

SOAH Docket No. 701-25-14199.IDEA
TEA Docket No. 195-SE-0325

Before the State Office of Administrative Hearings

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

v.

**Hutton Independent School District,
Respondent**

FINAL DECISION

I. STATEMENT OF THE CASE

Student. (Student), by next friends Parents. (Parents and, collectively, Petitioner), brings this action against the Hutto 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 issues in this case are whether the District failed to properly address bullying of Student and whether the District failed to provide Student with a free, appropriate public education (FAPE). The Administrative Law Judge (Judge) concludes Student was not bullied, the District properly addressed bullying allegations, and it provided Student with a FAPE by offering a program reasonably calculated to enable Student to make appropriate progress in light of Student unique circumstances.

II. DUE PROCESS HEARING

The due process hearing was conducted on September***– October***, 2025, via the Zoom videoconferencing platform. Student was represented throughout this litigation by Student legal counsel, Martin Cirkiel and Julianna Swann of the Cirkiel Law Group, P.C. Parent. (Student's Parent) and Parent. (Student's Parent) also attended the hearing. The District was represented throughout this litigation by its legal counsel, Jamie Turner and Kaylyn Kirkpatrick of Walsh Gallegos Kyle Robinson & Roalson, P.C. In addition, ***, the District's Director of Special Education, attended the hearing as the party representative.

The parties offered joint and separately disclosed exhibits. The parties jointly offered 20 exhibits, and all were admitted. Petitioner offered 90 exhibits, and exhibits 3, 4, 7, 8, 22, 27, 32, 36-56, 58, 61-63, 68, 78-88, 89, 90 were admitted. Petitioner offered the testimony of Student's Parent;***, the clinic Registered Nurse (RN) at ***School; and Student's Parent.

Respondent offered seven exhibits, and all of those exhibits were admitted. Respondent offered testimony of***, the campus principal;***, the ***counselor at ***School;***, Student's *** teacher;***, Student's dyslexia teacher; and***, the Director of Special Education. The hearing was recorded and transcribed by a certified court reporter. Both parties timely filed written closing briefs. The Decision in this case is due December 8, 2025.

III. ISSUES

A. PETITIONER'S ISSUES

Petitioner identified the relevant timeframe as the two-year statute of limitations period prior to filing the Complaint and raised the following IDEA issues for decision in this case:

FAPE

1. Whether the District failed to provide Student with a FAPE during the relevant timeframe.
2. Whether the District failed to develop an appropriate individualized education program (IEP).
3. Whether the District failed to properly implement Student's IEP.

Bullying

Whether the District failed to properly address bullying of Student.

Procedural

Whether the District failed to convene an admission, review, and dismissal (ARD) committee meeting.¹

¹ Petitioner asserted new claims in Student closing brief that were not in the Original Complaint or in the order memorializing the issues (Order No.3) and will therefore not be addressed in this Final Decision.

B. RESPONDENT'S LEGAL POSITION AND ADDITIONAL ISSUES

Respondent generally and specifically denied Petitioner's factual allegations and legal claims and denied responsibility for providing any of Petitioner's requested relief. Respondent asserted the statute of limitations as an affirmative defense.

IV. PETITIONER'S REQUESTED RELIEF

Petitioner seeks the following items of requested relief:

1. Order the District to cover Petitioner's losses including, but not limited to: loss of equal access to educational opportunities; medical expenses in the past; mental health and/or therapy costs in the past; metal health and/or therapy costs in the future; reimbursement of private educational placement in the past; payment for private educational placement in the future; reimbursement of past and future out-of-pocket expenses incurred by Petitioner for the acts and omissions of the District.
2. Order the District to retain an expert consultant to address Student's educational, non-educational, and safety needs.
3. Order the District to convene an ARD committee meeting to address the findings of the consultant.
4. Order the District to invite the expert consultant to ARD committee meetings for the next two years.
5. Order the District to allow the consultant to collaborate with key professionals and staff.
6. Order the District to provide an independent educational evaluation (IEE) in all areas of suspected need.
7. Order the District to reimburse Petitioner for out-of-pocket expenses incurred due to the failures of the District, including but not limited to private school tuition reimbursement.
8. Order the District to provide Petitioner with attorney fees.
9. Order any other relief the Judge may see fit to prescribe.

