

2024-25 Louisiana Special Education Due Process Hearing Dispositions

This document contains a copy of the decision or order that disposed of each Louisiana special education due process hearings filed on or between July 1, 2024, and June 30, 2025. Each case filed during the relevant timeframe is included in the informational table below. If a matter has been decided, the order or decision disposing of the matter will appear below. This document is updated at least monthly on the last business day of the month.

If you have any questions or concerns, please contact the Department at DisputeResolution.DOE@la.gov.

LDOE Case Number	Public Agency	Disposition	Date of Disposition
45-H-01	Orleans Parish	Withdrawn	August 7, 2024
45-H-02	Caddo Parish	Withdrawn	August 9, 2024
45-H-03	Iberville Parish	Dismissed	August 15, 2024
45-H-04	Livingston Parish	Withdrawn	May 14, 2025
45-H-05	East Baton Rouge Parish	Noncompliance	October 20, 2025
45-H-06-E	DeSoto Parish	Withdrawn	September 19, 2024
45-H-07	Orleans Parish	Withdrawn	January 3, 2025
45-H-08	Terrebonne Parish	Withdrawn	October 30, 2024
45-H-09	Livingston Parish	Pending	--
45-H-10-E	Lafayette Parish	Withdrawn	February 7, 2025
45-H-11	Lincoln Parish	Compliance	September 26, 2025
45-H-12	Lincoln Parish	Dismissed	July 30, 2025
45-H-13	Lincoln Parish	Dismissed	July 30, 2025
45-H-14	St. James Parish	Dismissed	January 31, 2025
45-H-15-E	Livingston Parish	Withdrawn	March 14, 2025
45-H-16	St. James Parish	Dismissed	January 31, 2025
45-H-17	Lincoln Parish	Withdrawn	January 13, 2025
45-H-18	Bossier Parish	Withdrawn	January 9, 2026
45-H-19	Lincoln Parish	Dismissed	March 31, 2025
45-H-20	Orleans Parish	Dismissed	March 6, 2025
45-H-21	Bossier Parish	Withdrawn	March 31, 2025
45-H-22	Lincoln Parish	Consolidated with 45-H-12	
45-H-23	Lincoln Parish	Consolidated with 45-H-11	
45-H-24-E	Lincoln Parish	Consolidated with 45-H-11	
45-H-25	Calcasieu Parish	Withdrawn	April 29, 2025

45-H-26	Jefferson Parish	Dismissed	June 17, 2025
45-H-27	Livingston Parish	Withdrawn	August 25, 2025
45-H-28	St. Tammany Parish	Compliance	October 30, 2025
45-H-29	St. Martin Parish	Withdrawn	April 9, 2025
45-H-30	East Baton Rouge Parish	Compliance	October 30, 2025
45-H-31-E	Lafayette Parish	Withdrawn	May 2, 2025
45-H-32	Ascension Parish	Dismissed	May 29, 2025
45-H-33-E	Lafayette Parish	Withdrawn	May 8, 2025
45-H-34	Jefferson Davis Parish	Withdrawn	May 20, 2025
45-H-35	East Baton Rouge Parish	Withdrawn	May 30, 2025
45-H-36	East Baton Rouge Parish	Withdrawn	June 2, 2025
45-H-37	Lycee Francais de la Nouvelle-Orleans	Dismissed	July 24, 2025
45-H-38	Lycee Francais de la Nouvelle-Orleans	Withdrawn	June 13, 2025
45-H-39	New Harmony High School	Withdrawn	August 7, 2025
45-H-40	St. Landry Parish	Withdrawn	July 7, 2025
45-H-41	Jefferson Parish	Dismissed	June 16, 2025
45-H-42	Calcasieu Parish	Pending	--
45-H-43	Zachary Community Schools	Withdrawn	July 23, 2025

Louisiana Special Education Due Process Hearing

45-H-01



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT

*** DOCKET NO. 2024-16866-DOE-IDEA**

IN THE MATTER OF

*

PARENT ON BEHALF OF MINOR¹

*** AGENCY LOG NO. 45-H-01**

ORDER TERMINATING ADJUDICATION

On July 22, 2024, Parent on behalf of Minor filed a request for a due process hearing. On July 24, 2024, Parent on behalf of Minor submitted a written request to withdraw the due process request stating that she will continue with her formal complaint filed on May 18, 2024. There is no pending conference or hearing scheduled. The request to withdraw a due process hearing is granted.

ORDER

IT IS ORDERED that Parent on behalf of Minor’s Withdrawal of Hearing Request is **GRANTED**.

IT IS ORDERED that the matter entitled Parent on behalf of Minor bearing docket number *2024-16866-DOE-IDEA* is **TERMINATED**.

Rendered and signed on August 7, 2024, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Thursday, August 08, 2024, I have sent a copy of this decision/order to all parties of this matter.

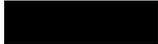
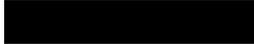
Clerk of Court
Division of Administrative Law



Stephanie E. Robin
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

LEGEND

Parent	
Minor	
School	
School District	New Orleans Public Schools

CERTIFICATE OF SERVICE

I certify that the attached **Order Terminating Adjudication in Docket No. 2024-16866-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail this 8th day of August 2024.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL AND CERTIFIED MAIL

[REDACTED]

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Louisiana Special Education Due Process Hearing

45-H-02



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT

*** DOCKET NO. 2024-17361-DOE-IDEA**

IN THE MATTER OF

**PARENT ON BEHALF OF MINOR
CHILD¹**

*** AGENCY ID. 45-H-02**

ORDER TERMINATING ADJUDICATION

Parent on behalf of Minor Child requested an administrative hearing to challenge actions by School District. A telephone status conference was scheduled for August 9, 2024. On August 6, 2024, Parent agreed to and signed a resolution agreement withdrawing his request for a hearing. The request is granted.

ORDER

IT IS ORDERED that Parent on behalf of Minor Child’s withdrawal of hearing request is **GRANTED**.

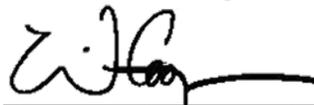
IT IS FURTHER ORDERED that Parent on behalf of Minor Child’s request for a hearing is **DISMISSED**, the adjudication under docket number 2024-17361-DOE-IDEA is **TERMINATED**, and the telephone status conference on August 9, 2024, at 10:00 a.m. is **CANCELED**.

Rendered and signed on August 8, 2024, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Thursday, August 08, 2024, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law



William H. Cooper III
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

LEGEND

PARENT: [REDACTED]

MINOR CHILD: [REDACTED]

SCHOOL DISTRICT: Caddo Parish School Board

CERTIFICATE OF SERVICE

I certify that the attached **Order Terminating Adjudication in Docket No. 2024-17361-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail this 8th day of August 2024.

Clerk of Court

Division of Administrative Law

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Louisiana Special Education Due Process Hearing

45-H-03



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT * **DOCKET NO. 2024-18272-DOE-IDEA**
*
*
IN THE MATTER OF *
*
PARENT ON BEHALF OF CHILD * **AGENCY ID. 45-H-03**

ORDER GRANTING DECLINATORY EXCEPTION

On August 5, 2024, Parent¹ on behalf of Child filed a request for a due process hearing naming School District as a party. The Division of Administrative Law (DAL) received the due process hearing request from the Louisiana Department of Education (LDOE) on August 6, 2024. On August 8, 2024, School District received the due process hearing request from LDOE.

Parent’s due process hearing request consists of her statement on the form provided by the Louisiana Department of Education (LDOE) in the violations section, “My son is not being placed in the correct classroom nor the correct parish...IEP and Behavior Plan is not correct. I request an IEP meeting and have not received.”

On August 12, 2024, School District through counsel of record filed a Declinatory Exception of Improper Party.² In support of its exception, School District submitted documents showing that Child was not enrolled in School District until August 9, 2024, four days after the date Parent filed the due process hearing request. School District also submitted documentation that during the one-year prescriptive (“look-back”) period allowed for due process hearings, which

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. *See* attached Legend for identifying information.

² Within fifteen days of receipt of the written request for due process hearing, the receiving party may file an exception to raise the insufficiency of the request, including through a Declinatory Exception of Improper Party. *See* Louisiana Administrative Code (LAC) 28:XLIII.508.B and La. Code of Civ. Proc. art. 925.

in this case is the 2023-2024 school year, Child was enrolled in a different High School under the jurisdiction of School District #2.

School District has shown that it could not be the proper party for a due process hearing request filed on August 5, 2024. Louisiana Administrative Code (LAC) 28:XLIII.507.A.2 provides that “the due process hearing request shall allege a violation that occurred not more than one year before the date the parent knew or should have known about the alleged action that forms the basis of the request for due process hearing.” Because Child was not enrolled in School District, the alleged actions during the previous year could not have been committed by the named School District. The proper party is the School District that owed Child certain education rights under the Individuals with Disabilities Education Act (IDEA) during the one-year period prior to the filing of the due process hearing request.

While some defects in a request for due process hearing may be cured by amending the complaint,³ naming the proper party cannot simply be cured by an amendment because due process requires notice and service through LDOE on the proper School District. This tribunal could not allow an amendment to the due process hearing request to substitute the proper party because LDOE and not the Division of Administrative Law is the agency responsible for ensuring due process notice and service on the correct School District. Additionally, once LDOE effects due process by serving the due process hearing request on a School District, that School District is required to meet certain regulation requirements, including participating in a resolution meeting to attempt a resolution, attending mediation if requested, and/or participating in the due process hearing. The School District named in Parent’s request for due process hearing is not the party who owed the education rights under the IDEA to Child within one year prior to the filing of the

³ 34 C.F.R. § 300.508(d); LAC 28:XLIII.508.E.

due process request. The named School District is not the party required to conduct the resolution meeting, attend mediation, and/or participate in this due process hearing.

For these reasons, School District's Declinatory Exception is granted and Parent's request for a due process hearing is dismissed.

This tribunal notes that it cannot give legal advice to the parties, as it must remain independent and impartial. This tribunal is allowed to explain the proceedings to a self-represented party. While the granting of the Declinatory Exception of Improper Party results in a dismissal of this request for due process hearing, Parent is allowed to refile a request for due process hearing with LDOE against the correct School District.

ORDER

IT IS ORDERED that School District's Declinatory Exception of Improper Party is **GRANTED**.

IT IS FURTHER ORDERED that Parent on behalf of Child's due process hearing request, bearing docket number 2024-18272-DOE-IDEA, is **DISMISSED** and the adjudication is **TERMINATED**.

IT IS FURTHER ORDERED that the initial telephone conference scheduled for August 28, 2024, at 10:00 a.m., is **CANCELLED**.

Rendered and signed on August 15, 2024, in Baton Rouge, Louisiana.

Esther A. Redmann

Esther A. Redmann
Administrative Law Judge
Division of Administrative Law

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, August 19, 2024, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law

LEGEND

School District

Iberia Parish School District

Parent



Minor Child



High School



School District #2

Ascension Parish School Board

CERTIFICATE OF SERVICE

I certify that the attached **Order Granting Declinatory Exception in Docket No. 2024-18272-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail this 19th day of August 2024.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL AND CERTIFIED MAIL

[REDACTED]

BY CERTIFIED MAIL ONLY

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Louisiana Special Education Due Process Hearing

45-H-04



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹ * **DOCKET NO. 2024-18848-DOE-IDEA**
*
IN THE MATTER OF *
*
PARENT ON BEHALF OF MINOR * **AGENCY LOG NO. 45-H-04**

ORDER TERMINATING ADJUDICATION

On August 14, 2024, Parent on behalf of Minor filed a *Request for Due Process Hearing*. On January 30, 2025, Parent on behalf of Minor filed a *Motion to File Amended Request*. On February 14, 2025, an order was issued by this tribunal granting Parent on behalf of Minor’s amended due process hearing request.

A telephone status conference is scheduled for May 14, 2025, at 10:00 a.m., and a due process hearing is scheduled for May 19, 20, 21, 22, and 23, 2025, commencing at 9:00 a.m., each day.

On May 12, 2025, Parent on behalf of Minor filed a motion requesting to withdraw the due process hearing complaint. The request is granted.

ORDER

IT IS ORDERED that Parent on behalf of Minor’s request to withdraw the due process hearing complaint is **GRANTED**.

IT IS FURTHER ORDERED that the matter entitled Parent on behalf of Minor bearing docket number *2024-18848-DOE-IDEA* is **TERMINATED**.

IT IS FURTHER ORDERED that the telephone status conference scheduled for May 14, 2025, at 10:00 a.m., is **CANCELED**.

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

IT IS FURTHER ORDERED that the due process hearing scheduled for May 19, 20, 21, 22, and 23, 2025, commencing at 9:00 a.m. each day, is **CANCELED**.

Rendered and signed on May 14, 2025, in Baton Rouge, Louisiana.

Anthony J. Russo

Anthony J. Russo
Administrative Law Judge
Division of Administrative Law

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Wednesday, May 14, 2025, I have sent a copy of
this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law

LEGEND

Parent	
Minor	
School District	Livingston Parish School Board
Director of Special Education	Dr. Eric Penalber

CERTIFICATE OF SERVICE

I certify that the attached **Order Terminating Adjudication in Docket No. 2024-18848-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail this 14th day of May 2025.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL AND CERTIFIED MAIL



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BY ELECTRONIC MAIL ONLY

Louisiana Department of Education
E-mail: DisputeResolution.DOE@la.gov

Louisiana Special Education Due Process Hearing

45-H-05



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2024-50001-DOE**

IN THE MATTER OF

PARENTS ON BEHALF OF MINOR

*** AGENCY ID. 45-H-05**

DECISION AND ORDER

Parents on behalf of Minor filed a due process hearing request against School District under the Individuals with Disabilities Education Act (IDEA), alleging that School District denied Minor a free appropriate public education (FAPE) by (1) failing to develop an Individualized Education Program (IEP) that is reasonably calculated to enable Minor to receive educational benefits in light of ■ unique circumstances for the period August 30, 2022, through August 30, 2024, which coincides with the 2022-2023 and 2023-2024 school years; (2) failing to implement a reasonably calculated IEP to enable Minor to receive educational benefits in light of Minor’s unique circumstances for the period August 30, 2022, through August 30, 2024, which coincides with the 2022-2023 and 2023-2024 school years; and (3) failing to provide Parents with sufficient prior written notices (PWNs).

Parents proved that School District denied Minor FAPE by failing to implement a reasonably calculated IEP to enable Minor to receive educational benefits in light of Minor’s unique circumstances for the period August 30, 2022, through August 30, 2024, which coincides with the 2022-2023 and 2023-2024 school years.

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APPEARANCES

The due process hearing was conducted on the following days: April 29-30, May 1-2, 6-7, and August 4-5, 2025, in Baton Rouge, Louisiana before Administrative Law Judge (ALJ) Adaora Chukudebelu. Present for the hearing were Parent-M; Parents' counsel of record, Kimona Hogan; School District's counsel of record, Wayne T. Stewart and Carlar Alexander, and School District Representative.²

The following witnesses testified at the hearing: Parent-M; School District Representative; Exceptional Student Services (ESS) Supervisor; ESS Director; ESS Teacher-1; ESS Teacher-2; Speech/Language Pathologist; Physical Therapist; Occupational Therapist; Speech/Language/Assistive Technology Program Facilitator; ESS Instructional Support Specialist; Teacher of the Visually Impaired (TVI)-Expert; Visual Impairment Program Facilitator; Assistive Technology Specialist; Expert Witness; and Principal.

JURISDICTIONAL AUTHORITY

This adjudication is conducted in accordance with IDEA, 20 United States Code (U.S.C.) § 1400, et seq. and 34 Code of Federal Regulations (C.F.R.) §300 et seq.; Education of Students with Exceptionalities, Louisiana Revised Statutes (La. R.S.) 17:1941, et seq.; Pupil Appraisal Handbook, Louisiana Administrative Code (LAC) 28:CI, Louisiana Department of Education (LDOE) Bulletin 1508; Regulations for Implementation of the Children with Exceptionalities Act, LAC 28:XLIII, LDOE Bulletin 1706; Louisiana's IEP Handbook for Students with Exceptionalities, LAC 28:XCVII, LDOE Bulletin 1530; and the Division of Administrative Law's enabling legislation, La. R.S. 49:991, et seq.

² Carlar Alexander was not present on the last day of the hearing, August 5, 2025.

STATEMENT OF THE CASE

On August 30, 2024, Parents on behalf of Minor filed a due process hearing request against School District under IDEA, alleging that School District failed to provide FAPE to Minor as follows:

1. Failure to develop an IEP that is reasonably calculated to enable Minor to receive educational benefits in light of [REDACTED] unique circumstances for the 2022-2023 and 2023-2024 school years.
2. Failure to implement an IEP that is reasonably calculated to enable Minor to receive educational benefits in light of [REDACTED] unique circumstances for the 2022-2023 and 2023-2024 school years.
3. Failure to provide Parents with sufficient PWNs that clearly explained the reasons for denying their requests and that outlined the alternatives considered.

Parents argued that School District repeatedly and systematically failed to fulfill its obligations under IDEA and School District denied Minor FAPE. Parents sought varied remedies, including compensatory services; compensatory education; require Minor's IEP team to reconvene and revise the IEP with specific, measurable goals that address Minor's unique needs, including expanded core curriculum support, Assistive Technology (AT) use, and targeted direct instruction from a TVI; require School District to provide intensive and ongoing training for all educational staff involved in Minor's education; and an award of other such relief that is appropriate to remedy the violations described and ensure the provision of FAPE.³

³ Parents also sought award of attorney fees and costs. The ALJ does not have the statutory authority under IDEA to award attorney fees and costs.

Parents sought redress that extends beyond the time frame of the filing of this complaint.⁴

School District maintained that it provided FAPE to Minor, and that Parents failed to meet their burden of proving a denial of FAPE.

Before the conclusion of the hearing, the parties made closing arguments. The record was left open until 4:30 PM on September 25, 2025, to allow the parties to review the official transcript and notify the ALJ of any errors and to file post-hearing briefs. Both parties filed briefs, the matter was submitted for decision, and the record closed on September 25, 2025. The parties requested that the deadline to mail the decision in this matter be extended to October 20, 2025.

FINDINGS OF FACT

Minor is the biological child of Parents. Parents are the legal guardian of Minor. Minor is a ■■■-year-old student enrolled at School. ■■■ continues to qualify for special education services under LDOE Bulletin 1508. Minor, as a student with a disability under IDEA residing in School District's district, is eligible to receive special education and related services from School District as defined by an IEP, designed by an IEP Team, and implemented by School District specifically for Minor. Minor has the following exceptionalities: Other Health Impairment, Orthopedic Impairment, and Visual Impairment – Blindness.⁵ Minor has a medical diagnosis of cerebral/cortical vision impairment (CVI) caused by encephalopathy.⁶ ■■■ has a feeding tube, and

⁴ A due process hearing request shall allege a violation that occurred not more than two years before the date the parent or public agency knew or should have known about the alleged action that forms the basis of the request for due process hearing. See LDOE Bulletin 1706 § 507(A), LDOE Bulletin 1706 § 511(F), and LDOE Bulletin 1706 § 511(G). The two-year timeline does not apply to a parent if the parent was prevented from filing a request for due process hearing due to: (1) specific misrepresentations by the Local Education Agency (LEA) that it had resolved the problem forming the basis of the request for due process hearing or (2) the LEA's withholding of information from the parent that was required under these regulations to be provided to the parent. Because Parents failed to show that either exception applied in this case, any redress Parents seek will be limited to the two-year timeline provided in the law.

⁵ SD-5, pp. 1, 3.

⁶ *Id.* at pp. 3, 27.

suffers from seizures and allergies.⁷ ■■■ has limited use of all ■■■ extremities, does not ambulate, fatigues easily, and needs assistance with activities of daily living.⁸ ■■■ has a rare genetic variation ■■■ that causes a loss of voluntary motor skills and the occurrence of involuntary movements that significantly impacts ■■■ gross and fine motor skills, ■■■ ability to communicate through spoken word and gestures, and ■■■ capacity to perform all activities of daily living.⁹

Three IEPs dated March 23, 2022, March 16, 2023, and February 27, 2024, were implemented during the period in which Parents requested the due process hearing.

MARCH 23, 2022, IEP

An IEP meeting was held on March 23, 2022. Parents were given prior notice of the meeting.¹⁰ Parents were given prior notice of IEP Team's proposal to implement the March 23, 2022, IEP.¹¹

The IEP was developed with multiple participants including: Parents, ESS Teacher-1, ESS Teacher-2, Speech/Language Pathologist, Adapted Physical Education (APE) Teacher, Regular Education Teacher-1, Assistive Technology Specialist, TVI-M, ESS Supervisor-P, Physical Therapist, Occupational Therapist, ESS Instructional Support Specialist, Speech/Language/Assistive Technology Program Facilitator.¹²

During the March 23, 2022, IEP meeting, Minor was ■■■ years old and in Kindergarten,¹³ ■■■ had been receiving special education services for four years.¹⁴ The IEP committee previously determined that Minor's needs were best met by placing ■■■ in the regular classroom less than 40

⁷ *Id.* at p. 23.

⁸ *Id.* at p. 27.

⁹ *Id.* at p. 3.

¹⁰ SD-6, pp. 19-24.

¹¹ *Id.* at p. 18.

¹² *Id.* at pp. 1-2.

¹³ *Id.*

¹⁴ *Id.* at p. 2.

percent of the day.¹⁵ ■■■ is provided support from a severe/profound special education setting.¹⁶ Minor repeated Pre-K, has a child-specific nurse, has a wheelchair, is on a constant feed hooked to ■■■ g-tube, and is on a ketogenic diet.¹⁷

Minor receives related services in speech-language pathology, occupational therapy, and physical therapy.¹⁸ Minor receives speech therapy due to language deficits.¹⁹ Minor also receives special services in adapted physical education and assistive technology.²⁰ ■■■ has functional needs in gross motor skills, fine motor skills, and communication; Minor requires support and intervention in readiness skills.²¹

Impairments and Strengths

The IEP reflects that Minor has multiple impairments, including Visual Impairment - Blindness, Orthopedic Impairment, and Other Health Impairment.²² Minor has the following medical diagnoses: ■■■, cerebral palsy, dysphagia, refractory seizure disorder, cortical visual impairment, sympathetic storming, gastrointestinal dysmotility, spasticity, and dysautonomia.²³

Minor's strengths include the ability to make choices with one or two options using the eye gaze, and observational data indicates ■■■ strengths in participating and expressing facial expressions of interest and participating in hand-under-hand activities.²⁴

Educational Progress

¹⁵ *Id.* at pp. 1-2, 14.

¹⁶ SD-6, pp. 1-2.

¹⁷ *Id.*

¹⁸ *Id.* at p. 3.

¹⁹ *Id.* at p. 4.

²⁰ *Id.* at p. 3.

²¹ *Id.*

²² SD-6, p. 1.

²³ *Id.* at p. 3.

²⁴ *Id.* at pp. 1-2.

Minor's 3rd 9 weeks report card grades are as follows: English Language Arts ESS= 94/A; Math ESS= 93/A; Science ESS= 93/A; Social Studies ESS= 93/A; Work Habits/Conduct ESS=100/A; Music ESS =100/O; and Physical Education/Health= 100/O.²⁵ The IEP reflects that a review of the previous IEP, which is outside of the prescriptive period, indicates that the student achieved 1/4 of objectives in speech, 2/4 of objectives in motor-gross, and 2/4 of objectives in readiness skills.²⁶ The interventions/strategies being used to address Minor's lack of progress in the general curriculum are verbal/visual cues, prompts, physical assistance, and manipulatives.²⁷ The CVI Range assessment indicated that Minor's functional vision was beginning Phase II in February 2020.²⁸

Communication Modalities

At school Minor uses a variety of high tech, low tech communication to express preference, to gain attention, to reject, and to respond.²⁹ During the day, ■ uses high tech to activate a single voice-output augmentative communication device to continue play of a preferred song given verbal cues and prompts.³⁰ When engaged, Minor uses a combination of high tech and no tech communication including eye gaze, facial expressions, body movement, vocalizations, and switch activation to show preference, to gain attention to reject, and to respond to adults and peers.³¹ During ■ sessions, ■ is seated in ■ wheelchair with ■ tray with a single voice-output switch positioned in ■ lap on ■ right side.³² ■ uses ■ right hand in a fist moving up and down to activate a switch repeatedly to hear a recording of a favorite song, sound, or message.³³ Continued

²⁵ *Id.* at p. 3.

²⁶ *Id.*

²⁷ *Id.*

²⁸ SD-6, p. 4.

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

monitoring of proper position is important for optimal communication.³⁴ Strategies for optimal vision are equally important and include turning the student away from light sources, presenting instructional materials within 12 inches of the student on ■ left or right side at the height of ■ shoulders against a black or dark background, using simple, realistic photos including preference colors of red and yellow if possible, including simple slow movement with objects and realistic photos, and using backlight to highlight objects.³⁵ Communication partners sit facing the student and watch ■ face for a reaction.³⁶ Communication partners wear a non-patterned shirt (avoid preferred color of red) or a black smock.³⁷ The communication partner remains quiet and does not cheer Minor on for small gain as Minor stops all visual and motor actions when ■ hears a voice.³⁸ The communication partner provides sufficient visual and motor response time up to 2 minutes.³⁹ Minor benefits from a multisensory approach to learning including the use of pictures and objects, manipulatives, and experiences to enhance comprehension, word finding, visual/auditory memory, and expressive language.

Instructional Plans

The 2022 IEP contains three instructional plans, each with measurable academic/functional goals, and methods of measurements for the following content areas: (a) Language;⁴⁰ (b) Readiness;⁴¹ and (c) Gross.⁴² The methods of measurement included daily documentation logs and observational data.⁴³

³⁴ SD-6, p. 4.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ SD-6, p. 5.

⁴¹ *Id.* at pp. 6-7.

⁴² *Id.* at p. 8.

⁴³ *Id.* at pp. 5-8.

(a) **Language:** In the content area of Language, Minor's 2022 IEP goal is that given proper positioning and support, as well as visual and verbal cues and prompts, ■ will request desired objects, request actions of core word vocabulary, and answer WHO/WHAT questions about a story or language activity using eye gaze, facial expressions, body movements, and/or augmentative device, 10 times per day across environments for 6 random checks over a 9-week period by the end of the IEP year as evidenced by documentation logs.⁴⁴ Minor's IEP reflects that the following adaptations will be provided for all objectives for the purpose of optimal vision and communication: communication partner will face the student, watching ■ face for a reaction, communication partners will wear a non-patterned shirt (avoid preferred color of red) or a black smock.⁴⁵ Environment will be quiet with limited auditory stimulation in the background, so that Minor is not distracted.⁴⁶ The communication partner provides sufficient visual and motor response time up to 2 minutes.⁴⁷ Provide opportunities for Minor to visually orient to an object/photo and avert ■ gaze before responding with a motor movement to activate a switch or direct select will be allowed.⁴⁸ The 2022 IEP also contains three short-term objectives under this content area.⁴⁹

The March 16, 2023, IEP reflects that Minor achieved 1/3 of objectives in speech from the 2022 IEP.⁵⁰

(b) **Readiness:** In the content area of Readiness, Minor's 2022 IEP goal is that given visual/verbal cues, manipulatives, prompting support, and physical assistance, ■ will understand

⁴⁴ *Id.* at p. 5.

⁴⁵ SD-6, p. 17.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.* at p. 5.

⁵⁰ SD-5, p. 4.

relationships between numbers, using visual objects and pictures in 3/5 trials by the end of the IEP year.⁵¹ The 2022 IEP also contains nine short-term objectives under this content area.⁵²

The March 16, 2023, IEP reflects that Minor achieved 2/9 of readiness skills objectives from the 2022 IEP.⁵³

(c) **Gross**: In the content area of Gross, Minor's 2022 IEP goal is that given equipment, physical assistance, and motivational objects (lighted or musical), the student will perform a bridge (voluntary hip extension from the supine position) upon teacher request five times in a 30-minute session, successfully attempt reaching activities using each arm at each session in two out of three trials (per session) and sit on the floor, using arms for support (prop sit) with preferred visual stimulus at eye level and with head in the midline position for five seconds on three occasions in a 30-minute session by the end of the IEP year as measured by documentation logs.⁵⁴ The 2022 IEP also contains three short-term objectives under this content area.⁵⁵

The March 16, 2023, IEP reflects that Minor achieved 2/4 of motor-gross objectives from the 2022 IEP.⁵⁶

Parent admitted that the OT and PT services align with Minor's needs and that Minor has made progress with ■■■ needs.⁵⁷ Parent also acknowledged that Physical Therapist has taken the lead on PT, OT, and APE and that Minor is meeting ■■■ goals in these related services.⁵⁸

⁵¹ SD-6, p. 6.

⁵² *Id.*

⁵³ SD-5, p. 4.

⁵⁴ SD-6, p. 8.

⁵⁵ *Id.*

⁵⁶ SD-5, p. 4.

⁵⁷ Testimony of Parent-M, Transcript Hearing Day 6, p. 83.

⁵⁸ *Id.* at pp. 206-207.

Accommodations

The 2022 IEP contains accommodations for presentation, response, timing and scheduling, and setting considerations.⁵⁹

Minor's 2022 IEP Presentation Accommodations for classroom instruction and testing:⁶⁰

1. Read aloud: text to speech.
2. Modify tests and assignments: modified tests; modifying assignments as needed; shorten assignments; limit amount of work required or length of tests; modify/repeat/model directions; alter format of materials on page (type/highlight/spacing); limited multiple choice/reduce answer choices; and multiple choice spelling tests, shortened spelling list.
3. Communication assistance: adapted toys/games; visuals; and visual schedule/picture schedule.
4. Other presentation accommodations: utilize graphic/pictorial mode materials (e.g. tactile graphics); large print; change background font and colors; utilize audio/recorded texts; utilize digital formats; and use text/workbooks/worksheets at modified reading level.
5. Other presentation accommodations for instruction only: color code material; provide assistance/cues/prompts for transitions between activities; and use multi-sensory modes/tools to reinforce instruction.
6. Other presentation accommodations for testing only: redirect student to the test and simplify test wording.

Minor's 2022 IEP Response Accommodations for classroom instruction and testing:⁶¹

⁵⁹ SD-6, pp. 9-12.

⁶⁰ *Id.* at pp. 9-10.

⁶¹ *Id.* at p. 11.

1. Communication assistance: communication board/system; voice output device; communication device; and adaptive keyboard.

2. Communication devices: calculators; manipulatives/abacus; and timers.

3. Other response accommodations: slant board; adapted grips/utensils/pencils/drawing tools; eye gaze communication system; answers recorded; and rephrase test questions.

Minor's 2022 IEP Timing and Scheduling Accommodations for classroom instruction and testing:⁶²

1. Extended time/increase the amount of time allowed to complete assignments and tests.

2. Extra time-written work.

3. Allow breaks during work periods, between tasks, during tests.

4. Provide assistance/cues for transition between classes and home for instruction only.

5. Allow at least two-minute wait time for a response.

Minor's 2022 IEP Setting Considerations Accommodations for classroom instruction and testing:⁶³

1. Individual testing.

2. Provide individualized instruction.

3. Provide small group instruction.

4. Alter physical room environment for instruction and testing.

5. Specified areas or seating for instruction and testing.

⁶² *Id.* at p. 12.

⁶³ *Id.*

Instructional, Support, and Consultative Services

Program Services Minor receives: Art/Music, assemblies, library, meals, field trips, and recess in regular classes.⁶⁴

Minor's 2022 IEP indicates that ■ will receive 370 total instructional minutes in a day.⁶⁵ Minor received the following services: 250-minute sessions weekly of Special Education in five sessions both individually and in a group; two 30-minute sessions monthly of Special Education instruction in two sessions individually; two 30-minute sessions weekly of APE both individually and in a group; two 30-minute sessions monthly of occupational therapy (OT) both individually and in a group; two 30-minute sessions monthly of physical therapy (PT) both individually and in a group; eight 30-minute sessions monthly of speech/language pathology services both individually and in a group.⁶⁶ Minor received 1415 total minutes a week in Special setting.⁶⁷

The 2022 IEP reflects that consultation services will be provided by a TVI for 30 minutes twice a month via in-person, email/telephone, and/or virtual sharing resources, best instructional practices, and teaching strategies that include training technology and low vision devices when appropriate.⁶⁸ OT and PT may be provided to or on behalf of Minor in collaboration with the staff in any environment appropriate to IEP goals.⁶⁹

Parental Concerns⁷⁰

The 2022 IEP reflects that Parents were concerned (1) about making sure Minor had access to an eye gaze high tech communication device and someone to model the use of language on the device throughout the day to ensure Minor had equitable access to communication as ■ non-

⁶⁴ *Id.* at p. 13.

⁶⁵ SD-6, p. 14.

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.* at p. 2.

disabled peers, (2) Visual Behaviors Data Collection or additional CVI specific training for the IEP team, and (3) oral motor skills regression. At the 2022 IEP meeting, Parents were concerned about having access to Minor's curriculum. School District addressed Parent's concern by having the ESS assistive technology team provide some training to the ESS Teacher-1 on uploading curriculum materials and assisting with uploading those materials to Minor's device.⁷¹

MARCH 16, 2023, IEP

An IEP meeting was held on March 16, 2023. Parents were given prior notice of the meeting.⁷² Parents were given prior notice of IEP Team's proposal to implement the March 16, 2023, IEP.⁷³

The 2023 IEP was developed with multiple participants including: Parents, ESS Teacher-1, ESS Teacher-2, Speech Language Pathologist, Adapted PE Teacher, Regular Education Teacher-1, Assistive Technology Specialist, Visual Impairment Program Facilitator, Nurse Manager, Principal, ESS Director, Physical Therapist, Occupational Therapist, and School District Representative.⁷⁴

During the March 16, 2023, IEP meeting, Minor was ■ years old and in first grade.⁷⁵ During Minor's first grade, ■ was absent from school for 34.5 days.⁷⁶ Minor was in the regular classroom less than 40 percent of the day.⁷⁷ ■ uses a 12" dynamic display device (eye gaze) speech generating device for communication.

⁷¹ Testimony of School District Representative, Transcript Hearing Day 1, p. 85.

⁷² SD 5, pp. 38-40.

⁷³ *Id.* at p. 29.

⁷⁴ *Id.* at p. 1.

⁷⁵ *Id.* at p. 2.

⁷⁶ SD-10, p. 1.

⁷⁷ SD-5, p. 3.

Minor received services from both regular and special education teachers.⁷⁸ Minor receives related services in speech-language pathology, occupational therapy, and physical therapy.⁷⁹ Minor also receives special services in adapted physical education and assistive technology.⁸⁰ ■■■ has functional needs in gross motor skills, fine motor skills, and communication; Minor requires support and intervention in readiness skills.⁸¹

The reevaluation report from School District’s pupil appraisal documents that as of May 22, 2023, Minor’s percentage of progress towards ■■■ March 16, 2023, IEP goals, benchmarks/objectives is 20% for Readiness and 30% for Communication.⁸² The reevaluation report also documents that as of May 22, 2023, Minor is making limited progress towards ■■■ IEP goals in the area of Readiness and Communication.⁸³

Impairments and Strengths

The 2023 IEP reflects that Minor has multiple impairments, including Visual Impairment - Blindness, Orthopedic Impairment, and Other Health Impairment.⁸⁴ Minor has the following medical diagnoses: ■■■ cerebral palsy, dysphagia, refractory seizure disorder, cortical visual impairment, sympathetic storming, gastrointestinal dysmotility, spasticity, and dysautonomia.⁸⁵

Minor is able to make choices with one or two options for ■■■ needs with the use of ■■■ 12” dynamic display device.⁸⁶ Minor’s IEP reflects that observational data indicates strengths in

⁷⁸ *Id.* at p. 4.

⁷⁹ *Id.* at p. 3.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² P-4, p. 2.

⁸³ *Id.*

⁸⁴ SD-5, p. 1.

⁸⁵ SD-4, p. 3.

⁸⁶ SD-5, p. 3.

participating and expressing facial expressions of interest and participating in hand-under-hand activities and well as with the use of [REDACTED] 12” dynamic display device with eye gaze.⁸⁷

Educational Progress

Minor’s 3rd 9 weeks report card grades are as follows: English Language Arts ESS= 95/A; Math ESS= 97/A; Science ESS= 95/A; Social Studies ESS= 94/A; Work Habits/Conduct ESS=100/A; Music ESS =100/O; and Physical Education/Health= 100/O.⁸⁸ A review of the previous IEP (March 23, 2022) indicates that Minor achieved one out of three objectives in speech, two out of four objectives in motor-gross, and two out of nine objectives in readiness skills.⁸⁹ The interventions/strategies being used to address Minor’s lack of progress in the general curriculum are verbal/visual cues, prompts, physical assistance, and manipulatives.⁹⁰

Communication Modalities

Minor uses a variety of communication modalities: during the day, [REDACTED] uses a 12” Dynamic Display Device programmed with a robust communication system in order to communicate given verbal cues and prompts.⁹¹ During [REDACTED] sessions, [REDACTED] is seated in [REDACTED] wheelchair with [REDACTED] tray with a 12” Dynamic Display Device on a stand on [REDACTED] right side.⁹² Continued monitoring of proper position is important for optimal communication.⁹³ Strategies for optimal vision are equally important and include turning the student away from light sources, presenting instructional materials within 12 inches of the student on [REDACTED] left or right side at the height of [REDACTED] shoulders against a black or dark background, using simple, realistic photos including preference colors of

⁸⁷ *Id.*

⁸⁸ *Id.* at p. 4.

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² SD-5, p. 4.

⁹³ *Id.*

red and yellow if possible, including simple slow movement with objects and realistic photos, and using backlight to highlight objects.⁹⁴

Instructional Plans

The 2023 IEP contains four instructional plans, each with measurable academic/functional goals, and methods of measurements for the following content areas: (a) Augmentative Alternative Communication;⁹⁵ (b) Gross;⁹⁶ (c) Readiness;⁹⁷ and (d) Receptive Language.⁹⁸ The methods of measurements included tally sheets, daily documentation logs; and observational data.⁹⁹

(a) **Augmentative Alternative Communication**: In the content area of Augmentative Alternative Communication, Minor will use ■■■ Augmentative and Alternative Communication (ACC) system for three different communicative intents (such as refusal, requesting, or commenting) 10 times throughout ■■■ educational day in a nine-week period.¹⁰⁰ The 2023 IEP also contains three short-term objectives under this content area.¹⁰¹

The February 27, 2024, IEP reflects that Minor achieved 1/3 of objectives in Augmentative Alternative Communication from the 2023 IEP.¹⁰²

(b) **Gross**: In the content area of Gross, Minor's IEP goal is that given equipment, physical assistance, and motivational objects (lighted or musical), Minor will perform a bridge (voluntary hip extension from the supine position) upon teacher request four times in a 30-minute session, successfully attempt reaching activities using each arm at each session in two out of three trials (per session) and sit on the floor, using arms for support (prop sit) with preferred visual stimulus

⁹⁴ *Id.*

⁹⁵ *Id.* at pp. 5-6.

⁹⁶ *Id.* at pp. 6-8.

⁹⁷ *Id.* at pp. 8-9.

⁹⁸ SD-5, pp. 9-11.

⁹⁹ *Id.* at pp. 5-13.

¹⁰⁰ *Id.* at p. 6.

¹⁰¹ *Id.*

¹⁰² SD-4, p. 4.

at eye level and with head in the midline position for five seconds on three occasions in a 30-minute session by the end of the IEP year as measured by documentation logs.¹⁰³ The 2023 IEP also contains three short-term objectives under this content area.¹⁰⁴

Minor's February 27, 2024, IEP reflects that Minor achieved 2/4 of motor-gross objectives from the 2023 IEP.¹⁰⁵

(c) **Readiness**: In the content area of Readiness, Minor's IEP goal is that given visual/verbal cues, manipulatives, eye gaze, prompting support, and physical assistance, ■■■ will understand relationships between numbers, using visual objects and pictures in 3/5 trial by the end of the IEP year.¹⁰⁶ The 2023 IEP also contains six benchmark objectives under this content area.¹⁰⁷

ESS Teacher-1 acknowledged that Minor made sufficient progress in Readiness.¹⁰⁸ The February 27, 2024, IEP reflects that Minor achieved 2/9 of readiness skills objectives from the 2023 IEP.¹⁰⁹

(d) **Receptive Language**: In the content area of Receptive Language, Minor's IEP goal is that given proper positioning and support, as well as visual and verbal cues and prompts, ■■■ will answer functional WHO/WHAT questions from a field of two-four 2D photos with verbal prompts and use eye gaze to demonstrate knowledge of core words on ■■■ device when verbally presented in structured language activities with 40% accuracy by the end of the IEP year as evidenced by documentation logs.¹¹⁰ The following adaptations will be provided for all objectives for the purpose of optimal vision and communication: communication partner will face the student,

¹⁰³ SD-5, p. 7.

¹⁰⁴ *Id.*

¹⁰⁵ SD-4, p. 4.

¹⁰⁶ SD-5, p. 8.

¹⁰⁷ *Id.*

¹⁰⁸ Testimony of ESS Teacher-1, Transcript Hearing Day 3, pp. 166-179.

¹⁰⁹ SD-4, p. 4.

¹¹⁰ SD-5, p. 10.

watching ■ face for a reaction, communication partners will wear a non-patterned shirt (avoid preferred color of red) or a black smock.¹¹¹ Environment will be quiet with limited auditory stimulation in the background.¹¹² Communication partners will remain quiet and will not cheer small gains as to not inhibit visual and motor actions by auditory/visual distraction.¹¹³ Sufficient visual and motor response time up to two minutes will be allowed if needed.¹¹⁴ Opportunities to visually orient to an object/photo and avert ■ gaze before responding with a motor movement to direct select will be allowed.¹¹⁵ The 2023 IEP also contains eight short-term objectives under this content area.¹¹⁶

The February 27, 2024, IEP reflects that Minor achieved 0/8 of objectives in Receptive Language from the 2023 IEP.¹¹⁷

Accommodations

The 2023 IEP contains accommodations for presentation, response, timing and scheduling, and setting considerations.¹¹⁸

Minor's 2023 IEP *Presentation Accommodations* for classroom instruction and testing:¹¹⁹

1. Read Aloud: text to speech.¹²⁰
2. Modifying Assignments: modified tests; modifying assignments as needed; shorten assignments; limit amount of work required or length of tests; modify/repeat/model directions; alter format of materials on page (type/highlight/spacing); limited multiple choice/reduce answer

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ SD-5, p. 10.

¹¹⁷ SD-4, p. 4.

¹¹⁸ SD-5, pp. 11-18.

¹¹⁹ *Id.* at pp. 11-14.

¹²⁰ *Id.* at p. 11.

choices; provide Word bank/Word assistance; and multiple choice spelling tests, shortened spelling list.¹²¹

3. Communication assistance: adapted toys/games; visuals; and visual schedule/picture schedule.¹²²

4. Other presentation accommodations: utilize graphic/pictorial mode materials (e.g. tactile graphics); large print; change background font and colors; utilize audio/recorded texts; and utilize digital formats.¹²³

5. Other presentation accommodations for instruction only: color code material; provide assistance/cues/prompts for transitions between activities; use multi-sensory modes/tools to reinforce instruction; provide daily assignment list; and provide homework list.¹²⁴

6. Other presentation accommodations for testing only: redirect student to the test and simplify test wording.¹²⁵

7. Other presentation accommodations for visual engagement with classroom and assessment materials only: use realistic color 2D images of familiar, real objects, not illustrations; isolate 2D images and present on background that is not visually cluttered; and highlight salient features of objects, letters, numbers, words using red or yellow, whichever color.¹²⁶

Minor's 2023 IEP Response Accommodations for classroom instruction and testing:¹²⁷

1. Communication assistance: scribing/utilize oral responses to assignments/tests (answers recorded) and communication device.¹²⁸

¹²¹ *Id.* at pp. 11-12.

¹²² *Id.* at p. 12.

¹²³ SD-5, pp. 12-13.

¹²⁴ *Id.*

¹²⁵ *Id.*

¹²⁶ *Id.* at p. 14.

¹²⁷ *Id.* at pp. 14-16.

¹²⁸ *Id.* at p. 14.

2. Communication devices: calculators; manipulatives/abacus; and timers.¹²⁹
3. Other response accommodations: slant board; adapted grips/utensils/pencils/drawing tools; eye gaze communication system; answers recorded; and rephrase test questions.¹³⁰
4. Other response accommodations for visual engagement with classroom materials only: offer response choices in an array of no more than three targets using Minor's eye gaze speech generating device; use color 2D realistic images for real objects rather than illustrations for responses; and allow for latency in tasks where student is expected to engage visually.¹³¹

Minor's 2023 IEP Timing and Scheduling Accommodations for classroom instruction and testing:¹³²

1. Extended time/increase the amount of time allowed to complete assignments and tests.
2. Extra time-written work.
3. Allow breaks during work periods, between tasks, during testing.
4. Provide assistance/cues for transition between classes and home for instruction only.
5. Other timing and scheduling accommodation for classroom: allow at least two-minute wait time for a response.

