were adopted. Absent an exception to the statute of limitations, the relevant time period in this case therefore begins on January ***, 2023.

1. exceptions To The Statute Of Limitations

There are two statutory exceptions to the limitations period, and courts apply these statutory exceptions narrowly, requiring proof that the district's conduct prevented timely filing. *See Washington ex rel. J.W. v. Katy Indep. Sch. Dist.*, 447 F. Supp. 3d 583, 593–94 (S.D. Tex. 2020). The limitations period does not apply if the parent was prevented from timely filing due to:

- (1) specific misrepresentations by the school district that it had resolved the problem forming the basis of the due process complaint; or
- (2) the school district withheld information from the parent that was required to be provided.

20 U.S.C. § 1415(f)(3)(D); 19 Tex. Admin. Code § 89.1151(d).

a) Specific Misrepresentation

Courts have held that the misrepresentation exception requires proof that a school district knowingly and intentionally misled the parent; overstating or providing incomplete information does not satisfy this standard. *D.K. v. Abington Sch. Dist.*, 696 F.3d 233, 245-46 (3d Cir. 2012). Other courts have similarly rejected attempts to recast disagreement with progress reports as intentional deception. *See Sch. Dist. of Philadelphia v. Deborah A.*, 2009 WL 778321, at *7 (E.D. Pa. Mar. 24, 2009).

Here, Student's Parent testified that Parent believed Student was making progress and becoming more independent based on progress reports and IEP documentation, and that Parent did not realize "how big the problem was" until receiving the May 2024 FIE. Parent explained that Parent interpreted descriptions of Student's instructional activities as evidence of independence.

The remainder of the record, however, reflects that progress data was collected in the instructional settings contemplated by Student's IEPs in conjunction with the intensive supports articulated for each goal and that the progress reports accurately reflected the data collected in class.⁶⁵ Moreover, Parents attended every ARD meeting from 2018 through 2025, participated in pre-ARD meetings, reviewed progress data, and consistently signed in agreement with each IEP. Nothing in the evidence suggests that Parents questioned or challenged the District's progress data when it was provided, nor is there any indication that the District intentionally misled Parents or represented that a disputed issue had been resolved. Accordingly, this exception does not apply.

⁶⁵ Petitioner asserts that the 2022-23 progress reports were misleading. The record reflects that the reports documented Student's supported performance, as discussed in Section VI(D)(4).

b) Withholding

The withholding exception applies when a district fails to provide information the IDEA requires it to provide, including the notice of procedural safeguards. *D.K.*, 696 F.3d at 246-47; *El Paso Indep. Sch. Dist. v. Richard R.*, 567 F.Supp.2d 918, 942-46 (5th Cir. 2008). Here, the District provided Parent with procedural safeguard notices annually, and there is no evidence that the District withheld any other information it was required to provide under the IDEA. Because Petitioner did not show that the District withheld information or that the withholding of any information prevented Petitioner from filing a due process hearing request prior to January ***, 2025, this exception does not apply.

2. Conclusion

Petitioner failed to show that either statutory exception applies. Consistent with the case law cited above, the two-year statute of limitations governs, and the relevant timeframe begins on January ***, 2023.

B. Burden of Proof on the Merits

The burden of proof on the merits of claim in a due process hearing is on the party challenging the proposed IEP and placement. *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 62 (2005). Petitioner therefore has the burden of proof to show that the District denied Student a FAPE by failing to develop and implement an appropriate IEP. *Id.*

C. Duty to Provide a FAPE

The purpose of the IDEA is to ensure that all children with disabilities have available to them a FAPE. 20 U.S.C. § 1400(d). School districts have a duty to provide a FAPE to all children with disabilities ages 3-21 in their jurisdiction and are responsible for providing specially designed instruction and related services and supports to meet their unique needs. 34 C.F.R. §§ 300.101(a), 300.201; Tex. Educ. Code § 29.001. The instruction and services must be provided 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). The basic inquiry is whether an IEP is reasonably calculated to enable a student to make progress appropriate in light of Student unique circumstances. *Endrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 580 U.S. 386, 399, 403 (2017).

D. Appropriate Program

Courts in the Fifth Circuit apply a four factor test to determine whether a school district's program meets IDEA requirements. Judges must consider:

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 *Endrew 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 required in evaluating the school district's educational program. *Richardson Indep. Sch. Dist. v. Michael Z.*, 580 F.3d 286, 294 (5th Cir. 2009).