V. FINDINGS OF FACT

1. Student is a kindhearted, fun-loving child and enjoys fishing and playing soccer. Student lives at home with Student parents and two siblings. Student plays ***in a league outside of school.²
2. Student attended school in the District for ***and ***grade and re-enrolled in the District on August ***, 2024, as a ***grader at ***School. Student previously attended *** from Fall 2020 to Spring 2024.³
3. Student had an IEP from Round Rock Independent School District in 2020 with accommodations and Student met eligibility criteria for a specific learning disability (SLD) in dyslexia. The District held a transfer ARD committee meeting on September *** 2024, and agreed to provide comparable services. Student's IEP increased direct dyslexia services from *** minutes to *** minutes per week, changed Student reading with inclusion supports to English with inclusion support for *** minutes per week, and the continued the previous IEP's accommodations. The meeting ended in agreement.⁴
4. The District sent notice for a full and individual evaluation (FIE) to Parents on September ***, 2024. Parents signed consent for the FIE on September ***, 2024.⁵
5. On September ***, 2024, Student was involved in an incident with another student on the school bus. The other student dropped Student phone, Student picked up the phone, and the other student put Student ***. Student and the other student did not know each other previously and were not in the same grade. Parents emailed the transportation department, District staff, and the school resource officer about the incident and the

² Joint Exhibit (JE) 4 at 5; Transcript Volume (Tr. Vol) I at 17, 158.

³ JE 3 at 1; JE 10 at 6; Tr. Vol. I at 89-90.

⁴ JE 3.

⁵ JE 1; JE 2.

transportation department changed the other student's seat on the bus. The District implemented a no contact agreement between the students.⁶

6. The District completed the FIE on October 3, 2024. The purpose of the evaluation was to determine if Student continued to have a disability and continued to need special education and related services. The evaluation included teacher input, parent input, classroom observations, review of Student's records, and multiple assessments.⁷
7. Teachers reported Student was a hard worker and was focused while in class. Student had a positive attitude and many friends. Teachers reported no concerns about work, behavior, attention, attitude/emotions, or social interactions. Student prior FIE dated September ***, 2020, indicated no concerns about behavior.⁸
8. Student's dyslexia teacher calculated Student reading fluency at *** words correct per minute with *** accuracy. Student demonstrated average intellectual ability with weaknesses in fluid reasoning, visual processing, auditory processing, and short-term working memory. The evaluators determined Student met the criteria for the educational disability condition of SLD in basic reading skills with the concurrent condition of dyslexia and made recommendations for the ARD committee.⁹
9. On October 2, 2024, in ***class, Student ***back by the other student. Parents emailed Student's ***the next day in regard to the***.¹⁰
10. On October*** and ***, 2024, Student's ARD committee met for a 20-day placement/annual meeting. Student's Parent attended both meetings while

⁶ Petitioner's Exhibit (PE) 3 at 29; PE 47, PE 38 at 1; PE 39; Tr. Vol. I at 29, 219-30.

⁷ JE 4 at 1-2.

⁸ JE 4 at 7.

⁹ JE 4 at 19, 27-31.

¹⁰ PE 3 at 38; PE 44.

Student's Parent attended the second meeting. Student continued to meet the eligibility criteria of SLD in the area of basic reading skills with the concurrent condition of dyslexia. Student was in *** grade, reading at a ***level. The IEP included Student's present levels, an annual goal for reading, assistive technology, and several accommodations across settings. Student received dyslexia intervention in the special education setting for *** minutes per week and language arts in the general education setting with inclusion services for *** minutes per week. The meeting ended in agreement.¹¹

11. Parents notified the District that Student received a mild concussion and hurt Student neck during a ***outside of school on October 6, 2024. Parents emailed Student's concussion care plan to appropriate District personnel and discussed assignments with Student teachers following the concussion. The school nurse shared the information with Student's teachers. Student wore ***on Student neck for treatment while at school.¹²
12. On October ***, 2024, Student was *** by another student while in the hallway. Student went to the nurse's office and received pain medication and an ice pack. The District viewed camera footage but were unable to see what occurred.¹³
13. In science class, Student was playing around with a friend. The friend put Student in a ***. Parents picked up Student early and Student walked unassisted off the campus. Student told Student science teacher it was an accident, and the students were not fighting.¹⁴

¹¹ JE 7 at 1-7, 13, 18, 20; Tr. Vol. I at 168.