Minor's 2023 IEP Setting Considerations Accommodations for classroom instruction and teaching:¹³³

1. Individual testing.
2. Provide individualized instruction.
3. Provide small group instruction.

¹²⁹ SD-5, pp. 14-15.

¹³⁰ *Id.* at p. 15.

¹³¹ *Id.* at pp. 16-17.

¹³² *Id.*

¹³³ *Id.* at pp. 17-18.

4. Alter physical room environment for instruction and testing.
5. Specified areas or seating for instruction and testing.
6. Other setting considerations for visual engagement during classroom routines: seating front and center of presentation area; presenter must modify the background to reduce visual clutter; and environmental clutter and complexity will be considered and modified for each task using the CVI overlay and What's the Complexity.

Instructional, Support, and Consultative Services

Minor receives the following program services: Art/Music, assemblies, library extracurricular/nonacademic, field trips, and recess in regular classes.¹³⁴ Minor receives services inside regular class less than 40% of the day.¹³⁵

Minor received 370 total instructional minutes in a day.¹³⁶ Minor received the following services: 250-minute sessions weekly of Special Education in five sessions both individually and in a group; two 30-minute sessions monthly of Special Education in two sessions individually; two 30-minute sessions weekly of APE both individually and in a group; two 30-minute sessions monthly of OT both individually and in a group; two 30-minute sessions monthly of PT both individually and in a group; eight 30-minute sessions monthly of speech/language pathology services both individually and in a group.¹³⁷ Minor received 1415 total minutes a week in Special setting.¹³⁸

The 2023 IEP reflects that to support the attainment of Minor's goals, OT/PT may be provided to or on behalf of Minor in collaboration with the staff.¹³⁹ The IEP also reflects that the

¹³⁴ *Id.* at pp. 18-19.

¹³⁵ SD-5, p. 20.

¹³⁶ *Id.* at p. 18.

¹³⁷ *Id.* at p. 19.

¹³⁸ *Id.*

¹³⁹ *Id.*

OT/PT minutes may be implemented as follows: modeling strategies/techniques; consulting with training personnel/providers/parents; supporting the use of AT/adaptive equipment; and providing school or home programs.¹⁴⁰ Minor's IEP provides that consultation services for special education will be provided by a TVI for 30 minutes via in-person, email/telephone, and/or virtual sharing resources, best instructional practices, and teaching strategies.¹⁴¹ After an assessment, Minor shall be assigned the support of a student specific aide.¹⁴² School District staff will collaborate periodically and be available to Parents for their input.¹⁴³ School District personnel will need in-service/training on using the 12" dynamic display service.¹⁴⁴ Minor has a student specific nurse, has an individualized healthcare plan, has an emergency care plan, and qualifies for special transportation services.¹⁴⁵

Parental Concerns¹⁴⁶

Parents provided a list of concerns at the IEP meeting. Some of the concerns were that (a) Minor is not being provided with appropriate access to [REDACTED] educational materials, evidenced by the black and white illustrations in the schoolwork section of [REDACTED] academic file and lack of meaningful progress toward cognitive/academic kindergarten Connectors goals; (b) Minor will continue to not make meaningful progress towards academic goals without CVI-specific professional development for [REDACTED] academic team driven by annual research-based assessments on how Minor's CVI impacts access to [REDACTED] education; (c) without a 1:1 paraprofessional trained in accommodating all academic materials to be accessible using a 12" dynamic display device or eye gaze communication system, the student will lose another year of any meaningful educational progress;

¹⁴⁰ *Id.*

¹⁴¹ SD-5, p. 19.

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ SD-5, pp. 3, 30-33.

and (d) the monthly 30-minute twice a week consult from a TVI is insufficient to provide FAPE to Minor.

In a March 26, 2023, Addendum to the March 16, 2023 IEP, Parents requested the following: (1) The CVI Range Assessment, a research based Functional Vision Assessment (FVA), (2) Sensory Balance Approach, a research based CVI Learning Media Assessment (LMA), (3) What's the Complexity Assessment which recommends accommodations based on the complexity of the classroom environment and complexity of the task to be performed, (4) 2D Image Assessment for determining the type of images the student is able to understand, (5) Expanded Core Curriculum Needs Assessment, (6) Vision Impairment Scale of Service Intensity of Texas (VISSIT), a research based VI Service Intensity Assessment, (7) appropriate assessments as needed to support identified expanded core curriculum areas of need which may include a review/reassessment of assistive technology or speech, (8) install PowerPoint and Boom cards on Minor's and teacher's devices, (9) 12" iPad Pro for presentation of educational materials (see 12" dynamic display device in IEP dated 3/16/2023), (10) 12" Tobii Dynavox Pilot for communication (see 12" dynamic display device for communication in IEP dated 3/16/2023), and (11) TD Snap software for communication (see robust communication software in IEP dated 3/16/2023).¹⁴⁷

School District performed the CVI Range Assessment.¹⁴⁸ During the period in question, School District did not provide a CVI schedule, did not provide a salient features dictionary.¹⁴⁹ Parents privately requested, and TVI-Expert complete an Expanded Core Curriculum Needs assessment and a VISSIT assessment.¹⁵⁰ Some of the goals in the IEP do not match what was

¹⁴⁷ SD-5, pp. 3, 30-32; P-2, pp. 14-16.

¹⁴⁸ Testimony of Parent-M, Transcript Hearing Day 6, pp. 159-160.

¹⁴⁹ *Id.* at pp. 196, 197, 203.

¹⁵⁰ *Id.* at p. 173.

tracked in the documentation log.¹⁵¹ Parent requested that the documentation logs track the accuracy of the responses instead of the prompts to respond.¹⁵² The February 27, 2024, IEP addressed that parental concern.¹⁵³

TVI-Expert performed the CVI Range Assessment in May 2023, the assessment indicated that Minor's vision is functioning within Phase II of The CVI Range, with the score indicating a 5.5-6.0+++.¹⁵⁴ TVI-Expert in [REDACTED] report stated that based on the Minor's data used in the VISSIT, the results indicated that Minor likely requires a range of 30-60 minutes per week in direct instruction; and [REDACTED] team likely requires a range of 30-70 minutes per week of collaborative consultation.¹⁵⁵ TVI-Expert recommends 60 minutes/bi-weekly of direct service time and 60 minutes once a week of educational team support/collaboration service time.¹⁵⁶

If a Parent's request is refused, it is documented on the prior written notice.¹⁵⁷ Some of Parent's concerns were addressed and incorporated in the IEP.¹⁵⁸ The School District Representative tasked ESS Supervisor to work with the team to ensure the reevaluation was initiated.¹⁵⁹ The Assistive Technology team was tasked with accessible digital materials being uploaded on the devices.¹⁶⁰ Visual Impairment Program Facilitator worked with staff to get and accommodate materials for Minor.¹⁶¹ Visual Impairment Program Facilitator was tasked with addressing Parent's concern that Minor was not receiving enough services from the TVI because

¹⁵¹ *Id.* at pp. 182-184.

¹⁵² *Id.* at pp. 186-189.

¹⁵³ *Id.* at p. 189.

¹⁵⁴ P-4; P-6, p. 8; Testimony of Parent-M, Transcript Hearing Day 6, p. 159-160.

¹⁵⁵ P-6, pp. 8-10.

¹⁵⁶ *Id.* at pp. 36-37.

¹⁵⁷ Testimony of School District Representative, Transcript Hearing Day 2, p. 59.

¹⁵⁸ *Id.* at p. 62. SD-5, p. 19 (The IEP Team recognized and addressed Parents' concern about lack of supports on using the 12" dynamic display services and included it in the IEP that supports will be provided); Testimony of School District Representative, Transcript Hearing Day 2, p. 74-76 (Approved Parents' request for hospital/home-bound services and extended school year).

¹⁵⁹ Testimony of School District Representative, Transcript Hearing Day 1, pp. 102, 103.

¹⁶⁰ *Id.* at p. 104.

¹⁶¹ *Id.*

█ directly supervises the TVIs.¹⁶² School District Representative tasked ESS Supervisor to ensure staff had support for the IEP participants if they have challenges implementing the IEP.¹⁶³ School District Representative spoke with ESS Supervisor and Visual Impairment Program Facilitator to ensure ESS Teacher-1 and ESS Teacher-3 were provided support in developing curriculum materials.¹⁶⁴ Additionally, ESS Teacher-1 was assigned a mentor, ESS Teacher-2, to support █.¹⁶⁵ School District Representative did not recollect how Parent's concern about the inability of a paraprofessional who is trained in accommodating all academic materials for Minor was addressed.¹⁶⁶ Visual Impairment Program Facilitator opined about the unavailability of curriculum designed specifically for students with CVI, and explained to School District Representative that █ had to modify a unit for Minor, which was very time consuming.¹⁶⁷ School District uses the Unique Learning curriculum for students with CVI, including Minor, and Visual Impairment Program Facilitator had modified a unit of the Unique Learning curriculum.¹⁶⁸ Visual Impairment Program Facilitator spent a week modifying a unit of the Unique Learning curriculum.¹⁶⁹ The IEP Team discussed and understood the amount of time needed to modify materials for Minor.¹⁷⁰ Modification includes advance planning, making books and making objects, and finding things that need to be modified.¹⁷¹ When Parents brought concerns about Minor's material not uploaded to █ device, the Assistive Technology team was modified to

¹⁶² *Id.* at pp. 107-108.

¹⁶³ *Id.* at pp. 108-109.

¹⁶⁴ *Id.* at pp. 109-110; Testimony of School District Representative, Transcript Hearing Day 2, p. 19.

¹⁶⁵ Testimony of School District Representative, Transcript Hearing Day 1, pp. 109-111.

¹⁶⁶ *Id.* at pp. 112-113.

¹⁶⁷ P-13, p. 53; Testimony of School District Representative, Transcript Hearing Day 2, pp. 16, 20; Testimony of Visual Impairment Program Facilitator, Day 4, p. 45, 47.

¹⁶⁸ Testimony of Visual Impairment Program Facilitator, Day 4, p. 45.

¹⁶⁹ *Id.* at pp. 45, 47.

¹⁷⁰ *Id.* at p. 48.

¹⁷¹ *Id.* at p. 49.

upload the items needed.¹⁷² More people have since been trained on how to upload materials to Minor's device.¹⁷³ Visual Impairment Program Facilitator has attended trainings presented by TVI-Expert.¹⁷⁴

Visual Impairment Program Facilitator told ESS Teacher-3 to have Assistive Technology staff take pictures of a book so it would be uploaded to Minor's iPad; Assistive Technology staff did not complete the task.¹⁷⁵

School District addressed Parent's request for a functional vision assessment by contracting with TVI-Expert to assist with functional vision assessment.¹⁷⁶ School District acknowledged the need for additional professional development relative to CVI and contracted with TVI-Expert.¹⁷⁷ School District also sends staff to national CVI trainings.¹⁷⁸

FEBRUARY 27, 2024, IEP

An IEP meeting was held on February 27, 2024. Parents were given prior notice of the meeting.¹⁷⁹ Parents were given prior notice of IEP Team's proposal to implement the February 27, 2024, IEP.¹⁸⁰

The 2024 IEP was developed with multiple participants including: Parents, Minor, ESS Teacher-3, ESS Teacher-2, ESS Instructional Support Specialist, Speech/Language/Assistive Technology Program Facilitator, Speech/Language Pathologist, APE Teacher, Visual Impairment

¹⁷² *Id.* at pp. 58-59.

¹⁷³ *Id.* at p. 59.

¹⁷⁴ Testimony of Visual Impairment Program Facilitator, Day 4, p. 67.

¹⁷⁵ P-13, p. 53.

¹⁷⁶ Testimony of School District Representative, Transcript Hearing Day 1, p. 113.

¹⁷⁷ *Id.* at p. 234; Testimony of TVI-Expert, Transcript Hearing Day 7, p. 72.

¹⁷⁸ Testimony of School District Representative, Transcript Hearing Day 1, p. 234; Testimony of ESS Supervisor, Transcript Hearing Day 2, p. 135.

¹⁷⁹ SD-4, pp. 24-26.

¹⁸⁰ *Id.* at p. 46.

Program Facilitator, Assistive Technology Specialist, ESS Supervisor, TVI-Expert, Physical Therapist, Occupational Therapist, Regular Education Teacher-2.¹⁸¹

During the February 27, 2024, IEP meeting Minor was [REDACTED] years old and in second grade.¹⁸²

During Minor's second grade, [REDACTED] was absent from school for 33.5 days.¹⁸³ Minor was in the regular classroom less than 40 percent of the day.¹⁸⁴ The IEP Committee reviewed data and determined this is the best placement to meet Minor's needs.¹⁸⁵

Minor receives related services in Speech-Language Pathology services, Occupational therapy and Physical therapy.¹⁸⁶ Minor also receives special services in adapted physical education and assistive technology.¹⁸⁷ [REDACTED] has functional needs in gross motor skills, fine motor skills, and communication; Minor requires support and intervention in reading and math.¹⁸⁸

Impairments and Strengths

The 2024 IEP reflects that Minor has the multiple impairments, including Visual Impairment - Blindness, Orthopedic Impairment, and Other Health Impairment.¹⁸⁹ Minor has the following medical diagnoses: [REDACTED] cerebral palsy, dysphagia, refractory seizure disorder, cortical visual impairment, sympathetic storming, gastrointestinal dysmotility, spasticity, and dysautonomia.¹⁹⁰

[REDACTED] uses a 12" dynamic display (eye gaze) speech generating device for communication. Minor is able to make choices with one or two options for [REDACTED] needs with the use of [REDACTED] 12" dynamic

¹⁸¹ *Id.* at p. 1.

¹⁸² *Id.* at p. 3.

¹⁸³ SD-10, pp. 2-3.

¹⁸⁴ SD-4, p. 3.

¹⁸⁵ *Id.* at p. 21.

¹⁸⁶ *Id.* at p. 3.

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ *Id.* at p. 1.

¹⁹⁰ SD-4, p 3.

display device.¹⁹¹ Minor’s IEP reflects that observational data indicates strengths in participating and expressing facial expressions of interest and participating in hand-under-hand activities and well as with the use of [REDACTED] 12” dynamic display device with eye gaze.¹⁹² Minor received services from both regular and special education teachers.¹⁹³

Educational Progress

Minor’s 2nd 9 weeks report card grades are as follows: English Language Arts ESS= B; Math ESS= B; Science ESS= B; Social Studies ESS= B; and Physical Education/Health= A.¹⁹⁴ A review of Minor’s March 16, 2023, IEP indicates that Minor achieved 0/8 of objectives in speech, 1/3 in AAC, 2/4 of objectives in motor-gross, and 2/9 of objectives in readiness skills.¹⁹⁵ The interventions/strategies being used to address Minor’s lack of progress in the general curriculum are verbal/visual cues, prompts, physical assistance, and manipulatives.¹⁹⁶ Minor met five of 24 objectives.¹⁹⁷

Instructional Plans

The 2024 IEP contains five instructional plans, each with measurable academic/functional goals, and methods of measurements for the following content areas: (a) ELA Reading;¹⁹⁸ (b) Gross;¹⁹⁹ (c) Alternative Communication;²⁰⁰ (d) Receptive Language;²⁰¹ and (e) Math.²⁰² The methods of measurements included tally sheets, documentation logs, and observational data.²⁰³

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ *Id.*

¹⁹⁴ *Id.* at p. 4.

¹⁹⁵ *Id.* Minor’s March 16, 2023, IEP does not contain instructional plans for “speech;” instead it contains instructional plans for receptive language. *See* SD-5, pp. 9-10.

¹⁹⁶ SD-4, p. 4.

¹⁹⁷ Testimony of ESS Supervisor, Transcript Hearing Day 2, p. 138.

¹⁹⁸ SD-4, pp. 5-6.

¹⁹⁹ *Id.* at pp. 6-7.

²⁰⁰ *Id.* at pp. 7-8.

²⁰¹ *Id.* at pp. 8-10.

²⁰² *Id.* at p. 10.

²⁰³ *Id.* at pp. 6-10.

Accommodations

The 2024 IEP contains accommodations for presentation, response, timing and scheduling, and setting considerations.

Minor's 2024 IEP Presentation Accommodations for classroom instruction and teaching.²⁰⁴

1. Read Aloud: text to speech.
2. Modifying Assignments: modified tests; modifying assignments as needed; shorten assignments; limit amount of work required or length of tests; modify/repeat/model directions; alter format of materials on page (type/highlight/spacing); limited multiple choice/reduce answer choices; and provide Word bank/Word assistance.
3. Communication assistance: adapted toys/games; visuals; and visual schedule/picture schedule.
4. Other presentation accommodations: utilize graphic/pictorial mode materials (e.g. tactile graphics); large print; change background font and colors; use text/workbooks/worksheets at modified reading level; utilize audio/recorded texts; and utilize digital formats.
5. Other presentation accommodations for instruction only: color code material; provide assistance/cues/prompts for transitions between activities; use multi-sensory modes/tools to reinforce instruction; provide daily assignment list; and provide homework lists.
6. Other presentation accommodations for testing only: simplify test wording.
7. Other presentation accommodations for visual engagement with classroom and assessment materials only: use realistic color 2D images of familiar, real objects, not illustrations;

²⁰⁴ SD-4, pp. 11-18.

2D images must be isolated/presented on background that is not visually cluttered; highlight salient features of objects, letters, numbers, words using red or yellow, whichever color.²⁰⁵

Minor's 2024 IEP Response Accommodations for classroom instruction and testing:²⁰⁶

1. Communication assistance: communication board/system; scribing/utilize oral responses to assignments/tests (answers recorded); and communication device.

2. Communication devices: calculators.²⁰⁷

3. Other Response accommodations: slant board; word bank, reduced answer choices on multiple choice tests; adapted grips/utensils/pencils/drawing tools; eye gaze communication system; and answers recorded.

Minor's 2024 IEP Timing and Scheduling Accommodations for classroom instruction and testing:²⁰⁸

1. Extended time/increase the amount of time allowed to complete assignments and tests.

2. Extra time-written work.

3. Allow breaks during work periods, between tasks, during testing.

4. Pace long term projects for instruction only.

5. Provide assistance/cues for transition between classes and home for instruction only.

Minor's 2024 IEP Setting Considerations Accommodations for classroom instruction and testing:²⁰⁹

1. Individual testing.

2. Provide individualized instruction.

²⁰⁵ *Id.* at p. 14.

²⁰⁶ *Id.* at pp. 14-16.

²⁰⁷ *Id.* at p. 15.

²⁰⁸ *Id.* at pp. 16-18.

²⁰⁹ SD-5, pp. 17-18.

3. Provide small group instruction.
4. Alter physical room environment for instruction and testing.
5. Specified areas or seating for instruction and testing.

Instructional, Support, and Consultative Services

Minor receives the following program services: Art/Music, assemblies, library extracurricular/nonacademic, field trips, and recess in regular classes.²¹⁰ Minor receives services inside regular class less than 40% of the day.²¹¹

Minor received 370 total instructional minutes in a day.²¹² Minor received the following services: 250-minute sessions weekly of Special Education in five sessions both individually and in a group; two 30-minute sessions monthly of Special Education in two sessions individually; two 30-minute sessions weekly of APE both individually and in a group; two 30-minute sessions monthly of OT both individually and in a group; two 30-minute sessions monthly of PT both individually and in a group; eight 30-minute sessions monthly of speech/language pathology services both individually and in a group.²¹³ Minor received 1415 total minutes a week in Special setting.²¹⁴

The IEP reflects that to support the attainment of Minor's goals, OT/PT may be provided to or on behalf of Minor in collaboration with the staff.²¹⁵ The IEP also reflects that the OT/PT minutes may be dispersed throughout the IEP year and may be implemented as follows: modeling strategies/techniques; consulting with/training personnel/providers/parents; supporting the use of AT/adaptive equipment; and providing home or school programs; consultation services will be

²¹⁰ SD-4, pp. 18-19.

²¹¹ *Id.* at p. 20.

²¹² *Id.* at p. 19.

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ *Id.* at p. 20.

provided by the TVI for 2x/month 30 minutes via in-person, email/telephone, and/or virtually sharing resources, best instructional practices, and teaching strategies.²¹⁶

At the beginning of the 2023-2024 school year at Parent-M's request a parent-teacher conference was held with ESS Teacher-3, paraprofessional; they discussed CVI.²¹⁷

Parental Concerns

The 2024 IEP reflects parental concerns, which were discussed at the IEP meeting.²¹⁸ After the IEP meeting, Parents emailed ESS Supervisor on February 27, 2024, with a list of what was discussed during the February 27, 2024, IEP.²¹⁹ The list contained these three items that were rejected: (1) Parents requested that an expanded core curriculum orientation and mobility goal be added for spatial concepts. Visual Impairment Program Facilitator, rejected this request and offered an alternative to include spatial vocabulary as part of the ELA goal for identifying pictures and objects; (2) Direct services from TVI for one hour a week to address the expanded core curriculum areas of concept development and visual efficiency; increasing consult time from the TVI and weekly review of educational materials by the TVI prior to their use in the classroom as CVI accommodations vary by activity and educational goal; (3) Visual Impairment Program Facilitator stated that TVI-M is currently out on leave and compensatory education will need to be addressed when ■■■ returns. Parents requested the following alternative solutions that were rejected by the IEP team: (3a) Contract with High Expectation VI Services to provide TVI services to Minor; and (3b) Contract with High Expectation VI Services to provide TVI services to Minor.²²⁰

²¹⁶ SD-4, p. 20.

²¹⁷ Testimony of Parent-M, Transcript Hearing Day 6, p. 161.

²¹⁸ SD-4, p. 3.

²¹⁹ P-3, pp. 2-3.

²²⁰ P-3.

On March 1, 2024, ESS Supervisor issued two Prior Notices of Proposed and/or refused action (PWNs) to Parents addressing Parents' rejected requests.²²¹ One PWN stated that the VISSIT assessment administered by TVI-Expert, recommended Minor's schedule of service minutes be 15-30 minutes per week; the IEP recommended services from the TVI twice a month for 30 minutes.²²² The Expanded Core Curriculum and Concept Development were written into the academic goals and objectives on the IEP, and the TVI is one of the people responsible for those goals.²²³

The other PWN stated that visual impaired services contained in the IEP are provided by School District, and that there are no services on the IEP that School District cannot provide.²²⁴ ESS Supervisor admitted that the March 1, 2024, PWNs did not describe (1) other options that the IEP Team considered and the reasons why those options were rejected or (2) other factors that are relevant to the agency's proposal or refusal.²²⁵

May 2023 CVI Range Assessment and June 2023 Pupil Appraisal Reevaluation

The CVI Range assessment is a functional vision assessment.²²⁶ TVI-Expert was qualified as an expert in CVI with expertise in instructional planning and educational assessment.²²⁷ In June 2022 (at Parents' request) and May 2023 (by contract with School District), TVI-Expert performed a CVI Range assessment on Minor.²²⁸ In June 2022, the assessment indicated that Minor's CVI range was a 6.5 to 7, which placed [REDACTED] visual function at the end of Phase II of the CVI range.²²⁹ Based on the data from the June 2022 assessment, TVI-Expert recommended specific

²²¹ SD-4, pp. 42-44.

²²² P-3, pp. 6-7; Testimony of ESS Supervisor, Transcript Hearing Day 2, pp. 149-150.

²²³ P-3, pp. 6-7; Testimony of ESS Supervisor, Transcript Hearing Day 2, pp. 150-151.

²²⁴ P-3, p. 4.

²²⁵ Testimony of ESS Supervisor, Transcript Hearing Day 2, pp. 158, 173, 175.

²²⁶ Testimony of TVI-Expert, Transcript Hearing Day 4, p. 78.

²²⁷ *Id.*

²²⁸ Testimony of TVI-Expert, Transcript Hearing Day 4, pp. 78, 102, 103; SD-13.

²²⁹ *Id.* at pp. 105-106.

modifications and accommodations.²³⁰ During the March 16, 2023, IEP, the IEP team considered the recommendations in the June 2022 CVI range assessment.²³¹ In May 2023, the assessment indicated that Minor’s CVI range was a 5.5 to 6.0+++, which placed ■ visual function in the middle of Phase II of CVI range.²³² TVI-Expert performed a validation of Minor’s May 2023 CVI range score, which showed that ■ CVI range score in 2023 decreased from ■ CVI range score in 2022.²³³ TVI-Expert explained the 10 characteristics of CVI for Minor, including color preference; need for movement; visual latency; visual field preferences; difficulty with visual complexity (target/object, visual array, environment/multi-sensory, and faces); need for light; difficulty with distance viewing; atypical visual reflexes; difficulty with visual novelty, and absence of visually guided reach.²³⁴ School District’s Pupil Appraisal reevaluated Minor, and its June 2023 report, incorporated TVI-Expert’s report and recommendations from ■ 2023 CVI Range assessment of Minor as follows:²³⁵

Characteristics of CVI	Results	Recommendations
Color Preferences	Highly saturated color of red or yellow	Use highly saturated colors to promote/anchor visual attention, especially for more complex or more novel materials. Use red or yellow to highlight salient features, whichever provides the higher level of contrast. Use of color to outline (“bubble”) words and shapes to focus on the unique or “salient” features. Red or yellow highlighting may be appropriate.

²³⁰ *Id.* at pp. 110-113.

²³¹ Testimony of Visual Impairment Program Facilitator, Transcript Hearing Day 7, pp. 220-221.

²³² Testimony of TVI-Expert, Transcript Hearing Day 4, p. 116; P-4, pp. 13, 18.

²³³ Testimony of TVI-Expert, Transcript Hearing Day 4, pp. 125-126; P-4, p. 18.

²³⁴ Testimony of TVI-Expert, Transcript Hearing Day 4, pp. 126-128; P-4, pp. 9-11, 23-25

²³⁵ Testimony of TVI-Expert, Transcript Hearing Day 4, p. 130-151; P-4, pp. 9-11; SD-13.

Need For Movement	Minor is distracted by unintended movement at distances of up to three feet away. ■ occasionally noticed large moving targets - a dog, vehicles - at further distances. Movement of visual targets on the screen helps to draw Minor's attention.	Moving targets on the screen should be limited and non-continuous to prevent fixation solely on movement and to help Minor visually discriminate and identify targets.
Visual Latency	Up to 60seconds	Allow extra visual processing time.
Visual Field Preferences	■ preferred visual field remains in ■ far left, away from midline.	Present visual targets within Minor's near space, using ■ left visual field to the extent possible.
Difficulty With Visual Complexity (Target/Object, Visual Array, Environment/Multi-Sensory, and Faces)	<p>Target/Object: ■ can discriminate and identify 2D images of familiar visual targets. ■ is not visually interested in black and white targets.</p> <p>Visual Array: Use a plain black or white background (whichever provides the best contrast), in an array of no more than four well-spaced targets. Also, minimize the visual targets present in ■ near space during learning.</p> <p>Environment/Multi-Sensory: ■ cannot use ■ vision with auditory input unless it is a single back-lit target of a single color. It is difficult for ■ to simultaneously use ■ vision while being touched by someone else.</p> <p>Faces: ■ gives eye-to-eye contact with most faces, provided the person is also not speaking. ■ has a positive response to ■ own mirror image - smiling and talking to ■</p>	<p>Reduce the number of targets and items present within ■ near space during learning activities.</p> <p>Minor should be taught new concepts, visual targets, and materials in a quiet environment with all ■ CVI needs met prior to being expected to engage with those in a classroom setting.</p>
Need For Light	Spotlighting unfamiliar 3D targets will help Minor visually attend to them and begin	3D manipulatives should be used prior to expecting ■ to visually interpret 2D

	understanding their salient features.	images of the same. To the extent possible, the same 2D image should be used throughout routines.
Difficulty With Distance Viewing	Minor is able to only visually fixate on a single-colored, familiar target at a distance of up to three feet. Distance viewing is likely an issue due to issues with complexity of the array.	Introduce materials at distances of no further than 18-24 inches, about the same distance used with [redacted] eye gaze device and iPad at home.
Atypical Visual Reflexes	Minor consistently blinked when [redacted] nose was touch. [redacted] blink to threat response is consistently present but is very latent.	
Difficulty With Visual Novelty	<p>Minor is not visually curious except within [redacted] near space.</p> <p>Minor is visually curious of novel objects that are similar to familiar objects. [redacted] offers brief glances to novel, unfamiliar targets offered within [redacted] near space, but does not fully fixate on them until after several exposures.</p> <p>Minor needs several exposures to the “new to [redacted]” target in an environment controlled for complexity. Pre-teaching salient features and “front-loading” new content will be helpful to [redacted]</p>	<p>Minor needs pre-teaching and exposure to new concepts, and materials prior to being expected to engage in meaningful learning experiences.</p> <p>Minor should be taught new concepts, visual targets, and materials in a quiet environment with all [redacted] CVI needs met prior to being expected to engage with those in a classroom setting.</p>
Absence of Visually Guided Reach	Minor can look and touch a target simultaneously if it is highly familiar. [redacted] does attempt to reach but does better activating and participating with eye gaze.	

School District’s Pupil Appraisal reevaluation report also reflects that (1) Minor should be given visual breaks to avoid visual fatigue and meltdowns; (2) best practice is that the CVI range be repeated at least annually; (3) CVI schedule be used to carefully plan adaptations; (4) Minor’s educational team should use The What’s the Complexity Framework to analyze each of Minor’s

activity and routine; (5) Minor's educational team require at the very least introductory and annual training to understand the Characteristics and Phases of CVI, and the approaches necessary to implement effective intervention specific to Minor.²³⁶

Because Minor has many holes in [REDACTED] vision and would have great difficulty interpreting what is on a big screen like a promethean board or a large smart board,²³⁷ materials on a big screen like a promethean board or a large smart board should be mirrored to Minor's iPad on [REDACTED] wheelchair tray.²³⁸ TVI-Expert recommended that the pictures/illustrations within the Unique curriculum are not appropriate for Minor.²³⁹ Based on Minor's CVI Range assessment results, Parents asked TVI-Expert to conduct an expanded core curriculum needs assessment.²⁴⁰ TVI-Expert used the results from the expanded core curriculum needs assessment to conduct a VISSIT, which evaluates qualitatively and quantitatively all the areas of the expanded core curriculum.²⁴¹ Based on the score from VISSIT, TVI-Expert recommended Minor receive direct services from a TVI 60 minutes twice a month and consultative services from a TVI 60 minutes a week.²⁴²

IEPs Implementation

Due to medical issues, Minor had extensive absences from School for the 2022-2023 and 2023-2024 school years.²⁴³ For the 2022-2023 and 2023-2024 school years, School District offered virtual make-up services for Minor. Parents refused the make-up services and opted for

²³⁶ P-4, pp. 9-17; Testimony of TVI-Expert, Transcript Hearing Day 4, pp. 143-147.

²³⁷ Testimony of TVI-Expert, Transcript Hearing Day 4, pp. 147-148.

²³⁸ *Id.*

²³⁹ *Id.* at p. 154.

²⁴⁰ *Id.* at p. 157; P-6, pp. 8-37.

²⁴¹ Testimony of TVI-Expert, Transcript Hearing Day 4, p. 173; P-6, pp. 21-37.

²⁴² Testimony of TVI-Expert, Transcript Hearing Day 4, pp. 183-186; P-6, pp. 21-37.

²⁴³ Testimony of Parent-M, Transcript Hearing Day 6, pp. 104-108.

extended school year services instead.²⁴⁴ ESS Teacher-1 was Minor's teacher during the 2022-2023 school year.²⁴⁵ ESS Teacher-3 was Minor's teacher during the 2023-2024 school year.²⁴⁶

ESS Teacher-1 provided instruction to Minor by using a large screen, like a promethean board, with a CVI background – a black background – and Minor's eye gaze.²⁴⁷ Sometimes ESS Teacher-1 placed a black background behind the screen.²⁴⁸ ESS Teacher-1 tracked Minor's IEP with ■■■ progress report.²⁴⁹ Minor's challenges included being non-verbal and non-mobile, as well as having CVI and other medical conditions.²⁵⁰ ESS Teacher-1 used the eye gaze device to assess Minor; one challenge encountered was that both ESS Teacher-1 and Minor required training to use the device.²⁵¹ ESS Teacher-1 was responsible for preparing the instructional materials and either TVI-M or the Assistive Technology team uploaded the materials – including sight words and items used in addition and subtraction – to Minor's device.²⁵² TVI-M trained ESS Teacher-1 on CVI, including strategies for classroom interaction with and presentation of instructional materials to Minor.²⁵³ TVI-M conducted follow-up visits to support implementation or monitor progress and assist as needed.²⁵⁴

Minor had a little room, which was totally black, where ESS Teacher-1 or the paraprofessional would present materials to ■■■ on the eye gaze device; Minor also had access to the eye gaze outside the dark room.²⁵⁵ ESS Teacher-1 notified TVI-M of any CVI issues and the

²⁴⁴ *Id.* at pp. 110-111.

²⁴⁵ Testimony of ESS Teacher-1, Transcript Hearing Day 3, pp. 59-60.

²⁴⁶ *Id.*

²⁴⁷ *Id.* at pp. 61, 64, 65.

²⁴⁸ *Id.* at p. 65.

²⁴⁹ *Id.* at p. 67.

²⁵⁰ *Id.* at p. 69.

²⁵¹ Testimony of ESS Teacher-1, Transcript Hearing Day 3, pp. 70-71.

²⁵² *Id.* at pp. 71-74, 86-87.

²⁵³ *Id.* at pp. 73-74.

²⁵⁴ *Id.* at p. 74.

²⁵⁵ *Id.* pp. 75-76, 98.

Assistive Technology team of any technology issues.²⁵⁶ ESS Teacher-1 adapted lesson plans by researching CVI materials ■ could use for Minor.²⁵⁷ ESS Teacher-1 modified the instructional curriculum materials by personally searching for CVI materials and Parent-M and TVI-M also provided CVI materials.²⁵⁸ ESS Teacher-1 found CVI oriented materials when ■ realized that Minor could not do worksheets or coloring sheets.²⁵⁹ ESS Teacher-1 provided Minor alternative materials on the promethean board in CVI.²⁶⁰ Parent-M provided ESS Teacher-1 materials to use before Minor got eye gaze device.²⁶¹ Minor was given about 3 to 4 minutes to respond.²⁶² ESS Teacher-1 is not familiar with CVI schedule.²⁶³ Minor was sometimes fatigued in the classroom; when that happened, ESS Teacher-1 would stop the work in progress and allow Minor to do what ■ likes.²⁶⁴ Sometimes Minor participated in class and sometimes ■ did not.²⁶⁵ ESS Teacher-1 used Boom Cards to create instructional materials.²⁶⁶ ESS Teacher-1 experienced some challenges implementing Minor's IEP, particularly assessing what Minor knew and what ■ did not know; this challenge lessened with the use of eye gaze device.²⁶⁷ ESS Teacher-1 sent daily sheets home to Parents that addressed Minor's toileting and feeding; the sheets did not contain what Minor was taught for the day.²⁶⁸ ESS Teacher-1 received parental concerns from Parent-M and placed same in the IEP.²⁶⁹

²⁵⁶ *Id.* at p. 83.

²⁵⁷ Testimony of ESS Teacher-1, Transcript Hearing Day 3, p. 108.

²⁵⁸ *Id.* at p. 84, 87.

²⁵⁹ *Id.* at pp. 91-93, 127-134 (Minor cannot use ■ hands so someone else completed the work sheets for ■).

²⁶⁰ *Id.* at p. 136.

²⁶¹ *Id.* at p. 93.

²⁶² *Id.* at p. 101.

²⁶³ Testimony of ESS Teacher-1, Transcript Hearing Day 3, p. 104.

²⁶⁴ *Id.* at pp. 104-105.

²⁶⁵ *Id.* at p. 144.

²⁶⁶ *Id.* at p. 105.

²⁶⁷ *Id.* at 117-118.

²⁶⁸ *Id.* at pp. 140,141.

²⁶⁹ Testimony of ESS Teacher-1, Transcript Hearing Day 3, p. 156.

Minor's AAC device is Tobii Dynavox Pilot, which is an iPad Pro that has a case on it capable of tracking someone's eyes.²⁷⁰ The page set is individualized for Minor's needs; there is one word in each of the four corners, and the words are in Roman word bubbling.²⁷¹ Minor also has an AAC device at home, and with the tracking turned on, it shows Minor's usage of the eye gaze and modeling.²⁷² The log used to track Minor's use of the ACC device at School shows tracking only for speech.²⁷³ Parent-M testified that Minor's AAC device at school could be turned on to track usage.²⁷⁴ School has a little room accommodated for CVI.²⁷⁵ Parent-M testified that ESS Teacher-1 rarely communicated what Minor was learning in School.²⁷⁶ Parent-M provided Speech/Language Pathologist with information and materials on CVI and how to access them and make them available for Minor.²⁷⁷ Parent-M testified that ■■■ requested instructional materials from ESS Teacher-1, and ■■■ did not send any.²⁷⁸

ESS Teacher-2 mentored Minor's ESS Teachers.²⁷⁹ ESS Teacher-2 is not familiar with CVI.²⁸⁰

Speech/Language/Assistive Technology Program Facilitator is the facilitator for speech and assistive technology; ■■■ supports speech therapists in School District, not the teachers in School District.²⁸¹ Assistive technology staff provide technical support to School District staff.²⁸² Assistive Technology Specialist does not work at a specific school, ■■■ is assigned certain schools

²⁷⁰ Testimony of Parent-M, Transcript Hearing Day 6, p. 113.

²⁷¹ *Id.* at pp. 115-116.

²⁷² *Id.* at pp. 117-118.

²⁷³ *Id.* at p. 118.

²⁷⁴ *Id.* at p. 120.

²⁷⁵ *Id.* at p. 210.

²⁷⁶ Testimony of Parent-M, Transcript Hearing Day 6, p. 214.

²⁷⁷ *Id.* at pp. 232-236; P-13, pp. 2-7.

²⁷⁸ Testimony of Parent-M, Transcript Hearing Day 6, pp. 214, 218.

²⁷⁹ Testimony of ESS Teacher-2, Transcript Hearing Day 6, p. 9.

²⁸⁰ *Id.* at p. 10.

²⁸¹ Testimony of Speech/Language/Assistive Technology Program Facilitator, Transcript Hearing Day 3, pp. 8- 11.

²⁸² *Id.* at pp. 10-12.

and [REDACTED] roles include intake of referral forms to assess new students, setting up equipment, providing training and consulting with teachers about what their students need to access their curriculum and if they have any questions.²⁸³ Assistive Technology Specialist provided support and training to School District staff and Minor as needed.²⁸⁴ Assistive Technology Specialist showed ESS Teacher-1 how to use Minor's device, how to calibrate it, and how Minor's eye gaze works.²⁸⁵ Minor's instruction is mostly through PowerPoint and other software.²⁸⁶ Assistive Technology Specialist loaded PowerPoint to Minor's device.²⁸⁷

Minor also has an iPad, which has Keynotes that will open PowerPoints; Keynotes could not open some audio files in PowerPoints.²⁸⁸ Assistive Technology staff were notified of this issue and Assistive Technology Specialist loaded the PowerPoint app on Minor's Dynavox and iPad.²⁸⁹ Assistive Technology Specialist provided support to ESS Teacher-3 and ESS Teacher-1 by showing them how to adapt materials for Minor, like making Roman bubble letters and removing background from images and putting them on a black background.²⁹⁰ Assistive Technology Specialist has no formal training in CVI; [REDACTED] has attended multiple webinars.²⁹¹ During the 2022-2023 school year, Minor had two iPads, one of them [REDACTED] accessed with [REDACTED] eye gaze, and the other one the teacher used to present the materials to [REDACTED].²⁹² TD Snap software was used in Minor's eye gaze device.²⁹³ If teachers needed assistive technology assistance, they would complete an

²⁸³ Testimony of Assistive Technology Specialist, Transcript Hearing Day 5, p. 7-8, 10.

²⁸⁴ *Id.* at pp. 7-8; Testimony of Speech/Language/Assistive Technology Program Facilitator, Transcript Hearing Day 3, pp. 14- 16.

²⁸⁵ Testimony of Assistive Technology Specialist, Transcript Hearing Day 5, pp. 10-11.

²⁸⁶ *Id.* at p. 11.

²⁸⁷ *Id.*

²⁸⁸ *Id.* at p. 14.

²⁸⁹ *Id.* at p. 15.

²⁹⁰ *Id.* at pp. 17-19.

²⁹¹ Testimony of Assistive Technology Specialist, Transcript Hearing Day 5, p. 18.

²⁹² *Id.* at p. 20.

²⁹³ *Id.* at pp. 22-23.

online form for tech support.²⁹⁴ Parents requested PowerPoint and OneDrive for Minor's device, and they were downloaded within a couple of days.²⁹⁵ Assistive Technology Specialist provided a little training to Minor on different eye gaze and settings.²⁹⁶ Assistive Technology Specialist did not provide any training to Minor's Parents.²⁹⁷ Assistive Technology Specialist trained Minor's teachers, paraprofessionals, and support staff on how to monitor Minor's progress with using device.²⁹⁸ The training included showing them Minor's device and how he's supposed to access it, and depending on the goal being tracked, making a tally mark for how many times Minor answered the question correctly or used it properly.²⁹⁹ Assistive Technology Specialist did not train Minor's teachers, paraprofessionals, and support staff on how to track Minor's progress on IEP.³⁰⁰ A way to track Minor's use of TD Snap is for the communicator to make physical notes on how many times ■ uses the device.³⁰¹

Assistive Technology staff are not responsible for uploading programs to the device.³⁰² Minor's teacher is responsible for uploading programs to the device and may ask the Assistive Technology staff for assistance.³⁰³ Assistive Technology staff provided assistance to Minor's ESS teachers and Speech/Language Pathologist.³⁰⁴ Assistive Technology staff support teachers with students who have assistive device not teachers of the visually impaired.³⁰⁵ Visual Impairment Program Facilitator attended different trainings for CVI trained staff on how to put materials on

²⁹⁴ *Id.* at p. 25.

²⁹⁵ *Id.* at p. 27.

²⁹⁶ *Id.*

²⁹⁷ Testimony of Assistive Technology Specialist, Transcript Hearing Day 5, p. 27.

²⁹⁸ *Id.* at p. 30.

²⁹⁹ *Id.* at p. 31.

³⁰⁰ *Id.*

³⁰¹ *Id.* at pp. 34-36; SD-12, pp. 59, 170, 171.

³⁰² Testimony of Speech/Language/Assistive Technology Program Facilitator, Transcript Hearing Day 3, pp. 29- 30.

³⁰³ *Id.* at pp. 30-31.

³⁰⁴ *Id.* at p. 46; Testimony of ESS Supervisor, Transcript Hearing Day 2, p. 102.

³⁰⁵ Testimony of Speech/Language/Assistive Technology Program Facilitator, Transcript Hearing Day 3, pp. 52-53.

Minor's devices.³⁰⁶ Initially, Assistive Technology Specialist put materials on Minor's devices, then ESS Teacher-1 and ESS Teacher-3 put materials on Minor's devices.³⁰⁷ ESS Teacher-3 did not understand how to or was unable to adapt materials and had difficulty modifying and uploading modified materials to Minor's devices so Assistive Technology staff stepped in to assist, by training █████ on accommodating materials and uploading them to Minor's device.³⁰⁸ Assistive Technology staff also trained paraprofessionals on accommodating materials and uploading them to Minor's device.³⁰⁹

Speech/Language Pathologist provided speech therapy services to Minor twice a week for 30 minutes.³¹⁰ Speech/Language Pathologist used Assistive Technology devices to help build foundational core words/vocabulary for Minor, and to get Minor to try to use the Assistive Technology device to express █████ wants and needs.³¹¹ Speech/Language Pathologist, who is also part of the Assistive Technology team, assisted with uploading materials to Minor's Tobii Dynavox device; █████ did not assist with modifying Minor's work.³¹² Speech/Language Pathologist uploaded materials provided by Minor's ESS teachers, including color words, numbers, vocabulary relevant to the unit being discussed.³¹³ Speech/Language Pathologist, as part of the Assistive Technology team, trained Minor's ESS teachers on how to use Minor's devices.³¹⁴ During speech therapy sessions, Speech/Language Pathologist tracked and documented Minor's

³⁰⁶ Testimony of ESS Supervisor, Transcript Hearing Day 2, pp. 99, 100.

³⁰⁷ *Id.* at p. 100.

³⁰⁸ *Id.*; Testimony of School District Representative, Transcript Hearing Day 1, p. 139; Testimony of ESS Supervisor, Transcript Hearing Day 2, pp. 98-99.

³⁰⁹ Testimony of School District Representative, Transcript Hearing Day 1, p. 139; Testimony of ESS Supervisor, Transcript Hearing Day 2, p. 99.