1. Individualized on the Basis of Assessment and Performance

The first *Michael F.* factor considers whether Student's IEPs were individualized based on assessment data, present levels, and identified needs. *Michael F.*, 118 F.3d at 253. The IDEA requires the ARD committee to consider the student's strengths, parental concerns, the results of the most recent evaluation, and the student's academic, developmental, and functional needs.⁶⁶ 34 C.F.R. § 300.324(a)(1). The record reflects that, across the relevant years, Student's ARD Committee relied on updated evaluations, incorporated parent input, and developed goals and services tailored to meet Student's communication, academic, and functional needs.

Although the parties focus primarily on Student's reading instruction and progress, judicial review of a student's educational program must "be fact-intensive, individualized, [and] holistic." *See North East Indep. Sch. Dist. v. I.M. by Bianca R.*, No. 24-50833, 2025 WL 3251027, at *7 (5th Cir. Nov. 21, 2025) (rejecting approach that would narrow IEP review to a single criterion.) Consistent with that directive,

⁶⁶ Petitioner asserts in briefing that the District should have assessed Student for dyslexia. Because Petitioner did not plead an evaluation claim, that issue is outside the scope of this decision and is not addressed.

the analysis below considers Student's academic, communication, adaptive, and functional goals and services in each relevant school year.

c) 2022-23 IEP (Grade)**

The April 2022 ARD Committee developed Student's ***-grade IEP based on the results of Student 2021 reevaluation, which documented cognitive and academic functioning in the *** range, limited phonemic awareness, emerging decoding ability, difficulty generalizing skills, and a need for explicit instruction with structured prompts, modeling, and predictable routines. The Committee designed goals aligned with these needs. Reading goals addressed sight-word recognition, phonological awareness, and listening comprehension of text read aloud. Writing goals incorporated modeling and structured support. Math goals emphasized functional skills such as money identification and calculator use, while *** goals followed alternate academic standards. Additional goals in communication, self-help, social interaction, and ***, targeted Student's adaptive and functional needs.

Related services were similarly individualized. Student's speech therapy targeted receptive, expressive, pragmatic language, and articulation deficits identified in the 2021 reevaluation, and Student received occupational therapy to support independence, ***, and participation in classroom routines. *** provided an additional modality for communication and engagement. Student also received numerous accommodations to support Student learning. In sum, Student's 2022-23 IEP was individualized based on Student assessments and performance.

d) 2023-24 IEP (Grade)**

The April 2023 ARD Committee again reviewed Student's progress, teacher reports, and Parent's ongoing concerns with Student's reading. Student continued to have difficulty with letter-sound correspondence, phonological awareness, and generalization. The Committee developed individualized goals in sight-word recognition, phonemic awareness, listening comprehension, written expression, communication, social interaction, organization, ** , and alternate curriculum content areas.

Student's accommodations and related services remained tailored to Student needs. Speech therapy supported expressive, pragmatic, and communication-repair skills. Occupational therapy supported participation in daily routines and functional tasks. ** continued to support engagement, communication, and attention. Assistive-technology supports—including ** tools—were integrated into instruction and communication goals. The District also responded to Parent concerns by adjusting Student's schedule and discussing available reading options.

e) 2024-25 IEP (Grade)**

In developing the 2024–25 IEP, the ARD Committee relied on updated information from the May 2024 FIE, which documented substantial needs in phonological awareness (including identifying onset–rime, categorization, blending, segmenting, and phoneme manipulation), persistent difficulty with letter–sound correspondence, and continued deficits in decoding familiar words. The Committee developed individualized goals addressing these foundational reading skills, along with listening comprehension of nonfiction text read aloud, ** -supported

communication, *** and independent-living routines, self-advocacy, and alternate-curriculum content.

Consistent with the evaluation data, Student continued to receive speech, occupational, and *** to address Student communication and *** needs, and assistive technology supports were incorporated to facilitate *** use and access to instruction. These services aligned with the needs identified in the 2024 FIE and were reflected in Student's communication, independence, and *** -related goals.

The District also monitored Student's progress throughout the year and responded to Parent concerns. After Parent raised concerns regarding Student's reading skills in fall 2024, the District convened a meeting in November 2024 to review data, discuss supplemental interventions, and consider additional supports. In February 2025, the ARD Committee increased Student's *** instruction to twice per day, reflecting continued adjustment of services in light of Student's needs and performance.