¹² PE 37; PE 52, PE 54, PE 55; Respondent's Exhibit (RE) 4; Tr. Vol. I at 39-42.

¹³ JE 12 at 11; Tr. Vol. I at 45, 112, 225, 243, 271-72.

¹⁴ JE 12 at 5; PE 4 at 19; Tr. Vol. I at 49-50, 143-44, 147-48, 232-33.

14. On October 25, 2024, in ***class, another student took an *** out of Student's bag. ***Student received an office referral.¹⁵
15. On October 29, 2024, another student, whom Student had no previous conflicts, was *** the other student. The assistant principal was informed of the incident and went to the bus to see if Student was injured and Student said Student was "okay." Then she called Student's Parent and spoke with Parents in person, two days later.¹⁶
16. During the in-person meeting, Parents viewed a video of the *** incident that was recorded by another student and Student wrote a statement. Student received three days of out-of-school suspension and three days of in-school suspension until the disciplinary alternative education program (DAEP) hearing was held.¹⁷
17. Student's Parent provided the District with her intent to withdraw Student from the District by email on November ***, 2024. Parents stated they withdrew Student because they felt the District could not keep Student safe and that Student was being penalized for being a victim. Student received private therapy after leaving the District.¹⁸
18. The District completed the withdrawal on November ***, 2024. Student transferred back to***.¹⁹
19. The District sent a Notice of Removal Decision to Parents on November ***, 2024, notifying them of the placement in the DAEP. In an email, the District notified Parents about Parents' appeal rights and

¹⁵ PE 7; Tr. Vol. II at 351-52, 355.

¹⁶ JE 14; PE 3 at 45; Tr. Vol. I at 55-56, 111.

¹⁷ PE 3 at 46, PE 61.

¹⁸ JE 9; Tr. Vol. I at 69.

¹⁹ JE 10.

scheduling a manifestation determination review pending the re-enrollment of Student in the District.²⁰

20. During the fall of 2024, Parents alleged that Student experienced nightmares, had headaches and nausea, had trouble eating, was more irritable, and that Student was “tired of people messing with Student.”²¹
21. Student’s first nine week report card grades were***. Student’s reading goal was developed on October ***, 2024, so the progress on this goal for Student October ***, 2024, IEP progress report did not include any data.²²
22. Student missed one day of school for illness, two days for Student ***, and two days for out-of-school suspension. Student made friends while attending school in the District and ate lunch daily with the same group of ***.²³

Counseling

23. Student requested and visited with the school counselor on October *** and ***, 2024, to discuss home life, schoolwork, friends, anger, grief, and academics. The counselor and Student discussed Student’s anger issues. Student told her Student hated being angry, Student gets upset because people get upset with Student and Student does not know how to control it. The counselor discussed strategies to recognize anger and cope with it, such as walking away or deep breathing.²⁴
24. Student also discussed schoolwork with the counselor. Student felt pressure with schoolwork, believed Student was behind, and did not understand the work. The counselor encouraged Student to reach out to the teacher for help.

²⁰ PE 8, RE 6.

²¹ Tr. Vol. I at 62-64.

²² JE 8; Tr. Vol. II at 376-78.

²³ JE 15; JE 20; Tr. Vol. I at 183, 251-52.

²⁴ RE 3; Tr. Vol. II at 312-15.

Additionally, Student mentioned peer interactions and ***

25. Student implemented the counselor's strategies and told her of an occasion Student walked away. Student never mentioned being bullied, targeted, or feeling unsafe to the counselor.²⁶

Bullying Investigation

26. During the 2024-2025 school year, administrators at ***School were responsible for investigating bullying complaints. Students could report bullying in-person, by email, or through an anonymous tip line. Employees could report bullying directly to an administrator or via the anonymous tip line. Administrators would then investigate bullying by interviewing the alleged aggressor, the alleged victim, and witnesses. The District would take a student's special education status into consideration during investigations to determine if the student's disability was a factor in the bullying.²⁷
27. On December 4, 2024, Parents filed grievance complaints about the alleged bullying. The District investigated each complaint and determined none of the incidents constituted bullying. The District sent Parents letters on December 12, 2024, with the investigation results.²⁸

²⁵ Tr. Vol. II 317-20.

²⁶ Tr. Vol. II at 321, 323.

²⁷ PE 3 at 12-15, 18-19.

²⁸ PE 76; PE 80; PE 81; PE 82; PE 83; PE 84, PE 85; Tr. Vol. I at 185, 223.