³¹⁰ Testimony of Speech/Language Pathologist, Transcript Hearing Day 6, pp. 15-16.

³¹¹ *Id.* at pp. 16-17.

³¹² *Id.* at pp. 18-21.

³¹³ *Id.* at pp. 20-21.

³¹⁴ *Id.* at p. 18.

use of the device; ■ also created a tally sheet for Minor's ESS teachers to use.³¹⁵ Speech/Language Pathologist received general CVI training conducted by TVI-Expert.³¹⁶ Speech/Language Pathologist consulted with IEP team and with TVI-M, as needed.³¹⁷ Speech/Language Pathologist's consultation with TVI-M included discussion of additional resources for Minor, such as Roman bubbling, positioning of Minor, and calibration of Minor's devices.³¹⁸ Speech/Language Pathologist's measured Minor's progress on IEP goals by using documentation log and electronic information system.³¹⁹ Speech/Language Pathologist made up any sessions ■ missed with Minor.³²⁰ Speech/Language Pathologist also interacted with Parent, who asked that core words be added and followed up on requests Parent made.³²¹

Visual Impairment Program Facilitator is responsible for 100 students with visual impairment, arranges the caseloads for TVIs, and provides them with support and assistance; ■ does not provide direct services to the students.³²² Visual Impairment Program Facilitator provides consultative services to the TVIs and does not supervise TVIs, ■ receives the following reports from them: any changes to their caseload, if a student has moved, request for support, and any concerns or questions.³²³ During the 2022-2023 and 2023-2024 school years, School District had three or four TVIs for the 100 students with visual impairment.³²⁴

Visual Impairment Program Facilitator is familiar with Minor and ■ needs.³²⁵ Visual Impairment Program Facilitator observed (1) Minor's CVI Range assessment performed in May

³¹⁵ *Id.* at pp. 24-25.

³¹⁶ Testimony of Speech/Language Pathologist, Transcript Hearing Day 6, pp. 30-32.

³¹⁷ *Id.* at pp. 33-34.

³¹⁸ *Id.*

³¹⁹ *Id.* at pp. 34-35.

³²⁰ *Id.* at pp. 36-37.

³²¹ *Id.*

³²² Testimony of Visual Impairment Program Facilitator, Day 4, pp. 11,14.

³²³ *Id.* at pp. 12, 14.

³²⁴ *Id.* at pp. 17, 18.

³²⁵ *Id.* at pp. 18-20.

2023 by TVI-Expert, and (2) various attempted assessments (a new CVI assessment, sensory balance assessment, the 2D assessment), where Minor failed to respond or would not do the tasks needed to complete the assessments.³²⁶ Visual Impairment Program Facilitator and other TVIs, including Minor's TVI-M completed a three-day training on how to conduct the CVI assessments after which, as part of the training, █████ observed TVI-Expert conduct a CVI assessment on Minor.³²⁷ The three-day training was by video where on day one, Expert Witness explained the characteristics of CVI, on day two Expert Witness provided an assessment, and on day three, Expert Witness scored the assessment and compared █████ with those of the attendees.³²⁸

Visual Impairment Program Facilitator has attended other trainings on CVI.³²⁹ Visual Impairment Program Facilitator reviews TVI-M's TVI logs to ensure services have been provided.³³⁰ Visual Impairment Program Facilitator reviewed TVI-M's TVI logs from August 22 to March 2023 and concluded that the logs were compliant.³³¹ TVI-M's TVI logs from August 2022 to March 2023, documented that █████ serviced Minor as required in the IEP, and in August and September 2022, serviced Minor more than what was indicated in the IEP (30 minutes three times a month).³³² Neither Visual Impairment Program Facilitator nor TVI-M informed the IEP Team that TVI-M provided services greater than what the IEP indicated.³³³ In March 2023, TVI-M went on leave or retired and Visual Impairment Program Facilitator did not assign another TVI to Minor for the last six weeks of school.³³⁴ Visual Impairment Program Facilitator testified that

³²⁶ *Id.* at pp. 20-22.

³²⁷ *Id.* at pp. 22-23, 29.

³²⁸ Testimony of Visual Impairment Program Facilitator, Day 4, p. 27.

³²⁹ *Id.* at pp. 27-28.

³³⁰ *Id.* at p. 30.

³³¹ *Id.* at p. 35.

³³² *Id.* at pp. 32-33; SD-12, p. 6.

³³³ Testimony of Visual Impairment Program Facilitator, Day 4, p. 34.

³³⁴ *Id.* at pp. 35-36; SD-12, p.12.

Minor's service providers were aware that they could contact [REDACTED] if they needed some assistance.³³⁵ TVI-Expert conducted training on CVI generally, but not specifically on Minor.³³⁶

Expert Witness was qualified to offer expert opinions regarding the CVI assessments, instructional strategies, service delivery models, and educational programming for students with CVI.³³⁷ Expert Witness developed the CVI range assessment, which is a functional vision assessment designed to investigate the degree of the impact of the unique characteristics of CVI.³³⁸ The CVI range assessment is on a 0 to 10 continuum, where 0 represents little or no functional vision, and 10 represents near typical vision.³³⁹ The CVI range assessment is widely adopted in educational and clinical practice.³⁴⁰ The CVI range assessment looks uniquely at the needs of children with CVI who have brain-based visual impairment as opposed to functional vision assessments designed to investigate children who have difficulties due to eye disorder.³⁴¹ The CVI range assessment is the entry point, and after the CVI range assessment is completed, it is important that every member of the IEP team incorporate the CVI principles in their work.³⁴² There must be regular CVI range assessments to determine if the child is learning; at least once a year for school aged children.³⁴³

Expert Witness opined that after the CVI range assessment results are reviewed, other assessments may be conducted, like the sensory balance, What's the Complexity Framework (what order things will be taught to the child to help the child extend their vision throughout the day),³⁴⁴

³³⁵ Testimony of Visual Impairment Program Facilitator, Day 4, p. 35.

³³⁶ *Id.* at p. 69.

³³⁷ Testimony of Expert Witness, Transcript Hearing Day 5, p. 65.

³³⁸ *Id.* at p. 66.

³³⁹ *Id.*

³⁴⁰ *Id.* at p. 67.

³⁴¹ *Id.*

³⁴² *Id.* at pp. 78, 85.

³⁴³ Testimony of Expert Witness, Transcript Hearing Day 5, pp. 85, 107.

³⁴⁴ *Id.* at pp. 85, 89-90.

and the 2D image inventory (what kinds of images are the most easily interpreted by this person with CVI),³⁴⁵ then, a CVI schedule is created.³⁴⁶ The CVI schedule is a structured plan that should include the time of day, the activities of the day, the CVI characteristics that are targeted, what specialized materials will be use, what specialized methods are required, what is responsibility of the person overseeing the CVI programming, and to indicate if there are areas in which the accommodations would not be appropriate.³⁴⁷

Expert Witness evaluated Minor in 2021 using the CVI Range assessment.³⁴⁸ Expert Witness did not observe Minor in a classroom setting.³⁴⁹ Expert Witness did not participate in Minor's IEP.³⁵⁰ Expert Witness did not review Minor's classroom materials.³⁵¹ Expert Witness has spoken to Parents; ■■■ has not spoken to Minor's instructional or related service providers.³⁵² Expert Witness opined that Minor has complex communication needs, ■■■ does not use ■■■ natural voice, and ■■■ requires a collection of other communication tools to help ■■■ express ■■■ wants and needs.³⁵³ Expert Witness opined about the profound effect visual fatigue has on children with CVI and how important it is to design a program that helps keep things in balance for that child to extend their ability to use their vision throughout the day.³⁵⁴ Expert Witness noted that for Minor, visual exhaustion may look like avoidance or inability to engage.³⁵⁵

Minor's CVI range score decreased from the assessment performed in 2022 to the assessment performed in 2023, and Expert Witness opined that medical conditions are almost

³⁴⁵ *Id.* at p. 85.

³⁴⁶ *Id.* at p. 79.

³⁴⁷ *Id.* at pp. 79-81.

³⁴⁸ *Id.* at p. 160.

³⁴⁹ Testimony of Expert Witness, Transcript Hearing Day 5, p. 163.

³⁵⁰ *Id.* at p. 177.

³⁵¹ *Id.* at pp. 187-188.

³⁵² *Id.* at pp. 164-165.

³⁵³ *Id.* at p. 83.

³⁵⁴ *Id.* at pp. 90-91. *See also* Testimony of TVI-Expert, Transcript Hearing Day 4, pp. 143-147.

³⁵⁵ Testimony of Expert Witness, Transcript Hearing Day 5, pp. 91-92.

never a reason for a decrease in the CVI range score.³⁵⁶ Expert Witness stressed that when there is a decrease in the CVI range score the first thing to consider is whether there is a program in place that looks at accommodations and supports across the day, and whether the accommodations and supports are appropriate.³⁵⁷ Minor needs a new CVI range reassessment to determine if functional vision needs have changed.³⁵⁸ Expert Witness noted that there this is a published scientific paper that shows there is really no correlation in functional vision or improvement in functional vision and the medical cause of CVI.³⁵⁹

The primary goal of an appropriate CVI program is (1) for the child to be able to learn, (2) to have access to learning, and (3) to have access to their environment, and the secondary product is to improve functional vision.³⁶⁰ Part of the goal of an appropriate CVI program is to have interventions/supports like a salient features dictionary, which is a tool designed to assist individuals with CVI define the key features of real object or an image.³⁶¹ A salient features dictionary can help a child develop a framework for thinking about what to look for to know how to interpret something.³⁶² A salient feature is two to three descriptive elements that are distinct to a particular image or object and are customized to the child because sometimes they also include language that is associated with things the child already knows.³⁶³ It is important to have a salient features dictionary so that all the providers and parents are consistent when describing

³⁵⁶ *Id.* at pp. 105-106; 177-181.

³⁵⁷ *Id.* at pp. 106-107.

³⁵⁸ *Id.* at p. 110.

³⁵⁹ *Id.* at p. 111.

³⁶⁰ *Id.* at p. 116.

³⁶¹ Testimony of Expert Witness, Transcript Hearing Day 5, pp. 116-117.

³⁶² *Id.*

³⁶³ *Id.*

something.³⁶⁴ A salient features dictionary should be updated constantly by the CVI lead person, depending on what the teacher is teaching.³⁶⁵

Another intervention/support in an appropriate CVI program is “word bubbling” developed by Expert Witness.³⁶⁶ “Word Bubbling” is when the contour of the word is closely outlined with vibrant color and paired with language regarding salient visual features of the word.³⁶⁷ Expert Witness recommends teaching Minor literacy by first using the words that matter to [REDACTED] and adding those words in [REDACTED] AAC device and pairing it with other bubble words that can be used for vocabulary.³⁶⁸ Expert Witness opined that Minor can learn to at some level that is not necessarily grade appropriate level.³⁶⁹ A salient features dictionary is critical to Minor’s progress in learning to read.³⁷⁰ Expert Witness stated that Minor can learn and be taught Mathematics using the color bubbling, a backlit system like an iPad, or a simple black background for the 2D material, animations.³⁷¹ Display of materials on the ACC matters. Expert Witness stated that children with CVI are responsive to color and the spacing between symbols or images; spacing is important to prevent crowding and to ensure that the symbols or images remain distinguishable.³⁷²

For Minor to make meaningful progress in Speech, Expert Witness opined that there must be ongoing collaboration between the Speech therapist, TVI, and Parents.³⁷³ For Minor to make meaningful progress on [REDACTED] IEP goals, [REDACTED] requires direct services from a TVI.³⁷⁴ The 2024 IEP reflects that TVI provides consultative services 30 minutes twice a month, with no direct services

³⁶⁴ *Id.* at p. 117.

³⁶⁵ *Id.* at pp. 118-119.

³⁶⁶ *Id.* at p. 120.

³⁶⁷ Testimony of Expert Witness, Transcript Hearing Day 5, p. 120.

³⁶⁸ *Id.* at pp. 121-123.

³⁶⁹ *Id.* at p. 123.

³⁷⁰ *Id.* at p. 124.

³⁷¹ *Id.* at pp. 124-126.

³⁷² *Id.* at pp. 128, 130.

³⁷³ Testimony of Expert Witness, Transcript Hearing Day 5, p. 132.

³⁷⁴ *Id.* at p. 135.

to Minor, the 2023 IEP reflects that TVI provides consultative services 30 minutes a month with no direct services to Minor, and the 2022 IEP reflects that TVI provides consultative services 30 minutes twice a month with no direct services to Minor.³⁷⁵ TVI logs reflect that TVI provided resources and consultative services to staff but did not provide direct services to Minor.³⁷⁶ Minor's IEPs do not include orientation and mobility instruction.³⁷⁷ Expert Witness opined that Minor needs orientation and mobility instruction to support ■ spatial awareness and navigate ■ environment safely.³⁷⁸

Expert Witness opined that Minor's IEP should be overhauled and should include the following: direct instruction for Minor; active goals, ■ needs objectives, specific accommodations rather than general ones; any accommodations should match ■ range score; ■ needs further evaluations, including sensory balance, What's the Complexity Framework, the 2D image inventory, an orientation and mobility assessment; ■ requires orientation and mobility services; the CVI lead must collaborate with other individuals to create a CVI schedule, which ensures that Minor has access to CVI adjusted instruction throughout the day.³⁷⁹ There are commercially available instructional materials for CVI.³⁸⁰ Having a CVI Lead, who knows Minor's range score and CVI's unique effect on ■ can assist with adapting materials for Minor if necessary.³⁸¹

Expert Witness stressed that no two children with CVI have the same requirements and the materials used must be individualized to the child.³⁸² Expert witness stated that the evidence that

³⁷⁵ *Id.* at p. 132-134; SD-4 p. 19-20; SD-5 p. 19; SD-6 p. 14.

³⁷⁶ SD-12, pp. 6-17.

³⁷⁷ Testimony of Expert Witness, Transcript Hearing Day 5, p. 138.

³⁷⁸ *Id.* at pp. 137-139.

³⁷⁹ *Id.* at pp. 141-143.

³⁸⁰ *Id.* at p. 147.

³⁸¹ *Id.* at pp. 149-150.

³⁸² *Id.* at p. 151.

Minor has visual access to [REDACTED] instructional materials is if [REDACTED] is learning, if [REDACTED] is engaged, and if [REDACTED] can sustain [REDACTED] visual attention.³⁸³

ESS Director participated in Minor's 2023 IEP meeting.³⁸⁴ The prior notice of proposed and refused action should address the parental concerns.³⁸⁵ The prior notice of proposed and refused action issued after the March 16, 2023, IEP meeting did not address the parental concerns included in the 2023 IEP.³⁸⁶ School staff are trained on how to complete the prior notice of proposed and refused action.³⁸⁷ School District's compliance facilitator trains teachers on how to complete the IEP progress reports.³⁸⁸ Each goal is drafted individually in the IEP and a progress is reported individually for each goal.³⁸⁹ Teachers or related service providers collect data to track the IEP goals.³⁹⁰ The data collected is used to determine whether a student is making progress towards their IEP goals and to determine the student's progress report.³⁹¹

School District provides professional training for staff through conferences held locally and out of state to ensure they carry out their responsibilities.³⁹² School District's ESS department also conducts training for principals and other staff on special education related topics.³⁹³ School District Representative, who is the Executive Director for ESS, participated in Minor's IEP meeting for the 2022-2023 and 2023-2024 school years.³⁹⁴ School District Representative supported staff who provided services to Minor.³⁹⁵ Support includes the ESS compliance

³⁸³ Testimony of Expert Witness, Transcript Hearing Day 5, p. 151.

³⁸⁴ Testimony of ESS Director, Transcript Hearing Day 5 pp. 196-197; SD-5, p. 1.

³⁸⁵ Testimony of ESS Director, Transcript Hearing Day 5, p. 205.

³⁸⁶ *Id.* at pp. 205-206.

³⁸⁷ *Id.* at p. 206.

³⁸⁸ *Id.* at pp. 211-212.

³⁸⁹ *Id.* at p. 213.

³⁹⁰ *Id.*

³⁹¹ Testimony of ESS Director, Transcript Hearing Day 5, pp. 215-216.

³⁹² Testimony of School District Representative, Transcript Hearing Day 1, pp. 36, 39.

³⁹³ *Id.* at p. 128.

³⁹⁴ *Id.* at p. 47.

³⁹⁵ *Id.* at pp. 48, 49.

facilitator (Instructional Support Specialist), ensuring that the IEP has been implemented, assisting with the development of that IEP, and supporting the teacher, if the teacher needed any additional supports.³⁹⁶ Support also includes the ESS department assisting teachers with lesson planning.³⁹⁷ Instructional Support Specialist informed ESS Supervisor that the curriculum may not be appropriate, and that it was difficult to modify and adapt the curriculum for Minor's needs.³⁹⁸ During the prescriptive period, ESS Supervisor received concerns from Parent.³⁹⁹ ESS Supervisor met with staff working with Minor to discuss how Minor's IEP was being implemented, including what is going in the classroom, what is stated on the IEP, what accommodations or modifications need to be made and are those being followed, discussion of placement, and parental concerns and addressing them.⁴⁰⁰

ESS Supervisor met with ESS Instructional Support Specialist to show ■■■ how Minor's progress report should be developed using the progress monitoring data created by ESS Teacher-3.⁴⁰¹ ESS Instructional Support Specialist responsibilities include supporting special education teachers, facilitating IEP meeting dates, facilitating getting materials that the special education and special education classrooms need.⁴⁰² ESS Instructional Support Specialist provided support to Minor's classroom, not to Minor individually; ESS Instructional Support Specialist also provided support to Minor's teachers in collaboration with Minor's team.⁴⁰³ ESS Instructional Support Specialist trained ESS Teacher-1 and ESS Teacher-3 on how to enter information in eSER.⁴⁰⁴ ESS Instructional Support Specialist with Minor's team had student progress tracking meetings

³⁹⁶ *Id.* at p. 49.

³⁹⁷ *Id.* at pp. 129, 133, 134.

³⁹⁸ Testimony of ESS Supervisor, Transcript Hearing Day 2, p. 92.

³⁹⁹ *Id.* at p. 95.

⁴⁰⁰ *Id.* at pp. 96, 97.

⁴⁰¹ *Id.* at pp. 127-129.

⁴⁰² Testimony of ESS Instructional Support Specialist, Transcript Hearing Day 3, pp. 185-188.

⁴⁰³ *Id.* at pp. 188, 198, 199.

⁴⁰⁴ *Id.* at pp. 201-202. (eSER is LDOE's Special Education Reporting System.)

concerning Minor.⁴⁰⁵ ESS Instructional Support Specialist directly communicated with ESS Teacher-3 on how to develop Minor's progress report by using and averaging the progress monitoring data.⁴⁰⁶ ESS Instructional Support Specialist was present when the Assistive Technology staff team showed Speech/Language Pathologist and Minor's teacher how to upload materials to Minor's TOBI Dynavox device.⁴⁰⁷ ESS Instructional Support Specialist did not assist with developing instructional material for Minor.⁴⁰⁸ The Assistive Technology staff facilitated training ESS Instructional Support Specialist, amongst other staff, on Minor's device.⁴⁰⁹ ESS Instructional Support Specialist's role included reviewing progress reports to ensure that the teacher has answered the information according to the documented measurable data required in the IEP.⁴¹⁰ ESS Instructional Support Specialist acknowledged an error in the number of measurable objectives stated in the February 27, 2024, IEP report of Minor's progress on [REDACTED] Readiness content area reflected in Minor's March 16, 2023, IEP.⁴¹¹

Physical Therapist provided PT services to Minor twice a month for 30 minutes as specified in the IEP and documents same in an electronic medical system.⁴¹² When Physical Therapist missed any PT sessions, [REDACTED] made it up.⁴¹³ The PT sessions differed depending on Minor's ability and needs of the classroom.⁴¹⁴ Physical Therapist attended CVI-related training; some were general content and some were Minor specific content.⁴¹⁵ Minor did not use [REDACTED] communication device during PT sessions because it was hard for [REDACTED] to multitask; [REDACTED] communicated via facial

⁴⁰⁵ *Id.* at p. 190.

⁴⁰⁶ *Id.* at p. 201; Testimony of ESS Supervisor, Transcript Hearing Day 2, pp. 127-128.

⁴⁰⁷ Testimony of ESS Instructional Support Specialist, Transcript Hearing Day 3, p. 189.

⁴⁰⁸ *Id.* at pp. 191-192.

⁴⁰⁹ *Id.* at pp. 203.

⁴¹⁰ *Id.* at pp. 225, 226, 227, 228.

⁴¹¹ *Id.* at pp. 234-236.

⁴¹² Testimony of Physical Therapist, Transcript Hearing Day 6, p. 42.

⁴¹³ *Id.* at pp. 42-43.

⁴¹⁴ *Id.* at p. 41.

⁴¹⁵ *Id.* at pp. 44-46.

expression — looked away or rolled eyes if disinterested, subtlety of sound.⁴¹⁶ Physical Therapist consulted with TVI-M.⁴¹⁷ Parent admitted that the OT and PT services aligned with Minor's needs and that Minor has made progress with ■■■ needs.⁴¹⁸ Parent also acknowledged that Physical Therapist has taken the lead on PT, OT, and APE and that Minor is meeting ■■■ goals in these related services.⁴¹⁹

Parent-M testified that ■■■ communicated several times with ESS Teacher-3 and asked ■■■ to send home Minor's graded materials, but ■■■ did not send any home.⁴²⁰

CONCLUSIONS OF LAW

Parents proved that School District denied Minor FAPE. Parents are entitled to relief.

Burden of Proof

A school district's educational program for a child with disabilities is presumed to be appropriate.⁴²¹ As the party challenging the educational program proposed by School District, Parents bear the burden of proof to rebut this presumption.⁴²² At a due process hearing, the party seeking relief bears the burden of proof.⁴²³

Parents must affirmatively prove the allegations that School District failed to provide FAPE to Minor by (1) failing to develop an IEP that is reasonably calculated to enable Minor to receive educational benefits in light of ■■■ unique circumstances for the 2022-2023 and 2023-2024 school years; (2) failing to implement a reasonably calculated IEP to enable Minor to receive

⁴¹⁶ *Id.* at pp. 46-47.

⁴¹⁷ *Id.* at pp. 48-50.

⁴¹⁸ Testimony of Parent-M, Transcript Hearing Day 6, pp. 83.

⁴¹⁹ *Id.* at pp. 206-207.

⁴²⁰ *Id.* at p. 220.

⁴²¹ *White ex rel. White v. Ascension Parish Sch. Bd.*, 343 F.3d 373, 377 (5th Cir. 2003).

⁴²² *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49 (2005); *Richardson Indep. Sch. Dist. v. Michael Z.*, 580 F.3d 286, 292 n.4 (5th Cir. 2009).

⁴²³ LDOE Bulletin 1706 § 511(J).

educational benefits in light of Minor’s unique circumstances for the 2022-2023 and 2023-2024 school years; and (3) failing to provide Parents with sufficient prior written notices.

Overview of IDEA

IDEA provides every disabled child with the right to FAPE⁴²⁴ designed to meet ■ specialized needs.⁴²⁵ A free appropriate public education “need not be the best possible one, nor one that will maximize the child’s educational potential; rather, it need only be an education that is specifically designed to meet the child’s unique needs, supported by services that will permit [the child] to benefit from the instruction.”⁴²⁶ FAPE is delivered through an IEP, which must be created for a child by a school.⁴²⁷ Before creating the IEP, the school district must conduct an initial evaluation to determine the student’s eligibility and to identify ■ educational needs.⁴²⁸ An IEP is created by an “IEP Team” comprised of the child’s parents, at least one of ■ regular teachers, at least one of ■ special education teachers, a School District Representative, an individual who can interpret evaluation results (who may be either of the teachers or the School District Representative) and, if appropriate, the child himself.⁴²⁹ The IEP must outline the student’s then-current educational status, establish annual goals, and detail the special educational services and other aids that the child will be provided.⁴³⁰ It also must provide, among other things, “the projected date for the beginning of the services and modifications . . . and the anticipated

⁴²⁴ Congress has defined FAPE as, “special education and related services that . . . (A) have been provided at public expense, under public supervision and direction, and without charge; (B) meet the standards of the State educational agency; (C) include an appropriate . . . education in the State involved; and (D) are provided in conformity with the individualized education program required under section 1414(d) of this title. 20 U.S.C. § 1401(9).

⁴²⁵ 20 U.S.C. § 1400(d)(1)(A).

⁴²⁶ *Adam J. ex rel. Robert J. v. Keller Indep. Sch. Dist.*, 328 F.3d 804, 808 (5th Cir. 2003) (emphasis omitted) (citations omitted); *R.P. ex rel. R.P. v. Alamo Heights Independent School Dist.*, 703 F.3d 801, 809 (5th Cir. 2012).

⁴²⁷ *Adam J. ex rel. Robert J. v. Keller Indep. Sch. Dist.*, 328 F.3d 804, 808 (5th Cir. 2003) (emphasis omitted) (citations omitted); *R.P. ex rel. R.P. v. Alamo Heights Independent School Dist.*, 703 F.3d 801, 809 (5th Cir. 2012).

⁴²⁸ 20 U.S.C. §§ 1414(a)(1)(A)-(C).

⁴²⁹ 20 U.S.C. § 1414(d)(1)(B).

⁴³⁰ 20 U.S.C. § 1414(d)(1)(A)(i).

frequency, location, and duration of those services and modifications.”⁴³¹ IDEA does not require that parental preferences be implemented in an IEP.⁴³²

Rowley Standards

In *District of Education of Hendrick Hudson Central School District, Westchester County v. Rowley*,⁴³³ the U.S. Supreme Court defined the contours of FAPE and established a two-pronged test to be used to determine if FAPE is being provided: (1) Has the State complied with the procedures set forth in the Act; and (2) Is the IEP that was developed through the Act’s procedures reasonably calculated to enable the child to receive educational benefits?⁴³⁴ If these procedural and substantive requirements are met, compliance with the obligations imposed by Congress have been met.⁴³⁵

The Supreme Court in *Endrew F. v. Douglas Cty. Sch. Dist. Re-I*, refined the substantive *Rowley* FAPE standard and stated that “a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”⁴³⁶ The *Endrew F.* Court cautioned that its ruling “should not be mistaken for an invitation to the courts to substitute their own notions of sound educational policy for those of the school authorities” to whose expertise and professional judgment deference should be paid.⁴³⁷ Consequently, a district court’s task is to determine whether a school district complied with IDEA and not to second guess their educational

⁴³¹ 20 U.S.C. § 1414(d)(1)(A)(i)(VII).

⁴³² *Bradley ex rel. Bradley v. Arkansas Dep’t of Educ.*, 443 F.3d 965, 975 (8th Cir. 2006).

⁴³³ *District of Education of Hendrick Hudson Central School District, Westchester County v. Rowley*, 458 U.S. 176 (1982). (Although IDEA has been amended multiple times since 1982, *Rowley* is still controlling. *J.L. v Mercer Island Sch. Dist.*, 592 F.3d 938, 951 (9th Cir. 2010)). The Supreme Court’s unanimous decision in *Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-I*, 580 U.S. 386, 399-401 (2017) did not overturn *Rowley*.

⁴³⁴ *Rowley*, 458 U.S. at 206-207.

⁴³⁵ *Id.* at 207.

⁴³⁶ *Endrew F.*, 580 U.S. at 399.

⁴³⁷ *Id.* at 404.

decision making.⁴³⁸ Additionally, the U.S. Supreme Court has held that “the essential function of an IEP is to set out a plan for pursuing academic and functional advancement.”⁴³⁹

The following two-pronged inquiry is used to determine whether School District has provided FAPE under IDEA.

1. Procedural Compliance

Parents failed to prove that School District’s failure to provide Parents with sufficient PWNs was a denial of FAPE.

To satisfy the first prong of the *Rowley* test, the School District must comply with procedures set forth in the Act. Parents alleged that School District’s failure to provide them with sufficient PWNs was a procedural violation of IDEA. Any violation of the procedural requirements of IDEA amounts to a denial of FAPE if it impedes the child’s right to FAPE, significantly impedes the parent’s opportunity to participate in the decision-making process regarding the provision of FAPE to the child, or causes a deprivation of educational benefits.⁴⁴⁰ Parents proved that School District failed to provide them with sufficient PWNs; however, this procedural violation did not impede Minor’s right to FAPE, significantly impede Parents’ opportunity to participate in the decision-making process regarding the provision of FAPE to Minor or cause any deprivation of educational benefit.

IDEA is designed to establish a cooperative process between parents and schools.⁴⁴¹ The central vehicle for this collaboration is the IEP process. State educational authorities must identify and evaluate disabled children,⁴⁴² develop an IEP for each one,⁴⁴³ and review every IEP at least

⁴³⁸ *R.H. v. Plano Indep. Sch. Dist.*, 607 F.3d 1003, 1010 (5th Cir. 2010).

⁴³⁹ *Id.*

⁴⁴⁰ 20 U.S.C. § 1415(f)(3)(E)(ii).

⁴⁴¹ *Rowley*, 458 U.S. at 205-206.

⁴⁴² 20 U.S.C. §§ 1414(a)-(c).

⁴⁴³ 20 U.S.C. § 1414(d)(2).

once a year.⁴⁴⁴ Each IEP must include an assessment of the child’s current educational performance, must articulate measurable educational goals, and must specify the nature of the special services that the school will provide.⁴⁴⁵ Parents must be informed about and consent to their child’s evaluations⁴⁴⁶ and included as members of the IEP Team.⁴⁴⁷ They have the right to examine any records relating to their child, and to obtain an “independent educational evaluation” of the child.⁴⁴⁸ They must be given prior written notice of any changes in an IEP⁴⁴⁹ and be notified in writing of the procedural safeguards available to them under IDEA.⁴⁵⁰ If parents believe that an IEP is not appropriate, they may seek an administrative “impartial due process hearing.”⁴⁵¹

Failure to Provide Prior Written Notice of Refusals

Parents contended that School District failed to provide them with sufficient PWNs that clearly explained the reasons for denying their requests and that outlined the alternatives considered.

A key procedural protection of state and federal special education law is that a school district must provide PWN to parents. PWN is a document that is required following the proposal and/or refusal related to the initiation or change in the identification, evaluation, educational placement, or offer of FAPE.⁴⁵² The PWN must contain the following:

1. a description of the action proposed or refused by the agency;
2. an explanation of why the agency proposes or refuses to take the action;

⁴⁴⁴ 20 U.S.C. § 1414(d)(4).

⁴⁴⁵ 20 U.S.C. § 1414(d)(1)(A).

⁴⁴⁶ 20 U.S.C. § 1414(c)(3).

⁴⁴⁷ 20 U.S.C. § 1414(d)(1)(B).

⁴⁴⁸ 20 U.S.C. § 1415(b)(1).

⁴⁴⁹ 20 U.S.C. § 1415(b)(3).

⁴⁵⁰ 20 U.S.C. § 1415(d)(1).

⁴⁵¹ 20 U.S.C. § 1415(f).

⁴⁵² 20 U.S.C. § 1415(b)(3); 34 C.F.R. § 300.503(a) (2025); LDOE Bulletin 1706 § 504(A).

3. a description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;

4. a statement that the parents of a student with a disability have protection under the procedural safeguards of this chapter and, if this notice is not an initial referral for an evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;

5. sources for parents to contact to obtain assistance in understanding the provisions of this chapter;

6. a description of other options that the IEP Team considered and the reasons why those options were rejected; and

7. a description of other factors that are relevant to the agency's proposal or refusal.⁴⁵³

On March 1, 2024, after the February 24, 2024, IEP meeting, ESS Supervisor, issued two PWNs to Parents addressing Parents' rejected requests.⁴⁵⁴ School District's ESS Supervisor admitted that the March 1, 2024, PWNs did not contain all the requirements listed above, specifically the PWNs did not describe (a) other options that the IEP Team considered and the reasons why those options were rejected or (b) other factors that are relevant to the IEP Team's proposal or refusal.⁴⁵⁵ ESS Supervisor's admission clearly shows a procedural violation; however, not every procedural violation amounts to a denial of FAPE. Parents did not demonstrate that the omission of the two requirements impeded Minor's right to FAPE, significantly impeded Parents' opportunity to participate in the decision-making process regarding the provisions of FAPE to Minor, or caused a deprivation of educational benefits.

⁴⁵³ 20 U.S.C. § 1415(b)(3); 34 C.F.R. § 303.503(b) (2025); LDOE Bulletin 1706 § 504(B).

⁴⁵⁴ SD-4, pp. 42-44.

⁴⁵⁵ Testimony of ESS Supervisor, Transcript Hearing Day 2, pp. 158, 173, 175.

2. Substantive Compliance

Parents proved that School District's failure to administer the IEPs in a coordinated and collaborative manner by key stakeholders and Minor's lack of positive academic and non-academic progress were a denial of FAPE.

To satisfy the second prong of the *Rowley* test, the School District must have developed and implemented an IEP reasonably calculated to provide meaningful educational benefits. The U.S. Supreme Court in *Endrew F.* refined the second prong of the *Rowley* test and determined, the IEP must be reasonably calculated to enable child to make progress in light of child's circumstances.⁴⁵⁶

In determining whether the second test of the *Rowley* inquiry has been satisfied, the United States Fifth Circuit Court of Appeals in *Cypress-Fairbanks Independent School District v. Michael F. by Barry F.*⁴⁵⁷ established a four-factor test. The four factors are: (1) Is the program individualized on the basis of the student's assessment and performance; (2) Is the program administered in the least restrictive environment; (3) Are the services provided in a coordinated and collaborative manner by the key "stakeholders;" and (4) Are positive academic and non-academic benefits demonstrated?⁴⁵⁸ The Fifth Circuit has treated the factors "as indicators of when an IEP meets the requirements of IDEA," but has not specified how these factors should be weighed.⁴⁵⁹ The factors are a guide in a fact-intensive inquiry of whether an IEP provided educational benefit.⁴⁶⁰ Where a "party [is] challenging the implementation of an IEP[, as Parents are, that party] must show more than a *de minimis* failure to implement all elements of that IEP,

⁴⁵⁶ *Endrew F.*, 580 U.S. at 399-404.

⁴⁵⁷ *Cypress-Fairbanks Indep. Sch. Dist. v. Michael F. by Barry F.*, 118 F.3d 245 (5th Cir. 1997).

⁴⁵⁸ *Id.* at 253.

⁴⁵⁹ See *Richardson Indep. Sch. Dist. v. Michael Z.*, 580 F.3d 286, 293 (5th Cir.2009); *Cypress-Fairbanks*, 118 F.3d at 245. See also *Klein Indep. Sch. Dist. v. Hovem*, 690 F.3d 390, 396 (5th Cir. 2012).

⁴⁶⁰ See *Richardson*, 580 F.3d at 293; *Klein*, 690 F.3d at 396.

and, instead, must demonstrate that the school [district] or other authorities failed to implement substantial or significant provisions of the IEP.”⁴⁶¹

Cypress-Fairbanks Factor One

Parents failed to prove that Minor’s IEPs were not individualized based on Minor’s assessed abilities and performance.

A court looks not to whether a school district properly diagnosed or labeled a child, but whether the IEP itself is individualized to meet the student’s particular needs and provides them with educational benefits.⁴⁶²

Minor’s March 23, 2022, March 16, 2023, and February 27, 2024, IEPs were specifically tailored to ■ individual needs.⁴⁶³ Based on ■ multiple impairments, including visual impairment-blindness, orthopedic impairment, and other health impairment, Minor’s IEPs specifically addressed what ■ needed in the content areas identified by the IEP team.⁴⁶⁴ Parents offered insufficient evidence that Minor’s IEPs were not individualized based on Minor’s assessed abilities and performance.

Cypress-Fairbanks Factor Two

Parents failed to prove that Minor’s educational program was not provided in the least restrictive environment.

IDEA requires that “[t]o the maximum extent appropriate, children with disabilities . . . are educated with children who are not disabled. . . .”⁴⁶⁵ The requirement that the child be educated in the “general education curriculum” reflects the notion that disabled children must be placed in the

⁴⁶¹ *Houston Indep. Sch. Dist. v. Bobby R.*, 200 F.3d 341, 349 (5th Cir. 2000); *Houston Indep. Sch. Dist. v. V.P. ex rel. Juan P.*, 582 F.3d 576, 587 (5th Cir. 2009). See *B.B. v. Catahoula Par. Sch. Dist.*, CIV A., 11-1451, 2013 WL 5524976, at *12 (W.D. La. Oct. 3, 2013).

⁴⁶² See *Lauren C. v. Lewisville Indep. Sch. Dist.*, 904 F.3d 363 (5th Cir. 2018).

⁴⁶³ SD-6; SD-5; SD-4.

⁴⁶⁴ SD-6; SD-5; SD-4.

⁴⁶⁵ 20 U.S.C. § 1412(a)(5)(A).

“least restrictive environment” in which they can receive FAPE.⁴⁶⁶ The court in *Daniel R.R. v. State Bd. of Educ.*, held that “when education in a regular classroom cannot meet the handicapped child’s unique needs, the presumption in favor of mainstreaming is overcome and the school need not place the child in regular education.”⁴⁶⁷

Minor’s March 23, 2022, March 16, 2023, and February 27, 2024, IEPs document the extent of Minor’s exceptionalities.⁴⁶⁸ Minor has multiple impairments, including visual impairment-blindness, orthopedic impairment, and other health impairment.⁴⁶⁹ Minor also has the following medical diagnoses: [REDACTED] cerebral palsy, dysphagia, refractory seizure disorder, cortical visual impairment, sympathetic storming, gastrointestinal dysmotility, spasticity, and dysautonomia.⁴⁷⁰ Considering Minor’s impairments, [REDACTED] March 23, 2022, March 16, 2023, and February 27, 2024, IEPs reflect that [REDACTED] is in the regular classroom less than 40 percent of the day.⁴⁷¹

Because Minor’s placement meets [REDACTED] unique needs, Parents failed to prove that Minor’s educational program was not provided in the least restrictive environment.

Cypress-Fairbanks Factor Three

Parents proved that services were not sufficiently provided in a coordinated and collaborative manner by the key stakeholders.

School District’s failure to provide all the services and modifications outlined in an IEP does not constitute a *per se* violation of IDEA.⁴⁷² To demonstrate lack of coordination among the

⁴⁶⁶ *M.S. ex rel. Simchick v. Fairfax Cty. Sch. Bd.*, 553 F.3d 315, 327 (4th Cir. 2009); *DeVries By DeBlaay v. Fairfax Cty. Sch. Bd.*, 882 F.2d 876, 878 (4th Cir. 1989) (“Mainstreaming of handicapped children into regular school programs where they might have opportunities to study and to socialize with non handicapped children is not only a laudable goal but is also a requirement of the Act.”).

⁴⁶⁷ *Daniel R.R. v. State Bd. of Educ.*, 874 F.2d 1036, 1045 (5th Cir. 1989).

⁴⁶⁸ SD-6, p. 1; SD-5, p. 1; and SD-4, p. 1.

⁴⁶⁹ SD-6, p. 1; SD-5, p. 1; and SD-4, p. 1.

⁴⁷⁰ SD-6, p. 3; SD-5, p. 3; SD-4, p. 3.

⁴⁷¹ SD-6, pp. 1-2, 14; SD-5, p. 3; SD-4, p. 3.

⁴⁷² See *Bobby R.*, 200 F.3d at 349. See *L.D. by and through Heather D. v. Friendswood Indep. Sch. Dist.* 733 F.Supp.3d 612, 618 (S.D. Tex. Sept. 29, 2024).

key stakeholders, a party must “show more than a *de minimis* failure to implement all elements of that IEP, and, instead, must demonstrate that the school district or other authorities failed to implement substantial or significant provisions of the IEP.”⁴⁷³ The Court in *Van Duyn v. Baker*, stated that “when a school district does not perform exactly as called for by the IEP, the district does not violate [IDEA] unless it is shown to have materially failed to implement the child’s IEP. A material failure occurs when there is more than a minor discrepancy between the services provided to a disabled child and those required by the IEP.”⁴⁷⁴ Coordination and collaboration require participants to communicate outside of IEP meetings to ensure the child’s needs are met.⁴⁷⁵ It also requires key stakeholders to receive adequate training in order to implement the IEP properly.⁴⁷⁶

Minors IEPs required modification and adaptation of [REDACTED] instructional materials to fit [REDACTED] unique needs. Although Minor’s teachers, ESS Teacher-1 and ESS Teacher-3, received adequate training and support from the Assistive Technology team, they materially failed to implement Minor’s IEPs. They frequently had difficulty modifying and adapting [REDACTED] materials and uploading same to [REDACTED] devices. More analysis on this factor is contained below, in *Cypress-Fairbanks Factor Four*.

Considering the above, Parents proved that School District failed to administer the IEP in a coordinated and collaborative manner by the key stakeholders.

Cypress-Fairbanks Factor Four

Parents proved that Minor has not achieved positive academic and non-academic benefits.

⁴⁷³ See *Bobby R.*, 200 F.3d at 349; *D.B. v. Houston Indep. Sch. Dist.*, No. Civ. A. H-06-354, 2007 WL 2947443 at *10 (S.D. Tex. Sept. 29, 2007).

⁴⁷⁴ *Van Duyn v. Baker School Dist.* 5J, 502 F. 3d 811, 815 (9th Cir. 2007).

⁴⁷⁵ *V.P. ex rel. Juan P.*, 582 F.3d at 587. See *B.B.*, 2013 WL 5524976, at *12.

⁴⁷⁶ *V.P. ex rel. Juan P.*, 582 F.3d at 588. See *B.B.*, 2013 WL 5524976, at *12.

In *Houston Independent School District v. V.P. ex rel. Juan P.*, the Fifth Circuit described this fourth factor as “[p]erhaps one of the most critical factors....”⁴⁷⁷ The factor seeks to determine “whether the student was obtaining benefits from the IEP.”⁴⁷⁸ In *Andrew F.*, the Supreme Court stated that “the essential function of an [individualized education program] is to set out a plan for pursuing academic and functional advancement.”⁴⁷⁹

The educational benefit “cannot be a mere modicum or *de minimus*; rather, an IEP must be likely to produce progress, not regression or trivial educational advancement.”⁴⁸⁰ In *Bobby R.*, the court held that it is not necessary for a child to improve in every area to receive an educational benefit; rather, a child’s improvement must be more than trivial.⁴⁸¹ In *Andrew F.*, the Supreme Court stated that “[t]o meet its substantive obligation under IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”⁴⁸² The adequacy of a given IEP turns on the unique circumstances of the child for whom it was created.⁴⁸³

Although Parent-M acknowledged that Minor made sufficient progress in ■ gross-motor skills, the record does not show that in light of ■ circumstances and ■ unique needs, ■ made appropriate progress in other content areas denoted in his IEPs. Minor’s unique needs revolve around ■ CVI diagnosis. The record is replete with facts that support Parents’ contention that Minor failed to make sufficient progress in all but the gross-motor skills content area. First, the March 23, 2022, IEP indicates that Minor met a total of only five of 12 objectives: Minor achieved one out of four objectives in speech, two out of four objectives in motor-gross, and two out of four

⁴⁷⁷ *V.P. ex rel. Juan P.*, 582 F.3d at 588.

⁴⁷⁸ *Id.* (citing *Cypress-Fairbanks*, 118 F.3d at 252).

⁴⁷⁹ *Andrew F.*, 580 U.S. at 387.

⁴⁸⁰ *Richardson*, 580 F.3d at 292 (citing *Cypress-Fairbanks*, 118 F.3d at 248).

⁴⁸¹ *Bobby R.*, 200 F.3d 341 at 349.

⁴⁸² *Andrew F.*, 580 U.S. at 399.

⁴⁸³ *Id.* at 404.

objectives in readiness skills.⁴⁸⁴ Second, the March 16, 2023, IEP indicates that Minor met a total of only five of 16 objectives: Minor achieved one out of three objectives in speech, two out of four objectives in motor-gross, and two out of nine objectives in readiness skills.⁴⁸⁵ Third, the February 27, 2024, IEP indicates that Minor met a total of only five of 24 objectives:⁴⁸⁶ Minor achieved zero out of eight objectives in speech, one out of three objectives in AAC, two out of four objectives in motor-gross, and two out to nine objectives in readiness skills.⁴⁸⁷ Additionally, the reevaluation report from School District's pupil appraisal documents that as of May 22, 2023, Minor's percentage of progress towards [REDACTED] March 16, 2023, IEP goals, benchmarks/objectives were 20% for Readiness and 30% for Communication.⁴⁸⁸ The reevaluation report also reflects that as of May 22, 2023, Minor was making **limited progress** towards [REDACTED] IEP goals in the area of Readiness and Communication.⁴⁸⁹

Applicable law provides that it is not necessary for a child to improve in every area to receive an educational benefit; rather, a child's improvement must be more than trivial.⁴⁹⁰ Minor's progress in only gross motor skills is not more than trivial particularly in light of [REDACTED] circumstances and [REDACTED] unique needs, which revolves around [REDACTED] CVI diagnosis. School District's staff, including Minor's service providers, testified that they were provided CVI training.⁴⁹¹ However, the

⁴⁸⁴ SD-6, p. 3.