The 2024–25 IEP thus reflects ongoing individualized planning based on updated evaluation data, Student's demonstrated needs, and Parent concerns. The goals, accommodations, instructional strategies, related services, and adjustments over the year support the conclusion that the 2024-25 IEP was individualized to meet Student's needs. And even considering the narrower issue of reading in isolation, the evidence shows that the District individualized Student's reading instruction based on Student assessment results and ongoing performance.

Although the 2024–25 IEP was tailored to Student's needs, Petitioner disputes the adequacy of the reading instruction provided that year, asserting that the

*** program relied too heavily on auditory components and therefore did not constitute “real” reading instruction.⁶⁷

Student’s evaluation data, however, documented barriers to developing conventional decoding skills—including phonological processing deficits, receptive and expressive language weaknesses, articulation deficits, symbol recognition challenges, and limited working memory. The emphasis on developing Student’s phonological awareness, letter–sound correspondence, and listening comprehension, through a structured, sequential curriculum aligned with Student’s needs. Nothing in the record suggests that Student was ready to read connected text or blending phonemes independently, nor did Petitioner identify an appropriate alternative methodology appropriate for a student with Student learning profile. Moreover, decisions about instructional methodology rest with the District as long as the chosen approach is reasonably calculated to enable progress in light of the student’s circumstances. *See Bd. of Educ. v. Rowley*, 458 U.S. 176, 208 (1982); *Kass v.*

W. Dubuque Cmty. Sch. Dist., 101 F.4th 562, 572 (8th Cir. 2024).

f) Conclusion

Taken together, the evidence demonstrates that Student’s IEPs during the relevant period were developed on the basis of updated assessment data, documented performance, and parent input. Each annual IEP addressed Student’s identified needs in communication, adaptive behavior, functional academics, and foundational reading skills, and the District adjusted goals, services, and instructional strategies

⁶⁷ Petitioner’s (Pet.) closing brief at 22-25.

as new information became available. Based on the evidence presented, the Judge concludes that the first *Michael F.* factor weighs in the District's favor.⁶⁸

2. Least Restrictive Environment

The IDEA requires a student with a disability to be educated with nondisabled peers to the maximum extent appropriate, and removal from the general education environment is warranted only when the nature or severity of the disability is such that education in regular classes with supplementary aids and services cannot be achieved satisfactorily. 34 C.F.R. § 300.114(a)(2). State regulations require a continuum of instructional arrangements based on individual needs and the student's IEP, ranging from general education to resource services, self-contained classrooms, and more restrictive settings. 19 Tex. Admin. Code § 89.1005(e).

The Fifth Circuit applies a two-part test in making a determination regarding a student's least restrictive environment:

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

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

The parties do not dispute that Student could not be properly educated in the general education setting, even with supplementary aids and services. Student required explicit instruction, consistent routines, modeling, visual supports, and a

⁶⁸ The ARD Committee met on April *** and April ***, 2025, for an annual review of Student's IEP. (JE 11.) Petitioner did not present any evidence on this IEP at the hearing or address it in their closing brief. Accordingly, this decision does not address whether the 2025–26 IEP offered Student a FAPE.

highly structured environment to acquire and practice skills. Consistent with these needs, Student received Student core academic and functional instruction in special education settings and participated with nondisabled peers during ***, lunch, assemblies, and similar activities. This placement offered a smaller student-to-teacher ratio, additional time to complete tasks, and the level of specialized instruction required for Student to benefit from Student program. The evidence demonstrates that the District educated Student in Student least restrictive environment and mainstreamed Student to the maximum extent appropriate.

Petitioner argues that Student should have been enrolled in *** grade to satisfy this requirement. But this argument challenges the design of the IEP—not Student’s placement along the continuum of instructional settings in Student least restrictive environment. This factor weighs in the District’s favor.

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

The IDEA contemplates a collaborative process between the school district and the parents, but it does not require a school district to accede to a parent’s demands. *E.R. v. Spring Branch Indep. Sch. Dist.*, 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); *Blackmon ex rel. Blackmon v. Springfield R-XII Sch. Dist.*, 198 F.3d 648, 658 (8th Cir. 1999). Nor does the statute give parents “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 collaboration requirement. *Id.*

The record reflects ongoing coordination among Student's teachers, related-service providers, and ARD Committee members throughout the relevant timeframe. Student's ARD Committees met annually and additionally as needed to review progress, consider updated evaluation data, and revise Student's IEP. Teachers and related-service providers collaborated on Student's communication, functional, and academic needs.