VI. DISCUSSION

A. BURDEN OF PROOF

The burden of proof in a due process hearing is on the party challenging the proposed IEP. *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 and a judicial proceeding. *Richardson Indep. Sch. Dist. v. Michael Z.*, 580 F. 3d 286, 292 n.4 (5th Cir. 2009). The burden of proof in this case is on Petitioner to show the District failed to provide Student with a FAPE and to offer a program that is reasonably calculated to provide Student with the requisite educational benefit. *Schaffer*, 546 U.S. at 62; *Andrew F., ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1.*, 580 U.S. 386, 399 (2017).

B. DUTY TO PROVIDE A FAPE

The purpose of the IDEA is to ensure that all children with disabilities have available to them a FAPE that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment and independent living. 20 U.S.C. § 1400(d). The district has a duty to provide a FAPE to all children with disabilities ages 3-21 in its jurisdiction. 34 C.F.R. §§ 300.101(a), 300.201; Tex. Educ. Code § 29.001.

The District is responsible for providing Student with specially designed personalized instruction with sufficient support services to meet Student's unique needs in order to receive an educational benefit. The instruction and services must

be provided at public expense and comport with 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 the IEP implemented by the school district "was reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances." *Endrew F.*, 580 U.S. at 403.

C. FAPE

The Fifth Circuit has articulated a four factor test to determine whether a Texas school district's program meets IDEA requirements. Those factors are:

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

In meeting the obligation to provide a FAPE, the school district must have in effect an IEP at the beginning of each school year. An IEP is more than simply a written statement of annual goals and objectives and how they will be measured. Instead, the IEP must include a description of the related services, supplementary supports and services, the instructional arrangement, program modifications, supports for school personnel, designated staff to provide the services, the duration and frequency of the services, and the location where the services will be provided. 34 C.F.R. §§ 300.22, 300.320, 300.323(a). While the IEP need not be the best possible one nor must it be designed to maximize Student's potential, the District must nevertheless provide Student with a meaningful educational benefit—one that is likely to produce progress, not regression or trivial advancement. *Houston Indep. Sch. Dist. v. V.P. ex rel. Juan P.*, 582 F.3d 576, 583 (5th Cir. 2009).

The District's obligation when developing Student's IEP is to consider Student strengths, Student parent's concerns for enhancing Student education, results of the most recent evaluation data, and Student academic, developmental, and functional needs. 34

C.F.R. § 300.324(a)(1).

The evidence showed that the District developed an IEP based on assessment and performance. When Student re-enrolled in the District, the District developed an IEP with comparable services to the one Student received from Round Rock ISD and used its own FIE to develop an updated IEP. Student's IEP included a measurable annual goal for reading and classroom accommodations

based on Student present levels. Student's IEP did not include a behavior intervention plan or any behavior supports because Student had no need for such services based on Student evaluation and overall behavior in the District, which was also consistent with the IEP from Round Rock ISD. All ARD committee meetings ended in agreement.

Petitioner argues that Student's IEP should have included some behavioral supports or related services due to Student's alleged bullying and harassment, which is addressed below. Petitioner presented no evidence of any deficiencies in Student's IEP.

2. Least Restrictive Environment

The IDEA requires a student with a disability to be educated with non-disabled peers to the maximum extent appropriate and that special classes, separate schooling and other removal from the regular education environment occurs only if the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. This provision is known as the "least restrictive environment requirement." 34 C.F.R. § 300.114(a)(2)(i), (ii).

To determine whether a school district is educating a student with a disability in the least restrictive environment, consideration must be given to:

1. Whether the student with a disability 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 evidence showed that Student was educated in Student least restrictive environment. Student was only removed from the general education setting for Student direct dyslexia intervention. Otherwise, Student was educated in the general education setting and attended all non-academic classes and/or settings with the general education student population. Petitioner failed to present any evidence that the District failed to educate Student in Student least restrictive environment.