⁴⁸⁵ SD-5, p. 4.

⁴⁸⁶ The total objectives for Minor documented in [REDACTED] March 16, 2023, IEP is 21 objectives not 24 objectives. See SD-4 and SD-5. See also Testimony of ESS Instructional Support Specialist, Transcript Hearing Day 3, pp. 234-236 (acknowledging an error in the number of measurable objectives stated in the February 27, 2024, IEP report of Minor's progress on [REDACTED] Readiness content area reflected in Minor's March 16, 2023, IEP).

⁴⁸⁷ SD-4, p. 4 (The February 24, 2024, IEP incorrectly denoted that Minor's March 16, 2023, IEP contained nine objectives in readiness skills instead of six objectives. Notwithstanding this error, Minor met only two out to those six objectives in readiness skills. The 2024 IEP also incorrectly denoted the content area of Receptive Language as speech.).

⁴⁸⁸ P-4, p. 2.

⁴⁸⁹ *Id.* (Emphasis added).

⁴⁹⁰ *Bobby R.*, 200 F.3d 341 at 349.

⁴⁹¹ Testimony of ESS Teacher-1, Transcript Hearing Day 3, pp. 73-74; Testimony of Visual Impairment Program Facilitator, Day 4, p. 67; Testimony of School District representative, Transcript Hearing Day 1, p. 234; Testimony of ESS Supervisor, Transcript Hearing Day 2, p. 135; Testimony of Speech/Language/Assistive Technology Program

implementation of the training was inconsistent and insufficient. ESS Teacher-1 testified that [REDACTED] had difficulty adapting and modifying materials for Minor and uploading those materials to Minor's device. Based on credible witness testimony, ESS Teacher-3 also had difficulty adapting and modifying materials for Minor and uploading those materials to Minor's device. Although both ESS Teacher-1 and ESS Teacher-3 were trained on CVI, they continued to need assistance from the Assistive Technology team to adapt and modify materials for Minor and upload those materials to Minor's device.

ESS Teacher-1 admitted that some of the worksheets or coloring sheets purported to be completed by Minor were not completed by Minor, because Minor cannot use [REDACTED] hands and so someone else completed the worksheets for [REDACTED].⁴⁹² Some documentation logs completed by the service providers failed to document Minor's performance as required in [REDACTED] IEPs.⁴⁹³ ESS Teacher-1 testified that sometimes when [REDACTED] provided instruction to Minor, [REDACTED] provided the CVI materials via PowerPoint on a large screen, like a promethean board. Based on TVI-Expert's testimony, Minor has many holes in [REDACTED] vision and would have great difficulty interpreting what is on a big screen like a promethean board.⁴⁹⁴ TVI-Expert's testified that CVI materials on a big screen like a promethean board should be mirrored to Minor's iPad on [REDACTED] wheelchair tray, at distances of no further than 18-24 inches.⁴⁹⁵

School District contracted with TVI-Expert to ensure that its staff were educated and trained on CVI.⁴⁹⁶ TVI-Expert conducted a functional vision assessment, the CVI Range

Facilitator, Transcript Hearing Day 3, pp. 14- 16; Testimony of Speech/Language Pathologist, Transcript Hearing Day 6, pp. 30-32; Testimony of Assistive Technology Specialist, Transcript Hearing Day 5, pp. 7-8.

⁴⁹² Testimony of ESS Teacher-1, Transcript Hearing Day 3, pp. 91-93, 127-134,

⁴⁹³ SD-4; SD-5 p. 6; logs in SD-12.

⁴⁹⁴ Testimony of TVI-Expert, Transcript Hearing Day 4, pp. 147-148.

⁴⁹⁵ Testimony of TVI-Expert, Transcript Hearing Day 7, pp. 153-154.

⁴⁹⁶ Testimony of School District Representative, Transcript Hearing Day 1, pp. 113, 234; Testimony of TVI-Expert, Transcript Hearing Day 4, pp. 78, 102, 103; Testimony of TVI-Expert, Transcript Hearing Day 7, p. 72.

assessment, of Minor and provided School District with [REDACTED] recommendations. [REDACTED] recommendations included: (a) have a CVI schedule to plan visual adaptations and approaches, (b) provide direct TVI services to Minor twice a month for 60 minutes, (c) provide consultative TVI services once a week for 60 minutes, and (d) have a salient features dictionary.⁴⁹⁷ Some of [REDACTED] recommendations were incorporated in the reevaluation report prepared by School District's Pupil Appraisal.⁴⁹⁸ However, [REDACTED] recommendations listed above were neither incorporated in the reevaluation report prepared by School District, nor were they included in Minors IEPs.

Testimony from ESS Teacher-1 showed that [REDACTED] was unfamiliar with a CVI schedule. Both expert witnesses, the TVI-Expert and Expert Witness, recommended that Minor should have a CVI schedule, which is a structured plan that should include the time of day, the activities of the day, the CVI characteristics that are targeted, the specialized materials to be used, the specialized methods required, the responsibility of the person overseeing the CVI programming, and if there are areas in which the accommodations would not be appropriate.⁴⁹⁹

Minor's IEPs do not include direct services from a TVI. Minor's IEPs include consultative TVI services for Minor's service providers. Both expert witnesses recommended that Minor should receive direct TVI services. TVI-Expert, based on [REDACTED] CVI Range assessment, recommended that Minor receive direct TVI services twice a month for 60 minutes and consultative TVI services once a month for 60 minutes.

Both expert witnesses stressed the importance of a salient features dictionary, namely, how it can help a child develop a framework for thinking about what to look for to know how to interpret something, how it would help ensure that the providers and parents are consistent when describing

⁴⁹⁷ Testimony of TVI-Expert, Transcript Hearing Day 7, pp. 109, 111-113.

⁴⁹⁸ P-4, pp. 9-17.

⁴⁹⁹ *Id.*; Testimony of Expert Witness, Transcript Hearing Day 5, pp. 79-81; Testimony of TVI-Expert, Transcript Hearing Day 4, pp. 143-147.

something, and it should be updated constantly by the CVI lead person, depending on what the teacher is teaching.⁵⁰⁰ None of Minor's IEPs mention the use of a salient features dictionary.

Considering the above, Minor did not make progress appropriate in light of [REDACTED] circumstances.

Conclusion

Parents proved that School District denied Minor FAPE by failing to implement reasonably calculated IEPs to enable Minor to receive educational benefits in light of Minor's unique circumstances for the period August 30, 2022, through August 30, 2024, which coincides with the 2022-2023 and 2023-2024 school years. Considering the above, Minor is entitled to the following remedies:

- (1) School District must conduct annual CVI range assessments for Minor to ensure [REDACTED] IEP is tailored to [REDACTED] unique needs, and incorporate CVI range assessments recommendations in Minor's IEP.
- (2) Minor's current IEP must include direct TVI services to Minor and consultative services to Minor's service providers as indicated in the May 2023 TVI-Expert's CVI Range report.
- (3) School District must provide training to Minor's service providers on how to properly document Minor's performance of all the measurable objectives in the content areas reflected in [REDACTED] IEP.
- (4) School District must provide Minor's service providers with additional assistance and support with modifying and uploading Minor's CVI materials.

⁵⁰⁰ Testimony of Expert Witness, Transcript Hearing Day 5, pp. 116-119.

- (5) School District must continue providing CVI training to all staff that provide services to Minor.
- (6) School District must provide Minor with extended school year services for the 2025-2026 school year as compensatory education.
- (7) Within 45 days of issuance of this *Decision*, School District must convene a State-facilitated IEP meeting to include Minor’s service providers and TVI-Expert.
- (8) The IEP team must:
 - (a) designate a CVI lead, who
 - (i) will be responsible for drafting and regularly updating a salient features dictionary to reflect new information, experiences, and interest;
 - (ii) will collaborate with Minor’s service providers to create a CVI schedule, which will ensure that Minor has access to CVI adjusted instruction throughout the day;
 - (iii) knows Minor’s CVI range score and CVI’s unique effect on ■■■; and
 - (iv) can assist with adapting materials for Minor as needed.

[INTENTIONALLY LEFT BLANK – ORDER ON NEXT PAGE]

ORDER

IT IS ORDERED that School District conduct annual CVI range assessments for Minor to ensure ■ IEP is tailored to ■ unique needs and incorporate CVI range assessments recommendations in Minor’s IEP.

IT IS FURTHER ORDERED that Minor’s current IEP include direct TVI services to Minor and consultative services to Minor’s service providers as indicated in the May 2023 TVI-Expert’s CVI Range report.

IT IS FURTHER ORDERED that School District provide training to Minor’s service providers on how to properly document Minor’s performance of all the measurable objectives in the content areas reflected in ■ IEP.

IT IS FURTHER ORDERED that School District provide Minor’s service providers additional assistance and support with modifying and uploading Minor’s CVI materials.

IT IS FURTHER ORDERED that School District continue providing CVI training to all staff that provide services to Minor.

IT IS FURTHER ORDERED that School District provide Minor with extended school year services for the 2025-2026 school year as compensatory education.

IT IS FURTHER ORDERED that School District, within 45 days of issuance of this *Decision*, convene a State-facilitated IEP meeting to include Minor’s service providers and TVI-Expert.

IT IS FURTHER ORDERED that at the State-facilitated IEP meeting, the IEP team do the following: designate a CVI lead, who (i) will be responsible for drafting and regularly updating a salient features dictionary for Minor, that will reflect new information, experiences, and interests; (ii) will collaborate with Minor’s service providers to create a CVI schedule, which will ensure that Minor has access to CVI adjusted instruction throughout the day; (iii) knows Minor’s CVI range score and CVI’s unique effect on ■; and (iv) can assist with adapting materials for Minor as needed.

Rendered and signed on October 20, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, October 20, 2025, I have sent a copy of this decision/order to all parties of this matter.

Adaora Chukudebelu
Adaora Chukudebelu
Administrative Law Judge
Division of Administrative Law

Clerk of Court
Division of Administrative Law

Exhibits

Exhibits: Admitted

SD-4	49 pages
SD-5	41 pages
SD 6	33 pages
SD-10	3 pages
SD-12	pp. 6-17
SD-13	18 pages
SD-15	1 page
P-2	pp. 6-24
P-3	8 pages
P-4	32 pages
P-6	pp. 8-37
P-9	pp. 1-4, 13-16
P-11	pp. 10-13
P-12	pp. 1-30
P-13	pp. 2-62 (51-53 redacted)
P-14	110 pages
P-18	7 pages
P-22	pp. 1-22
P-23	10 pages
P-24	78 pages
P-25	47 pages
P-27	pp. 237-265
P-29	pp. 19-96

Exhibits: Proffered

P-2	pp. 1-5
P-9	pp. 5-12, 17
P-13	p. 1
P-17	3 pages
P-26	133 pages
P-27	pp. 1-236; 266-288
P-28	pp. 1-140
P-29	pp. 1-18

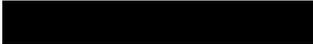
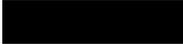
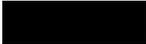
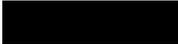
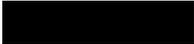
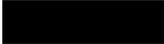
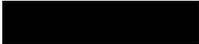
Exhibits: Judicial Notice Taken

P-15	LAC 28:XCVII, LDOE Bulletin 1530 (pp.171-193) LAC 28:XLIII, LDOE Bulletin 1706 (pp. 191-295)
P-16	La. R.S. 17:1960.1 and La. R.S. 17:1983 (pp. 4-6)

REVIEW RIGHTS

This hearing decision is final unless it is appealed. Any aggrieved party has the right to appeal the findings and decision by filing a civil action within ninety (90) days from the date of this decision in a state court of competent jurisdiction or in a district court of the United States in accordance with Louisiana Administrative Code 28:XLIII.516.

Legend

Parents	
Parent-M	
Minor	
School District	East Baton Rouge Parish Public Schools
School District Representative	Dr. Janet Harris
School	
ESS Supervisor	Dr. Micheal Wright
ESS Supervisor-P	Patrice Hudson
ESS Director	Dr. Rodney Coates
ESS Teacher-1	
ESS Teacher-2	
ESS Teacher-3	
ESS Instructional Support Specialist	
Speech/Language Pathologist	
Physical Therapist	
Occupational Therapist	
Speech/Language/Assistive Technology Program Facilitator	Dr. Patricia Minnis
TVI-Expert	
TVI-M	
Visual Impairment Program Facilitator	
APE Teacher	
Assistive Technology Specialist	

Expert Witness

Christine Roman

Principal

[REDACTED]

Regular Education Teacher-1

[REDACTED]

Regular Education Teacher-2

[REDACTED]

Nurse Manager

[REDACTED]

Louisiana Special Education Due Process Hearing

45-H-06-E



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2024-50003-DOE**

IN THE MATTER OF

PARENT ON BEHALF OF MINOR

*** AGENCY ID. 45-H-06-E**

ORDER TERMINATING ADJUDICATION

On September 19, 2024, Parent on behalf of Minor filed a *Withdrawal of Hearing Request*.² Parent’s request for a due process hearing is dismissed, and the above-captioned adjudication is terminated.

ORDER

IT IS ORDERED that Parent on Behalf of Minor’s request for a due process hearing is **DISMISSED** and the above-captioned matter is **TERMINATED**.

Rendered and signed on September 19, 2024, in New Orleans, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, September 23, 2024, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law



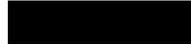
Leighann N. Guilbeau
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

² Administrative Law Judge Leighann N. Guilbeau conducted a telephone status conference on September 19, 2024. Parent on behalf of Minor, Wayne T. Stewart, counsel for School District, and a representative from School District appeared for the conference. The parties confirmed that an agreement was signed during the resolution meeting conducted on September 6, 2024. Counsel moved to dismiss Parent on behalf of Minor’s due process complaint because the resolution agreement allowed the parties three days to void the agreement and Parent on behalf of Minor had not voided the agreement. Parent on behalf of Minor stated on the record that she was withdrawing her request for a due process hearing. Parent on behalf of Minor filed the *Withdrawal of Hearing Request* after the telephone status conference.

Legend

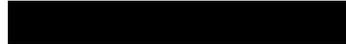
Parent



Minor



School



School District

DeSoto Parish Schools

School District Representatives

Francie Woods and Clay Corley

Louisiana Special Education Due Process Hearing

45-H-07



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL AND SCHOOL DISTRICT¹ * DOCKET NO. 2024-50096-DOE

*
*
*
*
*

IN THE MATTER OF

PARENT ON BEHALF OF CHILD * AGENCY ID NO. 45-H-07

ORDER TERMINATING ADJUDICATION

On December 23, 2024, Parent through her counsel, Sara Godchaux, filed a *Motion to Withdraw* her hearing request, as the parties have agreed to a settlement.

ORDER

IT IS ORDERED that the above entitled and numbered case is terminated.

IT IS FURTHER ORDERED that the hearing scheduled for the week of January 13-17, 2025, is canceled.

Rendered and signed on January 3, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Friday, January 03, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law



William H. Cooper
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

Legend

Parent (Grandparent)

Minor

School District

School



New Orleans, Louisiana (NOLA) Public Schools



Louisiana Special Education Due Process Hearing

45-H-08



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹ * **DOCKET NO. 2024-50201-DOE**
*
*
IN THE MATTER OF *
*
PARENT ON BEHALF OF MINOR * **AGENCY ID. 45-H-08**

ORDER TERMINATING ADJUDICATION

On October 30, 2024, Parent on behalf of Minor submitted a *Withdrawal of Hearing Request* withdrawing her request and waiving her right to a hearing. The telephone status conference scheduled for November 8, 2024, at 1:00 p.m., is canceled.

ORDER

IT IS ORDERED that the adjudication entitled *School District in the matter of Parent on Behalf of Minor* bearing docket number *2024-50201-DOE* is **TERMINATED**.

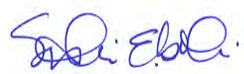
IT IS FURTHER ORDERED that the telephone status conference scheduled for November 8, 2024, at 1:00 p.m., is **CANCELED**.

Rendered and signed on October 30, 2024, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Thursday, October 31, 2024, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law



Stephanie E. Robin
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this *Conference Report and Order*. See attached **Legend** for identifying information.

Legend

Parent



Minor



School District

Terrebonne Parish School District

School District Representative

Blaise Pellegrin

Louisiana Special Education Due Process Hearing

45-H-09



Louisiana Special Education Due Process Hearing

45-H-10-E



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹ * **DOCKET NO. 2024-53369-DOE-IDEA**
*
IN THE MATTER OF *
*
PARENT ON BEHALF OF MINOR * **AGENCY ID. 45-H-10-E**

ORDER TERMINATING ADJUDICATION

On January 29, 2025, Parent on behalf of Minor filed a *Withdrawal of Hearing Request*. Parent on behalf of Minor's request is granted. Parent on behalf of Minor's request for a due process hearing is dismissed, the above-captioned adjudication is terminated, and the telephone status conference scheduled for February 7, 2025, is canceled.

ORDER

IT IS ORDERED that Parent on behalf of Minor's *Withdrawal of Hearing Request* is **GRANTED**.

IT IS FURTHER ORDERED that Parent on behalf of Minor's request for a hearing is **DISMISSED**, and the adjudication bearing docket number 2024-53369-DOE-IDEA is **TERMINATED**.

IT IS FURTHER ORDERED that the February 7, 2025, telephone status conference is **CANCELED**.

Rendered and signed on January 30, 2025, in New Orleans, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Thursday, January 30, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law



Leighann N. Guilbeau
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

LEGEND

Parent	
Minor Child	
School District	Lafayette Parish School System
School	
School District Representative	Holly Ortego

Louisiana Special Education Due Process Hearing

45-H-11



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

* **DOCKET NO. 2024-53747-DOE-IDEA**
* **CONSOLIDATED WITH 2025-3489-**
* **DOE-IDEA AND 2025-4410-DOE-IDEA**

IN THE MATTER OF

*
*

PARENT ON BEHALF OF MINOR

* **AGENCY ID. 45-H-11**
* **AGENCY ID. 45-H-23**
* **AGENCY ID. 45-H-24**

DECISION AND ORDER

Parent on behalf of Minor filed due process hearing requests against School District under the Individuals with Disabilities Education Act. Parent alleged that School District denied Minor a free appropriate public education (FAPE). Parent failed to prove that School District denied Minor FAPE. Parent’s requested remedies are **DENIED**.

APPEARANCES

Administrative Law Judge Anthony J. Russo conducted the due process hearing via Zoom video on July 21, 2025, and July 22, 2025. Parent appeared as a self-represented litigant on behalf of Minor, who was also present. School District’s Student Support Services Director appeared for the hearing with School District’s counsel, Carlar M. Alexander and Timothy Riveria.

JURISDICTIONAL AUTHORITY

This due process hearing is authorized by Louisiana Bulletin 1706—Regulations for Implementation of the Children with Exceptionalities Act² as mandated by the Individuals with Disabilities Education Act (IDEA),³ Louisiana Revised Statutes (La. R.S.) 17:1941 *et seq.*, and the enabling legislation for the Division of Administrative Law.⁴

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. *See* attached Legend for identifying information.

² Louisiana Administrative Code (LAC) 28:XLIII.511.

³ 20 United States Code (U.S.C.) § 1400 *et seq.*; 34 Code of Federal Regulations (C.F.R.) § 300 *et seq.* (2023).

⁴ La. R.S. 49:991 *et seq.*

STATEMENT OF THE CASE

On November 18, 2024, the Louisiana Department of Education (LDOE) received Parent's due process hearing request against School District.⁵ Parent alleged numerous violations of IDEA by School District as it relates to Parent, as well as her three minor children, including Minor who was the subject of the above-captioned due process hearing request.

The specific violations alleged by Parent as to Minor who was the subject of the due process hearing include:

1. School District's failure to update Minor's Individualized Education Plan (IEP) and provide Parent a copy of the IEP;
2. School District's non-consensual physical search of Minor;
3. School District's failure to timely reevaluate Minor; and
4. School District's failure to include Parent as an equal team member in connection with Minor's education.

On November 27, 2024, School District filed a response to Parent's due process hearing request.⁶ On December 3, 2024, School District filed a *Declinatory Exception of Lack of Subject Matter Jurisdiction, Dilatory Exception of Vagueness, and Peremptory Exception of Prescription*. The exceptions were heard on December 23, 2024, and an order was issued on January 6, 2025, sustaining School District's exception of lack of subject matter jurisdiction as to all of Parent's allegations concerning criminal charges filed against Parent, any claims of sexual harassment, intimidation, and violation of Parent or Minor's constitutional rights in connection with the physical search of Minor, and allegations of retaliation against Parent.

On February 17, 2025, LDOE received a second due process hearing request⁷ from Parent contending that School District failed to provide Minor FAPE by:

1. Failing to perform a "triyearly" evaluation of Minor;
2. Failing to provide Parent a "meaningful say" in Minor's education;
3. Imposing an illegal disciplinary change of placement after an on-campus incident

⁵ The matter was assigned docket number 2024-53747-DOE-IDEA.

⁶ SD-4.

⁷ The matter was assigned docket number 2025-3489-DOE-IDEA.

- involving Minor and transferring Minor to an alternative school based on a “false allegation;” and
4. Holding an “illegal” IEP meeting of Minor without Parent’s consent.

On February 27, 2025, School District filed a response to Parent’s due process hearing request.⁸

On February 26, 2025, prior to School District’s response to Parent’s second due process hearing request, Parent filed a third due process hearing request that she requested be expedited,⁹ asserting that School District denied Minor FAPE in the following ways:

1. Failing to develop an IEP that was reasonably calculated to provide an educational benefit by meeting Minor’s unique needs and allowing Minor to make the academic and behavioral progress of which Minor was capable of because:
 - a. School District failed to develop an IEP to include appropriate goals, sufficient Speech/Language and Occupational Therapy minutes, and sufficient behavioral supports such as a Functional Behavioral Assessment (FBA), Behavior Intervention Plan (BIP), or other appropriate services;
 - b. School District failed to implement the services listed in Minor’s IEP and unilaterally placing Minor in a more restrictive environment by failing to provide access to activities which subjected Minor to seclusion via suspensions and removal from his current placement; and
 - c. School District failed to educate Minor in the least restrictive environment to the maximum extent appropriate.

On March 11, 2025, School District filed a response to Parent’s third due process hearing request.¹⁰ On March 25, 2025, School District filed a *Motion to Consolidate and Incorporated Memorandum* requesting Parent’s due process hearing requests be consolidated on the basis that all three due process hearing requests involve common issues of fact and law, as well as the same Minor, School, and School District. After a hearing on April 1, 2025, this tribunal granted School District’s motion and issued an order on April 4, 2025, consolidating the above-captioned

⁸ SD-6.

⁹ The matter was assigned docket number 2025-4410-DOE-IDEA; Parent subsequently requested that the expedited hearing request be converted to a non-expedited matter. The request was granted.

¹⁰ SD-8.

due process hearing requests.

The tribunal issued an order after a hearing on Parent’s motion to compel production of Minor’s educational records, including a video of the October 16, 2024, disciplinary incident at School, directing School make the video footage of the October 16, 2024, incident available for review by Parent at the Lincoln Parish Sheriff’s Office (where it was located) or at a location mutually agreeable by the parties.¹¹ Parent alleged the video footage of the October 16, 2024, incident had been “altered” or “tampered with.”¹²

The due process hearing commenced on July 21, 2025, and Parent and counsel for School District made opening statements. Parent and Minor testified. Counsel for School District conducted a cross-examination of Parent, and Parent provided redirect testimony. Counsel for School District did not conduct a cross-examination of Minor. Parent also called School District’s Student Support Services Director as a witness.¹³ Parent offered one documentary exhibit, S-22, which was listed on School District’s list of exhibits. The document was admitted into evidence, with the consent of School District’s counsel, and marked as Joint Exhibit 22 (J-22). Parent attempted to offer numerous other exhibits as evidence, which were objected to by School District’s counsel on the basis that those documents were not provided to School District nor listed by Parent on any list of exhibits. School District’s objections were sustained pursuant to the provisions of Bulletin 1706, Section 512(A)(3).

Parent’s cross-examination of School District’s Student Support Services Director continued until the hearing adjourned for the day on July 21, 2025. Parent resumed her cross-examination of School District’s Student Support Services Director when the due process

¹¹ See March 19, 2025, *Order on Parent’s Motion to Compel Discovery*.

¹² No video footage was admitted into evidence at the due process hearing; therefore, it is not necessary that the tribunal address this issue any further.

¹³ Although Parent never provided School District’s counsel or this tribunal with any list of witnesses expected to be called to testify at the hearing pursuant to the prehearing order and federal regulations, Parent was allowed to call School District’s witness on cross-examination.

hearing resumed on July 22, 2025. During her cross-examination, Parent became visibly upset at the evidentiary rulings of this tribunal and disconnected from the Zoom due process hearing shortly before 11:22 a.m. The tribunal waited approximately 30 minutes to give Parent an opportunity to rejoin the due process hearing. Parent never rejoined the due process hearing. The tribunal recessed the hearing at 11:52 a.m. for a lunch break and reconvened the matter at approximately 1:00 p.m.

A representative with the Division of Administrative Law's Clerk's office, as well as School District's counsel, informed the tribunal that Parent had not contacted them regarding being involuntarily disconnected from the hearing or trying to reconnect to participate in the hearing.¹⁴

The due process hearing of Minor resumed on July 22, 2025, shortly after 1:00 p.m., and counsel for School District conducted a direct examination of School District's Student Support Services Director. Counsel for School District offered into evidence the following exhibits: SD-4, SD-6, SD-8, SD-10, SD-12, J-22 (which was previously admitted during Parent's presentation of her case), SD-29, SD-34, SD-36, SD-37, and SD-39 (rebuttal evidence in response to Parent's testimony regarding final grades for Minor for 2024-2025 school year). School District's documents were admitted into evidence.

Counsel for School District rested its case and made closing arguments. The record was closed, and the matter was taken under advisement. Due to a delay in receiving the certified hearing transcript, the record was reopened by order issued August 18, 2025. The parties were given until September 3, 2025, at 4:30 p.m., to file post-hearing memoranda. Post-hearing

¹⁴ The tribunal made similar inquires at the commencement of the due process hearings for the other Minors of Parent on July 23, 2025, July 24, 2025, and July 25, 2025. Parent did not call in to participate in the above-captioned proceeding or in the hearings scheduled for her Minors in related matters scheduled for hearing after conclusion of the due process hearing in the above-captioned matter and no notice was received from the Division of Administrative Law's Clerk's office that Parent was having difficulty joining the hearing.

memoranda were timely filed by Parent and School District. The record closed on September 3, 2025, at 4:31 p.m., and the matter was taken under advisement.

FINDINGS OF FACT

Parent is Minor's biological mother and legal guardian.¹⁵ School District is the local education agency that has the responsibility of providing Minor with FAPE.¹⁶ Minor was enrolled at School during the 2023-2024 and 2024-2025 academic school years.¹⁷ School District identified Minor's primary exceptionality as other health impairments (OHI), with a medical diagnosis of attention deficit/hyperactivity disorder (ADHD), Autism, and Amblyopia.¹⁸ Minor is a student with a disability under IDEA residing in School District.¹⁹ Minor is also in the gifted program at School District.²⁰ Minor was eligible to receive academic (cognitive or enrichment) and behavioral development services, including critical thinking, science, technology, engineering, mathematics, creativity, and adapted educational services.²¹

September 2, 2022, IEP

An IEP meeting was held on September 2, 2022.²² Minor was 11 years old and in the sixth grade.²³ The IEP team included the following individuals: Parent, Special Education Teachers, Regular Education Teachers, School Nurse, and representatives from the Office of Dispute Resolution.²⁴ School District proposed changing and/or updating Minor's goals and objectives to support continued growth across the curriculum/environment.²⁵

¹⁵ Testimony of Parent, Transcript Hearing Day 1, p. 84.

¹⁶ Parent's due process hearing requests, as amended and consolidated.

¹⁷ *Id.*

¹⁸ SD-10, p. 11.

¹⁹ *Id.*

²⁰ *Id.*

²¹ SD-10, pp. 12-15.

²² SD-10.

²³ *Id.* at p. 12.

²⁴ *Id.*

²⁵ SD-10, p. 8.

The IEP noted that Minor participated in the gifted program two times per week and completed all goals listed in the IEP.²⁶ For each five-day school week, Minor qualified for 90 minutes of special education instruction in a group classroom setting and five minutes of special education instruction in an individual setting.²⁷ The IEP reflected that Minor consistently performed at or above grade level for math, English and language arts, science, and social studies, and that Minor was expected to continue to make progress in the general education curriculum with the supports provided.²⁸

The IEP included instructional plans and goals for Minor in creative/technology, social emotional/behavior, and higher-order thinking.²⁹ Minor was noted to have completed all goals from his previous IEP in the area of higher-order thinking and creative/technology.³⁰ The IEP noted that Minor was expected to continue to make progress in the general education curriculum with the supports provided.³¹

Academic goals were set for Minor to complete at least 20 activities that were designed to further develop his skills in mathematical reasoning, scientific reasoning, problem solving, logical reasoning, budgeting, and research projects.³²

In the area of behavior, the IEP noted that Minor was unable to recognize or assess behaviors concerning himself, peers, and teachers.³³ The IEP described only one instance of a behavioral conflict with another student.³⁴ Goals were set for Minor to be able to manage

²⁶ SD-10, p. 23.

²⁷ SD-10, p. 15.

²⁸ SD-10, p. 12.

²⁹ SD-10, pp. 13-15.

³⁰ *Id.*

³¹ *Id.*

³² SD-10, p. 14.

³³ SD-10, pp. 14-15.

³⁴ SD-10, p. 14.

conflicts with teachers and peers on a weekly basis four to five times per week, which would be measured and documented by teacher observation and a behavior checklist.³⁵

The IEP team previously recommended that Minor be given extended time to complete assignments and tests in both the classroom and online settings.³⁶ The IEP team recommended that the extended time be removed due to Minor's successful performance in the classroom.³⁷ The IEP team recommended that Minor complete state testing in a small group setting.³⁸ The IEP team recommended special minutes be given to check in with Minor and his teachers regarding his social goals, and teachers who work with Minor be given a copy of his accommodations, social goals, health plan, and social checklist.³⁹

School Nurse was given Minor's Individualized Healthcare Plan, which confirmed his medical diagnosis of ADHD and his prescription use of Focalin.⁴⁰ The plan detailed Minor's optical issues, including future appointments, and it noted Minor receiving applied behavioral analysis (ABA) therapy at a third-party service provider.⁴¹

The IEP was signed by all participating team members and Parent was provided and signed a copy of the IEP from September 2, 2022.⁴²

August 25, 2023, Triennial Reevaluation Review

A Triennial Reevaluation Review was performed by School District on Minor beginning on August 17, 2023, and was disseminated on August 25, 2023.⁴³ The reevaluation was coordinated by School District's Psychologist⁴⁴ and was a follow-up to Minor's previous

³⁵ *Id.*

³⁶ SD-10, p. 21.

³⁷ *Id.*

³⁸ SD-10, p. 22.

³⁹ SD-10, p. 24.

⁴⁰ SD-10, p. 31.

⁴¹ *Id.*

⁴² SD-10, pp. 33-34.

⁴³ SD-12.

⁴⁴ *Id.* at p. 1.

reevaluation disseminated on September 2, 2020.⁴⁵ At the time of the review, Minor was in seventh grade and was 12 years old.⁴⁶ The review confirmed that Minor continued to qualify for special education services under the exceptionality of OHI due to his deficits in attention and executive functioning skills reflective of his diagnoses of ADHD and Autism.⁴⁷ Minor's diagnosis of Amblyopia was also noted.⁴⁸ The review indicated that Minor continued to qualify for special education services under the secondary exceptionality of Gifted.⁴⁹

Minor's Regular Education Teachers and Gifted Teacher were interviewed in connection with the reevaluation.⁵⁰ Minor was reported to be performing at ninth grade levels for reading and written language and at an eighth grade level for math.⁵¹ For those subjects, Minor was reported to be achieving his IEP goals and was not currently using any accommodations in the classroom.⁵² Minor's Regular Education Teachers agreed with his current classification and reported that Minor did not need assistive technology.⁵³ Minor's Regular Education Teachers reported Minor's classroom behavior as good.⁵⁴

Minor's Gifted Teacher reported that Minor's performance towards the achievement of his IEP goals was sufficient, and she noted his strengths in reading, science, math, and social studies.⁵⁵ Minor's Gifted Teacher indicated Minor can be argumentative with fellow students.⁵⁶ Minor's Gifted Teacher agreed with his current classification and reported that his classroom behavior was excellent.⁵⁷

⁴⁵ SD-12, pp. 6-33.

⁴⁶ SD-12, pp. 1-2.

⁴⁷ SD-12, p. 1.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ SD-12, p. 2.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ SD-12, p. 2.

⁵⁶ *Id.*

⁵⁷ *Id.*

Minor's September 2, 2022, IEP addressed and reevaluated Minor's progress and goals in two academic areas (cognitive or enrichment) and one social goal.⁵⁸ Minor's academic goals included completing at least 20 activities that were designed to further develop his skills in mathematical reasoning, scientific reasoning, problem solving, and logical reasoning, as well as completing at least four activities that would enhance his creativity, research skills, and problem-solving skills.⁵⁹ Minor's social goal was managing conflicts with teachers and peers on a weekly basis on 4-5 days per week.⁶⁰

The reevaluation noted that, according to his progress reports, Minor had made sufficient progress towards his academic and social goals.⁶¹ Minor's attendance was considered satisfactory, his grades were passing in all classes, Minor passed his most recent hearing and vision screenings, and Minor was noted to have a health plan that addresses his medical diagnoses.⁶² The reevaluation review stressed that although Minor had a social goal on his IEP, Minor's behavior was not a concern according to his teachers.⁶³

Parent was interviewed during the reevaluation and reported Minor's father no longer lived with the family as they were going through a divorce.⁶⁴ Parent reported that Minor had made progress since his last evaluation, as Minor is more patient and has socially adapted better in the classroom.⁶⁵ Parent reported Minor's strengths as academics and problem-solving skills, while his weaknesses are in physical activity.⁶⁶ Parent reported that Minor continued to receive ABA therapy from a third party provider twice a week and attended counseling with a third party

⁵⁸ SD-12, p. 3.

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ SD-12, p. 4.

⁶⁵ *Id.*

⁶⁶ *Id.*

provider once per week.⁶⁷ Parent indicated that she desired Minor to continue receiving special education services.⁶⁸

Based on the information collected from Minor's Regular and Gifted Teachers, as well as feedback from Parent, no recommendations were made for changing Minor's IEP and related services from the previous evaluation.⁶⁹

August 26, 2024, IEP

An IEP meeting was held on August 26, 2024.⁷⁰ Minor was in eighth grade and was 13 years old.⁷¹ The IEP meeting was attended by Minor's Regular Education Teachers, Special Education Teacher, School Nurse, and Officially Designated Representatives.⁷² Parent was sent notice of the August 26, 2024, IEP meeting, but did not attend the August 26, 2024, IEP meeting.⁷³ Parent was emailed a Prior Written Notice (PWN) by School District on August 12, 2024, and was given alternative dates and times if Parent could not attend the IEP scheduled for August 26, 2024.⁷⁴ Parent was sent follow-up notices via email on August 15, 2024, and August 22, 2024, inviting Parent to participate in the IEP meeting virtually⁷⁵ (as Parent was prohibited by court order from being on School premises).⁷⁶ Parent did not respond to any of the notices sent to her by School District.⁷⁷

The IEP revealed that Minor's most recent evaluation and IEP were conducted in 2023 and stated that he still qualified for special education services under the exceptionality of OHI due to his deficits in attention and executive functioning skills, as well as qualifying for special

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ J-22, p. 1.

⁷¹ *Id.*

⁷² J-22, p. 15.

⁷³ J-22, p. 9.

⁷⁴ J-22, p. 4 and pp. 5-8.

⁷⁵ J-22; testimony of Parent, Transcript Hearing Day 1, p. 95.

⁷⁶ Testimony of Parent, Transcript Hearing Day 1, p. 88.

⁷⁷ J-22, p. 9.

services under the gifted program.⁷⁸ Minor's progress was noted in the general education curriculum as well as the gifted program with the current supports provided.⁷⁹

Minor was noted to be a "great student" in the gifted enrichment pullout session for critical thinking.⁸⁰ Minor was noted to participate in class discussions, worked hard in the classroom, and was a "pleasure to be around."⁸¹ The IEP showed that Minor has had three years of minimal behavior issues with monitoring from teachers.⁸²

An academic goal for Minor to complete was at least 20 critical thinking activities demonstrating problem solving skills, higher order thinking, and a variety of reasoning skills over the next 36 weeks.⁸³

Minor's behavioral weaknesses include not using self-regulation strategies and acting impulsively and angrily which interfered with his ability to concentrate and complete assignments.⁸⁴ Minor's behavior data charts reflected a 90 percent success rate demonstrating his ability to interact professionally with teachers and peers.⁸⁵ A goal was set to target Minor's behavioral weaknesses by addressing antecedent behaviors.⁸⁶ Specifically, Minor was to engage in calming and self-control techniques when feeling impulsive or angry in at least four out of five situations.⁸⁷

Minor was to receive special education services in a weekly seven-minute individual session, as well as two 50-minute special education services in a group setting.⁸⁸ Minor was to

⁷⁸ J-22, p. 19.

⁷⁹ *Id.*

⁸⁰ J-22, p. 20.

⁸¹ J-22, p. 10.

⁸² J-22, p. 19.

⁸³ J-22, p. 20.

⁸⁴ J-22, p. 21.

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ J-22, p. 25.

receive special education services in the inclusion setting, as well as special class minutes in the gifted program to work towards the goals listed in the instructional plan.⁸⁹

Parent was provided with and received a copy of Minor's August 26, 2024, IEP.⁹⁰

Disciplinary Incidents

On October 16, 2024, Minor approached a School District representative requesting a copy of suspension paperwork from a previous incident where a recording device was located on Minor's person.⁹¹ School District representative questioned whether Minor had a recording device on his person.⁹² Minor stated he had a legal right to carry a recording device on his person at School.⁹³

Minor was escorted to the principal's office and instructed to empty his pockets but refused.⁹⁴ School District representative attempted to use a metal detector to determine whether there was a recording device on Minor.⁹⁵ Minor grabbed the metal detector, resulting in another School District representative restraining Minor to allow the search to continue.⁹⁶ Once it was determined that Minor did not have a recording device on his person, he was allowed to return to class. The incident was referred to law enforcement, who investigated the matter.⁹⁷

On January 16, 2025, Minor was observed entering multiple classrooms at School and informing teachers that he sent an email to each of them regarding Minor being sexually assaulted by School Principal on October 16, 2024.⁹⁸ School Principal contacted Minor and

⁸⁹ J-22, p. 26.

⁹⁰ Testimony of Parent, Transcript Hearing Day 1, p. 105.

⁹¹ SD-4, p. 4.

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ Testimony of Student Support Services Director, Transcript Hearing Day 1, pp. 252-259.

⁹⁶ SD-4, p. 4.

⁹⁷ Parent made numerous allegations in her due process hearing requests regarding violations of Minor's constitutional rights, retaliation against Parent and Minor, and sexual harassment of Minor, among others. The tribunal sustained School District's exceptions to subject matter jurisdiction, as these matters did not relate to Parent's alleged IDEA violations and were outside this tribunal's jurisdiction.

⁹⁸ SD-29, p. 1; Hearing testimony of Minor, Transcript, Day 1, pp. 189-191 and 209.

requested that Minor stop making comments about the email.⁹⁹ Law enforcement officers were called to School and Minor was subsequently arrested.¹⁰⁰

Manifest Determination Review (MDR)

On January 30, 2025, an MDR meeting was conducted.¹⁰¹ School District's MDR team included Special Education Teacher, Regular Education Teachers, School's Officially Designated Representatives, Special Education Facilitator, Special Education Coordinator, and School Counselor.¹⁰² The MDR team also included Parent, who participated virtually.¹⁰³

The MDR was held due to Minor's alleged unfounded charges against School District representatives, Minor's disrespect of authority, Minor's violations of School rules, and Minor's willful disobedience.¹⁰⁴ During the meeting, the MDR team reviewed the following: Minor's most recent IEP dated August 26, 2024, evaluation data, information regarding disciplinary offenses, video footage, statements from School District staff with personal knowledge of the incident at issue, and statement of Minor.¹⁰⁵

All members of School District's MDR team concluded that Minor's behavior exhibited on January 16, 2025, was not a cause of, or directly and substantially related to Minor's disabilities.¹⁰⁶ The MDR team determined that Minor only had a few major disciplinary issues prior to the event in question, was respectful of other students, was a model student, and had very few issues in the classroom.¹⁰⁷

School District's MDR team also concluded that Minor's behavior was not the direct result of School District's failure to implement the IEP as School District had been monitoring

⁹⁹ Testimony of Minor, Transcript Hearing Day 1, p. 209.

¹⁰⁰ Testimony of Minor, Transcript Hearing Day 1, p. 195.

¹⁰¹ SD-29, pp. 1-2.

¹⁰² SD-29, p. 2.

¹⁰³ *Id.*

¹⁰⁴ SD-29, p. 1.

¹⁰⁵ *Id.*

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

Minor's behavior through reports sent to School teachers, and there were no major disciplinary issues.¹⁰⁸

The MDR report shows that Parent disagreed with the findings of School District's MDR team but did not offer information that indicated that Minor's behavior was caused by, directly or substantially related to his exceptionalities or that his behavior was the direct result of School's failure to implement the IEP.¹⁰⁹

As a result of the MDR, Minor was expelled from School's campus and was assigned to School District's alternative school for the remainder of the 2024-2025 school year.¹¹⁰ Parent and School District agreed that, in lieu of Minor attending the alternative school, Minor would complete the remainder of the school year at home using a virtual learning program.¹¹¹ School District Special Education teacher was to monitor Minor's progress with the virtual learning program, which included two daily calls to communicate with Minor – one for checking in to set goals and discuss any concerns and the other for checking out to review Minor's school day and provide positive reinforcement or support.¹¹²

February 11, 2025, IEP

An IEP meeting was conducted on February 11, 2025.¹¹³ The following individuals participated in the IEP meeting: IEP Facilitator, School's Officially Designated Representatives, Regular Education Teachers, Special Education Teacher, and School Nurses.¹¹⁴ Parent was notified of the date and the time of the IEP meeting and provided an opportunity to attend virtually, due to the state court order prohibiting Parent from participating in person, but neither

¹⁰⁸ SD-29, p. 2.

¹⁰⁹ *Id.*

¹¹⁰ Testimony of Student Support Services Director, Transcript Hearing Day 2, p. 116.

¹¹¹ Testimony of Parent, Transcript Hearing Day 1, p. 74; The program utilized was the *Edgenuity* program.

¹¹² SD-34, p. 20.

¹¹³ SD-34.

¹¹⁴ *Id.*, p. 12.

Parent nor Minor attended.¹¹⁵

The IEP team agreed that Minor's primary exceptionality would remain as OHI and gifted.¹¹⁶ For each five-day school-week, Minor continued to qualify for two 50-minute sessions of special education instruction and one seven-minute session of gifted services.¹¹⁷ The IEP noted Minor's strengths in all academic areas, including cognitive, fluency of speech, receptive/expressive language, and articulation.¹¹⁸ The IEP noted Minor's performance on statewide assessment tests, prior to the previous school year, showed advanced and mastery levels on all sections.¹¹⁹ The IEP indicated that Minor functions at an advanced level, and he completed gifted-level curriculum work.¹²⁰

The IEP included instructional plans and goals for Minor in the areas of critical thinking, creativity, and behavior.¹²¹ The IEP required Minor's goals to be measured by either quarterly progress reports, observations, or progress monitoring.¹²²

The IEP addressed Minor's Individualized Healthcare Plan with School Nurse and noted Minor's medical diagnosis of ADHD and Autism and that he is prescribed Focalin.¹²³ The IEP also notes Minor's history of Amblyopia and related symptoms of decreased eyesight due to abnormal visual development.¹²⁴ Minor continued to attend ABA therapy from a third-party service provider.¹²⁵

In the academic area of creativity, Minor was monitored through the use of projects, with

¹¹⁵ SD-34, pp. 4 and 10.

¹¹⁶ SD-34, p. 12.

¹¹⁷ SD-34, p. 20.

¹¹⁸ SD-34, p. 13.

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ SD-34, pp. 15-16.

¹²² SD-34, pp. 31-32.

¹²³ SD-34, p. 30.