The District monitored Student's progress toward Student goals through data collection and staff collaboration. After reviewing the May 2024 FIE, the ARD Committee incorporated its recommendations into Student's ***-grade IEP. When Parents voiced continued concerns with Student's reading and communication needs in fall 2024, the District convened a meeting to discuss instructional strategies, augmentative communication supports, and Student's performance across settings. During that meeting, the District offered compensatory services, *** instruction, and other supports.

Parents were invited to every ARD meeting and actively participated in discussions regarding Student's needs, services, and progress. District staff shared information, exchanged data, communicated regularly with Parents, and worked together to implement Student's program. Petitioner's assertion that staff "painted a rosy picture" of Student's abilities in a misleading or overstated manner is not supported by the record. The progress reported to Parents reflected Student's performance in a structured setting along with the prompting, modeling, and visual cues contemplated by Student IEP. Taken as a whole, the District's actions demonstrate that Student's educational program was administered in a coordinated and collaborative manner.

The parties' collaborative relationship began to deteriorate as concerns persisted regarding Student's ongoing difficulty with acquiring, maintaining, and generalizing foundational reading skills. Petitioner attributes this, in large part, to Student's lack of enrollment in the *** class during *** and *** grade. The record reflects differing accounts as to why that class was not included in Student schedule. Parent testified that reading was always a priority and that parent did not realize choosing adapted PE or another elective would preclude enrollment in the *** class. Other evidence, however, shows that *** was discussed at both the April 2022 and April 2023 ARD Committee meetings, and that the ARD Committee—with Parent input—ultimately agreed on schedules that included adapted PE and other interest-based electives. District staff also encouraged the family to continue with a reading class at the at the April *** 2023 ARD Committee meeting in light of Student's ongoing needs in phonological awareness.

On this record, Petitioner has not shown that the District excluded Parents in bad faith or refused to listen to them. This factor weighs in the District's favor.

4. Academic and Non-Academic Benefit

The fourth *Michael F.* factor considers whether Student received academic and non-academic benefits from the program the District provided. *Michael F.*, 118 F.3d at 253. This is consistent with the Supreme Court's determination in *Endrew F.* that, "at its core, an IEP is 'a plan for pursuing academic and functional advancement.'" *North East Indep. Sch. Dist. v. I.M. by Bianca R.*, No. 24-50833, 2025 WL 3251027, at *5 (5th Cir. Nov. 21, 2025) (citing *Endrew F.*, 580 U.S. at 399).

Progress may be gradual and variable across skill sets, but still appropriate under the IDEA. *Klein Indep. Sch. Dist. v. Hovem*, 690 F.3d 390, 396–97 (5th Cir. 2012).⁶⁹

a) Academic Benefit

The record reflects that Student made progress across academic, communication, functional, and independent-living domains during the relevant school years. Student met the mastery criteria for goals related to money identification, quantity discrimination, calculator use, and Student *** classes. In 2022–23, Student increased accuracy in decoding, letter-sound correspondence, and listening comprehension, mastered sight word Levels 1 and 2 of the *** Program and was making progress on the third. In 2023–24, Student increased the number of sight words Student could identify and improved on Student letter-sound goal, reaching *** accuracy by March 2024. In 2024–25, Student made progress in Student phonological awareness, letter–sound correspondence and listening comprehension goals—though Student did not master all reading-related objectives.

b) Non-Academic Benefit

Across the relevant period, Student mastered or made progress on numerous non-academic goals, including goals related to Student conversation skills, handling conflict, self-advocacy, ***, community awareness, prevocational skills, communication repair, and asking and answering questions.

⁶⁹ To the extent Petitioner argues that Student declined or failed to progress prior to January 31, 2023, those allegations fall outside the applicable limitations period and are not considered.