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

The IDEA contemplates a collaborative process between the school district and the parents. *E.R.*, 909 F.3d 765. The IDEA does not require a school district, in collaborating with a student's parents, to accede to a parent's demands. *Blackmon ex rel. Blackmon v. Springfield R-XII Sch. Dist.*, 198 F.3d 648, 658 (8th Cir. 1999). The right to meaningful input does not mean a student's parents have the right to dictate an outcome, because parents do not possess "veto power" over a school district's decisions. *White ex rel. White v. Ascension Parish Sch. Bd.*, 343 F.3d 373, 380 (5th Cir. 2003). Absent bad faith exclusion of a student's parents or refusal to listen to them, a school district must be deemed to have met the IDEA's requirements regarding collaborating with a student's parents. *Id.*

The evidence showed services were provided in a coordinated, collaborative manner by key stakeholders. Parents emailed and spoke directly with District employees on multiple occasions. One or both Parents attended the three ARD committee meetings held in the Fall of 2024 and all meetings ended in agreement. Parents' biggest concern seems to be that Student's safety was not addressed to their satisfaction at an ARD committee meeting or at all. While Parents disagreed with how the District responded to the incidents of alleged bullying, this disagreement does not negate the fact the District followed up on each incident when they occurred and then conducted a bullying investigation after the Parents filed their grievance on December ***, 2024. Petitioner presented no evidence that the District excluded them in bad faith or refused to listen to their concerns.

4. Academic and Non-Academic Benefits

Whether a Student received academic and non-academic benefit is one of the most critical factors in any analysis as to whether a Student has received a FAPE. *R.P. ex rel. R.P. v. Alamo Heights Indep. Sch. Dist.*, 703 F.3d 801, 813-14 (5th Cir. 2012).

The evidence showed Student made academic and non-academic progress. Petitioner argues the District failed to provide non-academic benefit to Student due to Student alleged bullying and harassment, which is addressed below. Student attended the District for one grading period and received all ***on Student first nine weeks report card. While Parents argue the alleged incidents of bullying denied Student a non-academic benefit, the record shows that these were isolated incidents, that Student made friends during Student time in the District, and District

staff did not witness or report any other concerns with Student's non-academic progress during the relevant time period.

5. FAPE conclusion

The District developed a program for Student that was reasonably calculated to enable Student to make appropriate progress in light of Student circumstances. *Endrew F.*, 580 U.S. at 399. Student's IEP and program were developed based on the District's evaluation and placed Student in Student least restrictive environment. Parents, as well as key stakeholders from the District, provided input to develop Student's program, and Student received academic and non-academic benefit. A review of the overall educational program shows Student was provided a FAPE and made progress with the program as it was developed. *Michael F.*, 118 F.3d at 253.

D. IEP IMPLEMENTATION

When determining whether a school district failed to adequately implement a student's IEP, the Judge must determine whether a FAPE was denied by considering under the third Michael F. factor whether there was a significant or substantial failure to implement the IEP and whether, under the fourth Michael F. factor, there have been demonstrable academic and non-academic benefits from the IEP. *Spring Branch Indep. Sch. Dist. v. O.W. by Hannah W.*, 961 F.3d 781, 795-96 (5th Cir. 2020). To prevail on this claim, Petitioner must show more than a *de minimis* failure to implement all elements of Student's IEP, and instead, must

demonstrate that the District failed to implement substantial or significant provisions. *Houston Indep. Sch. Dist. v. Bobby R.*, 200 F.3d 341, 349 (5th Cir. 2000).

Petitioner failed to present evidence regarding the District's failure to implement Student's IEP.

E. BULLYING AS A DENIAL OF A FAPE

A school district's failure to stop bullying may constitute a denial of a FAPE if it results in a student with a disability not receiving a meaningful educational benefit. *Shore Regional High Sch. Bd. of Educ. v. P.S.*, 381 F. 3d 194 (3d Cir. 2004). *Dear Colleague Letter*, 113 LRP 33753 (OSERS Aug. 20, 2013). Bullying may lead to a denial of a FAPE if school personnel were deliberately indifferent to, or failed to take reasonable steps, to prevent bullying that adversely affects or results in the regression of educational benefit or substantially restricts the student with a disability from accessing educational opportunities. *T.K. and S.K. ex rel. K.K. v. New York City Dep't of Educ.*, 779 F. Supp. 2d 289, 316 (S.D.N.Y. 2011).

In order to prevail on a claim for a hostile, unsafe learning environment under the IDEA, Petitioner must show that the conduct was sufficiently severe, persistent, or pervasive that it created a hostile environment. It is not necessary that Petitioner show the bullying prevented all opportunity for an appropriate education, but only that it is likely to affect the opportunity of the student for an appropriate education. *Id.* at 317.