¹²⁴ *Id.*

¹²⁵ *Id.*

a goal of completing at least four activities/projects that would enhance Minor's creativity.¹²⁶ The projects were to include areas related to science, technology, hands-on activities, engineering, and research.¹²⁷ The goal of the projects was to improve Minor's creativity skills with 95 percent accuracy.¹²⁸

In the academic area of critical thinking, Minor's goals were to complete at least 20 critical thinking activities demonstrating problem-solving skills, higher order thinking, and a variety of reasoning skills, which include various types of puzzles, games, and cooperative learning activities with 100 percent participation.¹²⁹

The IEP showed that Minor completed his goals from his previous IEP dated August 26, 2024, in the area of critical thinking and would continue to benefit from being challenged in the area of critical thinking.¹³⁰

The IEP noted that according to Minor's functional behavior assessments, Minor demonstrates strength in interacting professionally with teachers and peers, but Minor still required self-regulation strategies in situations where he feels angry or impulsive and continues to require support with behavior in the classroom setting.¹³¹ Minor's behavior needs impact his classroom performance, affecting his ability to concentrate and complete assignments.¹³²

The IEP included a Tier II Behavior Intervention Plan designed to provide support to Minor when he becomes dysregulated.¹³³ Specific intervention steps for Minor include virtual meetings with a mentor to review expectations and daily behavior-tracking.¹³⁴ Minor's meetings with his mentor would be conducted through the "google meet" program related to the virtual

¹²⁶ SD-34, p. 23.

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ SD-34, p. 23.

¹³⁰ SD-34, p. 23.

¹³¹ SD-34, p. 14.

¹³² *Id.*

¹³³ SD-34, pp. 31-32.

¹³⁴ SD-34, p. 31.

learning program Minor was engaged in at home.¹³⁵ On February 18, 2025, School District sent correspondence to Parent concerning the IEP meeting and the resulting actions/plans for Minor.¹³⁶

Parent’s Request for Minor’s Educational Records

Parent made numerous requests for copies of Minor’s educational records, including numerous requests made involving a video of the October 16, 2024, disciplinary incident at School.¹³⁷ The requests included a subpoena, which was issued by the tribunal to produce a copy of the video for Parent’s review. The documents requested were all made available by School District for Parent’s review.

Completion of Virtual Learning Program and Advancement to Next Grade Level

After the regular school year ended, Minor was given additional time to successfully complete the virtual learning program for the 2024-2025 school year and was promoted to the next grade level.¹³⁸

CONCLUSIONS OF LAW

Parent failed to prove Minor was denied FAPE. Parent is not entitled to any relief based upon her due process complaints, as amended and consolidated.

Burden of Proof

A school district’s educational program for a child with disabilities is presumed to be appropriate.¹³⁹ As the party challenging the educational program provided by School District, Parent bears the burden of proof to rebut this presumption.¹⁴⁰ Parent must affirmatively prove her allegations that School District failed to provide FAPE to Minor in the following ways:

¹³⁵ *Id.*

¹³⁶ SD-9, p. 12.

¹³⁷ Request for *Subpoena Duces Tecum* filed December 11, 2024.

¹³⁸ Testimony of Student Support Services Director, Transcript Hearing Day 2, pp. 40-41.

¹³⁹ *White ex rel. White v. Ascension Par. Sch. Bd.*, 343 F.3d 373, 377 (5th Cir. 2003).

¹⁴⁰ *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49 (2005).

1. Failing to design Minor's IEPs in a way that was reasonably calculated to provide an educational benefit by meeting Minor's unique needs and failing to implement services under the IEPs in a manner allowing Minor to make the academic, social, and behavioral progress of which Minor was capable of because:
 - a. The IEPs failed to include essential related services to develop goals and provide sufficient behavioral supports for Minor;
 - b. School District failed to develop annual IEPs in a timely manner;
 - c. The IEP resulting from the August 26, 2024, IEP meeting was developed without approval by Parent, who did not consent to the IEP meeting, the IEP was not sent to Parent, the IEP did not include Parent's concerns; and
 - d. Failure to educate Minor in the least restrictive environment.
2. Failing to timely implement services and accommodations provided for in the IEP;
 - a. Specifically, Parent does not believe Minor received services because School District failed to provide Parent access to Minor's educational records.
3. Failing to provide Parent with a sufficient PWN, including:
 - a. Failing to provide PWN within a reasonable time that School District was going to submit the August 26, 2024, IEP without parental approval; and
 - b. Failing to provide Parent with access to logs and other documents which show Minor's receipt of services and other educational records.
4. Failing to include Parent as an equal team member in connection Minor's education, including preventing Parent from participating as a member of the IEP team.
5. Failing to timely perform a triennial reevaluation of Minor; and
6. Failing to follow correct procedures in changing the educational placement of Minor without Parent's consent.¹⁴¹

¹⁴¹ Parent made numerous allegations concerning harassment, retaliation, violation of constitutional rights, and criminal behavior by School District in connection with the October 16, 2024, incident at School where a School official conducted a search of Minor's person. The tribunal previously ruled on an exception raised by School District that such matters fall outside the jurisdiction of this tribunal. Therefore, they will not be further addressed in

General Discussion of Individuals with Disabilities Education Act (IDEA)

IDEA provides every disabled child with the right to FAPE¹⁴² designed to meet the student's specialized needs.¹⁴³ A school provides FAPE by creating an IEP for a child.¹⁴⁴ Before creating the IEP, the School District must conduct an initial evaluation to determine a student's eligibility and to identify a student's educational needs.¹⁴⁵ An IEP is created by a team comprised of the student's parents, at least one of the student's regular teachers, at least one of the student's special education teachers, a school board representative, an individual who can interpret evaluation results (who may be either one of the teachers or the School District representative) and, if appropriate, the student.¹⁴⁶ The IEP must outline the student's current educational status, establish annual goals, and detail the special educational services and other aids the student will be provided.¹⁴⁷ It also must provide, among other things, "the projected date for the beginning of the services and modifications . . . and the anticipated frequency, location, and duration of those services and modifications."¹⁴⁸

Rowley Standard

In *Board of Education of Hendrick Hudson Central School District, Westchester County v. Rowley*,¹⁴⁹ the Supreme Court of the United States (Supreme Court) defined FAPE and established the following two-pronged test to be used to determine if FAPE is being provided:

this *Decision and Order* other than in relation to the change of placement resulting from this incident and other disciplinary issues.

¹⁴² Congress defines FAPE as "special education and related services that --(A) have been provided at public expense, under public supervision and direction, and without charge; (B) meet the standards of the State educational agency; (C) include an appropriate . . . education in the State involved; and (D) are provided in conformity with the individualized education program required under section 1414(d) of this title." 20 U.S.C. § 1401(9).

¹⁴³ See 20 U.S.C. § 1400(d)(1)(A).

¹⁴⁴ 20 U.S.C. § 1414(d)(1)(A).

¹⁴⁵ 20 U.S.C. §§ 1414(a)(1)(A)-(C).

¹⁴⁶ 20 U.S.C. § 1414(d)(1)(B).

¹⁴⁷ 20 U.S.C. § 1414(d)(1)(A)(i).

¹⁴⁸ 20 U.S.C. § 1414(d)(1)(A)(i)(VII).

¹⁴⁹ 458 U.S. 176 (1982). See *J.L. v Mercer Island Sch. Dist.*, 592 F.3d 938, 951 (9th Cir. 2010) (Although IDEA has been amended multiple times since 1982, *Rowley* is still controlling.) The Supreme Court's unanimous decision in *Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-1*, 137 S. Ct. 988 (2017), did not overturn *Rowley*.

(1) has the State complied with the procedures set forth in IDEA and (2) is the IEP reasonably calculated to enable the child to receive educational benefits?¹⁵⁰ If these requirements are met, then compliance with IDEA's obligations has been met.¹⁵¹

The *Rowley* two-pronged inquiry is used to determine whether a public agency, such as School District, has provided FAPE under IDEA to a student with a disability.

Procedural Compliance: The first *Rowley* prong was met by School District

To satisfy the first prong of the *Rowley* test, School District must comply with the procedures set forth in IDEA. A violation of the procedural requirements of IDEA amounts to a denial of FAPE if it impedes the child's right to FAPE, significantly impedes a parent's opportunity to participate in the decision-making process regarding the provision of FAPE to the child, or causes a deprivation of educational benefits.¹⁵²

IDEA is designed to establish a cooperative process between parents and schools.¹⁵³ The central vehicle for this collaboration is the IEP process. State educational authorities must identify and evaluate disabled children,¹⁵⁴ develop an IEP,¹⁵⁵ and review the IEP at least once per year.¹⁵⁶ Each IEP must include an assessment of the student's current educational performance, articulate measurable educational goals, and specify the nature of the special services that the school will provide.¹⁵⁷ Parents must be informed about and consent to their child's evaluations¹⁵⁸ and be included as members of the IEP Team.¹⁵⁹ Parents have the right to examine any records relating to their child and to obtain an independent educational evaluation

¹⁵⁰ *Rowley*, 458 U.S. at 206-207.

¹⁵¹ *Rowley*, 458 U.S. at 207.

¹⁵² 20 U.S.C. § 1415(f)(3)(E)(ii).

¹⁵³ *Rowley*, 458 U.S. at 207.

¹⁵⁴ 20 U.S.C. §§ 1414(a)-(c).

¹⁵⁵ 20 U.S.C. § 1414(d)(2).

¹⁵⁶ 20 U.S.C. § 1414(d)(4).

¹⁵⁷ 20 U.S.C. § 1414(d)(1)(A).

¹⁵⁸ 20 U.S.C. § 1414(c)(3).

¹⁵⁹ 20 U.S.C. § 1414(d)(1)(B).

of the child.¹⁶⁰ Parents must be given prior written notice of any changes in an IEP¹⁶¹ and be notified in writing of the procedural safeguards available under IDEA.¹⁶² If parents believe an IEP is inappropriate, then they may seek an administrative “impartial due process hearing.”¹⁶³

A key procedural protection of state and federal special education law is that a school district must provide prior written notice to parents at a reasonable time before it initiates, refuses to initiate, or changes a student’s educational placement or a provision of FAPE to the student.¹⁶⁴

Parent contended School District failed to provide FAPE to Minor because it did not provide Parent with copies of all IEPs; it held “illegal” IEP meetings without her consent and participation; it failed to timely hold a triennial evaluation of Minor; it failed to include Parent as an equal team member; it failed to develop and implement services under IEPs to provide Minor with sufficient educational and behavioral goals; and it refused to provide Parent with access to educational records showing Minor received the services required by the IEPs. Parent did not present any evidence that a procedural violation occurred or that she was denied access to educational records and documents showing Minor received services required by Minor’s IEPs.

(1) Prior Written Notice to Parent of August 26, 2024, IEP Meeting

IDEA requires parents be included as members of the IEP team.¹⁶⁵ Parent failed to prove School District did not provide her notice of and the right to participate in the August 26, 2024, IEP meeting. The August 26, 2024, IEP shows Parent was emailed a PWN by School District of the IEP meeting on August 12, 2024, and was given alternative dates and times if Parent could not attend the IEP meeting scheduled for August 26, 2024. Parent was sent follow-up notices via email on August 15, 2024, and August 22, 2024, inviting Parent to participate in the IEP meeting

¹⁶⁰ 20 U.S.C. § 1415(b)(1).

¹⁶¹ 20 U.S.C. § 1415(b)(3).

¹⁶² 20 U.S.C. § 1415(d)(1).

¹⁶³ 20 U.S.C. § 1415(f).

¹⁶⁴ 20 U.S.C. §1415(b)(3); 34 C.F.R. §300.503(a) (2023); LAC 28:XLIII.504.A.

¹⁶⁵ 20 U.S.C. § 1414(d)(1)(B).

virtually (as Parent was prohibited by court order from being on School premises). Parent did not respond to any of the notices sent to her by School District.

IDEA does not require that parental preferences be implemented in an IEP.¹⁶⁶ Parent did not provide any legal support for her position that School District held an “illegal” IEP meeting on August 26, 2024, or that she was not provided a PWN of the date and time of the IEP meeting and her option to participate virtually. The evidence shows that Parent was sent multiple notices of the August 26, 2024, IEP meeting but chose not to participate.

(2) School District’s alleged failure to provide Minor FAPE by not providing Parent access to educational records showing Minor received services provided for by the IEPs

Parent did not present any credible evidence that School District denied Parent access to Minor’s educational records. Without proof that Parent was denied access to these records, Parent did not prove that Minor was denied FAPE.

(3) August 2023 Reevaluation Review

Parent failed to prove that School District failed to timely perform and complete a triennial reevaluation of Minor. The evidence clearly shows that a reevaluation review commenced on August 21, 2023, and was disseminated to all parties, including Parent, on August 25, 2023. The reevaluation review was a follow-up to a reevaluation performed by School District three years prior on September 2, 2020.

Parent was interviewed in connection with the reevaluation review, as was Minor’s Special Education and Regular Education Teachers. Parent’s concerns and impressions of Minor’s progress were noted in the review. Parent presented no evidence disputing School District’s evidence concerning the reevaluation performed of Minor. A preponderance of the evidence supports the conclusion that School District properly and timely conducted a triennial

¹⁶⁶ *Bradley ex rel. Bradley v. Arkansas Dep’t of Educ.*, 443 F.3d 965, 975 (8th Cir. 2006).

reevaluation review.

Substantive Compliance: The second *Rowley* prong was met by School District.

An IEP must be reasonably calculated to enable a student to make progress in light of the child’s circumstances.¹⁶⁷ Parent did not provide any evidence that Minor’s IEPs were not reasonably calculated to enable Minor to make progress in light of Minor’s circumstances. Parent failed to show the IEPs were not adequately designed to address Minor’s unique needs. Parent failed to show that School District refused to provide services required by the IEPs, including Minor’s educational records.

In *Endrew F. ex rel. Joseph F. v. Douglas County School. District*, the Supreme Court refined the *Rowley* standard for FAPE to mean that “a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”¹⁶⁸ The Supreme Court has held that “the essential function of an IEP is to set out a plan for pursuing academic and functional advancement.”¹⁶⁹ An IEP is reasonably calculated to provide a meaningful educational benefit if a multi-factor analysis indicates “(1) the program is individualized on the basis of the student’s assessment and performance, (2) the program is administered in the least restrictive environment, (3) the services are provided in a coordinated and collaborative manner by the key ‘stakeholders,’ and (4) positive academic and non-academic benefits are demonstrated.”¹⁷⁰ FAPE “need not be the best possible one, nor one that will maximize the child’s educational potential; rather, it need only be an education that is specifically designed to meet the child’s unique needs, supported by services that will permit [the

¹⁶⁷ *Endrew F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 999, and 1002 (2017).

¹⁶⁸ *Endrew F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 999 (2017).

¹⁶⁹ *Endrew F.*, 137 S. Ct. at 992.

¹⁷⁰ *Cypress-Fairbanks Indep. Sch. Dist. v. Michael F.*, 118 F.3d 245, 253 (5th Cir. 1997).

child] to benefit from the instruction.”¹⁷¹ IDEA does not require that parental preferences be implemented in an IEP.¹⁷²

In determining whether the second prong of the *Rowley* inquiry has been satisfied, the United States Fifth Circuit Court of Appeals in *Cypress-Fairbanks Independent School District v. Michael F. by Barry F.*¹⁷³ established a four-factor test: (1) is the program individualized on the basis of the student’s assessment and performance; (2) is the program administered in the least restrictive environment; (3) are the services provided in a coordinated and collaborative manner by the key “stakeholders;” and (4) are positive academic and non-academic benefits demonstrated?¹⁷⁴ The Fifth Circuit has treated the factors “as indicators of when an IEP meets the requirements of IDEA” but has not specified how the factors should be weighed.¹⁷⁵ The factors are a guide in a fact-intensive inquiry of whether an IEP provided educational benefit.¹⁷⁶ Where a “party is challenging the implementation of the IEP, as Parent is in this case, that party must show more than a *de minimis* failure to implement all elements of that IEP, and, instead, must demonstrate that the school or other authorities failed to implement substantial or significant provisions of the IEP.”¹⁷⁷

Change of Placement/MDR

If a child with a disability misbehaves in school, IDEA provides detailed procedures that the Local Education Authority (LEA) must follow to suspend or expel him.¹⁷⁸ School personnel

¹⁷¹ *Adam J. ex rel. Robert J. v. Keller Indep. Sch. Dist.*, 328 F.3d 804, 808 (5th Cir. 2003) (emphasis omitted) (citations omitted).

¹⁷² *Bradley ex rel. Bradley v. Arkansas Dep’t of Educ.*, 443 F.3d 965, 975 (8th Cir. 2006).

¹⁷³ *Cypress-Fairbanks Indep. Sch. Dist. v. Michael F. by Barry F.*, 118 F.3d 245 (5th Cir. 1997).

¹⁷⁴ *Id.* at 253.

¹⁷⁵ See *Richardson Indep. Sch. Dist. v. Michael Z.*, 580 F.3d 286, 293 (5th Cir. 2009); *Cypress-Fairbanks*, 118 F.3d at 245 (5th Cir. 1997). See also *Klein Indep. Sch. Dist. v. Hovem*, 690 F.3d 390, 396 (5th Cir. 2012).

¹⁷⁶ *Richardson Indep. Sch. Dist. v. Michael Z.*, *supra*.

¹⁷⁷ *Houston Indep. Sch. Dist. v. Bobby R.*, 200 F.3d 341, 349 (5th Cir. 2000); *Houston Indep. Sch. Dist. v. V.P. ex rel. Juan P.*, 582 F.3d 576, 587 (5th Cir. 2009); see *B.B. v. Catahoula Par. Sch. Dist.*, CIV A., 11-1451, 2013 WL 5524976, at *12 (W.D. La. Oct. 3, 2013).

¹⁷⁸ See generally LAC 28:XLIII.530.

have unilateral power to suspend a child with a disability for up to ten days as they would a non-disabled child.¹⁷⁹

When the placement of a student with a disability is changed because of a violation of a code of student conduct, a “manifestation determination” must be made within ten days to determine whether the conduct in question was caused by, or had a direct and substantial relationship to, the student’s disability.¹⁸⁰ If the local educational agency, the parent, and relevant members of the IEP Team determine that either (a) the conduct in question was caused by, or had a direct and substantial relationship to, the student’s disability, or (b) the conduct in question was the direct result of the LEA’s failure to implement the IEP, the conduct shall be determined to be a manifestation of the child’s disability.¹⁸¹ If the conduct is determined to be a manifestation of the child’s disability, the child must be returned to the placement from which he was removed, unless the parent and the LEA agree to a change of placement as part of the modification of the behavioral intervention plan, except in special circumstances.¹⁸²

On January 16, 2025, Minor was observed entering multiple classrooms at School and informing teachers that he sent an email to each of them regarding Minor being sexually assaulted by School Principal on October 16, 2024. The conduct resulted in Minor’s arrest by law enforcement officials. On January 30, 2025, the MDR was conducted. School District’s MDR team determined that Minor’s conduct was not a manifestation of Minor’s disability. School District’s MDR team concluded that Minor’s conduct was not caused by or had a direct and substantial relationship to Minor’s disability and was not the direct result of School District’s

¹⁷⁹ 20 U.S.C. § 1415(k)(1)(B) (2012); and LAC 28:XLIII.530.

¹⁸⁰ LAC 28: XLIII.530.F.

¹⁸¹ LAC 28:XLIII.530.E.1; *see also* 20 U.S.C. § 1415(k)(1)(E)(i) (2012).

¹⁸² LAC 28:XLIII.530.F.2. In special circumstances, the school personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student’s disability. These are the special circumstances: student possesses drugs or weapons or inflicts serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of the state agency or an LEA. LAC 28: XLIII.530.G.

failure to implement the IEPs.

Parent participated in the MDR meeting, but the record is devoid of any evidence Parent presented to establish that Minor's behavior was a result of his disability. School District's MDR team reviewed the Minor's most recent IEP, evaluation data, information regarding disciplinary offenses, video footage, statements from School District staff, and the statement of Minor. School District reviewed Minor's behavioral issues and determined there were no major behavioral incidents prior to the January 16, 2025, incident.

There is no record of Parent presenting any evidence to rebut the information relied upon by the MDR team. A preponderance of the evidence supports the conclusion that School District correctly determined that Minor's conduct in connection with the January 16, 2025, disciplinary incident was not a manifestation of his disability.

(1) Cypress-Fairbanks Factor One

Parent offered no evidence that Minor's IEPs were not individualized based on Minor's assessed abilities and performance. Parent participated in some of the IEP meetings and was provided notice of the date and time of all IEP meetings, even those she did not attend. Parent was provided copies of the IEPs reflecting Parent's concerns and requests regarding goals for Minor.

(2) Cypress-Fairbanks Factor Two

Parent failed to prove Minor's educational program was not provided in the least restrictive environment. IDEA requires that, "[t]o the maximum extent appropriate, children with disabilities . . . are educated with children who are not disabled."¹⁸³ The requirement that a child be educated in the "general education curriculum" reflects the notion that disabled children

¹⁸³ 20 U.S.C. § 1412(a)(5)(A).

must be placed in the “least restrictive environment” in which they can receive FAPE.¹⁸⁴ The court in *Daniel R.R. v. State Bd. of Educ.* held, “[W]hen education in a regular classroom cannot meet the handicapped child’s unique needs, the presumption in favor of mainstreaming is overcome and the school need not place the child in regular education.”¹⁸⁵

Minor’s IEPs show that regular classroom time accounted for the vast majority of each of Minor’s school days. The IEP team agreed this placement served Minor’s best interests and that it was the least restrictive environment for Minor. Parent did not provide any evidence to contradict the decision. Parent did not meet her burden to prove that Minor’s educational program was not provided in the least restrictive environment.

(3) Cypress-Fairbanks Factor Three

Parent did not prove that services were not sufficiently provided in a coordinated and collaborative manner by key stakeholders to Minor. To demonstrate lack of coordination among key stakeholders, a party must “show more than a *de minimis* failure to implement all elements of that IEP, and, instead, must demonstrate that the school board or other authorities failed to implement substantial or significant provisions of the IEP.”¹⁸⁶ Coordination and collaboration requires participants to communicate outside of IEP meetings to ensure the child’s needs are met.¹⁸⁷ It also requires key stakeholders to receive adequate training in order to implement the IEP properly.¹⁸⁸

Parent did not provide any evidence to show School District failed to implement

¹⁸⁴ *M.S. ex rel. Simchick v. Fairfax Cty. Sch. Bd.*, 553 F.3d 315, 327 (4th Cir. 2009); *DeVries By DeBlaay v. Fairfax Cty. Sch. Bd.*, 882 F.2d 876, 878 (4th Cir. 1989) (“Mainstreaming of handicapped children into regular school programs where they might have opportunities to study and to socialize with non handicapped children is not only a laudable goal but is also a requirement of the Act”).

¹⁸⁵ *Daniel R.R. v. State Bd. of Educ.*, 874 F.2d 1036, 1045 (5th Cir. 1989).

¹⁸⁶ See *Houston Indep. Sch. Dist. v. Bobby R.*, 200 F.3d 341, 349 (5th Cir. 2000), *D.B. v. Houston Indep. Sch. Dist.*, No. Civ. A. H-06-354, 2007 WL 2947443 at *10 (S.D. Tex. Sept. 29, 2007).

¹⁸⁷ *Houston Indep. Sch. Dist. v. V.P. ex rel. Juan P.*, 582 F.3d 576, 587 (5th Cir. 2009); see *B.B. v. Catahoula Par. Sch. Dist.*, CIV A., 11-1451, 2013 WL 5524976, at *12 (W.D. La. Oct. 3, 2013).

¹⁸⁸ *Houston Indep. Sch. Dist. v. V.P. ex rel. Juan P.*, at 588.

substantial or significant provisions of Minor’s IEPs. Parent did not prove that services were not sufficiently provided in a coordinated and collaborative manner by key stakeholders to Minor. Parent’s allegations that she was not included as a key stakeholder in IEP meetings are not supported by the evidence. To the contrary, Parent attended some IEP meetings, as well as the reevaluation review, and was always provided the opportunity to participate in the IEP meetings, even those she did not attend.

(4) Cypress-Fairbanks Factor Four

In *Houston Independent School District v. V.P. ex rel. Juan P.*,¹⁸⁹ the Fifth Circuit described this fourth prong as “[p]erhaps one of the most critical factors.”¹⁹⁰ This factor seeks to determine “whether the student was obtaining benefits from the IEP.”¹⁹¹ The educational benefit “cannot be a mere modicum or *de minimus*; rather, an IEP must be likely to produce progress, not regression or trivial educational advancement.”¹⁹² In *Bobby R.*, the court held that it is not necessary for a child to improve in every area to receive an educational benefit; rather, a child’s improvement must be more than trivial.¹⁹³ In *Andrew F.*,¹⁹⁴ the Supreme Court stated that “to meet its substantive obligation under IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”¹⁹⁵ The adequacy of a given IEP turns on the unique circumstances of the child for whom it was created.¹⁹⁶

Parent did not present any evidence that Minor has not achieved positive academic and non-academic benefits. Parent did not present any evidence to show that the goals outlined in

¹⁸⁹ *Houston Indep. Sch. Dist. v. V.P. ex rel. Juan P.*, 582 F. 3d 576 (5th Cir. 2009).

¹⁹⁰ *Id.* at 588.

¹⁹¹ *Id.* (citing *Cypress-Fairbanks Indep. Sch. Dist. v. Michael F. by Barry F.*, 118 F.3d 245, 252 (5th Cir. 1997)).

¹⁹² *Richardson Indep. Sch. Dist. v. Michael Z.*, 580 F. 3d 286, 292 (5th Cir. 2009) (citing *Cypress-Fairbanks*, 118 F. 3d at 248).

¹⁹³ *Bobby R.*, 200 F.3d 341 at 349-50.

¹⁹⁴ *Andrew F. ex rel. Joseph F. v. Douglas County School District RE-1*, 137 S. Ct. 988 (2017).

¹⁹⁵ *Id.* at 999.

¹⁹⁶ *Andrew F.*, 137 S. Ct. at 1001.

the IEPs were not adequately designed to address Minor’s unique needs. To the contrary, the IEPs showed Minor made sufficient progress in all areas addressed in the IEPs. Minor was ultimately promoted to the next grade level after completion of the agreed-upon home virtual learning program. Parent failed to provide evidence to show that Minor did not obtain positive academic and non-academic benefits from the IEPs.

Conclusion

Parent did not prove that School failed to comply with the procedures set forth in IDEA or that School District failed to provide FAPE to Minor. Parent’s due process complaint is dismissed, and Parent is not entitled to any remedies.

ORDER

IT IS ORDERED that Parent’s due process complaints filed on November 18, 2024, February 17, 2025, and February 27, 2025, as amended and consolidated, alleging that School District denied Minor a free appropriate public education are **DISMISSED**.

IT IS FURTHER ORDERED that any remedies requested by Parent are **DENIED**.

Rendered and signed on September 26, 2025, in Baton Rouge, Louisiana.

Anthony J. Russo

Anthony J. Russo
Administrative Law Judge
Division of Administrative Law

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Friday, September 26, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law

REVIEW RIGHTS

This hearing decision is final unless it is appealed. Any aggrieved party has the right to appeal the findings and decision by filing a civil action within ninety (90) days from the date of this decision in a state court of competent jurisdiction or in a district court of the United States in accordance with Louisiana Administrative Code 28:XLIII.516.

LEGEND

Parent	[REDACTED]
Minor	[REDACTED]
School District	Lincoln Parish School District
School	[REDACTED]
School District Student Support Services Director	Justin Barron
School District Special Education Director	Ivory Bass
School District Psychologist	[REDACTED]
School Principal	[REDACTED]
School Assistant Principal	[REDACTED]
Special Education Teacher	[REDACTED]
Gifted Teacher	[REDACTED]
Regular Education Teachers	[REDACTED]
School Nurses	[REDACTED]
School District Diagnostician	[REDACTED]
School Pathologist	[REDACTED]
School Counselor	[REDACTED]

IEP Facilitator

[REDACTED]

School Officially Designated Representatives

[REDACTED]

School District Superintendent

Ricky Durrett

CERTIFICATE OF SERVICE

I certify that the attached **DECISION AND ORDER** in **Docket No. 2024-53747-DOE-IDEA CONSOLIDATED WITH 2025-3489-DOE-IDEA AND 2025-4410-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail on September 26, 2025.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL, CERTIFIED MAIL AND ELECTRONIC MAIL



BY CERTIFIED MAIL AND ELECTRONIC MAIL

Timothy J. Riveria
Carlar M. Alexander
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Ricky Durrett, Superintendent
c/o Lincoln Parish Schools
410 South Farmerville Street
Ruston, LA 71270

BY ELECTRONIC MAIL ONLY

Louisiana Department of Education
E-mail: DisputeResolution.DOE@la.gov

Louisiana Special Education Due Process Hearing

45-H-12



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

* **DOCKET NO. 2024-53752-DOE-IDEA**
* **CONSOLIDATED WITH 2025-3481-**
* **DOE-IDEA**

IN THE MATTER OF

*
*

PARENT ON BEHALF OF MINOR

* **AGENCY ID. 45-H-12**
* **AGENCY ID. 45-H-22**

ORDER TERMINATING ADJUDICATION FOR FAILURE TO APPEAR

On November 18, 2024, Parent on behalf of Minor filed a *Request for Due Process Hearing*, which was assigned Docket Number 2024-53752-DOE-IDEA. On February 17, 2025, Parent filed a *Request for Due Process Hearing* as to the same Minor, which was assigned Docket Number 2025-3481-DOE-IDEA. The above-referenced matters were consolidated by order issued April 4, 2025.

Administrative Law Judge Anthony J. Russo scheduled hearings by Zoom videoconference for July 21, 2025, through July 25, 2025, commencing at 9:00 a.m. each day. Parent and counsel for School District were informed prior to the hearings and at a prehearing conference that the hearings in the due process hearing requests, as amended, filed by Parent would be held in the following sequence: (a) Docket Number 2024-53747-DOE-IDEA² (minor – ■■■); (b) the above-captioned proceedings (minor – ■■■); and (c) Docket Number 2024-53754-DOE-IDEA (minor – ■■■). The parties were informed that the hearing in the above-captioned proceedings would be held immediately after conclusion of the hearing in Docket Number 2024-53747-DOE-IDEA and that the hearing in Docket Number 2024-53754-DOE-IDEA would take place immediately after conclusion of the hearing in the above-captioned matter.

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

² This matter was consolidated with two other matters involving the same minor – 2025-3489-DOE-IDEA and 2025-4410-DOE-IDEA.

The due process hearing under docket number 2024-53747-DOE-IDEA commenced on July 21, 2025, at 9:00 a.m. Present were Parent, a self-represented litigant, and Timothy Riveria and Carlar Alexander, counsel for School District. Parent began presentation of her case under docket number 2024-53747-DOE-IDEA, and the hearing continued on July 22, 2025. During Parent's presentation of the case under docket number 2024-53747-DOE-IDEA on July 22, 2025, Parent disconnected from the Zoom videoconference hearing. The tribunal recessed for over one hour to allow Parent an opportunity to reconnect to the hearing.³ Parent failed to call back into the Zoom videoconference hearing, and counsel for School District presented its case, after which the record in docket number 2024-53747-DOE-IDEA was closed and the matter taken under advisement.

The above-captioned matter and Docket Number 2024-53754-DOE-IDEA were called for hearing at 9:00 a.m. on July 23, 2025; July 24, 2025; and July 25, 2025. Counsel for School District appeared each day the above-captioned matter, as well as Docket Number 2024-53754-DOE-IDEA, were called for hearing. Parent failed to call in to participate in the hearing in the above-captioned matter on July 23, 2025, through July 25, 2025, at 9:00 a.m., after being given an additional 15 minutes after the scheduled hearing time to appear each day.⁴ As a result, Parent's hearing request is dismissed, and the adjudication bearing the above-captioned docket number is terminated.

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³ The tribunal asked both the Administrative Program Specialist for the Division of Administrative Law (DAL) and counsel for School District whether Parent had contacted them during the recess in the hearing in Docket Number 2024-53747-DOE-IDEA to inform them that she was trying to reconnect to participate in the hearing. Both replied that she had not.

⁴ The same inquiry was made as described in footnote 3 above. Both counsel for School District and the DAL Administrative Program Specialist indicated that Parent had not called them since she disconnected from the hearing on July 22, 2025, to participate in the balance of that hearing or the other hearings scheduled.

ORDER

IT IS ORDERED that Parent on behalf of Minor’s request for a due process hearing is **DISMISSED**, and the adjudication under docket number 2024-53752-DOE-IDEA, consolidated with docket number 2025-3481-DOE-IDEA, is **TERMINATED**.

Rendered and signed on July 30, 2025, in Baton Rouge, Louisiana.

Anthony J Russo

Anthony J. Russo
Administrative Law Judge
Division of Administrative Law

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Wednesday, July 30, 2025, I have sent a copy of this decision/order to all parties of this matter.

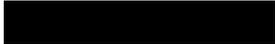
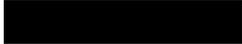
Clerk of Court

Division of Administrative Law

REVIEW RIGHTS

This hearing decision is final unless it is appealed. Any aggrieved party has the right to appeal the findings and decision by filing a civil action within ninety (90) days from the date of this decision in a state court of competent jurisdiction or in a district court of the United States in accordance with Louisiana Administrative Code 28:XLIII.516.

LEGEND

Parent	
Minor	
School District	Lincoln Parish School District
School	

CERTIFICATE OF SERVICE

I certify that the attached **Order Terminating Adjudication for Failure to Appear** in **Docket No. 2024-53752-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail on July 30, 2025.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL, ELECTRONIC MAIL AND CERTIFIED MAIL



BY ELECTRONIC MAIL AND CERTIFIED MAIL

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Ruston, LA 71270

BY ELECTRONIC MAIL ONLY

Louisiana Department of Education
E-mail: DisputeResolution.DOE@la.gov

Louisiana Special Education Due Process Hearing

45-H-13



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

* **DOCKET NO. 2024-53754-DOE-IDEA**

*

*

IN THE MATTER OF

*

*

PARENT ON BEHALF OF MINOR

AGENCY ID. 45-H-13

ORDER TERMINATING ADJUDICATION FOR FAILURE TO APPEAR

On November 18, 2024, Parent on behalf of Minor filed a *Request for Due Process Hearing*, which was assigned Docket Number 2024-53754-DOE-IDEA.

Administrative Law Judge Anthony J. Russo scheduled hearings by Zoom videoconference for July 21, 2025, through July 25, 2025, commencing at 9:00 a.m. each day. Parent and counsel for School District were informed prior to the hearings and at a prehearing conference that the hearings in the due process hearing requests, as amended, filed by Parent would be held in the following sequence: (a) Docket Number 2024-53747-DOE-IDEA² (minor – ■■■); (b) Docket Number 2024-53752-DOE-IDEA³ (minor – ■■■); and (c) the above-captioned proceedings (minor – ■■■). The parties were informed that the hearing in the above-captioned proceeding would be held immediately after conclusion of the hearings in Docket Number 2024-53747-DOE-IDEA and Docket Number 2024-53752-DOE-IDEA.

The due process hearing under docket number 2024-53747-DOE-IDEA commenced on July 21, 2025, at 9:00 a.m. Present were Parent, a self-represented litigant, and Timothy Riveria and Carlar Alexander, counsel for School District. Parent began presentation of her case under docket number 2024-53747-DOE-IDEA, and the hearing continued on July 22, 2025. During

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

² This matter was consolidated with two other matters involving the same minor – 2025-3489-DOE-IDEA and 2025-4410-DOE-IDEA.

³ This matter was consolidated with Docket Number 2025-3481-DOE-IDEA.

Parent’s presentation of the case under docket number 2024-53747-DOE-IDEA on July 22, 2025, Parent disconnected from the Zoom videoconference hearing. The tribunal recessed for over one hour to allow Parent an opportunity to reconnect to the hearing.⁴ Parent failed to call back into the Zoom videoconference hearing, and counsel for School District presented its case, after which the record in docket number 2024-53747-DOE-IDEA was closed and the matter taken under advisement.

The above-captioned matter and Docket Number 2024-53752-DOE-IDEA were called for hearing at 9:00 a.m. on July 23, 2025; July 24, 2025; and July 25, 2025. Counsel for School District appeared each day the above-captioned matter, as well as Docket Number 2024-53752-DOE-IDEA, were called for hearing. Parent failed to call in to participate in the hearing in the above-captioned matter on July 23, 2025, through July 25, 2025, at 9:00 a.m., after being given an additional 15 minutes after the scheduled hearing time to appear each day.⁵ As a result, Parent’s hearing request is dismissed, and the adjudication bearing the above-captioned docket number is terminated.

[SPACE INTENTIONALLY LEFT BLANK—ORDER ON NEXT PAGE]

⁴ The tribunal asked both the Administrative Program Specialist for the Division of Administrative Law (DAL) and counsel for School District whether Parent had contacted them during the recess in the hearing in Docket Number 2024-53747-DOE-IDEA to inform them that she was trying to reconnect to participate in the hearing. Both replied that she had not.

⁵ The same inquiry was made as described in footnote 3 above. Both counsel for School District and the DAL Administrative Program Specialist indicated that Parent had not called them since she disconnected from the hearing on July 22, 2025, to participate in the balance of that hearing or the other hearings scheduled.

ORDER

IT IS ORDERED that Parent on behalf of Minor’s request for a due process hearing is **DISMISSED**, and the adjudication under docket number 2024-53754-DOE-IDEA is **TERMINATED**.

Rendered and signed on July 30, 2025, in Baton Rouge, Louisiana.

Anthony J Russo

Anthony J. Russo
Administrative Law Judge
Division of Administrative Law

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Wednesday, July 30, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law

REVIEW RIGHTS

This hearing decision is final unless it is appealed. Any aggrieved party has the right to appeal the findings and decision by filing a civil action within ninety (90) days from the date of this decision in a state court of competent jurisdiction or in a district court of the United States in accordance with Louisiana Administrative Code 28:XLIII.516.

LEGEND

Parent



Minor



School District

Lincoln Parish School District

School



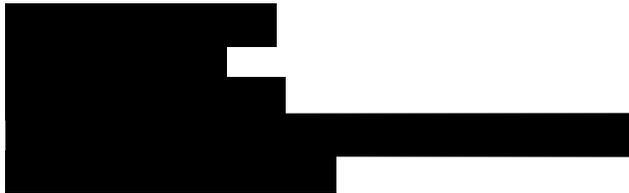
CERTIFICATE OF SERVICE

I certify that the attached **Order Terminating Adjudication for Failure to Appear** in **Docket No. 2024-53754-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail on July 30, 2025.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL, ELECTRONIC MAIL AND CERTIFIED MAIL



BY ELECTRONIC MAIL AND CERTIFIED MAIL

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Louisiana Department of Education
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Louisiana Special Education Due Process Hearing

45-H-14



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹ * **DOCKET NO. 2024-54456-DOE-IDEA**
*
IN THE MATTER OF *
*
PARENT ON BEHALF OF MINOR * **AGENCY LOG NO. 45-H-14**

ORDER ON MINOR’S RESIDENCY

Minor does not reside within School District’s geographical boundaries; therefore, School District does not have a duty to provide a free appropriate public education (FAPE) to Minor.

On November 27, 2024, the Louisiana Department of Education received a written request for a due process hearing from Kimona Hogan, counsel for Parent on behalf of Minor. Parent alleged that School District denied Minor a FAPE when it violated the rights of both Parent and Minor by (1) failing to conduct a thorough investigation or provide Parent with sufficient notice of her rights to appeal School District’s residency determination that Minor is not a resident in School District’s geographical area; and (2) refusing and failing to convene an Individualized Education Program team meeting or implement any services after finding Minor eligible for special education services. Parent requested an Independent Education Evaluation (IEE) at public expense² and sought an order of stay-put.

A stay-put order was granted, which allowed Minor to remain in School during the pendency of the due process proceedings. School District, through its counsel, Wayne T. Stewart, filed a peremptory exception of lack of subject matter jurisdiction (Exception) and Parent, through her counsel, Ms. Hogan, filed an opposition to School District’s Exception.

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

² School District filed a request for a due process hearing regarding Parent’s IEE request.

Zoom Hearing on Minor's Residency

A Zoom hearing was conducted on January 16, 2025, before Administrative Law Judge (ALJ) Adaora Chukudebelu, on the limited issue of Minor's residency, which is the crux of the issue in this case. Present for the hearing were Parent and her counsel, Ms. Hogan; Mr. Stewart, counsel for School District, and the following School District personnel: School District representative, Chief of Schools and Student Support, and Risk Management Staff.

At the hearing Parent, School District representative, Risk Management Staff, and Chief of Schools and Student Support testified.³ Based on their testimony and exhibits presented, these are the relevant facts to the question of Minor's residency during enrollment at School and disenrollment from School:

1. Minor is a [REDACTED] student with an exceptionality.⁴ Minor is eligible for special education services under the Individuals with Disabilities Education Act (IDEA).⁵
2. In August 2024, Minor was enrolled in School.⁶
3. School is in SJP, which is School District's geographical boundaries.⁷
4. On or about November 8, 2024, School District disenrolled Minor claiming Minor did not reside within School District's geographical boundaries.⁸
5. Parent is Minor's mother.⁹ Parent is not divorced.¹⁰ Minor is not a foster child.¹¹

³ Parent's exhibits were admitted as marked: P-1 (35 pages), and P-9 (four pages). School District's exhibits were admitted as marked: SD-1 (35 pages) and SD-5 (eight pages). Because Exhibits P-1 and SD-1 are identical, this *Order* cites only P-1.

⁴ P-9, testimony of School District representative and Chief of Schools and Student Support.

⁵ P-9, testimony of School District representative and Chief of Schools and Student Support.

⁶ Testimony of Chief of Schools and Student Support.

⁷ Testimony of Chief of Schools and Student Support.

⁸ P-1 at p. 29 and P-9.

⁹ Testimony of Parent.

¹⁰ Testimony of Parent.

¹¹ Testimony of Parent.

6. Parent did not relinquish custody of Minor.¹²
7. School District's 2024-2025 Student Enrollment Packet completed by Parent documents that Parent and Student's physical address is in SJBP.¹³
8. Parent completed the Louisiana Student Residency Questionnaire Form and indicated that a third party, AD, cares for Minor.¹⁴
9. Parent completed an enrollment form for School and indicated that Minor's home address is AD's home address located in SJP.¹⁵
10. Parent provided an affidavit and a notarized statement attesting that she and Minor live with AD at an address located in SJP.¹⁶
11. AD provided proof of residency in SJP.¹⁷
12. At Minor's enrollment and disenrollment, Parent's legal residence was in SJBP.¹⁸
13. School District staff reviewed the application and affidavit before enrolling Minor in School.¹⁹

Minor Does Not Reside Within School District's Geographical Boundaries

Under the IDEA and Louisiana law, the Local Education Agencies, like School District, have a duty to provide a FAPE to every student with exceptionality residing within their geographical boundaries.²⁰ Louisiana Law also provides that the residence of a student is the resident of the student's parent or parents.²¹ As part of School District's admission policy,

¹² Testimony of Parent.

¹³ P-1 at p. 2.

¹⁴ *Id.* at p. 10.

¹⁵ *Id.* at p. 13.

¹⁶ *Id.* at pp. 14 and 15.

¹⁷ *Id.* at pp. 17 - 20.

¹⁸ Testimony of Parent.

¹⁹ Testimony of Chief of Schools and Student Support.

²⁰ 20 U.S.C. § 1415(j); 34 C.F.R. § 300.101 (2024); La. R.S. 17:1941; and Louisiana Administrative Code 28:XLIII, Bulletin 1706, Chapter 5, Subchapter A, § 230(B).

parents or legal guardians must present a completed registration packet and other identifying information including proof of residency.²² School District's admission policy also requires parents or legal guardians of enrolling students who reside within the household of a SJP resident, without a rental or lease agreement, to complete and notarize a School District Affidavit.²³

Parent completed and presented a Student Enrollment Packet and notarized affidavit to School District. The Student Enrollment Packet shows that the physical address for Parent and Minor is in SJBP, not in SJP.²⁴ Parent attested in the notarized affidavit that she and Minor reside with AD in SJP.²⁵ Upon questioning by the ALJ, Parent acknowledged that she does not reside in SJP, that she resides in SJBP.

Parent's testimony and the Student Enrollment Packet submitted to School District confirm that her residence is within the geographical boundaries of SJBP, not that of SJP.²⁶ Because her legal residence is in SJBP, Minor's residence for purposes of IDEA is in SJBP and the resulting duty to provide a FAPE falls on the school district in SJBP, and not School District, which is in SJP.

Parent argued that she did not intentionally mislead School District; therefore, Minor should remain at School. Parent's argument is unpersuasive. For purposes of this case, Parent's intent is irrelevant and so is School District's failure to conduct a thorough review of the Student Enrollment Packet and affidavit. The relevant question is whether Minor resides in School

²¹ La. R.S. 17:1942(B)(3)(a). *See also* La. R.S. 17:1942(B)(3)(b) and (c) (which address residency of students whose parents are divorced and who is in foster care, respectively). Because Minor is not in foster care and Minor's parents are not divorced, La. R.S. 17:1942(B)(3)(b) and (c) are not applicable to the facts of this case, and they will not be discussed in this *Order*.