Petitioner argues that Student did not make “appreciable progress,” that certain goals were implausible, and that progress reports overstated Student’s abilities. Petitioner’s position is not persuasive. The goals cited as “implausible” were designed to be completed with the supports embedded in the IEP—modeling, verbal prompting, visual cues, repetition, and structured routines—and were not intended to reflect independent mastery in novel contexts. Teacher testimony established that the reported progress reflected Student’s supported performance in the instructional settings contemplated by the IEP. Petitioner did not introduce evidence contradicting the District’s progress data or demonstrating that the progress documented by Student’s teachers was inaccurate or misleading.

c) Conclusion

Viewed as a whole, the evidence demonstrates that Student received academic and non-academic benefit from the District’s program. *Michael F.*, 118 F.3d at 253. Although Student did not meet every goal and Student progress was gradual in certain areas, the IDEA does not require maximization of potential. *Endrew F.*, 580 U.S. at 399; *R.S.*, 951 F.3d at 330. Rather, the question is whether Student’s progress was appropriate in light of Student circumstances. *R.S.*, 951 F.3d at 337. The evidence supports the conclusion that it was.

VII. IEP IMPLEMENTATION

A party challenging the implementation of an IEP must show more than a de minimis failure to implement all elements of the IEP, and instead must demonstrate that the school board or other authorities failed to implement substantial or significant provisions of the IEP.” *Houston Independent School Dist. v. Bobby R.*, 200

F.3d 341, 349 (5th Cir. 2000). A provision is “substantial or significant” if it confers an educational benefit. *Lamar Consol. Indep. Sch. Dist. v. J.T.*, 577 F. Supp. 3d 599, 605 (S.D. Tex. 2021). Petitioner failed to show, and the record does not reflect, that the District failed to implement any material component of Student’s IEP. Student received the special education instruction, related services, accommodations, and supports identified in Student IEPs. Decisions about whether to include *** in Student’s schedule were made by the ARD Committee, not ignored by the District, and the record contains no evidence that the District omitted required services or failed to provide substantial or significant portions of the IEP.⁷⁰ In light of the services provided and the progress Student made, Petitioner has not shown a failure to implement a significant or substantial provision of the IEPs discussed above.

VIII. APPROPRIATE STAFF TRAINING

Petitioner also alleged that the District failed to properly train staff. No evidence was presented at the hearing to support this claim, and Petitioner did not

⁷⁰ The April***, 2022 ARD Committee developed and accepted Student’s goals and objectives for the 2022–23 school year. (PE 10 at 17.) The goals and objectives included ***goals for decoding, listening comprehension, and sight words. (PE 11 at 8-9) Student had been enrolled in the ***class during the 2021-22 school year, and the reading specialist testified that she drafted those goals and objectives for the 2022-23 school year. (Tr. Vol. 1 at 180.) The Committee, however, agreed on a schedule that did not include the ***class, and it did not revise Student’s annual goals. Meanwhile, the corresponding progress reports for the 2022-23 school year show that the reading improvement goals were being implemented and monitored by Student’s special education teacher, ***, in the ***classroom. (PE 9 at 11-12; PE 10 at 17.) Although ***testified that the reading specialist would have been the one to work on these goals with Student (Tr. Vol. 1 at 70-71), she made the statement without an opportunity to review the portion of Petitioner’s Exhibit 9 showing that she had entered the progress data for those goals. The Judge concludes that this apparent discrepancy does not undermine the witness’s credibility or alter the determination that Petitioner did not establish a failure to implement a significant or substantial portion of Student’s 2022-23 IEP.

address it in Student closing brief. Petitioner therefore did not meet Student burden on this issue.

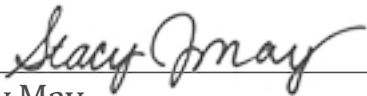
IX. CONCLUSIONS OF LAW

1. 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).
2. Petitioner failed to establish that an exception applies to the two-year statute of limitations. *El Paso Indep. Sch. Dist. v. Richard R.*, 567 F.Supp.2d 918, 944-46 (5th Cir. 2008).
3. Petitioner did not meet Student burden of showing that the District denied Student a FAPE during the relevant time period by failing to develop an appropriate IEP. *Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 458 U.S. 176, 188, 203-04 (1982); *Endrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 580 U.S. 386, 403 (2017); *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).
4. Petitioner did not meet Student burden of showing that the District denied Student a FAPE during the relevant time period by failing to properly implement Student IEP. *O.W.*, 961 F.3d at 796; *Bobby R.*, 200 F. 3d at 349.
5. Petitioner did not meet Student burden of showing that the District denied Student a FAPE by failing to properly train District personnel. *Schaffer*, 546 U.S. at 62; 34 C.F.R. §300.156.

ORDER

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

Signed December 1, 2025.



Stacy May
Presiding Administrative Law Judge

X. 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; 19 Tex. Admin. Code § 89.1185(n).