Petitioner argues that the District failed to provide a safe, non-hostile education environment for Student, because during Student time in the District Student was involved in seven incidents of negative peer interactions. The evidence corroborates five incidents of negative peer interactions, and in each incident, Student was interacting with a different student. In each incident, the District took steps to determine what occurred and addressed the situations as needed. None of the incidents rose to the level of bullying, because none of them involved a power imbalance or were sufficiently severe, persistent, or pervasive that it created a hostile environment. *See Id.* Most of the incidents involved Student playing around with other students and the situations escalated. Student was not targeted due to Student dyslexia disability or Student neck injury. The bus incident was a one-time interaction between Student and the other student and the District addressed it by changing the seating arrangements on the bus. After investigating the bathroom incident, the District was unable to verify Student's claim of Student genitals being touched.

Parents claim Student had nightmares, had issues with eating, and was irritable; however, no evidence was presented to corroborate this claim, and no District employees were informed of or personally witnessed any of these changes in Student's behavior. Student did not discuss any of the behavioral changes or bullying with the school counselor. The alleged bullying did not prevent Student from accessing or receiving an appropriate education as evidenced by Student progress. Each incident was examined by the District by interviewing Student, other students, and video footage when available. None of the incidents were found to be bullying. Petitioner failed to meet Student burden on this claim.

F. PROCEDURAL ISSUES

Petitioner alleges procedural violations of the IDEA. Liability for a procedural violation only arises if the procedural deficiency impeded the student's right to a FAPE, significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE, or caused a deprivation of educational benefit. 34 C.F.R. § 300.513(a)(2).

Petitioner argues the District failed to convene an ARD committee meeting to address Student's harassment and add additional accommodations to Student IEP. Parents never requested an ARD committee meeting and Student never presented with any new needs that would have indicated to the District a need to convene an ARD committee meeting. 34 C.F.R. § 300.324(b). Student experienced some negative peer interactions and had two sessions with the school counselor. Student did not mention being bullied or feeling unsafe to the counselor. When Student mentioned Student anger issues, the counselor gave Student tools to use and Student utilized those tools. Parents never mentioned any of their concerns about nightmares, headaches, or not eating to the District and no District personnel had any concerns regarding Student's behavior. Petitioner presented no evidence from an expert or District personnel that an ARD committee needed to convene to add any additional accommodations to Student's IEP. Petitioner failed to meet Student burden on this claim.

G. REIMBURSEMENT FOR PRIVATE SCHOOL

Petitioner must meet a two-part test in order to secure private placement at school district expense. First, Student must prove that the school district's program was not appropriate. Second, Student must prove that the proposed private placement is appropriate. *Burlington Sch. Committee v. Dept. of Educ.*, 471 U.S. 359, 370 (1985); *Florence Cnty. v. Carter*, 510 U.S. 7 (1993).

In this case, the District provided Student with a FAPE; therefore, there is no need to consider whether Student met the second prong of the private placement test.

VII. CONCLUSIONS OF LAW

1. The burden of proof in a due process hearing is on the party challenging the IEP. *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 62 (2005).
2. The District provided Student a FAPE during the relevant time period, and Student IEP was reasonably calculated to address Student needs in light of Student unique circumstances. *Endrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 580 U.S. 386, 403 (2017).
3. Petitioner did not meet Student burden of proving that the District failed to implement Student's IEP. *Spring Branch Indep. Sch. Dist. v. O.W. by next friend Hanna W.*, 961 F.3d 781, 795-96 (5th Cir. 2020).

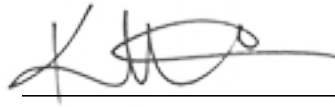
4. Petitioner did not meet Student burden of proving that the District failed to protect Student from bullying. *Shore Regional High Sch. Bd. of Educ. v. P.S.*, 381 F.3d 194 (3d Cir. 2004), *T.K. and S.K. ex rel. K.K. v. New York City Dep't of Educ.*, 779 F. Supp. 2d 289, 316 (S.D.N.Y. 2011).
5. Petitioner did not meet Student burden of proving that the District committed a procedural violation. 34 C.F.R. § 300.513 (a)(2)(i-iii).

ORDER

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

Signed December 8, 2025.

ALJ Signature:

A handwritten signature in black ink, appearing to read 'Kasey White', written over a horizontal line.

Kasey White

Presiding Administrative Law Judge

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).