²² P-1 at pp. 25-28.

²³ *Id.* at pp. 27-28.

²⁴ *Id.* at pp. 2-3.

²⁵ *Id.* at p. 15.

²⁶ Parent under questioning by the ALJ acknowledged that she is not divorced, she has not relinquished her custody of Minor, and Minor is not in foster care.

District's geographical boundaries. Because Parent's residence is Minor's residence for purposes of IDEA, the answer to that question is no.

Considering the above Parent's due process hearing request is dismissed as moot. School District's *Peremptory Exception of Lack of Subject Matter Jurisdiction* is granted.

ORDER

IT IS ORDERED that Minor, for the purposes of the Individuals with Disabilities Education Act, is not a resident within School District's geographical boundaries.

IT IS FURTHER ORDERED that School District's *Peremptory Exception of Lack of Subject Matter Jurisdiction* is **GRANTED**.

IT IS FURTHER ORDERED that Parent on behalf of Minor's request for a due process hearing is **DISMISSED**, and the adjudication in this matter is **TERMINATED**.

Rendered and signed on January 31, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, February 03, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law

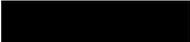
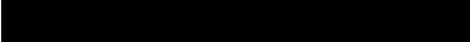


Adaora Chukudebelu
Administrative Law Judge
Division of Administrative Law

REVIEW RIGHTS

This hearing decision is final unless it is appealed. Any aggrieved party has the right to appeal the findings and decision by filing a civil action within ninety (90) days from the date of this decision in a state court of competent jurisdiction or in a district court of the United States in accordance with Louisiana Administrative Code 28:XLIII.516.

Legend

Parent	
Minor	
AD	
School	
School District	St. James Parish School System
School District representative	Senecca Boudreaux
Chief of Schools and Student Support	Amy Laiche
Risk Management Staff	Kelly Cook
SJP	St. James Parish
SJBP	St. John the Baptist Parish

Louisiana Special Education Due Process Hearing

45-H-15-E



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2024-54832-DOE-IDEA**

IN THE MATTER OF

PARENT ON BEHALF OF MINOR

*** AGENCY ID. 45-H-15-E**

ORDER TERMINATING ADJUDICATION

On March 14, 2025, Parent on behalf of Minor through her counsel, Kenneth Kolb, withdrew her request for a due process hearing on the grounds the matter had been settled. The request is granted, the adjudication is terminated, and the hearing scheduled for March 17, 18, and 20, 2025 is canceled.

ORDER

IT IS ORDERED that the matter entitled *School District in the matter of Parent on behalf of Minor* bearing docket number 2024-54832-DOE-IDEA is **TERMINATED**.

IT IS FURTHER ORDERED that the hearing scheduled for March 17, 18, and 20, 2025, is **CANCELED**.

Rendered and signed on March 14, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, March 17, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law



William H. Cooper
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

Legend

Parent



Minor



School District

Livingston Parish Public Schools

School District Representative

Eric Penalbar

Louisiana Special Education Due Process Hearing

45-H-16



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹	*	DOCKET NO. 2024-55926-DOE-IDEA
	*	
IN THE MATTER OF	*	
	*	
PARENT ON BEHALF OF MINOR	*	AGENCY ID. 45-H-16

ORDER TERMINATING ADJUDICATION

On November 27, 2024, the Louisiana Department of Education (LDOE) received a request for a due process hearing from Kimona Hogan, counsel for Parent on behalf of Minor, alleging that School District denied Minor a free appropriate public education. Parent in her request sought, among other things, an Independent Education Evaluation at public expense.

On December 20, 2024, LDOE received a request for a due process hearing from School District to show that its evaluation of Minor is appropriate.

Because Parent’s request for a due process hearing has been dismissed and the adjudication in that matter terminated, School District’s request for a due process hearing to show that its evaluation of Minor is appropriate is moot. School District’s request for a due process hearing is dismissed, and the adjudication in this matter is terminated.

ORDER

IT IS ORDERED that School District’s request for a due process hearing to show that its evaluation of Minor is appropriate is **DISMISSED**, and the adjudication in this matter is **TERMINATED**.

Rendered and signed on January 31, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, February 03, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law



Adaora Chukudebelu

Administrative Law Judge

Division of Administrative Law

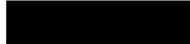
¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

REVIEW RIGHTS

This hearing decision is final unless it is appealed. Any aggrieved party has the right to appeal the findings and decision by filing a civil action within ninety (90) days from the date of this decision in a state court of competent jurisdiction or in a district court of the United States in accordance with Louisiana Administrative Code 28:XLIII.516.

Legend

Parent



Minor



School



School District

St. James Parish School System

School District representative

Senecca Boudreaux

Louisiana Special Education Due Process Hearing

45-H-17



STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW

SCHOOL DISTRICT¹

* DOCKET NO. 2025-0151-DOE-IDEA

*

*

IN THE MATTER OF

*

*

PARENT ON BEHALF OF MINOR

* AGENCY ID. 45-H-17

ORDER TERMINATING ADJUDICATION

On January 10, 2025, Parent on behalf of Minor submitted a request to the Division of Administrative Law to withdraw her request for a due process hearing.

ORDER

IT IS ORDERED that the adjudication entitled *School District In the Matter of Parent on Behalf of Minor* bearing Division of Administrative Law Docket Number 2025-0151-DOE-IDEA is **TERMINATED**.

IT IS FURTHER ORDERED that the telephone status conference scheduled for January 21, 2025, at 11:00 AM is **CANCELED**.

IT IS FURTHER ORDERED that the due process hearing scheduled for February 12, 2025, at 9:00 AM is **CANCELED**.

Rendered and signed on January 13, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Wednesday, January 15, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

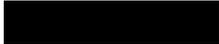
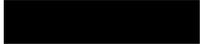
Division of Administrative Law



Lynette Roberson
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

Legend

Parent	
Minor	
School District	Lincoln Parish Schools
School District Representatives	Rickey Durrett and Phaedra Blake

Louisiana Special Education Due Process Hearing

45-H-18



STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW

SCHOOL DISTRICT¹

* DOCKET NO. 2025-0936-DOE-IDEA

*

IN THE MATTER OF

*

*

PARENT ON BEHALF OF MINOR

* AGENCY ID. 45-H-18

ORDER TERMINATING ADJUDICATION

On January 9, 2026, Shay Zeller, legal counsel for Parent on behalf of Minor, submitted a *Motion to Dismiss* Parent’s due process hearing request and withdrawing their right to a hearing. Parent’s *Motion to Dismiss* is granted.

ORDER

IT IS ORDERED that the Parent on behalf of Minor’s *Motion to Dismiss* is **GRANTED**.

IT IS FURTHER ORDERED that the adjudication entitled *School District in the matter of Parent on Behalf of Minor* bearing docket number 2025-0936-DOE-IDEA is **TERMINATED**.

Rendered and signed on January 9, 2026, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, January 12, 2026, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

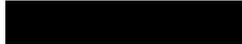
Division of Administrative Law

Stephanie E. Robin
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

Legend

Parent



Minor



School District

Bossier Parish School District

School District Representatives

Shawne Marsala, Supervisor of Pupil Appraisal

Louisiana Special Education Due Process Hearing

45-H-19



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

* **DOCKET NO. 2025-1838-DOE-IDEA**

*

*

IN THE MATTER OF

*

*

PARENT ON BEHALF OF MINOR

* **AGENCY ID. 45-H-19**

**ORDER GRANTING SCHOOL DISTRICT’S DECLINATORY EXCEPTION OF LACK
OF SUBJECT MATTER JURISDICTION**

On January 29, 2025, Parent on behalf of Minor filed a *Request for Special Education Due Process Hearing*. On February 7, 2025, School District filed a *Declinatory Exception of Lack of Subject Matter Jurisdiction (Exception)*.

Administrative Law Judge Anthony J. Russo conducted a telephone hearing on School District’s *Exception* on March 17, 2025. Present for the telephone hearing were Carlar M. Alexander and Timothy Riveria, counsel of record for School District, and Parent on behalf of Minor.²

In the due process hearing request, Parent on behalf of Minor alleged School District subjected Parent and Minor to a “toxic, illegal, unsafe and retaliatory environment” and subjected them to “fear” for advocating for their rights. Parent on behalf of Minor’s only request for relief or proposed solution was for School District to provide financial payments for all four of Parent’s minor children, including the Minor at issue in this adjudication, to attend a school outside of School District for “the entirety of their education.”

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information

² Parent was ordered to file any opposition to School District’s *Exception* by March 7, 2025, as per an order issued to the parties on February 12, 2025. Parent did not file a written opposition to School District’s *Exception*, but Parent was allowed to make oral arguments in opposition to the *Exception* during the March 17, 2025, telephone hearing.

Attached to Parent on behalf of Minor's due process hearing request was a four-page email from Minor to School District regarding an alleged sexual assault that occurred at School, including Minor's request that School District investigate the alleged incident as a felony. Also attached was a five-page chronology of events which allegedly took place between October 16, 2024, through January 16, 2025, which included references to Title IX violations, allegations of criminal actions, and illegal searches of Minor.

In its *Exception*, School District argued that all allegations made by Parent fall outside the scope of issues eligible for a due process hearing under Section 507(A)(1) of Bulletin 1706. School District requested that Parent on behalf of Minor's due process hearing request be dismissed.

School District's *Exception* is granted, and Parent on behalf of Minor's *Request for Special Education Due Process Hearing* is dismissed.

The undersigned has jurisdiction under the Individuals with Disabilities Education Act (IDEA) to hear due process issues with respect to matters relating to the identification, evaluation, or educational placement of a student with a disability, or the provision of FAPE.³

The allegations listed in Parent's due process hearing request, as well as the attachments, involve issues that fall outside the scope of this tribunal's jurisdiction under the IDEA. Therefore, this tribunal does not have jurisdiction over any of the issues contained in the request. Accordingly, School District's *Exception* is granted, and Parent on behalf of Minor's *Request for Special Education Due Process Hearing* is dismissed, and the above-captioned adjudication is terminated.

³ Louisiana Administrative Code 28:XLIII.507 (Louisiana Bulletin 1706 § 507).

ORDER

IT IS ORDERED that School District's *Declinatory Exception of Lack of Subject Matter Jurisdiction* is **GRANTED**.

IT IS FURTHER ORDERED that the Parent on behalf of Minor's *Request for Special Education Due Process Hearing* is **DISMISSED**, and the adjudication under docket number *2025-1838-DOE-IDEA* is **TERMINATED**.

Rendered and signed on March 31, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, March 31, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law



Anthony J. Russo
Administrative Law Judge
Division of Administrative Law

LEGEND

School District

Lincoln Parish School District

School



Parent



Minor



CERTIFICATE OF SERVICE

I certify that the attached **Order Granting School District's *Declinatory Exception of Lack of Subject Matter Jurisdiction*** in Docket No. **2025-1838-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail on March 31, 2025.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL, ELECTRONIC MAIL AND CERTIFIED MAIL

[REDACTED]

BY ELECTRONIC MAIL AND CERTIFIED MAIL

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Mr. Timothy Riveria
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BY ELECTRONIC MAIL ONLY

Louisiana Department of Education
E-mail: DisputeResolution.DOE@la.gov

Louisiana Special Education Due Process Hearing

45-H-20



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2025-2345-DOE-IDEA**

IN THE MATTER OF

PARENTS ON BEHALF OF MINOR

*** AGENCY ID. 45-H-20**

ORDER GRANTING MOTION TO DISMISS DUE PROCESS COMPLAINT

On February 5, 2025, Parents on behalf of Minor, through counsel, Chris Edmunds, filed a request for due process hearing seeking an order barring School from using entry achievement assessment tests, specifically the IOWA assessment, as an admissions criteria, alleging the admissions criteria discriminates against individuals with disabilities in violation of the Individuals with Disabilities Education Act (IDEA) by denying Minor a Free Appropriate Public Education (FAPE), the Americans with Disabilities Act (ADA), and the Louisiana Human Rights Act (LHRA). Parents on behalf of Minor also seek a permanent injunction, declaratory relief, damages, and attorney’s fees.

On February 14, 2025, School, through counsel, Ashley Jackson, Melissa Lessell, and Casey Wendling, filed a *Motion to Dismiss Due Process Complaint* and an incorporated memorandum in support. On February 17, 2025, counsel for Parent on behalf of Minor filed an opposition, entitled “*Opposition to School’s Rule 508 Challenge, improperly styled as ‘Motion to Dismiss.’*” On February 24, 2025, counsel for School filed a reply memorandum in response to Parents on behalf of Minor’s opposition.

On February 27, 2025, a telephone hearing on School’s *Motion to Dismiss Due Process Complaint* was held before Administrative Law Judge Esther A. Redmann. Participating in the

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

hearing were Chris Edmonds, counsel for Parents on behalf of Minor, and Ashley Jackson, Melissa Lessell, and Casey Wendling, counsel for School. Also participating was Special Education Director for School.²

Parents on behalf of Minor allege that School systemically discriminates against individuals with disabilities, particularly intellectual disabilities, by requiring applicants to achieve an unattainable threshold score on the IOWA achievement test as a condition for admission. Counsel for Parents argued that the admissions criteria impede disabled students' abilities to gain admission into School and thereby denies FAPE in violation of the rights afforded disabled students under the IDEA, and the protections afforded disabled students in the ADA and LHRA.

School requested dismissal of the due process complaint because the allegations are premature and speculative, and the due process complaint fails to state a claim under the IDEA. Counsel for School argued that Minor has been offered reasonable accommodations to ensure Minor has equal access to the admissions process and that the admissions process is legal but does not guarantee placement at School because School District determines placement under a unified enrollment process.

Louisiana Administrative Code (LAC) 28:XLIII.507.A .1 provides that a parent or public agency may file a Request for Due Process Hearing on any of the matters described in LAC 28:XLIII.504.A.1 and 2, relating to the identification, evaluation, or educational placement of a

² The undersigned disclosed to the parties that she is related to School's Special Education Director, as his mother and her are first cousins. The undersigned disclosed that she has not had any recent communications with Special Education Director, and she has not discussed this matter with any relatives, including Special Education Director. The undersigned stated that her ability to remain impartial when adjudicating this matter is not affected by the relationship.

student with a disability, or the provision of FAPE to the student.”³ The matters described in LAC 28:XLIII.504.A.1 and A.2 are as follows:

§504.A.1 - The public agency “proposes to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.”

§504.A.2 - The public agency “refuses to initiate or change the identification, evaluation, or educational placement of the student or the provision of a free appropriate public education to the student.”⁴

The allegations of systemic discriminatory admissions practices, as well as the issues alleged under the ADA and the LHRA, are unrelated to the identification, evaluation, or educational placement, or the provision of FAPE to Minor. The issues are, therefore, outside the jurisdiction of this tribunal. School’s *Motion to Dismiss Due Process Complaint* is granted.

ORDER

IT IS ORDERED that School’s *Motion to Dismiss Due Process Complaint* is **GRANTED**.

IT IS FURTHER ORDERED that Parents on behalf of Minor’s request for due process hearing is dismissed and all proceedings in *2025-2345-DOE-IDEA* are terminated.

Rendered and signed on March 6, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Wednesday, March 12, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law

Esther A. Redmann

Esther A. Redmann

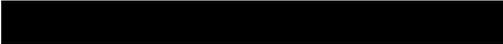
Administrative Law Judge

Division of Administrative Law

³ 34 Code of Federal Regulations (CFR) § 300.507 (2024); LAC 28:XLIII.507.A.

⁴ LAC 28:XLIII.504.A.1 and A.2.

LEGEND

Parents	
Minor	
School District	NOLA Public Schools
School	
Special Education Director for School	Dr. Jeffrey Chenier

REVIEW RIGHTS

This decision or order is final unless it is appealed. Any aggrieved party has the right to appeal the findings and decision by filing a civil action within ninety (90) days from the date of this decision in a state court of competent jurisdiction or in a district court of the United States in accordance with Louisiana Administrative Code 28:XLIII.516.

CERTIFICATE OF SERVICE

I certify that the attached **Order Granting Motion to Dismiss Due Process Complaint** in **Docket No. 2025-2345-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail on March 12, 2025.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL, ELECTRONIC MAIL AND CERTIFIED MAIL

[REDACTED]

BY ELECTRONIC MAIL AND CERTIFIED MAIL

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Ms. Melissa M. Lessell
Ms. Casey B. Wendling
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New Orleans, LA 70115

BY ELECTRONIC MAIL ONLY

Louisiana Department of Education
E-mail: DisputeResolution.DOE@la.gov

Louisiana Special Education Due Process Hearing

45-H-21



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹ * **DOCKET NO. 2025-2912-DOE-IDEA**
*
IN THE MATTER OF *
*
PARENT ON BEHALF OF MINOR * **AGENCY ID. 45-H-21**

ORDER TERMINATING ADJUDICATION

Parent filed a due process hearing request on behalf of Minor. During a telephone status conference on March 27, 2025, Parent and School District Representatives advised the parties had settled the issues contained in Parent’s due process hearing request through mediation. On March 28, 2025, Parent filed a *Withdrawal of Hearing Request*. The request is granted. Parent’s due process hearing request is dismissed, and the above-captioned adjudication is terminated.

ORDER

IT IS ORDERED that Parent’s *Withdrawal of Hearing Request* is **GRANTED**.

IT IS FURTHER ORDERED that Parent’s request for a hearing is **DISMISSED**, and the adjudication bearing docket number 2025-2912-DOE-IDEA is **TERMINATED**.

Rendered and signed on March 31, 2025, in New Orleans, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Tuesday, April 01, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law



Leighann N. Guilbeau
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

Legend

Parent: [REDACTED]

Minor: [REDACTED]

School: [REDACTED]

School District: Bossier Parish Schools

School District Representative: Vicki Younger

CERTIFICATE OF SERVICE

I certify that the attached **Order Terminating Adjudication** in **Docket No. 2025-2912-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail on April 1, 2025.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL, CERTIFIED MAIL AND ELECTRONIC MAIL

[REDACTED]

BY CERTIFIED MAIL AND ELECTRONIC MAIL

Mr. Wayne T. Stewart
Attorney at Law
2431 South Acadian Thruway, Suite 600
Baton Rouge, LA 70808
CERTIFIED MAIL #7019 2280 0000 0865 5269
wstewart@hamsil.com

BY REGULAR, FIRST-CLASS MAIL

Mr. Jason Rowland, Superintendent
c/o Bossier Parish Schools
410 Sibley Street
Benton, LA 71006

BY ELECTRONIC MAIL ONLY

Louisiana Department of Education
E-mail: DisputeResolution.DOE@la.gov

Louisiana Special Education Due Process Hearing

45-H-22



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

* **DOCKET NO. 2024-53752-DOE-IDEA**
* **CONSOLIDATED WITH 2025-3481-**
* **DOE-IDEA**

IN THE MATTER OF

*
*
*

PARENT ON BEHALF OF MINOR

* **AGENCY ID. 45-H-12**
* **AGENCY ID. 45-H-22**
*

ORDER ON SCHOOL DISTRICT'S MOTION TO CONSOLIDATE

On November 18, 2024, Parent on behalf of Minor filed a *Request for Special Education Due Process Hearing* which was docketed under Division of Administrative Law (DAL) Docket Number 2024-53752-DOE-IDEA. On February 17, 2025, Parent on behalf of Minor filed a *Request for Special Education Due Process Hearing* which was docketed under DAL Docket Number 2025-3481-DOE-IDEA. School District filed responses to each of the due process hearing requests.

On March 25, 2025, School District filed *Motions to Consolidate and Incorporated Memoranda*, requesting that the adjudication bearing Docket Number 2025-3481-DOE-IDEA be consolidated with Docket Number 2024-53752-DOE-IDEA. Parent filed timely oppositions to each of the motions filed by School District.

Administrative Law Judge Anthony J. Russo conducted a telephone hearing on School District's *Motions to Consolidate* on April 1, 2025. Present for the telephone hearing were Carlar M. Alexander and Timothy Riveria, counsel of record for School District, and Parent.

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

Counsel for School District argued that all matters involve common issues of fact and law pertaining to claims by Parent under the Individuals with Disabilities Education Act (IDEA) on behalf of the same Minor involving the same School and School District. Parent argued that the adjudications should not be consolidated as Parent believes that certain allegations will not be considered if the matters are consolidated.

Louisiana Administrative Code (LAC) Title 1, Part III, Chapter 7, Section 701 provides for consolidation of adjudications. Section 701 provides that, when two or more actions involving common issues of law or fact are separately pending before the Division of Administrative Law, the administrative law judge may, upon his or her motion or that of any party, order the consolidation of the matters. The Division of Administrative Law Rules applicable to consolidation of matters mirror those contained in the LAC.

The above-referenced matters involve common issues of law and fact. The matters involve the same Minor, the same School and School District, and there are numerous overlapping allegations contained in each of the due process hearing requests. Neither party will be prejudiced by the consolidation of these matters. All matters contained in each of the consolidated cases will be heard, other than matters that have been disposed of through prehearing motions or exceptions.

School District's *Motions to Consolidate* are granted and the cases shall now be docketed under the oldest case number – 2024-53752-DOE-IDEA. The federal decision deadline in that matter is May 1, 2025, and that deadline is now applicable to the consolidated matters.

A telephone status conference will be conducted on April 30, 2025, at 9:00 a.m., for the parties to inform the undersigned on the status of state-facilitated mediation. If mediation efforts

are terminated or unsuccessful, it is the undersigned's intention to schedule the consolidated matters for a due process hearing during the April 30, 2025, telephone status conference.

ORDER

IT IS ORDERED that School District's *Motions to Consolidate* are **GRANTED**.

IT IS FURTHER ORDERED that the above-referenced matters be docketed under the oldest case number – **2024-53752-DOE-IDEA**.

IT IS FURTHER ORDERED that the federal decision deadline for both matters is **May 1, 2025**.

IT IS FURTHER ORDERED that a **telephone status conference** in the consolidated matters is scheduled for **April 30, 2025, at 9:00 a.m.** Dialing instructions for participating in the telephone status conference are attached.

Rendered and signed on April 4, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Friday, April 04, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law



Anthony J. Russo
Administrative Law Judge
Division of Administrative Law

LEGEND

Parent



Minor



School District

Lincoln Parish School District

School



DIVISION OF ADMINISTRATIVE LAW
Telephone Conference Instructions
Read and follow the instructions below carefully.

This information is only for Docket # 2024-53752-DOE-IDEA. Do not use the dial-in number and passcode for any other case. After the telephone hearing, the dial-in number and passcode are no longer useful. If you have any problems using the dial-in number and passcode, please call (225) 342-1800.

1. Dial **1-888-990-7540**.
 2. The recording that you will hear depends on whether the judge has joined the call yet.
 - **If the judge has NOT joined the call, you will hear:**

“Welcome to Zoom. If you are the meeting host, please enter your host key followed by pound. If you are a participant, please press pound to continue.”

Do This: Press the # key on the phone.

 - You will then hear this: *“The meeting has not started. Please wait or try again later.”*

Do This: Wait for the judge to join the call. When the judge joins, you will hear:
“Please enter the meeting password followed by #.”

Do This: Enter **5794** then press the # key on the phone.
 - **If the judge HAS joined the call, you will hear:**

“Welcome to Zoom. Please enter the meeting password followed by #.”

Do This: Enter **5794** then press the # key on the phone.
 3. After you have entered the passcode, you will hear this:

“After the tone, please record your name. When you have finished recording press pound.”

Do This: Say your name and then press #. [You **MUST** say your name after the tone.]
 4. You will then hear this recording:

“You are in the meeting now. There is () other participant in the meeting. You have been added to the waiting room. You cannot talk or listen until the host admits you to the meeting.”
- If you have difficulty joining the hearing, or if the judge has not joined after 15 minutes, immediately contact DAL at (225) 342-1800 for further instructions.

Telephone Conference Tips

1. If at any time you think you cannot be heard by the judge, hang up and follow the same instructions to call back.
2. The “host” is the administrative law judge.
3. The appellant, respondent, his/her attorney (if s/he has one), and any witnesses are the “participants.”
4. Speak naturally and say your name each time before you begin speaking.
5. Pause for others to speak. **DO NOT INTERRUPT OTHERS.**
6. Spell out unusual terms, names, and numbers.
7. Do not rustle pages or make distracting noises; everyone can hear it.
8. Avoid putting your phone on hold. Phone systems with music-on-hold will disrupt the teleconference service.
9. At the end of the hearing, the judge will let you know when you can hang up.

Louisiana Special Education Due Process Hearing

45-H-23



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

* **DOCKET NO. 2024-53747-DOE-IDEA**
* **CONSOLIDATED WITH 2025-3489-**
* **DOE-IDEA AND**
* **2025-4410-DOE-IDEA**

IN THE MATTER OF

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PARENT ON BEHALF OF MINOR

* **AGENCY ID. 45-H-11**
* **AGENCY ID. 45-H-23**
* **AGENCY ID. 45-H-24**

ORDER ON SCHOOL DISTRICT’S *MOTION TO CONSOLIDATE*

On November 18, 2024, Parent on behalf of Minor filed a *Request for Special Education Due Process Hearing* which was docketed under Division of Administrative Law (DAL) Docket Number 2024-53747-DOE-IDEA. On February 17, 2025, Parent on behalf of Minor filed a *Request for Special Education Due Process Hearing* which was docketed under DAL Docket Number 2025-3489-DOE-IDEA. On February 26, 2025, Parent on behalf of Minor filed an *Expedited Due Process Hearing Request²* which was docketed under DAL Docket Number 2025-4410-DOE-IDEA. School District filed responses to each of the due process hearing requests.

On March 25, 2025, School District filed *Motions to Consolidate and Incorporated Memoranda*, requesting that the adjudications bearing Docket Number 2025-3489-DOE-IDEA

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

² The undersigned granted Parent’s oral motion at a previous telephone status conference to convert this matter from “expedited” to “non-expedited.”

and Docket Number 2025-4410-DOE-IDEA be consolidated with Docket Number 2024-53747-DOE-IDEA.³ Parent filed timely oppositions to each of the motions filed by School District.

Administrative Law Judge Anthony J. Russo conducted a telephone hearing on School District's *Motions to Consolidate* on April 1, 2025. Present for the telephone hearing were Carlar M. Alexander and Timothy Riveria, counsel of record for School District, and Parent.

Counsel for School District argued that all matters involve common issues of fact and law pertaining to claims by Parent under the Individuals with Disabilities Education Act (IDEA) on behalf of the same Minor involving the same School and School District. Parent argued the adjudications should not be consolidated as Parent believes that certain allegations will not be considered if the matters are consolidated.

Louisiana Administrative Code (LAC) Title 1, Part III, Chapter 7, Section 701 provides for consolidation of adjudications. Section 701 provides that, when two or more actions involving common issues of law or fact are separately pending before the Division of Administrative Law, the administrative law judge may, upon his motion or the motion of any party, order the consolidation of the matters. The Division of Administrative Law Rules applicable to consolidation of matters mirror those contained in the LAC.

The above-referenced matters involve common issues of law and fact. The matters involve the same Minor, the same School and School District, and there are numerous overlapping allegations contained in each of the due process hearing requests. Neither party will be prejudiced by the consolidation of these matters. All matters contained in each of the

³ In its motion, School District also requested that the adjudication bearing Docket Number 2025-1838-DOE-IDEA be consolidated. The portion of School District's motion pertaining to that matter is moot as an order was issued by the undersigned dismissing that matter.

consolidated cases will be heard, other than matters that have been disposed of through prehearing motions or exceptions.

School District's *Motions to Consolidate* are granted and the cases shall now be docketed under the oldest case number – 2024-53747-DOE-IDEA. The federal decision deadline in that matter is May 1, 2025, and that deadline is now applicable to the consolidated matters.

A telephone status conference will be conducted on April 30, 2025, at 9:00 a.m., for the parties to inform the undersigned on the status of state-facilitated mediation. If mediation efforts are terminated or unsuccessful, it is the undersigned's intention to schedule the consolidated matters for a due process hearing during the April 30, 2025, telephone status conference.

ORDER

IT IS ORDERED that School District's *Motions to Consolidate* are **GRANTED**.

IT IS FURTHER ORDERED that the above-referenced matters be docketed under the oldest case number – **2024-53747-DOE-IDEA**.

IT IS FURTHER ORDERED that the federal decision deadline for all matters is **May 1, 2025**.

IT IS FURTHER ORDERED that a **telephone status conference** in the consolidated matters is scheduled for **April 30, 2025, at 9:00 a.m.** Dialing instructions for participating in the telephone status conference are attached.

Rendered and signed on April 4, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER
I certify that on Friday, April 04, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law



Anthony J. Russo
Administrative Law Judge
Division of Administrative Law

LEGEND

Parent



Minor



School District

Lincoln Parish School District

School



DIVISION OF ADMINISTRATIVE LAW
Telephone Conference Instructions
Read and follow the instructions below carefully.

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Do This: Wait for the judge to join the call. When the judge joins, you will hear:
“Please enter the meeting password followed by #.”

Do This: Enter **5794** then press the # key on the phone.
 - **If the judge HAS joined the call, you will hear:**

“Welcome to Zoom. Please enter the meeting password followed by #.”

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“After the tone, please record your name. When you have finished recording press pound.”

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- If you have difficulty joining the hearing, or if the judge has not joined after 15 minutes, immediately contact DAL at (225) 342-1800 for further instructions.

Telephone Conference Tips

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2. The “host” is the administrative law judge.
3. The appellant, respondent, his/her attorney (if s/he has one), and any witnesses are the “participants.”
4. Speak naturally and say your name each time before you begin speaking.
5. Pause for others to speak. **DO NOT INTERRUPT OTHERS.**
6. Spell out unusual terms, names, and numbers.
7. Do not rustle pages or make distracting noises; everyone can hear it.
8. Avoid putting your phone on hold. Phone systems with music-on-hold will disrupt the teleconference service.
9. At the end of the hearing, the judge will let you know when you can hang up.

Louisiana Special Education Due Process Hearing

45-H-24-E



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

* **DOCKET NO. 2024-53747-DOE-IDEA**
* **CONSOLIDATED WITH 2025-3489-**
* **DOE-IDEA AND**
* **2025-4410-DOE-IDEA**

IN THE MATTER OF

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PARENT ON BEHALF OF MINOR

* **AGENCY ID. 45-H-11**
* **AGENCY ID. 45-H-23**
* **AGENCY ID. 45-H-24**

ORDER ON SCHOOL DISTRICT’S *MOTION TO CONSOLIDATE*

On November 18, 2024, Parent on behalf of Minor filed a *Request for Special Education Due Process Hearing* which was docketed under Division of Administrative Law (DAL) Docket Number 2024-53747-DOE-IDEA. On February 17, 2025, Parent on behalf of Minor filed a *Request for Special Education Due Process Hearing* which was docketed under DAL Docket Number 2025-3489-DOE-IDEA. On February 26, 2025, Parent on behalf of Minor filed an *Expedited Due Process Hearing Request²* which was docketed under DAL Docket Number 2025-4410-DOE-IDEA. School District filed responses to each of the due process hearing requests.

On March 25, 2025, School District filed *Motions to Consolidate and Incorporated Memoranda*, requesting that the adjudications bearing Docket Number 2025-3489-DOE-IDEA

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

² The undersigned granted Parent’s oral motion at a previous telephone status conference to convert this matter from “expedited” to “non-expedited.”

and Docket Number 2025-4410-DOE-IDEA be consolidated with Docket Number 2024-53747-DOE-IDEA.³ Parent filed timely oppositions to each of the motions filed by School District.

Administrative Law Judge Anthony J. Russo conducted a telephone hearing on School District's *Motions to Consolidate* on April 1, 2025. Present for the telephone hearing were Carlar M. Alexander and Timothy Riveria, counsel of record for School District, and Parent.

Counsel for School District argued that all matters involve common issues of fact and law pertaining to claims by Parent under the Individuals with Disabilities Education Act (IDEA) on behalf of the same Minor involving the same School and School District. Parent argued the adjudications should not be consolidated as Parent believes that certain allegations will not be considered if the matters are consolidated.

Louisiana Administrative Code (LAC) Title 1, Part III, Chapter 7, Section 701 provides for consolidation of adjudications. Section 701 provides that, when two or more actions involving common issues of law or fact are separately pending before the Division of Administrative Law, the administrative law judge may, upon his motion or the motion of any party, order the consolidation of the matters. The Division of Administrative Law Rules applicable to consolidation of matters mirror those contained in the LAC.

The above-referenced matters involve common issues of law and fact. The matters involve the same Minor, the same School and School District, and there are numerous overlapping allegations contained in each of the due process hearing requests. Neither party will be prejudiced by the consolidation of these matters. All matters contained in each of the

³ In its motion, School District also requested that the adjudication bearing Docket Number 2025-1838-DOE-IDEA be consolidated. The portion of School District's motion pertaining to that matter is moot as an order was issued by the undersigned dismissing that matter.

consolidated cases will be heard, other than matters that have been disposed of through prehearing motions or exceptions.

School District's *Motions to Consolidate* are granted and the cases shall now be docketed under the oldest case number – 2024-53747-DOE-IDEA. The federal decision deadline in that matter is May 1, 2025, and that deadline is now applicable to the consolidated matters.

A telephone status conference will be conducted on April 30, 2025, at 9:00 a.m., for the parties to inform the undersigned on the status of state-facilitated mediation. If mediation efforts are terminated or unsuccessful, it is the undersigned's intention to schedule the consolidated matters for a due process hearing during the April 30, 2025, telephone status conference.

ORDER

IT IS ORDERED that School District's *Motions to Consolidate* are **GRANTED**.

IT IS FURTHER ORDERED that the above-referenced matters be docketed under the oldest case number – **2024-53747-DOE-IDEA**.

IT IS FURTHER ORDERED that the federal decision deadline for all matters is **May 1, 2025**.

IT IS FURTHER ORDERED that a **telephone status conference** in the consolidated matters is scheduled for **April 30, 2025, at 9:00 a.m.** Dialing instructions for participating in the telephone status conference are attached.

Rendered and signed on April 4, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER
I certify that on Friday, April 04, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law



Anthony J. Russo
Administrative Law Judge
Division of Administrative Law

LEGEND

Parent



Minor



School District

Lincoln Parish School District

School



DIVISION OF ADMINISTRATIVE LAW
Telephone Conference Instructions
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“Please enter the meeting password followed by #.”

Do This: Enter **5794** then press the # key on the phone.
 - **If the judge HAS joined the call, you will hear:**

“Welcome to Zoom. Please enter the meeting password followed by #.”

Do This: Enter **5794** then press the # key on the phone.
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Telephone Conference Tips

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3. The appellant, respondent, his/her attorney (if s/he has one), and any witnesses are the “participants.”
4. Speak naturally and say your name each time before you begin speaking.
5. Pause for others to speak. **DO NOT INTERRUPT OTHERS.**
6. Spell out unusual terms, names, and numbers.
7. Do not rustle pages or make distracting noises; everyone can hear it.
8. Avoid putting your phone on hold. Phone systems with music-on-hold will disrupt the teleconference service.
9. At the end of the hearing, the judge will let you know when you can hang up.

Louisiana Special Education Due Process Hearing

45-H-25



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2025-5372-DOE-IDEA**

IN THE MATTER OF

*

PARENT ON BEHALF OF MINOR

*** AGENCY ID. 45-H-25**

ORDER TERMINATING ADJUDICATION

On April 29, 2025, Parent on behalf of Minor submitted a document to withdraw her request for a due process hearing.

IT IS ORDERED that the adjudication in the above entitled and numbered case is terminated.

IT IS FURTHER ORDERED that the in-person hearing scheduled for May 9 and 12, 2025, **is CANCELED.**

Rendered and signed on April 29, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Thursday, May 01, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law



Adaora Chukudebelu

Administrative Law Judge

Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

Legend

Parent



Minor



School



School District

Calcasieu Parish School Board

School District Representative

Michael Hill

CERTIFICATE OF SERVICE

I certify that the attached **Order Terminating Adjudication** in **Docket No. 2025-5372-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail on May 1, 2025.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL, ELECTRONIC MAIL AND CERTIFIED MAIL

[REDACTED]

BY ELECTRONIC MAIL AND CERTIFIED MAIL

Mr. Wayne T. Stewart
Attorney at Law
2431 S. Acadian Thruway, Suite 600
Baton Rouge, LA 70808
CERTIFIED MAIL #7019 2280 0000 0865 **5306**
wstewart@hamsil.com

BY REGULAR, FIRST-CLASS MAIL

Mr. Jason VanMetre
Superintendent
c/o Calcasieu Parish School Board
3310 Broad Street
Lake Charles, LA 70615

BY ELECTRONIC MAIL ONLY

Louisiana Department of Education
E-mail: DisputeResolution.DOE@la.gov

Louisiana Special Education Due Process Hearing

45-H-26



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2025-5525-DOE-IDEA**

IN THE MATTER OF

PARENT ON BEHALF OF MINOR

*** AGENCY ID. 45-H-26**

ORDER TERMINATING ADJUDICATION FOR FAILURE TO APPEAR

Parent requested a hearing alleging School District failed to provide Minor with a free appropriate public education. The hearing was scheduled for June 17, 2025, at 9:00 a.m. The hearing notice dated May 15, 2025, notified Parent that a hybrid telephone and Zoom hearing was scheduled for June 17, 2025, at 9:00 a.m. A *Conference Report and Order* dated June 16, 2025, confirming the hearing date was also issued to Parent. The notice and order were mailed to Parent’s last known mailing address and emailed to her last known email address.

The administrative law judge waited an additional 15 minutes to allow Parent an opportunity to appear for the hearing. Parent failed to appear for the hearing. By failing to appear, Parent waived her right to a hearing within the meaning of Louisiana Revised Statutes 49:975(A) and Louisiana Administrative Code 1:III.725.B. As a result, Parent’s hearing request is dismissed, and the adjudication is terminated.

ORDER

IT IS ORDERED that Parent’s request for a hearing is **DISMISSED**, and the adjudication under docket number 2025-5525-DOE-IDEA is **TERMINATED**.

Rendered and signed on June 17, 2025, in Baton Rouge, Louisiana.



William H. Cooper
Administrative Law Judge
Division of Administrative Law

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Tuesday, June 17, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

REVIEW RIGHTS

This hearing decision is final unless it is appealed. Any aggrieved party has the right to appeal the findings and decision by filing a civil action within ninety (90) days from the date of this decision in a state court of competent jurisdiction or in a district court of the United States in accordance with Louisiana Administrative Code 28:XLIII.516.

LEGEND

Parent



Minor



School District

Jefferson Parish Schools

School District Representative

James Gray and Emily Davis

Louisiana Special Education Due Process Hearing

45-H-27



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

* **DOCKET NO. 2025-5660-DOE-IDEA**

*

*

IN THE MATTER OF

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PARENTS ON BEHALF OF MINOR

* **AGENCY ID. 45-H-27**

ORDER TERMINATING ADJUDICATION

On August 19, 2025, Parents on behalf of Minor through their counsel, Martin J. Cirkiel, filed a *Stipulation of Dismissal with Prejudice*, withdrawing their request for a due process hearing.

ORDER

IT IS ORDERED that Parents on behalf of Minor’s request for a due process hearing is **DISMISSED**, and the adjudication under docket number 2025-5660-DOE-IDEA is **TERMINATED**.

IT IS FURTHER ORDERED that the September 10, 2025, telephone status conference is **CANCELLED**.

Rendered and signed on August 25, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Tuesday, August 26, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law



Lynette Roberson
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

Legend

Parents



Minor



School District

Livingston Parish Public Schools

School District Representatives

Jody W. Purvis and Eric W. Penalber

Louisiana Special Education Due Process Hearing

45-H-28



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2025-5926-DOE-IDEA**

IN THE MATTER OF

PARENT ON BEHALF OF MINOR

*** AGENCY ID. 45-H-28**

DECISION AND ORDER

Parent on behalf of Minor filed a due process hearing request against School District under the Individuals with Disabilities Education Act (IDEA). Parent alleged that School District denied Minor a free appropriate public education (FAPE) by (1) failing to educate Minor in the Least Restrictive Environment (LRE) to the maximum extent appropriate; (2) failing to develop an Individualized Education Program (IEP) that was reasonably calculated to provide educational benefit by meeting Minor’s unique needs and allowing him to make the academic and behavioral progress of which ■ is capable; (3) failing to evaluate, properly identify, and assess Minor by using a variety of tools for the suspected exceptionality of Autism; (4) failing to conduct a proper reevaluation before Minor’s ninth birthday; and (5) failing to conduct a reevaluation before changing Minor’s placement to a more restrictive setting. Parent failed to prove that School District denied Minor FAPE. Parent’s requested remedies are **DENIED**.

APPEARANCES

A hearing was conducted on May 9, 2025, May 30, 2025, and July 28 through 30, 2025, in Slidell, Louisiana, before Administrative Law Judge Stephanie E. Robin. Present at the hearing on behalf of Parent were Parent² and ■ legal counsel, Sara Godchaux, Amalie Daigle,

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information

² Parent attended the hearing on May 9, 2025, May 30, 2025, and the morning of July 28, 2025.

and Katrina Huber.³ Present on behalf of School District were School District Representative and School District’s legal counsel, Parris Taylor and Carlar Alexander.⁴

The following witnesses testified at the hearing: Parent; Parent’s Expert; School District’s Expert; School Principal for Elementary No. 1; School Principal for Elementary No. 3; Students with Exceptionalities Department Lead (SWEDL) for Elementary No. 3; School Principal for Elementary No. 4; SWEDL for Elementary No. 4; Regular Education Teacher for Elementary No. 4; School District Assistant Director for Students with Exceptionalities Department (SWED); School District Behavior Coordinator; and School District Licensed Clinical Social Worker (LCSW).

JURISDICTIONAL AUTHORITY

This adjudication is conducted in accordance with IDEA, 20 United States Code (U.S.C.) § 1400 *et seq.*, 34 Code of Federal Regulations (C.F.R.) § 300 *et seq.*; Louisiana Revised Statutes (La. R.S.) 17:1941 *et seq.*; Louisiana Bulletin 1508, Pupil Appraisal Handbook, Louisiana Administrative Code (LAC) 28:CI; Louisiana Bulletin 1706, Regulations for Implementation of the Children with Exceptionalities Act, LAC 28:XLIII; Louisiana Bulletin 1530, IEP Handbook for Students with Exceptionalities, LAC 28:XCVII; and the Division of Administrative Law’s enabling legislation, La. R.S. 49:991 *et seq.*

STATEMENT OF THE CASE

On March 19, 2025, Parent on behalf of Minor filed a due process hearing request against School District under IDEA, alleging that School District failed to provide FAPE to Minor as follows:

1. Failure to educate Minor in the LRE to the maximum extent appropriate;

³ Ms. Huber was present for the hearing on May 9, 2025, only.

⁴ Carlar Alexander was present for the hearing on May 9, 2025, and May 30, 2025, only. Alaina Hawkins, a second-year law student intern with Mr. Taylor’s firm, was also present for observation purposes only.

2. Failure to develop an IEP that was reasonably calculated to provide educational benefit by meeting Minor's unique needs and allowing him to make the academic and behavioral progress of which ■■■ is capable;
3. Failure to properly evaluate, assess, and identify Minor by using a variety of tools for the suspected exceptionality of Autism;
4. Failure to conduct a proper reevaluation before Minor's ninth birthday; and
5. Failure to conduct a reevaluation before changing Minor's placement to a more restrictive setting.

Parent argued that School District repeatedly and systematically failed to fulfill its obligations under IDEA and School District denied Minor FAPE. As support for ■■■ allegations, Parent argued that the testimony of Parent's Expert unequivocally demonstrates that Minor meets the criteria for the exceptionality of Autism and should be eligible for special education and related services associated with that exceptionality. Parent seeks a variety of remedies, including changing Minor's IEP placement to a full day of instruction five days per week; compensatory education; an Independent Educational Evaluation; compensatory services, including full-time Applied Behavior Analysis (ABA) therapy and a 1:1 paraprofessional trained in ABA therapy to accompany Minor throughout ■■■ school day; an independent Functional Behavioral Assessment (FBA) conducted by a child or school psychologist of Parent's choosing with development of a Behavior Intervention Plan (BIP) and training to related services providers on implementation of the BIP; a review of Minor's IEP by an expert of Parent's choosing to draft an IEP with new appropriate goals in all areas of educational need that are specific, measurable, attainable, results-oriented, and time bound for consideration of the IEP team; and an award of other relief that is appropriate to remedy the violations described and ensure the provision of FAPE.

School District maintained that it provided FAPE to Minor, and that Parent failed to meet [REDACTED] burden of proving a denial of FAPE.

On May 5, 2025, Parent filed a *Motion to Exclude School District's Untimely Filed Exhibit and the Introduction of Additional Facts and Evidence not included in School District's Response* (Motion). After a review of the timely filed briefs by Parent and School District, the tribunal, prior to the start of the in-person hearing on May 9, 2025, granted Parent's Motion.

Joint Exhibits 1-30 were admitted as follows: J-1 Autism Evaluation; J-2 Attention Deficit/Hyperactivity Disorder (ADHD) Diagnosis; J-3 Initial Evaluation – [REDACTED] 2018; J-4 Reevaluation – [REDACTED] 2021; J-5 Reevaluation [REDACTED] 2023; J-6 Dyslexia Screener; J-7 reevaluation – [REDACTED] 2024; J-8 Enrollment History; J-9 IEP [REDACTED], 2023; J-10 IEP [REDACTED], 2023; J-11 IEP [REDACTED], 2023; J-12 Interim IEP [REDACTED] 2024; J-13 Prior Written Notice (PWN) [REDACTED] 2024; J-14 Interim IEP Amendment [REDACTED] 2024; J-15 PWN [REDACTED], 2024; J-16 IEP [REDACTED], 2024; J-17 PWN [REDACTED] 2024; J-18 IEP [REDACTED] 2025; J-19 PWN [REDACTED] 2025; J-20 IEP [REDACTED] 2025; J-21 PWN [REDACTED], 2025; J-22 IEP [REDACTED], 2025; J-23 PWN [REDACTED] 2025; J-24 School District Cumulative Discipline History; J-25 FBA [REDACTED] t 2023; J-26 BIP [REDACTED], 2024; J-27 Behavior Education Classroom (BEC) Daily Behavior Summary Sheets; J-28 School District Response to Due Process Complaint; J-29 School District Monthly Calendar from August 2023 through May 2025; J-30 Joint Stipulations Nos. 1-40.

Parent's Exhibits were admitted as follows: P-1 Non-Parish Review Evaluation – [REDACTED], 2022; P-2 Curriculum Vitae of Parent's Expert; and P-3 IEP and BIP – [REDACTED], 2025. Parent's Exhibits P-4 through P-8 were objected to and were not admitted into evidence. Parent proffered Exhibits P-4 through P-8.

School District's Exhibits were admitted as follows: SD-1 Enrollment History 2021-25 School Years (SYs) Bates Nos. 1 and 3-9 (Bates No. 2 was objected to and not admitted into evidence); SD-2 Interim Placement Request – [REDACTED] 2024; SD-8 Revised BIP [REDACTED] 2024; SD-13 Revised BIP [REDACTED] 2024; SD-16 Attendance History 2019-25 SYs, Bates Nos. 158-160 (From December 10, 2024 through March 20, 2025, was objected to and not admitted into evidence); SD-17 Student's Schedule 2024-25 SY (others); SD-26 Evaluation [REDACTED] 2022; SD-28 Progress Monitoring Reports December 2024 – March 2025; SD-29 Report Cards 2022-25 SY Bates No. 328 (Bates No. 329 was objected to and not admitted into evidence); SD-31 Dynamic Indicators of Basic Early Literacy Skills (DIBELS) Test Score Care 2020-25 SYs. SD-36 was objected to and not admitted into evidence. School District proffered SD-36.⁵

Before the conclusion of the hearing, the parties made closing arguments. The record was left open until 4:30 P.M. on September 15, 2025, to allow the parties to review the official transcript and file post-hearing briefs. Both parties filed briefs, and the matter was submitted for decision at 4:30 P.M. on September 15, 2025. The record closed at 4:31 P.M. on September 15, 2025. The parties requested that the deadline to mail the decision in this matter be extended to October 30, 2025.

FINDINGS OF FACT

Parent is the parent and legal guardian of Minor.⁶ Parent and Minor reside in School District.⁷ At all pertinent times, School District has been the Local Education Agency (LEA).⁸ At the time of the filing of Parent's due process hearing request, Minor was [REDACTED] years old and

⁵ School District Exhibits 3-7; 8a-12; 14-15; 18-25; 27; 30; and 32-35 were not offered as evidence.

⁶ J-30, Joint Stipulation No. 1.

⁷ J-30, Joint Stipulation No. 2.

⁸ J-30, Joint Stipulation No. 4.

enrolled in [REDACTED] at Elementary No. 4.⁹ Minor previously attended other schools in the School District, which include Elementary No. 1, Elementary No. 2, and Elementary No. 3.¹⁰ When not enrolled in schools within the School District, Minor was homeschooled.¹¹

Minor has a diagnosis of [REDACTED].¹² In 2018 and 2021, Minor qualified for special education services under the exceptionality of [REDACTED].¹³ On April 19, 2022, Minor began receiving ABA therapy services.¹⁴ Minor's ABA therapy sessions occurred Monday through Friday for 35 hours per week.¹⁵ On May 19, 2022, Parent terminated Minor's ABA therapy over a disagreement on treatment planning and delivery, specifically that Parent had "various challenges at home, making [REDACTED] unable to meet requirements (implementing strategies at home, etc.)."¹⁶

Minor's [REDACTED], 2024, evaluation showed that [REDACTED] qualified for special education services under the exceptionality of [REDACTED] and that Minor continued to qualify for speech/language pathology as a related service.¹⁷

ELEMENTARY NO. 1

[REDACTED], 2023

Parent consented to reevaluation of Minor, which was completed on [REDACTED] 2023,¹⁸ that noted an IEP Amendment dated [REDACTED], 2022, indicating significant behavioral concerns, including punching, kicking, attempting to strangle faculty, destruction of school property, and

⁹ J-30, Joint Stipulation No. 5; testimony of Parent, Transcript Hearing Day 1, p. 40.

¹⁰ J-30, Joint Stipulation Nos. 3 and 15; J-8, p. 2

¹¹ J-8.

¹² J-30, Joint Stipulation No. 6; J-1; J-2.

¹³ J-30, Joint Stipulation Nos. 9 and 10; J-3; J-4.

¹⁴ SD-26, Bates No. 299.

¹⁵ *Id.*

¹⁶ SD-26, Bates Nos. 311-312.

¹⁷ J-30, Joint Stipulation No. 13; J-7.

¹⁸ J-5.

threatening to kill staff.¹⁹ Parent also gave permission for an FBA to be completed.²⁰ An FBA was not completed while Minor was at Elementary No. 1.²¹ Parent requested that Minor be allowed to come to school later than the start of the school day.²² Parent was encouraged to bring Minor at the start of the school day so that ■ could attend a full day of instruction.²³

Enrollment and Attendance at Elementary No. 1

Minor was enrolled at Elementary No. 1 from January 23, 2023, through May 17, 2023.²⁴ Immediately prior to enrolling at Elementary No. 1, Minor was homeschooled.²⁵ At the time of ■ enrollment at Elementary No. 1, Minor was seven years old and in first grade.²⁶ From January 23, 2023, through May 10, 2023, Minor was absent and/or tardy 15 times.²⁷ Minor received an out of school suspension from May 11 through May 17, 2023.²⁸

IEP ■, 2023

An IEP meeting was held on ■ 2023, at Elementary No. 1.²⁹ Among those participating in the ■, 2023, IEP meeting were Parent (by phone), Mental Health Provider for Elementary No. 1, and Regular Education Teacher for Elementary No. 1.³⁰ At the time of the IEP meeting on ■ 2023, Minor was enrolled in the regular education setting for 190 minutes per day, five days per week, and ■ was enrolled in the special education

¹⁹ J-5, p. 4.

²⁰ J-10, p. 4.

²¹ Testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, pp. 89-90.

²² Testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, pp. 71-72, and 87. *See also* J-5, p. 6.

²³ Testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, p. 87.

²⁴ J-30, Joint Stipulation No. 16; J-8, p. 1; and testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, pp. 76-78.

²⁵ SD-1, Bates Nos. 7-8; Testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, pp. 64 and 84. *See also* J-8, p. 2, and J-24, p. 5.

²⁶ J-9, p. 2.

²⁷ SD-16, Bates Nos. 158-159.

²⁸ *Id.* at Bates No. 158. *See also* testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, pp. 76-78.

²⁹ J-30, Joint Stipulation No. 17; J-9.

³⁰ J-9, p. 2.

setting/behavior education setting for 186 minutes per day, five days per week.³¹ Minor had access to mental health services with Mental Health Provider for Elementary No. 1 for 30 minutes per day, once a week, and [REDACTED] received speech/language pathology services for 15 minutes per day, three days a week.³² Minor had access to [REDACTED] non-disabled peers during library, lunch, recess, and field trips.³³ The result of the [REDACTED], 2023, IEP meeting was that Minor would continue to receive 376 instructional minutes per day, five days per week.³⁴ The [REDACTED], 2023, IEP also notes that Minor was eligible for Extended School Year (ESY) services from June 6 through July 20, 2023, for 80 minutes per day.³⁵

IEP [REDACTED] 2023

An IEP meeting was held on [REDACTED], 2023, at Elementary No. 1.³⁶ The same individuals present at the [REDACTED], 2023, IEP meeting were also present for the [REDACTED] 2023, IEP meeting, including Parent, Mental Health Provider for Elementary No. 1, and Regular Education Teacher for Elementary No. 1.³⁷ At that IEP meeting, Parent declined mental health provider services and requested that mental health provider services be removed from the IEP.³⁸ Parent also declined any ESY services for Minor.³⁹ No changes were made to Minor's instructional day or total instructional minutes.⁴⁰

The [REDACTED], 2023, IEP meeting notes that an FBA is ongoing.⁴¹ Minor's behavior was

³¹ J-9, p. 2.

³² *Id.*

³³ J-9, p. 9; testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, p. 88.

³⁴ J-9, p. 9.

³⁵ J-9, p. 11.

³⁶ J-30, Joint Stipulation No. 18; J-10.

³⁷ J-10, p. 2.

³⁸ J-10, p. 3.

³⁹ *Id.*

⁴⁰ J-10, p. 15.

⁴¹ J-10, p. 3.

improving since starting in the BEC setting.⁴² It was also noted that Minor has a hard time with performing two tasks at once.⁴³ Minor made progress in working in small groups and speaking more.⁴⁴ Minor received behavior support in the BEC setting through the teacher and paraprofessional.⁴⁵

Discipline at Elementary No. 1

Minor had an increase in aggressive behavior in May 2023.⁴⁶ Minor's behavior declined during that time with non-compliance in transitioning from the regular education class to the special education class.⁴⁷ In May 2023, Minor attended only three full days of instruction (May 2, through May 4, 2023).⁴⁸ Parent would check Minor in and out of school so that ■ would not be at School to attend the special education classroom.⁴⁹ On May 10, 2023, Minor was disciplined for a major incident for conduct or habits injurious to ■ associates that resulted in an out of school suspension.⁵⁰ Minor's teacher reported Minor's behavior as anger after being denied a Sprite that turned to elopement and then physical aggression, which included kicking, hitting, hair pulling, punching, throwing items, scratching, and property destruction.⁵¹ Nonviolent Crisis Intervention (NCI) techniques were used to counteract Minor's behavior.⁵² Minor did not have any major discipline issues prior to ■ out of school suspension from May 11 through May 17, 2023.⁵³

⁴² *Id.*

⁴³ *Id.*

⁴⁴ Testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, pp. 85-86.

⁴⁵ Testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, p. 74.

⁴⁶ Testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, pp. 75-76.

⁴⁷ *Id.*

⁴⁸ SD-16, Bates Nos. 158-159. *See also* testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, pp. 75-78.

⁴⁹ Testimony of School Principal for Elementary No. 1, Transcript Hearing Day, pp. 75-76. *See also* SD-16, Bates Nos. 158-159.

⁵⁰ J-24, p. 5.

⁵¹ *Id.*

⁵² *Id.*

⁵³ *See* Testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, pp. 75-76.

Academic Performance at Elementary No. 1

Minor was not at a [REDACTED] at the time of [REDACTED] enrollment in January 2023 at Elementary No. 1.⁵⁴ Minor's report card for the first and second nine weeks while being home-schooled show that [REDACTED] was making high level progress in a first grade curriculum.⁵⁵ The IEP team was not provided with the instructional material or curriculum used for Minor's homeschool instruction.⁵⁶ Minor made academic progress while at Elementary No. 1.⁵⁷ Minor's report card shows that [REDACTED] grades in the third and fourth nine weeks in Language Arts and Math went from Fs to Ds and [REDACTED] Social Studies grade went from a B to an A.⁵⁸

ELEMENTARY NO. 2

Minor enrolled at Elementary No. 2 from August 10 through August 30, 2023.⁵⁹ At the time of [REDACTED] enrollment at Elementary No. 2, Minor was [REDACTED].⁶⁰ From August 10 through August 30, 2023, Minor was absent and/or tardy eight times.⁶¹

Amended IEP [REDACTED], 2023, and FBA

An Amended IEP meeting was held on [REDACTED] 2023.⁶² Among those present for the Amended IEP meeting on [REDACTED] 2023, were Parent and School District's Expert.⁶³ The purpose of the Amended IEP meeting was to obtain parental consent to conduct an FBA.⁶⁴ The Amended IEP did not change Minor's instructional time in the regular education setting or in the

⁵⁴ Testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, p. 83.

⁵⁵ Testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, p. 84.

⁵⁶ Testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, pp. 84-85.

⁵⁷ Testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, pp. 81-82.

⁵⁸ Testimony of School Principal for Elementary No. 1, Transcript Hearing Day 4, p. 82.

⁵⁹ J-8, p. 2.

⁶⁰ *Id.*

⁶¹ SD-16, Bates No. 158.

⁶² J-11.

⁶³ J-11, p. 2.

⁶⁴ J-11, pp. 2 and 4.

BEC setting as agreed during the IEP meeting on [REDACTED] 2023.⁶⁵

An FBA was completed while Minor was enrolled at Elementary No. 2.⁶⁶ A BIP was also drafted but Minor was unenrolled before it could be put in place.⁶⁷

Discipline at Elementary No. 2

On August 18, 2023, Minor was referred for a major behavior incident.⁶⁸ Minor had a two-hour behavior episode that began in the cafeteria and continued into the classroom.⁶⁹ Minor's behavior episode consisted of physical aggression towards faculty and staff, targeted physical aggression (hitting, kicking, scratching, and biting), threats of violence towards staff, property destruction, unsafe behaviors, throwing classroom items at faculty/staff, and elopement.⁷⁰ At that same time, school employees found a cell phone in Minor's backpack, which Parent admitted was being used as a recording device.⁷¹

A state facilitated IEP meeting was scheduled for August 30, 2023.⁷² Parent withdrew Minor from Elementary No. 2 beginning August 30, 2023.⁷³

HOME-SCHOOL NO. 1

Home-school No. 1 is within the School District.⁷⁴ Parent is not a certified special education teacher, [REDACTED] does not have any degrees or certifications in education or teaching, and [REDACTED] has no degrees, certifications, or special training in working with a child with Autism.⁷⁵ Minor was home-schooled at Home-school No. 1 beginning August 30, 2023, through the

⁶⁵ J-11.

⁶⁶ J-25. *See also* testimony of School District's Expert, Transcript Hearing Day 2, p. 151.

⁶⁷ J-13, p. 2.

⁶⁸ J-24, p. 6.

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² J-11, p. 4.

⁷³ J-30, Joint Stipulation No. 20; SD-1, Bates Nos. 5-6.

⁷⁴ SD-1, Bates No. 6.

⁷⁵ Testimony of Parent, Transcript Hearing Day 1, p. 82.

remainder of the 2023-2024 school year.⁷⁶ The last day of school for the 2023-2024 school year was May 23, 2024.⁷⁷ Minor was not receiving special education services while home-schooled.⁷⁸ Minor turned nine years old in [REDACTED] 2024 and [REDACTED] exceptionality of DD expired at that time.⁷⁹ No evidence was offered that School District contacted or attempted to contact Parent regarding a reevaluation of Minor before [REDACTED] ninth birthday.

Minor was not re-evaluated by School District prior to [REDACTED] ninth birthday.⁸⁰ No evidence was offered that Minor was receiving or that Parent requested special education services from the date [REDACTED] turned nine in [REDACTED] 2024, through the beginning of the following school year on August 8, 2024.⁸¹

ELEMENTARY NO. 3

Enrollment and Attendance at Elementary No. 3

Minor was enrolled at Elementary No. 3 from September 10 through October 10, 2024.⁸² At the time of [REDACTED] enrollment at Elementary No. 3, Minor was [REDACTED].⁸³ An interim placement request was made on [REDACTED] 2024, and an interim IEP was put in place when Parent notified School District of [REDACTED] intention to re-enroll Minor at Elementary No. 3.⁸⁴ Minor was transported to Elementary No. 3 by Parent.⁸⁵ On September 10, 2024, Minor was tardy and arrived to Elementary No. 3 at 9:12 a.m.⁸⁶ From September 11 through September

⁷⁶ J-30, Joint Stipulation No. 20.

⁷⁷ J-29, Bates No. 375.

⁷⁸ See SD-1, Bates No. 5.

⁷⁹ See J-13, p. 2.

⁸⁰ J-13, p. 2.

⁸¹ J-29, Bates No. 377. August 8, 2024, was the first day of school for students in School District for the 2024-2025 school year.

⁸² J-8, p. 2. See also J-30, Joint Stipulation No. 21.

⁸³ J-8, p. 2.

⁸⁴ SD-2, Bates No. 11. See testimony of School District LCSW, Transcript Hearing Day 3, pp. 137-140.

⁸⁵ J-13, p. 3.

⁸⁶ SD-16, Bates No. 158.

13, 2024, Minor missed three days of instruction due to weather related school closures.⁸⁷ On September 16, 2024, Minor was tardy and arrived to Elementary No. 3 at 8:54 a.m.⁸⁸ Minor attended Elementary No. 3 for the full 120 minutes of instruction on September 17, 18, 20, 26, 27, and 30, 2024.⁸⁹

Interim IEP [REDACTED] through [REDACTED], 2024

An interim IEP meeting was held on [REDACTED] 2024, and completed on [REDACTED] 2024.⁹⁰ Parent did not provide any records concerning Minor's homeschool instruction to Elementary No. 3.⁹¹ Persons present for the Interim IEP meeting on [REDACTED], 2024, were Parent, School Principal for Elementary No. 3, School District Assistant Director of SWED, SWEDL for Elementary No. 3, School District's Expert, and School District LCSW.⁹² At the time of the IEP meeting on [REDACTED], 2024, Minor would attend Elementary No. 3 beginning September 10, 2024, on an amended day schedule for 120 minutes per day, five days per week, from 8:45 a.m. to 10:45 a.m.⁹³ It was noted that the morning block was the most opportune time for Minor to spend time with [REDACTED] non-disabled peers.⁹⁴ The stated goal of the IEP team was to continuously extend the day until Minor was attending Elementary No. 3 full time.⁹⁵ Past behavior from previous schools were a factor for Minor attending on an amended day.⁹⁶ Other factors considered by the IEP team for placing Minor on an amended day were [REDACTED]

⁸⁷ J-15, p. 2. *See also* J-29, Bates No. 378.

⁸⁸ SD-16, Bates No. 158.

⁸⁹ *See* SD-16, Bates No. 158.

⁹⁰ J-30, Joint Stipulation No. 22; J-12.

⁹¹ Testimony of School Principal for Elementary No. 3, Transcript Hearing Day 3, p. 231.

⁹² J-12, p. 2.

⁹³ J-30, Joint Stipulation No. 22; J-12, p. 17.

⁹⁴ J-13, p. 3.

⁹⁵ *Id.*

⁹⁶ *Id.*; testimony of SWEDL for Elementary No. 3, Transcript Hearing Day 4, p. 29; testimony of School Principal for Elementary No. 3, Transcript Hearing Day 3, p. 234; testimony of School District's Expert, Transcript Hearing Day 2, p. 170; testimony of School District LCSW, Transcript Hearing Day 3, pp. 149-150.

academic deficits, receipt of services, and [REDACTED] attendance history.⁹⁷

The interim IEP shows that Minor's behavior goal was defined as meeting 70 percent of [REDACTED] behavior goals weekly four out of five days.⁹⁸ Measurable goals included complying with academic tasks with no more than three prompts, using strategies such as positive reinforcement, visual/verbal prompting, and first/then techniques.⁹⁹ The interim IEP shows that Minor would have access to non-disabled peers during assembly, library, meals, field trips, and recess.¹⁰⁰ The IEP team agreed that IEP services would begin on [REDACTED], 2024.¹⁰¹ The IEP team intended to meet again on [REDACTED], 2024, to review data and add additional minutes if warranted.¹⁰²

FBA [REDACTED] 2023

At the time of Minor's enrollment at Elementary No. 3, the interim IEP team relied on the FBA previously completed in [REDACTED] 2023.¹⁰³ Minor's [REDACTED] 2023 FBA identified the behaviors of concern as physical aggression; verbal disruptions; property destruction; misuse of property; and task refusals.¹⁰⁴ The FBA noted that Minor's Function of Behavior was escape/avoidance (reward to get out of something).¹⁰⁵ The reinforcements listed on Minor's FBA included snacks and dancing like Michael Jackson.¹⁰⁶

BIP [REDACTED] 2024

The interim IEP team also reviewed and agreed to implement the BIP that was drafted in

⁹⁷ Testimony of School District LCSW, Transcript Hearing Day 3, pp. 149-150.

⁹⁸ J-12, p. 17; J-26, p. 6.

⁹⁹ J-12, p. 5.

¹⁰⁰ J-12, p. 14.

¹⁰¹ J-13, p. 5.

¹⁰² J-13, p. 4; J-26, p. 6.

¹⁰³ Testimony of School District LCSW, Transcript Hearing Day 3, p. 147. *See also* testimony of School District's Expert, Transcript Hearing Day 2, p. 151.

¹⁰⁴ J-25, p. 2.

¹⁰⁵ J-25, p. 5.

¹⁰⁶ *Id.*

██████████ 2023.¹⁰⁷ The ██████████ 2024, BIP noted the same behavioral concerns listed on the ██████████ 2023 FBA.¹⁰⁸ Preventative strategies listed on Minor's ██████████ 2024, BIP include home/school communication, break card, request a break (inside classroom), first/then, token economy, individual visual schedule, explicit instruction and expectation review, access to calming area/tools, and private correction.¹⁰⁹ Replacement behaviors, use of Calm Down Strategies, preventative strategies, and response strategies were reviewed and discussed by the interim IEP team and incorporated into the ██████████ 2024, BIP.¹¹⁰

IEP ██████████ 2024

A second IEP meeting was also held on ██████████, 2024.¹¹¹ Individuals present for the ██████████ 2024, IEP meeting were Parent, School Principal for Elementary No. 3, School District Assistant Director of SWED, and SWEDL for Elementary No. 3.¹¹² The IEP notes that Minor attended school for 11 days, that ██████████ met ██████████ behavior goal for ██████████ first week at 80 percent, and did not meet ██████████ behavior goal for the second week at 53 percent.¹¹³ Minor had four episodes of physical aggression, the most severe on ██████████, 2024.¹¹⁴ Minor did not meet ██████████ behavior goal to add minutes to ██████████ instructional day.¹¹⁵ Following the ██████████, 2024, IEP meeting, Minor remained on an amended day schedule for 120 minutes.¹¹⁶ The IEP also notes that Minor did not attempt math but that ██████████ had success when a staff member wrote for him and read aloud to him.¹¹⁷ Accommodations that were added to the IEP included

¹⁰⁷ J-13, pp. 2 and 4.

¹⁰⁸ J-26, p. 2.

¹⁰⁹ *Id.*

¹¹⁰ J-13, p. 4. *See also* J-26.

¹¹¹ J-30, Joint Stipulation No. 24; J-14; J-15.

¹¹² J-14, p. 2.

¹¹³ J-14, p. 4.

¹¹⁴ *Id.*

¹¹⁵ J-15, p. 2; testimony of SWEDL for Elementary No. 3, Transcript Hearing Day 4, p. 48.

¹¹⁶ J-30, Joint Stipulation No. 24.

¹¹⁷ J-15, p. 3. *See also* J-14, p. 4.

shortened assignments, visuals, manipulatives, and work not done at school is sent home with three of the graded items being returned from home.¹¹⁸ No changes were made to Minor's total instructional day minutes.¹¹⁹

Discipline at Elementary No. 3

On [REDACTED] 2024, Minor received an out of school suspension for conduct or habits injurious to himself and/or others.¹²⁰ Minor was noted to refuse to enter the school building and was physically aggressive towards the school resource officer.¹²¹ Minor's noted behavior was that [REDACTED] pushed, punched, and grabbed several adults, as well as asking to fight and using inappropriate language.¹²² Once [REDACTED] was inside the school building, Minor's physical aggression continued with kicking, pushing, punching, and grabbing adults; [REDACTED] was also climbing and hanging on school property.¹²³

Minor received an out of school suspension from October 1 through October 2, 2024.¹²⁴ Minor was absent from school on October 3, 2024.¹²⁵ No students, including Minor, attended Elementary No. 3 on October 4, 2024, due to a parish fair.¹²⁶ Parent withdrew Minor from Elementary No. 3 on October 10, 2024.¹²⁷

HOME-SCHOOL NO. 2

From October 10 through December 3, 2024, Minor was enrolled in another home-school program, Home-school No. 2.¹²⁸ While Minor was enrolled in Home-school No. 2, School

¹¹⁸ J-15, p. 3.

¹¹⁹ See J-14.

¹²⁰ J-24, p. 7.

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.*

¹²⁴ SD-16, Bates No. 158.

¹²⁵ *Id.*

¹²⁶ J-29, Bates No. 379.

¹²⁷ SD-2, Bates No. 9.

¹²⁸ See SD-2, Bates No. 9; J-8, p. 2.

District completed and disseminated its evaluation of Minor on [REDACTED], 2024.¹²⁹

Evaluation [REDACTED] 2024

With Parent’s consent, School District conducted a multidisciplinary educational evaluation that concluded on [REDACTED], 2024, and identified Minor as having the exceptionality of [REDACTED].¹³⁰ School District’s Expert opined that a medical diagnosis, such as Autism, and an academic diagnosis of Autism are not the same.¹³¹ School District’s Expert further testified that whether the child’s diagnosis is Autism or OHI, School District will support the child based on their individual needs.¹³²

School District LCSW was the evaluation coordinator for Minor’s [REDACTED], 2024, evaluation.¹³³ The evaluation states that during the course of the evaluation, Minor was withdrawn from Elementary No. 3 and enrolled in home-school curriculum.¹³⁴ The screening results/cumulative record review reflect the following for Minor:¹³⁵

Screened Areas	Date	Normal/At Risk	Comments
Hearing	10/14/2024	Normal	Student passed a hearing test conducted by [REDACTED] pediatrician.
Vision	10/14/2024	At Risk	The student failed the vision screening conducted by the pediatrician. The student is under the care of a physician, per parent report.
Health	10/1/2024	At Risk	The student has a diagnosis of ASD, level 1 and ADHD. Additionally, per parent report, the student has several food allergies.
Speech and Language	9/10/2024	At Risk	The student was receiving speech pathology services due to an interim

¹²⁹ J-7; J-16, p. 4.

¹³⁰ J-7. *See also* testimony of School District LCSW, Transcript Hearing Day 3, pp. 137-140.

¹³¹ Testimony of School District’s Expert, Transcript Hearing Day 2, p. 127.

¹³² Testimony of School District’s Expert, Transcript Hearing Day 2, pp. 127-128.

¹³³ J-7, p. 2; testimony of School District LCSW, Transcript Hearing Day 3, p. 121.

¹³⁴ J-7, p. 3.

¹³⁵ J-7, pp. 3-4.

			placement. ■ also has a history of receiving speech services. A speech/language assessment is included in this report.
Fine Motor	9/26/2024	Normal	The student's fine motor skills allow for safe and successful participation in the classroom setting.
Gross Motor	9/26/2024	Normal	The student's gross motor skills allow for safe and successful participation in regular P.E.
Assistive Technology	9/26/2024	Normal	The student passed the screening.
Educational Screening	9/10/2024	At Risk	The student received specialized instruction due to an interim placement. Additionally, according to a screening completed on 3/20/2023, the student is identified as a student having characteristics of dyslexia and dyscalculia. An academic assessment is included in this report.
Social/Emotional/Behavior	9/26/2024	At Risk	The student was a risk in all areas of the SAEBRS. A behavioral assessment is included in this report.
Sensory	9/26/2024	Normal	The student passed the screening.
Determinant Factors	10/30/2024	Applicable	The student has had several periods of withdrawal from school.

A review of Minor's IEP goals in math, reading, behavior, social/emotional, and communication were discussed in the ■, 2024, evaluation.¹³⁶

As part of the evaluation process, Minor's Autism evaluation completed on ■, 2021, and ■ ADHD diagnosis were reviewed and considered.¹³⁷ Minor's FBA and BIP were also reviewed and discussed in the ■, 2024, evaluation.¹³⁸ A counseling assessment was attempted on ■ 2024, and ■, 2024, but could not be completed because

¹³⁶ J-7, pp. 4-5.

¹³⁷ J-7, p. 8.

¹³⁸ J-7, p. 9.

Minor did not want to enter the testing room.¹³⁹ During [REDACTED] speech/language assessment, Minor was uncooperative, frequently refusing to respond by hiding [REDACTED] face with [REDACTED] hat or knees or by looking at the ceiling instead of the test booklet.¹⁴⁰ During the assessment for receptive and expressive language skills, Minor was uncooperative by refusing to respond.¹⁴¹ It was noted that Minor's lower scores likely resulted from [REDACTED] lack of participation.¹⁴² The [REDACTED] 2024, evaluation notes that Minor's behavior interferes with [REDACTED] ability to benefit from [REDACTED] educational program.¹⁴³ The evaluation also prioritized improving Minor's behavior before improvement of [REDACTED] reading and math skills.¹⁴⁴

The [REDACTED], 2024, evaluation does not show that both Parent and Minor's teacher reported or that the multidisciplinary team observed any of the following restricted, repetitive, and/or stereotyped patterns of behaviors, interests, and/or activities during the evaluation process: (a) unusual patterns of interest and/or topics that are abnormal either in intensity or focus; (b) marked distress over change and/or transitions; (c) unreasonable insistence on following specific rituals or routines; (d) stereotyped and/or repetitive motor movements; or (e) persistent preoccupation with an object or parts of objects.¹⁴⁵

ELEMENTARY NO. 4

Enrollment and Attendance at Elementary No. 4

Minor enrolled at Elementary No. 4 on December 4, 2024.¹⁴⁶ Minor remained enrolled at Elementary No. 4 through the remainder of the 2024-2025 school year.¹⁴⁷ From the time of [REDACTED]

¹³⁹ J-7, p. 26.

¹⁴⁰ *Id.*

¹⁴¹ J-7, p. 28.

¹⁴² *Id.*

¹⁴³ *Id.* See also testimony of School District LCSW, Transcript Hearing Day 3, p. 169.

¹⁴⁴ J-7, pp. 31-32.

¹⁴⁵ See J-7, pp. 19-20.

¹⁴⁶ J-8, p. 2.

¹⁴⁷ J-30, Joint Stipulation No. 26.

enrollment in December 2024 through March 25, 2025, Minor was absent and/or tardy 21 times.¹⁴⁸

***IEP* [REDACTED] 2024**

On [REDACTED] 2024, a state-facilitated IEP meeting was held at Elementary No. 4.¹⁴⁹ Present for the IEP meeting on [REDACTED] 2024, were Parent, School Principal for Elementary No. 4, Independent IEP Facilitator, School District LCSW, School District Behavior Coordinator, Regular Education Teacher for Elementary No. 4, SWEDL for Elementary No. 4, School District's Expert, and School District Assistant Director of SWED.¹⁵⁰ As a result of the IEP meeting on [REDACTED] 2024, Minor would attend Elementary No. 4 beginning [REDACTED], 2024, on an amended day schedule for 140 minutes per day from 8:40 a.m. to 11:00 a.m., five days per week.¹⁵¹ Minor was to attend breakfast with non-disabled peers and arrive to school on a special education bus.¹⁵² Minor had access to non-disabled peers during library, assemblies, and meals.¹⁵³ Minor would receive 134 minutes of instruction in the BEC setting for social skills, reading, and math.¹⁵⁴ Minor would receive speech therapy services for 15 minutes twice per week.¹⁵⁵ Science and social studies would be integrated with reading.¹⁵⁶ Minor's behavior and physical aggression were a factor for [REDACTED] amended day schedule.¹⁵⁷ Minor's inconsistent school attendance was another factor the IEP team considered when deciding to have Minor remain on an amended day schedule.¹⁵⁸ Parent did not agree to the amended day schedule.¹⁵⁹

¹⁴⁸ Testimony of School Principal for Elementary No. 4, Transcript Hearing Day 4, p. 153.

¹⁴⁹ J-30, Joint Stipulation No. 27; J-16.

¹⁵⁰ J-16, p. 2.

¹⁵¹ J-30, Joint Stipulation No. 27; J-16 p. 17; J-17, p. 3.

¹⁵² J-17, p. 2.

¹⁵³ J-17, p. 3.

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ J-17, p. 2.

¹⁵⁸ Testimony of School Principal for Elementary No. 4, Transcript Hearing Day 4, pp. 161-162.

Minor's instructional minutes would be increased if [REDACTED] met [REDACTED] behavioral goal of 70 percent for four out of the five days per week.¹⁶⁰ Beginning December 5, 2024, through January 7, 2025, Minor attended school at Elementary No. 4 for 11 days.¹⁶¹

BIP [REDACTED] **2024**

At the [REDACTED] 2024, IEP meeting, Minor's BIP was revised and Parent was offered the opportunity for a new FBA and declined.¹⁶² Token economy and flex seating were removed from Minor's BIP.¹⁶³ Minor will have access to sensory items/calming space at [REDACTED] location and would not be removed from [REDACTED] area/classroom.¹⁶⁴ Service providers would be provided with Ukeru training.¹⁶⁵

IEP [REDACTED] **2025**

The IEP team met again on [REDACTED] 2025.¹⁶⁶ Present for the [REDACTED] 2025, IEP meeting were Parent, School Principal for Elementary No. 4, School District Behavior Coordinator, School District Assistant Director of SWED, Regular Education Teacher for Elementary No. 4, and SWEDL for Elementary No. 4.¹⁶⁷ Minor met [REDACTED] behavior goal over 11 days of instruction.¹⁶⁸ The result of the [REDACTED] 2025, IEP meeting would be that Minor would remain on an amended day scheduled for 140 minutes of instruction per day with an increase of 10 minutes of instructional time in the regular education classroom and an increase in task demands.¹⁶⁹ The IEP team agreed to the continued amended day schedule noting that there

¹⁵⁹ J-17, p. 3.

¹⁶⁰ J-17, p. 2.

¹⁶¹ J-19, p. 2; J-27.

¹⁶² J-17, p. 2.

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ J-30, Joint Stipulation No. 29; J-18.

¹⁶⁷ J-18, p. 2.

¹⁶⁸ J-19, p. 2.

¹⁶⁹ J-18, p. 10; J-19, p. 2.

were concerns of Minor's behavior increasing as [REDACTED] task demands increased.¹⁷⁰ Parent did not agree to waive the 15-day waiting period.¹⁷¹ Services would not begin until [REDACTED] 2025.¹⁷² The IEP team agreed to meet again on [REDACTED] 2025, to discuss progress.¹⁷³

From January 8 through February 6, 2025, Minor attended school at Elementary No. 4 for only 11 days of full instruction.¹⁷⁴

BIP [REDACTED] 2025

Adjustments were made to Minor's BIP at the [REDACTED] 2025, IEP meeting.¹⁷⁵ The IEP team agreed that data collection for behavior would be adjusted to show correlations between types of task demands and the student's behaviors.¹⁷⁶

IEP [REDACTED] 2025

A third IEP meeting was held at Elementary No. 4 on [REDACTED] 2025.¹⁷⁷ Present for the IEP meeting on [REDACTED] 2025, were Parent, counsel for Parent, counsel for School District, School Principal for Elementary No. 4, School District Behavior Coordinator, School District Assistant Director of SWED, Regular Education Teacher for Elementary No. 4, SWEDL for Elementary No. 4, and School District's Expert.¹⁷⁸ At the time of [REDACTED] 2025, IEP meeting, Parent requested that Minor be provided a Chromebook to take home for him to continue work while on an amended day schedule and provided a one-on-one paraprofessional.¹⁷⁹ The [REDACTED] 2025, IEP notes that Minor is already supported by

¹⁷⁰ J-18, p. 11.

¹⁷¹ J-19, p. 3.

¹⁷² *Id.*

¹⁷³ J-19, p. 2.

¹⁷⁴ J-27, pp. 14-29.

¹⁷⁵ J-19, p. 2.

¹⁷⁶ *Id.*

¹⁷⁷ J-30, Joint Stipulation No. 31; J-20.

¹⁷⁸ J-20, p. 2.

¹⁷⁹ J-21, p. 2.

Students with Exceptionalities (SWE) staff while at school across all settings [REDACTED] may access.¹⁸⁰ A Chromebook was sent home with Minor.¹⁸¹ Minor would have access to non-disabled peers during physical education, art/music, assemblies, library, meals, and field trips.¹⁸² As a result of the [REDACTED] 2025, IEP meeting, Minor's instructional day was increased to 185 minutes.¹⁸³ Minor's dismissal time changed from 11:00 a.m. to 11:45 a.m.¹⁸⁴

IEP [REDACTED], 2025

From February 7 through February 27, 2025, Minor was tardy and/or absent 10 times.¹⁸⁵ Minor attended only 10 days for the full instructional time.¹⁸⁶

A fourth IEP meeting was held at Elementary No. 4 on [REDACTED], 2025.¹⁸⁷ Present for the IEP meeting on [REDACTED], 2025, were Parent, counsel for Parent, counsel for School District, School Principal for Elementary No. 4, School District Behavior Coordinator, School District Assistant Director of SWED, Regular Education Teacher for Elementary No. 4, SWEDL for Elementary No. 4, and School District's Expert.¹⁸⁸ The IEP team agreed to extend Minor's school day to 1:00 p.m. to allow him an opportunity to eat lunch in the cafeteria and go to recess with non-disabled peers.¹⁸⁹ Minor would sometimes refuse to go to the cafeteria if other children were present.¹⁹⁰ Minor would often choose to do work in the BEC setting with [REDACTED] paraprofessional.¹⁹¹ As a result of the [REDACTED], 2025, IEP meeting, Minor's instructional day

¹⁸⁰ J-20, p. 7. See Testimony of School Principal for Elementary No. 4, Transcript Hearing Day 4, pp. 159 and 186.

¹⁸¹ J-20, p. 14.

¹⁸² J-20, pp. 12-13.

¹⁸³ J-30, Joint Stipulation No. 31; J-20, p. 13; J-21, p. 3.

¹⁸⁴ J-21, p. 3.

¹⁸⁵ J-27, pp. 30-40.

¹⁸⁶ J-20, p. 7.

¹⁸⁷ J-30, Joint Stipulation No. 33; J-22.

¹⁸⁸ J-22, p. 2.

¹⁸⁹ J-23, p. 3.

¹⁹⁰ *Id.*

¹⁹¹ Testimony of School Principal for Elementary No. 4, Transcript Hearing Day 4, pp. 186-187.

was increased to 220 minutes.¹⁹² Minor’s instructional day would begin at 8:40 a.m. and would end at 1:00 p.m.¹⁹³ From February 28, 2025 through March 21, 2025, Minor was absent and/or tardy five times.¹⁹⁴

Discipline at Elementary No. 4

On March 11, 2025, Minor was referred for a major behavior incident.¹⁹⁵ It was noted that Minor dressed as a police officer with handcuffs and a toy gun in a holster for spring pictures.¹⁹⁶ When Minor was asked to turn over the handcuffs and toy gun, ■ refused and used obscene language.¹⁹⁷ On March 24, 2025, Minor was disciplined for unauthorized use of technology as ■ used ■ Chromebook to search police items that included the word “gun.”¹⁹⁸ As a result, Minor’s Chromebook privileges were removed.¹⁹⁹

Academic Performance at Elementary No. 4

The last day of the third grading period was March 14, 2024.²⁰⁰ At that time, Minor’s report card showed the following grades: ELA – C; Science – B; Math – B; and Social Studies – B.²⁰¹

In support of ■ claims against School District, Parent retained an expert in educational psychology (Parent’s Expert).²⁰² Parent’s Expert did not interview anyone with School District, ■ was not part of any IEP team on behalf of Minor, ■ did not meet or conduct any assessments

¹⁹² J-30, Joint Stipulation No. 33; J-22, p. 18; J-23, p. 3.

¹⁹³ J-23, p. 3.

¹⁹⁴ See J-27, pp. 41-58.

¹⁹⁵ J-24, p. 8.

¹⁹⁶ *Id.*

¹⁹⁷ *Id.*

¹⁹⁸ J-24, p. 9.

¹⁹⁹ *Id.*

²⁰⁰ J-29, Bates No. 387.

²⁰¹ SD-29, Bates No. 328.

²⁰² Testimony of Parent’s Expert, Transcript Hearing Day 2, p. 30. See also P-2.

or evaluations of Minor, and ■ did not observe Minor at school or in the classroom setting.²⁰³ Parent's Expert performed a records review of Minor's medical records, 2018 and 2024 evaluations, IEPs, FBA, and BIPs.²⁰⁴ Parent's Expert opined that in order for Minor to be successful, ■ needed to be in school long enough to have enough opportunities for improvement.²⁰⁵

CONCLUSIONS OF LAW

Parent failed to prove that Minor was denied FAPE. Parent is not entitled to any relief based on ■ due process complaint.

Burden of Proof

A school district's educational program for a child with disabilities is presumed to be appropriate.²⁰⁶ As the party challenging the educational program provided by School District, Parent bears the burden of proof to rebut this presumption.²⁰⁷ Parent must affirmatively prove ■ allegations that School District failed to provide FAPE to Minor in the following ways:

1. Failure to educate Minor in the LRE to the maximum extent appropriate;
2. Failure to develop an IEP that is reasonably calculated to provide educational benefit by meeting Minor's unique needs and allowing him to make the academic and behavioral progress of which ■ is capable;
3. Failure to properly evaluate, assess, or identify Minor using a variety of tools for the suspected exceptionality of Autism;
4. Failure to conduct a proper reevaluation before Minor's ninth birthday; and

²⁰³ Testimony of Parent's Expert, Transcript Hearing Day 2, pp. 30-33.

²⁰⁴ Testimony of Parent's Expert, Transcript Hearing Day 2, p. 31.

²⁰⁵ See testimony of Parent's Expert, Transcript Hearing Day 1, p. 268.

²⁰⁶ *White ex rel. White v. Ascension Par. Sch. Bd.*, 343 F.3d 373, 377 (5th Cir. 2003).

²⁰⁷ *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49 (2005).

5. Failure to conduct a reevaluation before changing Minor’s placement to a more restrictive setting.

Courts must not substitute their own notions of sound educational policy for those of the school authorities.²⁰⁸ Courts must avoid imposing their view of preferable educational practices because courts lack the specialized knowledge and expertise necessary to resolve persistent and difficult questions of educational policy.²⁰⁹

Overview of IDEA

IDEA provides every disabled child with the right to FAPE²¹⁰ designed to meet specialized needs.²¹¹ A free appropriate public education “need not be the best possible one, nor one that will maximize the child’s educational potential; rather, it need only be an education that is specifically designed to meet the child’s unique needs, supported by services that will permit [the child] to benefit from the instruction.”²¹² IDEA guarantees a “basic floor” of opportunity, specifically designed to meet the child’s unique needs, supported by services that will permit him to benefit from the instruction.²¹³ The educational benefit “cannot be a mere modicum or *de minimus*; rather, an IEP must be likely to produce progress, not regression or trivial educational advancement.”²¹⁴

²⁰⁸ *Board of Education of Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 458 U.S. 176, 206, (1982); *Andrew F. ex rel. Joseph F. v. Douglas County School District RE-1*, 580 U.S. 386, (2017).

²⁰⁹ *Rowley*, 458 U.S. at 207.

²¹⁰ Congress has defined FAPE as, “special education and related services that . . . (A) have been provided at public expense, under public supervision and direction, and without charge; (B) meet the standards of the State educational agency; (C) include an appropriate . . . education in the State involved; and (D) are provided in conformity with the individualized education program required under section 1414(d) of this title. 20 U.S.C. § 1401(9).

²¹¹ 20 U.S.C. § 1400(d)(1)(A).

²¹² *Adam J. ex rel. Robert J. v. Keller Indep. Sch. Dist.*, 328 F.3d 804, 808 (5th Cir. 2003) (emphasis omitted) (citations omitted); *R.P. ex rel. R.P. v. Alamo Heights Independent School Dist.*, 703 F.3d 801, 809 (5th Cir. 2012).

²¹³ *Rowley*, 458 U.S. 176, 189 (1982). See *Michael F.*, 118 F.3d 245, 247-48 (5th Cir. 1997), and *Richardson Indep. Sch. Dist. v. Michael Z.*, 580 F.3d 286, 292 (5th Cir. 2009) (both citing *Rowley*).

²¹⁴ *Richardson Indep. Sch. Dist. v. Michael Z.*, 580 F.3d 286, 292 (5th Cir. 2009) (citing *Michael F.*, 118 F.3d at 248).

Courts may not second-guess the decisions of school officials and may not substitute their own notions of sound educational policy for those of the school authorities, who have first-hand knowledge of Minor’s academic and behavioral needs based on daily interactions, observations, testing, and use of teaching methods and interventions.²¹⁵

Rowley Standard

In *Board of Education of Hendrick Hudson Central School District, Westchester County v. Rowley*,²¹⁶ the Supreme Court of the United States (Supreme Court) defined FAPE and established the following two-pronged test to be used to determine if FAPE is being provided: (1) has the State complied with the procedures set forth in IDEA and (2) is the IEP reasonably calculated to enable the child to receive educational benefits?²¹⁷ If these requirements are met, compliance with the obligations imposed by Congress have been met.²¹⁸

The *Rowley* two-pronged inquiry is used to determine whether a public agency, such as School District, has provided FAPE under the IDEA to a particular child with a disability. Applying the two-pronged test, Parent did not prove that School District failed to provide Minor FAPE.

Among ■■■ claims against School District, Parent has raised two procedural issues: (1) failure to conduct a proper reevaluation before Minor’s ninth birthday; and (2) failure to conduct a reevaluation before changing Minor’s placement to a more restrictive setting.

a. Procedural Compliance: The first *Rowley* prong was met by School District

To satisfy the first prong of the *Rowley* test, School District must comply with the

²¹⁵ *Rowley*, 458 U.S. at 206.

²¹⁶ *Rowley*, 458 U.S. 176 (1982). See *J.L. v Mercer Island Sch. Dist.*, 592 F.3d 938, 951 (9th Cir. 2010) (Although IDEA has been amended multiple times since 1982, *Rowley* is still controlling.) The Supreme Court’s unanimous decision in *Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-1*, 137 S. Ct. 988 (2017), did not overturn *Rowley*.

²¹⁷ *Rowley*, 458 U.S. at 206-207.

²¹⁸ *Rowley*, 458 U.S. at 207.

procedures set forth in IDEA. A violation of the procedural requirements of IDEA amounts to a denial of FAPE if it impedes the child’s right to FAPE, significantly impedes a parent’s opportunity to participate in the decision-making process regarding the provision of FAPE to the child, or causes a deprivation of educational benefits.²¹⁹ Parent alleged that School District denied Minor FAPE by (1) failing to conduct a reevaluation of Minor prior to ■ ninth birthday; (2) failing to evaluate and identify Minor as a student with the exceptionality of Autism; and (3) failing to conduct a reevaluation prior to moving Minor to a more restrictive placement.

In order to meet the IDEA guarantee of FAPE, all public education agencies, like School District, are required to have policies and procedures in place to ensure that children residing within the jurisdiction who are in need of special education and related services, are identified, located, and evaluated.²²⁰ The requirement is known as the “Child Find” obligation.²²¹

i. Child Find – Reevaluation before Ninth Birthday

Under the IDEA, a school district’s duty to identify, locate, and evaluate all children with disabilities is triggered when the district “had reason to suspect [the child] had a qualifying disability.”²²² An unreasonable delay in complying with this duty may constitute a procedural violation of the IDEA.²²³ In *Spring Branch Indep. Sch. Dist. v. O.W.*, the United States Fifth Circuit Court (Fifth Circuit) held that a finding of a child find violation turns on three inquiries: (1) the date the child find requirement triggered due to notice of a likely disability; (2) the date the child find duty was ultimately satisfied; and (3) the reasonableness of the delay between

²¹⁹ 20 U.S.C. § 1415(f)(3)(E)(ii).

²²⁰ 20 U.S.C. § 1412(a)(3)(A); LAC 28:XLIII.111.

²²¹ 34 C.F.R. § 300.111(a)(1)(i)-(ii).

²²² *D.C. v. Klein Indep. Sch. Dist.* 860 F.App’x 894, 901 (5th Cir. 2021), citing *Dall. Indep. Sch. Dist. v. Woody*, 865 F.3d 303, 320 (5th Cir. 2017).

²²³ *Krawietz v. Galveston Indep. Sch. Dist.*, 900 F.3d 673, 676 (5th Cir. 2018), citing *D.K. v. Abington Sch. Dist.* 696 F.3d 233, 249-50 (3rd Cir. 2012).

these two dates.²²⁴ The Court in *O.W.* stated that the reasonableness of the delay is not defined by the length but by the steps taken by the district during the relevant period.²²⁵ The Court further stated that a delay is reasonable when, throughout the period between notice and referral, a district takes proactive steps to comply with its child find duty to identify, locate, and evaluate students with disabilities. Conversely, a time period is unreasonable when the district fails to take proactive steps throughout the period or ceases to take such steps.²²⁶ When determining reasonableness, the courts have employed a case-by-case approach and have considered only “the information and resources possessed by the district at a given point in time.”²²⁷

Parent did not meet ■■■ burden to show that School District denied Minor FAPE by failing to conduct a reevaluation prior to ■■■ ninth birthday.

Louisiana Bulletin 1508 requires that a reevaluation of students classified with the exceptionality of DD be conducted prior to the student's ninth birthday to determine whether to declassify or to classify the student categorically.²²⁸

In 2018 and 2021, School District evaluated Minor and found that ■■■ was eligible for special education services under the exceptionality of DD with speech/language pathology as a related service. For the 2023-2024 school year, Minor was enrolled at Elementary No. 2, where ■■■ continued to be eligible for special education services under the exceptionality of DD. After 20 days, Parent unenrolled Minor from Elementary No. 2 and enrolled him in Home-school No. 1 for the remainder of the 2023-2024 school year. Minor was not receiving special education services while enrolled in Home-school No. 1; however, ■■■ was residing within School District.

²²⁴ *Spring Branch Indep. Sch. Dist. v. O.W. ex rel. Hannah W.*, 961 F.3d 781, 793 (5th Cir. 2020), *cert. denied*, 141 S. Ct. 1389 (2021); *Krawietz v. Galveston Indep. Sch. Dist.*, 900 F.3d 673, 676 (5th Cir. 2018).

²²⁵ *O.W.*, 961 F.3d at 793.

²²⁶ *Id.*

²²⁷ *Ridley Sch. Dist. v. M.R.*, 680 F.3d 260, 272 (3d Cir. 2012) (internal quotation marks and citation omitted); *see also Lisa M. v. Leander Indep. Sch. Dist.*, 924 F.3d 205, 214 (5th Cir. 2019) (stressing that it is inappropriate to consider hindsight evidence when reviewing an IDEA eligibility determination).

²²⁸ LAC 28:CI.705(E)(2).

In [REDACTED] 2024, Minor turned nine years old, and [REDACTED] exceptionality of DD expired. Neither School District nor Parent communicated with the other regarding a reevaluation of Minor prior to [REDACTED] 2024, and School District did not conduct a reevaluation of Minor prior to [REDACTED] ninth birthday. However, in September 2024, after learning that Parent intended to re-enroll Minor in [REDACTED] at Elementary No. 3, School District LCSW, acting as School District's evaluation coordinator, immediately submitted an interim placement request and obtained Parent's consent for a new evaluation. Parent also attended an Interim IEP meeting that began on [REDACTED] 2024, and was completed on [REDACTED] 2024. A month later, on October 10, 2024, Parent unenrolled Minor from Elementary No. 3 and enrolled [REDACTED] in another homeschool program, Home-school No. 2. Nevertheless, School District continued with the evaluation of Minor and it was finalized on [REDACTED], 2024.

Although School District did not complete an evaluation of Minor prior to [REDACTED] ninth birthday, the record does not support a finding that the delay between [REDACTED] 2024 (when Minor turned nine) and School District's steps toward completion of an evaluation in [REDACTED] 2024 (immediately upon notice that Minor would be returning to a School District campus) was an unreasonable one in light of the circumstances surrounding [REDACTED] enrollment and unenrollment at brick-and-mortar schools. Additionally, Minor did not receive special education services while enrolled in Home-school No. 1 for nine months of [REDACTED] 2023-2024 school year. Parent did not show that the delay impeded Minor's right to FAPE, that it significantly impeded Parent's opportunity to participate in the decision-making process regarding the provision of FAPE to Minor, or that it caused a deprivation of educational benefits to the level of a procedural violation that amounts to a denial of FAPE.

ii. *Child Find* – ██████████, 2024, *Evaluation*

To qualify for special education services a student must both (1) have a qualifying disability and (2) “*by reason thereof,*” need special education and related services.²²⁹ Thus, a child may have a disability but not require special education and related services by reason of his/her disability.²³⁰ The disability must adversely affect a child’s educational performance, and by reason of the disability, the child requires special education services under IDEA.²³¹

Unique to the IDEA is the eligibility criteria defining the need for special education and related services because of the disability.²³² Eligibility depends on evidence of an adverse educational impact because of the disability, which may differ significantly from a child’s medical diagnoses and needs.²³³ The IDEA deems eligible for special education a child with a disability, which is defined as a child (i) with mental retardation, hearing impairments, speech or language impairments, visual impairments, serious emotional disturbance, orthopedic impairments, autism, traumatic brain injury, other health impairments, or specific learning disability; and (ii) who, *by reason thereof,* needs special education and related services.²³⁴

Parent did not meet ██████ burden that School District denied Minor FAPE when School District found that Minor’s special educational needs stemmed from an exceptionality of ██████ rather than Autism.

The criteria, outlined in Louisiana Bulletin 1508, for a finding that a child meets the exceptionality of Autism is met when the multidisciplinary team identifies behavioral characteristics in all three categories of (1) communication; (2) relating to people, events, and/or

²²⁹ 20 U.S.C. § 1401(3)(A); *see Alvin Indep. Sch. Dist. v. A.D. ex rel. Patricia F.*, 503 F.3d 378 (5th Cir.).

²³⁰ *Alvin*, 503 F.3d 378 (5th Cir. 2007).

²³¹ *Id.*

²³² 20 U.S.C. § 1412(a)(3)(A); *Alvin Indep. Sch. Dist. v. A.D. ex rel. Patricia F.*, 503 F.3d 378, 382 (5th Cir. 2007), *citing* 20 U.S.C. § 1401(3).

²³³ *Alvin Indep. Sch. Dist. v. A.D. ex rel. Patricia F.*, 503 F.3d 378, 382 (5th Cir. 2007), *citing* 20 U.S.C. § 1401(3).

²³⁴ 20 U.S.C. § 1401(3)

objects; and (3) restricted, repetitive and/or stereotyped patterns of behaviors, interests, and/or activities that adversely affect a student's educational performance.²³⁵ For restricted, repetitive and/or stereotyped patterns of behaviors, interests, and/or activities, a minimum of two items must be documented:

unusual patterns of interest and/or topics that are abnormal either in intensity or focus (e.g., knows all baseball statistics, TV programs; has collection of light bulbs); marked distress over change and/or transitions (e.g., substitute teacher, moving from one activity to another); unreasonable insistence on following specific rituals or routines (e.g., taking the same route to school, flushing all toilets before leaving a setting, turning on all lights upon returning home); stereotyped and/or repetitive motor movements (e.g., hand flapping, finger flicking, hand washing, rocking, spinning); or persistent preoccupation with an object or parts of objects (e.g., taking magazine everywhere he/she goes, playing with a string, spinning wheels on toy car, interested only in church steeple rather than the church).²³⁶

A student becomes eligible for special education services under the exceptionality of ■■■ if ■■■ has:

limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli that results in limited alertness with respect to the educational environment that is due to chronic or acute health problems, and may include such conditions as asthma, **attention deficit disorder or attention deficit hyperactivity disorder**, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia and Tourette syndrome and **adversely affects a student's educational performance**.²³⁷

Additionally, evidence of the criteria listed below under either 1 or 2, and 3 must be met:

1. the disability results in reduced efficiency in schoolwork because of temporary or chronic lack of strength, vitality, or alertness, and includes

²³⁵ LAC 28:CI.701.

²³⁶ *Id.*

²³⁷ LAC 28:CI.717 (emphasis added).

such conditions as those specified in the definition; or 2. a severe disability significantly limits one or more of the student's major life activities (that is, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working); or 3. the student exhibits impaired environmental functioning that adversely affects his or her educational performance.²³⁸

Minor was evaluated and diagnosed with ██████ in 2021 and, at that time, had a current exceptionality of DD and was receiving special education services with speech/language pathology as a related service. In April 2022, Minor received ABA therapy services, but those services were terminated at Parent's request. Minor continued to receive special education services and the related service of speech/language pathology under ██████ exceptionality of DD until ██████ was unenrolled from Elementary No. 2 on August 30, 2023, and thereafter ██████ exceptionality of DD expired.

School District promptly obtained consent for a new evaluation in ██████ 2024, which was completed on ██████, 2024. School District's multidisciplinary team reviewed and considered Minor's June 14, 2021, ██████ diagnosis, ██████ diagnosis, as well as the FBA and BIP from Minor's previous school enrollment. The multidisciplinary team could not complete a portion of the evaluation because Minor would not cooperate. Further, the evaluation does not show that both Parent and Minor's teacher reported or that the multidisciplinary team observed any of the requisite characteristics outlined in the restricted, repetitive, and/or stereotyped patterns of behaviors, interests, and/or activities section of Louisiana Bulletin 1508. Minor passed the screenings for gross motor skills, fine motor skills, and sensory skills; however, ██████ scored as "at risk" for speech and language and qualified for continued speech/language therapy as a related service.

Parent's argument that the testimony of Parent's Expert unequivocally demonstrates that

²³⁸ *Id.*

through five, in the regular early childhood program less than 40 percent of the time.²⁴⁰

The language of Louisiana Bulletin 1508 indicates that the provision to reevaluate applies to children who have an exceptionality in place. When Parent enrolled Minor at Elementary No. 3 in September 2024, ■■■ exceptionality of DD had expired. School District could not conduct a reevaluation of Minor when ■■■ no longer had an exceptionality in place. Additionally, Minor was attending ■■■ third brick-and-mortar school in two years, Minor had known behavioral issues, and Minor had an inconsistent attendance history, all of which were the basis for the IEP team's decision to put Minor on a shortened amended school day schedule while Minor's evaluation was conducted. Parent did not allow Minor to remain at Elementary No. 3 long enough for data to be collected as ■■■ attended only two weeks of instruction before Parent unenrolled him for another homeschool program. As such, School District's placement of Minor on an amended day school schedule did not impede Minor's right to FAPE, it did not significantly impede Parent's opportunity to participate in the decision-making process regarding the provision of FAPE to Minor, and it did not cause a deprivation of educational benefits to the level of a procedural violation that amounts to a denial of FAPE.

b. Substantive Compliance: The second *Rowley* prong was met by School District

In addition to the procedural issues, Parent also raised two substantive issues arguing that School District denied Minor FAPE by: (1) failing to educate Minor in the LRE to the maximum extent appropriate; and (2) failing to develop an IEP reasonably calculated to produce educational benefit.

In *Andrew F. ex rel. Joseph F. v. Douglas County School District*, the Supreme Court refined the *Rowley* standard for FAPE to mean that “a school must offer an IEP reasonably

²⁴⁰ *Id.*

calculated to enable a child to make progress appropriate in light of the child's circumstances."²⁴¹ The Supreme Court has held that "the essential function of an IEP is to set out a plan for pursuing academic and functional advancement."²⁴² In determining whether the second test of the *Rowley* inquiry has been satisfied, the Fifth Circuit in *Cypress-Fairbanks Independent School District v. Michael F. by Barry F.*, established a four-factor test: (1) is the program individualized on the basis of the student's assessment and performance; (2) is the program administered in the least restrictive environment; (3) are the services provided in a coordinated and collaborative manner by the key "stakeholders;" and (4) are positive academic and non-academic benefits demonstrated?²⁴³ The Fifth Circuit has treated the factors "as indicators of when an IEP meets the requirements of IDEA" but has not specified how the factors should be weighed.²⁴⁴ The factors are a guide in a fact-intensive inquiry of whether an IEP provided educational benefit.²⁴⁵ Where a "party [is] challenging the implementation of an IEP[, as Parents are, that party] must show more than a *de minimis* failure to implement all elements of that IEP, and, instead, must demonstrate that the school [district] or other authorities failed to implement substantial or significant provisions of the IEP."²⁴⁶ The IDEA does not require that parental preferences be implemented in an IEP.²⁴⁷

Cypress-Fairbanks Factor One

Parent failed to prove that Minor's IEPs were not individualized based on Minor's assessed abilities and performance. The IEP developed for a student, such as Minor, enjoys a

²⁴¹ *Andrew F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988, 999 (2017).

²⁴² *Andrew F.*, 137 S. Ct. at 992.

²⁴³ *Cypress-Fairbanks Indep. Sch. Dist. v. Michael F. by Barry F.*, 118 F.3d 245, 253 (5th Cir. 1997).

²⁴⁴ See *Richardson Indep. Sch. Dist. v. Michael Z.*, 580 F.3d 286, 293 (5th Cir. 2009); *Cypress-Fairbanks*, 118 F.3d at 245 (5th Cir. 1997). See also *Klein Indep. Sch. Dist. v. Hovem*, 690 F.3d 390, 396 (5th Cir. 2012).

²⁴⁵ *Richardson Indep. Sch. Dist. v. Michael Z.*, *supra*.

²⁴⁶ *Houston Indep. Sch. Dist. v. Bobby R.*, 200 F.3d 341, 349 (5th Cir. 2000); *Houston Indep. Sch. Dist. v. V.P. ex rel. Juan P.*, 582 F.3d 576, 587 (5th Cir. 2009). See *B.B. v. Catahoula Par. Sch. Dist.*, CIV A., 11-1451, 2013 WL 5524976, at *12 (W.D. La. Oct. 3, 2013).

²⁴⁷ *Bradley ex rel. Bradley v. Arkansas Dep't of Educ.*, 443 F.3d 965, 975 (8th Cir. 2006).

legal presumption of validity in favor of the educational plan proposed by the LEA without the courts second guessing the decision of the LEA.²⁴⁸ Consideration of hindsight evidence is not appropriate.²⁴⁹

With every new enrollment, Parent and School District met for an IEP meeting. While Minor was enrolled at Elementary No. 4, Parent and School District met for four IEP meetings between December 2024 and February 2025, with discussions and modifications to the IEPs and BIPs at each one, including adjustments to behavior reinforcements, increases in instructional minutes, and more opportunities for access to non-disabled peers. Parent was also offered, and declined, the opportunity for another FBA of Minor to be performed.

Parent's Expert opined that Minor needs to be in school long enough to have enough practice opportunities to improve ■■■ behavior; however, Parent's actions of enrolling and unenrolling Minor from brick-and-mortar schools, placing him in a homeschool program for nine months and 60 days, or causing Minor to be tardy and/or absent at school did not afford him the opportunities ■■■ needs to be able to be successful in school and inhibited School District's efforts to collect accurate data on Minor.

By ■■■ own admission, Parent is not a teacher (special education or otherwise), and ■■■ holds no degrees or certifications in teaching or education; yet, Parent repeatedly unenrolled Minor from ■■■ brick-and-mortar school or caused Minor to be absent and/or tardy for most of ■■■ scheduled school days, thereby further inhibiting Minor's progress. Additionally, Parent provided no evidence of any curriculum used for instruction of Minor while ■■■ was being homeschool for nine months and 60 days; yet Parent also maintains that Minor was attaining

²⁴⁸ *Alamo Heights Indep. Sch. Dist. v. State Bd. of Edu*, 790 F.2d 1153, 1158 (5th Cir. 1986); *R.H. v. Plano Indep. Sch. Dist.*, 607 F.3d 1003, 1010 (5th Cir. 2010).

²⁴⁹ See *Lisa M. v. Leander Indep. Sch. Dist.*, 924 F.3d 205, 214 (5th Cir. 2019) (stressing that it is inappropriate to consider hindsight evidence when reviewing an IDEA eligibility determination).

grades that show ■ was mastering specific subjects. The record supports a finding that Parent did not meet ■ burden that Minor's IEPs were not individualized based on Minor's needs.

Cypress-Fairbanks Factor Two

Parent failed to prove that Minor's educational program was not provided in the least restrictive environment. The IDEA requires that "[t]o the maximum extent appropriate, children with disabilities . . . are educated with children who are not disabled."²⁵⁰ The requirement that the child be educated in the "general education curriculum" reflects the notion that disabled children must be placed in the "least restrictive environment" in which they can receive a FAPE.²⁵¹ The court in *Daniel R.R. v. State Bd. of Educ.*, held that "[W]hen education in a regular classroom cannot meet the handicapped child's unique needs, the presumption in favor of mainstreaming is overcome and the school need not place the child in regular education."²⁵²

Minor attended Elementary No. 1 from January 2023 through May 2023. Parent was informed that Minor was eligible for ESY services; however, Parent declined those services. When Minor began ■ 2023-2024 school year, ■ enrolled with Elementary No. 2 on August 10, 2023. Minor was enrolled at Elementary No. 2 for 20 days and, in those 20 days, ■ was absent and/or tardy eight times. Minor was then homeschooled for the remainder of the 2023-2024 school year. For the 2024-2025 school year, Minor enrolled at Elementary No. 3 on September 10, 2024. At the time of ■ enrollment, Minor had not been in a brick-and-mortar school for at least nine months. Additionally, Minor's exceptionality for DD expired. Minor remained enrolled for only 30 days, before ■ was taken out of school to be homeschooled by Parent for

²⁵⁰ 20 U.S.C. § 1412(a)(5)(A).

²⁵¹ *M.S. ex rel. Simchick v. Fairfax Cty. Sch. Bd.*, 553 F.3d 315, 327 (4th Cir. 2009); *DeVries By DeBlaay v. Fairfax Cty. Sch. Bd.*, 882 F.2d 876, 878 (4th Cir. 1989) ("Mainstreaming of handicapped children into regular school programs where they might have opportunities to study and to socialize with non handicapped children is not only a laudable goal but is also a requirement of the Act.")

²⁵² *Daniel R.R. v. State Bd. of Educ.*, 874 F.2d 1036, 1045 (5th Cir. 1989).

the month of November 2024 and then re-enrolled at Elementary No. 4 on December 4, 2024, where ■ remained enrolled for the rest of the 2024-2025 school year.

In addition to Minor's enrollment at multiple schools, Minor also had numerous absences and/or tardies during each school enrollment. Minor's discipline records show that ■ had aggressive behavior that impacted ■ ability to engage in academics or successfully interact with others. School District's concern about Minor's behavior and ■ inconsistent attendance history influenced the decision to place him on an amended school day. However, School District consistently maintained that the goal was to increase Minor's attendance to a full school day. Minor's inconsistent attendance history impeded School District's ability to accurately evaluate and collect data on Minor's interactions with others outside of the BEC setting and/or implement behavior modifications. Further, it impeded Minor's ability to have practice opportunities for improvement academically, behaviorally, and socially while at school.

On the days and times when Minor was present at school and had access to ■ non-disabled peers, including during non-structured times, such as breakfast, library, assemblies, meals, art, recess, lunch, and physical education, Minor often chose to stay in the BEC setting with ■ paraprofessional. The record supports a finding that Parent did not meet ■ burden that Minor's educational program was not provided in the least restrictive environment.

Cypress-Fairbanks Factor Three

Parent did not prove that services were not sufficiently provided in a coordinated and collaborative manner by the key stakeholders. To demonstrate lack of coordination among the key stakeholders, a party must "show more than a *de minimis* failure to implement all elements of that IEP, and, instead, must demonstrate that the school board or other authorities failed to

implement substantial or significant provisions of the IEP.”²⁵³ Coordination and collaboration requires participants to communicate outside of IEP meetings to ensure the child’s needs are met.²⁵⁴ It also requires key stakeholders to receive adequate training in order to implement the IEP properly.²⁵⁵

From 2023-2025, School District performed an evaluation, developed an FBA, multiple IEPs, and revised BIPs for Minor with participation from a diverse group of individuals with personal knowledge of Minor, including Parent, School District’s Behavior Coordinator, School District’s Expert, School District’s LCSW, School Principal for Elementary Nos. 3 and 4, School District’s Assistant Director of SWED, SWEDLs for Elementary Nos. 3 and 4, and an Independent IEP Facilitator. Several individuals, including two school principals, School District’s Expert, and a SWEDL, also provided credible testimony regarding discussions of the revisions made to Minor’s IEPs and BIPs. The record demonstrates that various key stakeholders developed and implemented Minor’s IEPs and BIPs. Parent did not prove that the services provided to Minor were not provided in a coordinated and collaborative manner.

Cypress-Fairbanks Factor Four

Parent did not prove that Minor has not achieved positive academic and non-academic benefits. In *Houston Independent School District v. V.P. ex rel. Juan P.*,²⁵⁶ the Fifth Circuit described this fourth prong as “[p]erhaps one of the most critical factors.”²⁵⁷ The factor seeks to determine “whether the student was obtaining benefits from the IEP.”²⁵⁸ The educational benefit

²⁵³ See *Houston Indep. Sch. Dist. v. Bobby R.*, 200 F.3d 341, 349 (5th Cir. 2000), *D.B. v. Houston Indep. Sch. Dist.*, No. Civ. A. H-06-354, 2007 WL 2947443, *10 (S.D. Tex. Sept. 29, 2007).

²⁵⁴ *Houston Indep. Sch. Dist. v. V.P. ex rel. Juan P.*, 582 F.3d 576, 587 (5th Cir. 2009); see *B.B. v. Catahoula Par. Sch. Dist.*, CIV A., 11-1451, 2013 WL 5524976, *12 (W.D. La. Oct. 3, 2013).

²⁵⁵ *Houston Indep. Sch. Dist. v. V.P. ex rel. Juan P.*, 582 F.3d 576, 588 (5th Cir. 2009), see *B.B. v. Catahoula Par. Sch. Dist.*, CIV A., 11-1451, 2013 WL 5524976, *12 (W.D. La. Oct. 3, 2013).

²⁵⁶ *Houston Independent School District v. V.P. ex rel. Juan P.*, 582 F. 3d 576 (5th Cir. 2009).

²⁵⁷ *Id.* at 588.

²⁵⁸ *Id.* (citing *Cypress-Fairbanks Indep. Sch. Dist. v. Michael F. by Barry F.*, 118 F.3d 245, 252 (5th Cir. 1997)).

“cannot be a mere modicum or *de minimus*; rather, an IEP must be likely to produce progress, not regression or trivial educational advancement.”²⁵⁹ In *Bobby R.*, the court held that it is not necessary for a child to improve in every area to receive an educational benefit; rather, a child’s improvement must be more than trivial.²⁶⁰ In *Andrew F.*,²⁶¹ the Supreme Court stated that “to meet its substantive obligation under IDEA, a school must offer an IEP reasonably calculated to enable a child to make progress appropriate in light of the child’s circumstances.”²⁶² The adequacy of a given IEP turns on the unique circumstances of the child for whom it was created.²⁶³

At the start of the 2024-2025 school year, Minor remained enrolled in the homeschool program, Home-school No. 1. Minor did not re-enroll in Elementary No. 3 until September 10, 2024, at which time, no homeschool curriculum was provided by Parent to School District. Minor was enrolled at Elementary No. 3 for only 30 days, with only nine days where ■ was not tardy and/or absent. Although there was inconsistent attendance and four episodes of physical aggression from September 10 through September 30, 2024, it was noted at the September 30, 2024, IEP meeting that Minor showed success when a staff member wrote for him and read aloud to him. Accommodations were made to further assist Minor with academic progress; however, ■ was unenrolled 10 days later on October 10, 2024.

For the next 60 days, Minor was enrolled in another homeschool program, Home-school No. 2, before ■ was re-enrolled at Elementary No. 4 on December 4, 2024. Following the IEP meeting on ■ 2024, Minor remained on an amended day school schedule but could

²⁵⁹ *Richardson Indep. Sch. Dist. v. Michael Z.*, 580 F.3d 286, 292 (5th Cir. 2009) (citing *Cypress-Fairbanks*, 118 F.3d at 248).

²⁶⁰ *Bobby R.*, 200 F.3d 341 at 349-50.

²⁶¹ *Andrew F. ex rel. Joseph F. v. Douglas County School District RE-1*, 137 S. Ct. 988 (2017).

²⁶² *Id.* at 999.

²⁶³ *Andrew F.*, 137 S. Ct. at 1001.

earn additional time by meeting certain behavioral goals. Minor met [REDACTED] behavior goal by the next IEP meeting on [REDACTED] 2025, and although [REDACTED] school day was not increased, the IEP team agreed to increase [REDACTED] task demands in academics. Further revisions were made to the IEP on [REDACTED] 2025, wherein there was an increase in time for Minor to socially interact with [REDACTED] non-disabled peers and [REDACTED] instructional time was also increased from 140 minutes to 185 minutes. At the fourth IEP meeting on [REDACTED] 2025, Minor's instructional time was again increased from 185 minutes to 220 minutes. Minor's report card for the third nine weeks, which ended on March 14, 2025, showed that [REDACTED] was able to maintain above average grades in Math, and Social Studies and an average grade in Science.

Although Minor was absent and/or tardy 21 times from the time of [REDACTED] enrollment at Elementary No. 4 in December 2024 through March 25, 2025, Minor's records support a finding that [REDACTED] made educational improvement in light of [REDACTED] circumstances. Parent did not prove that Minor has not achieved positive academic and non-academic benefits in light of [REDACTED] circumstances.

Conclusion

Parent did not prove that School District failed to comply with the procedures set forth in the IDEA or that School District failed to provide FAPE to Minor. Parent's complaint is dismissed, and Parent is not entitled to any of the requested remedies.

ORDER

IT IS ORDERED that Parent’s March 19, 2025, due process complaint, alleging School District denied Minor a free appropriate public education is **DISMISSED**.

IT IS FURTHER ORDERED that Parent’s requested remedies are **DENIED**.

Rendered and signed on October 30, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Thursday, October 30, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law



Stephanie E. Robin
Administrative Law Judge
Division of Administrative Law

REVIEW RIGHTS

This hearing decision is final unless it is appealed. Any aggrieved party has the right to appeal the findings and decision by filing a civil action within ninety (90) days from the date of this decision in a state court of competent jurisdiction or in a district court of the United States in accordance with Louisiana Administrative Code 28:XLIII.516.

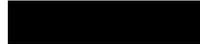
Legend

Parent	[REDACTED]
Minor	[REDACTED]
School District	St. Tammany Parish
School District Representative	Kerri Soo, Supervisor of Special Education
Parent's Expert	[REDACTED]
School District's Expert	[REDACTED]
Elementary No. 1	[REDACTED]
School Principal for Elementary No. 1	[REDACTED]
Mental Health Provider for Elementary No. 1	[REDACTED]
Regular Education Teacher for Elementary No. 1	[REDACTED]
Elementary No. 2	[REDACTED]
Home-school No. 1	[REDACTED]
Elementary No. 3	[REDACTED]
School Principal for Elementary No. 3	[REDACTED]
SWEDL for Elementary No. 3	[REDACTED]
Home-school No. 2	[REDACTED]
Elementary No. 4	[REDACTED]
Independent IEP Facilitator	Alfred Douglas
School Principal for Elementary No. 4	[REDACTED]
SWEDL for Elementary No. 4	[REDACTED]
Regular Education Teacher for Elementary No. 4	[REDACTED]
School District Assistant Director for SWED	Kim Cochran

School District Behavior Coordinator



School District LCSW



Louisiana Special Education Due Process Hearing

45-H-29



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2025-6281-DOE-IDEA**

IN THE MATTER OF

PARENT ON BEHALF OF MINOR

*** AGENCY ID. 45-H-29**

ORDER TERMINATING ADJUDICATION

On **March 24, 2025**, the Louisiana Department of Education (LDOE) received a written request for a due process hearing from Grandparent/Guardian on behalf of Minor. On **March 24, 2025**, the LDOE forwarded Parent's request to the Division of Administrative Law (DAL).

On April 7, 2025, the parties filed a *Resolution Meeting Verification Form*, documenting their attendance at a **resolution meeting held on April 3, 2025**.

On April 7, 2025, the parties also filed a *Due Process Resolution Results Form*, documenting the terms of their executed agreement resolving all issues in the due process hearing request. Included with the resolution documents was Grandparent/Guardian on behalf of Minor's *Request to Withdraw Hearing Request* based on the executed and full resolution reached between the parties. The *Request to Withdraw Hearing Request* is granted, and all proceedings are terminated, including the telephone conference scheduled for April 17, 2025.

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

ORDER

IT IS ORDERED that the matter entitled Parent on behalf of Minor bearing docket number *2025-6281-DOE-IDEA* is dismissed and all proceedings are **TERMINATED**.

IT IS FURTHER ORDERED that the telephone conference scheduled for April 17, 2025, at 10:00 a.m., is **CANCELLED**.

Rendered and signed on April 9, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Thursday, April 10, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law

Esther A. Redmann

Esther A. Redmann
Administrative Law Judge
Division of Administrative Law

Legend

Grandparent/Guardian



Minor



School



School District

St. Martin Schools

School District Representative/Supervisor Special Education

Cheryl Mitchell

CERTIFICATE OF SERVICE

I certify that the attached **Order Terminating Adjudication** in **Docket No. 2025-6281-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail on April 10, 2025.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL, CERTIFIED MAIL AND ELECTRONIC MAIL

[REDACTED]

BY CERTIFIED MAIL AND ELECTRONIC MAIL

Mr. Parris A. Taylor
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CERTIFIED MAIL #7019 2280 0000 0865 **5283**
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BY REGULAR, FIRST-CLASS MAIL

Mr. Frederick Wiltz
Superintendent
c/o St. Martin Parish Schools
P. O. Box 1000
Breaux Bridge, LA 70517

BY ELECTRONIC MAIL ONLY

Louisiana Department of Education
E-mail: DisputeResolution.DOE@la.gov

Louisiana Special Education Due Process Hearing

45-H-30



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT

*** DOCKET NO. 2025-6937-DOE-IDEA**

IN THE MATTER OF

PARENT ON BEHALF OF MINOR

*** AGENCY ID. 45-H-30**

DECISION AND ORDER

Parent,¹ on behalf of Minor, filed a due process hearing request alleging that School District violated the Individuals with Disabilities Education Act (IDEA) by denying Minor a free appropriate public education. Parent failed to prove School District denied Minor a free appropriate public education. Parent’s requested remedies are **DENIED**.

APPEARANCES

A three-day hearing was conducted July 24, 2025, July 25, 2025, and August 7, 2025, in Baton Rouge, Louisiana before Administrative Law Judge Tameka Johnson-Moore. Present at the hearing were Wayne Stewart; counsel for School District; Melissa Grand and Francie Trimble, counsel for Charter School; Michelle Keogh, in-house counsel for Charter School; Executive Director for Special Education Services; and Charter School’s Head of School. Parent on behalf of Minor was present as a self-represented litigant.

JURISDICTIONAL AUTHORITY

This adjudication is conducted in accordance with IDEA, 20 United States Code (U.S.C.) § 1400 et seq., and 34 Code of Federal Regulations (C.F.R.) §300 et seq.; Louisiana Revised Statutes (La. R.S.) 17:1941 et seq.; Louisiana Bulletin 1508, Louisiana Administrative Code (LAC) 28:CI; Louisiana Bulletin 1706, Regulations for Implementation of the Children with Exceptionalities Act, LAC 28:XLIII; Louisiana Bulletin 1530, IEP Handbook for Students with

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this decision. See attached Legend for identifying information.

Exceptionalities, LAC 28:XCVII; and the Division of Administrative Law's enabling legislation, La. R.S. 49:991 et seq.

STATEMENT OF THE CASE

Parent, on behalf of Minor, filed a due process complaint on April 1, 2025, alleging that School District denied Minor a free appropriate public education (FAPE) in that School District violated the Child Find requirements of IDEA by failing to identify and evaluate Minor for special education services.

At the hearing, the following exhibits were admitted into evidence: Parent's exhibits² P-005, P-013, P-014, P-015, P-016, P-023, P-028, P-029, P-030, P-031, the email portion only, P-039, P-040, P-47, P-049, P-066, P-069, P-070, P-071, P-072, P-073, and P-080; and School District's exhibits³ SD-002, SD-007, and SD-011.

At the hearing, Parent, on behalf of Minor, elicited testimony from Parent's Co-worker; Exceptional Student Services (ESS) Coordinator; Minor's Father; Director of Academic Programs; Charter School's Head of School; Associate Vice President for Charter School; Special Education Teacher and Coordinator/Dean of Students; Learning Expert Teacher; Subject Expert Teacher; Executive Director for Exceptional Student Services; Vice President of Charter School Management; and Associate Vice President. Parent also testified on ■■■ own behalf. School District's counsel elicited testimony from Charter School's Head of School.

At the conclusion of the hearing, both parties waived closing argument and requested that they be allowed to review the transcript of the proceeding and submit a post-trial memorandum. The parties were ordered to submit their post-trial memoranda by close of business on October 3,

² The exhibits were marked numerically with the letter P preceding the number.

³ The exhibits were marked numerically with the letters SD preceding the number.

2025. Both parties timely submitted post-trial memoranda, and the record closed on October 3, 2025.

School District's counsel also made an oral motion at the hearing to extend the decision deadline to October 31, 2025, in order to allow the parties sufficient time to review the evidence and submit post-trial memoranda. The oral motion was granted.

FINDINGS OF FACT

School District is the Local Education Agency that has the responsibility of providing Minor with a free appropriate public education (FAPE). Minor is [REDACTED] years old⁴ and has a medical diagnosis of [REDACTED]⁵. During kindergarten and first grade, Minor attended Charter School under the jurisdiction of School District, the charter authorizer.

On October 7, 2024, Parent, on behalf of Minor, sent an email to Head of School requesting that Minor be evaluated for special education services.⁶ Parent expressed concern that Minor was not completing homework and about Minor's behavior in school and at home.⁷ On that same day, Head of School sent an email to Special Education Coordinator and Pupil Appraisal Representative requesting a School Building Level Committee (SBLC) meeting.⁸

The SBLC meeting was conducted on October 23, 2024.⁹ Parent, on behalf of Minor, participated in the SBLC meeting.¹⁰ Special Education Coordinator, Minor's first grade Learning Expert Teacher (LET), Head of School, Pupil Appraisal Representative, Instructional Support Specialist, first grade math and science Subject Expert Teacher (SET) and Parent's

⁴ Testimony of Parent, Tr. Day 2, p. 239.

⁵ Testimony of Parent, Tr. Day 2, p. 215.

⁶ Exhibit P-023, p. 1.

⁷ *Id.*

⁸ Testimony of Head of School, Tr. Day 3, p. 15.

⁹ Exhibit SD-007, p. 10.

¹⁰ *Id.*

Advocate participated in the SBLC meeting.¹¹

At the meeting Parent reiterated that Minor had a diagnosis of ADHD and shared concerns that Minor was not following directions in school and was not completing ■ homework during Late Bird.¹²

Minor's first grade LET described Minor's behavior as "awesome."¹³ According to the LET's observation, Minor had not had any behavior issues after the first couple of days of school, and ■ had been on task, participating, and actively doing work in class.¹⁴ The LET did not have any issues with Minor not completing work.¹⁵ Minor's first grade SET observed positive behavior from Minor.¹⁶

At the SBLC meeting both the LET and SET agreed that Minor was not redirected any more than ■ typical peers in the class.¹⁷ The LET observed that Minor was high functioning, eager to help, and loved being with other students.¹⁸ At the SBLC meeting, Parent was provided another copy of Minor's report card, ■ state wide assessments which included Dynamic Indicators of Basic Early Literacy Skills (DIBELS) scores, and ■ FastBridge scores, which were used to assist in the determination of whether Minor qualified for a special education evaluation.¹⁹

The FastBridge assessment for the 2024 school year showed that Minor was "on track" for reading and math.²⁰ On the DIBELS assessment, Minor's reading fluency score was well

¹¹ *Id.*

¹² Testimony of Head of School, Tr. Day 3, p. 22. Late Bird is an after school program for children whose Parents are unable to pick them up during carpool.

¹³ *Id.*

¹⁴ Exhibit P-014, p. 2.

¹⁵ Testimony of Learning Expert Teacher, Tr. Day 2, p. 148.

¹⁶ Testimony of Subject Expert Teacher, Tr. Day 2, p. 154

¹⁷ Testimony of Head of School, Tr. Day 3, p. 25.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Testimony of Director of Academic Programs, Tr. Day 1, p. 144; Exhibit P-072; Exhibit P-071.

below the goal.²¹ However, Minor’s overall score on the DIBELS assessment was “benchmark” which means ■ did not require any support.²² As a result of the reading score, on December 19, 2024, School District provided Parent with an *Intervention Parent Notice* advising that Minor was receiving literacy intervention.²³

At the conclusion of the SBLC meeting, after considering the statewide assessments, Minor’s grades, Parent’s concerns, and input from the teachers, the SBLC committee determined that Minor did not qualify for a special education evaluation and did not require response to intervention (RTI). Parent, on behalf of Minor, then requested a gifted evaluation.²⁴

The SBLC administered to Minor a gifted screening using the Kaufman Brief Intelligence Test (KBIT).²⁵ Minor did not meet the criteria based on ■ composite IQ score to proceed to a formal gifted evaluation.²⁶

On October 23, 2024, Parent signed SBLC’s prior notice of refused action.²⁷ The notice advised Parent that the SBLC refused to complete a special education evaluation for Minor because there was no academic or behavior concerns in the school setting and that Minor was performing at or above benchmark.²⁸

CONCLUSIONS OF LAW

Parent, on behalf of Minor, did not prove that School District denied Minor FAPE by not identifying and evaluating Minor for an educational exceptionality based on Minor’s ADHD medical diagnosis. Because Parent, on behalf of Minor, did not prove a denial of FAPE, Parent is not entitled to the requested remedies.

²¹ Exhibit P-080.

²² Testimony of Director of Academic Programs, Tr. Day 1, p. 160; Exhibit P-080.

²³ Exhibit P-073.

²⁴ Exhibit SD-007, p. 10.

²⁵ Testimony of Head of School, Tr. Day 3, p. 31; Exhibit SD-007, pp 2-8.

²⁶ *Id.*

²⁷ Exhibit SD-007, p. 12.

²⁸ *Id.*

Burden of Proof

IDEA creates a presumption in favor of School District’s educational decisions.²⁹ As the party challenging School District’s educational decisions under IDEA, Parent bears the burden of proof to rebut this presumption.³⁰ Parent must affirmatively prove the allegation that School District failed to provide FAPE to Minor.

General Discussion of IDEA

IDEA provides every disabled child with the right to FAPE³¹ that guarantees a “basic floor” of education opportunity designed to meet a child’s specialized needs.³² The FAPE required by IDEA “need not be the best possible one, nor one that will maximize the child’s educational potential; rather, it need only be an education that is specifically designed to meet the child’s unique needs, supported by services that will permit him ‘to benefit’ from the instruction.”³³ IDEA does not promise any particular educational outcome.³⁴

In *Board of Education v. Rowley*, the United States Supreme Court set forth the two-fold inquiry for determining whether a public agency, such as School District, provided FAPE under IDEA to a particular child with a disability: (1) has the State complied with the procedures set forth in IDEA, and (2) is the IEP developed through IDEA procedures, reasonably calculated to enable the child to receive a basic floor of educational opportunity based on the child’s unique

²⁹ *White ex rel. White v. Ascension Par. Sch. Bd.*, 343 F.3d 373 (5th Cir. 2003).

³⁰ *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49 (2005).

³¹ See 20 U.S.C. § 1401(9), defining *FAPE* to mean special education and related services provided at public expense, that meets the standards of the State educational agency and provided in conformity with the IEP required under 20 U.S.C. § 1414(d).

³² 20 U.S.C. § 1400 *et seq.*; see *Bd of Educ. of Hendrick Hudson Cent. Sch. Dist., Westchester Cty. v. Rowley*, 458 U.S. 176, 201 (1982); retained by the Supreme Court in *Endrew F. ex. rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988 (2017); adopted by the Fifth Circuit in *Cypress–Fairbanks Indep. Sch. Dist. v. Michael F. ex rel. Barry F.*, 118 F.3d 245, at 247-248 (5th Cir. 1997).

³³ *Rowley*, 458 U.S. at 200 (1982); *Michael F.*, 118 F.3d at 247-248.

³⁴ *A.A. v. Northside Indep. Sch. Dist.*, 951 F.3d; 678 (5th Cir. 2020).

circumstances.³⁵ Parent contends that School District failed to identify Minor as a student with a disability and thus failed to complete a special education evaluation. Therefore, the second inquiry of *Rowley* involving the development of an IEP is inapplicable.

As to the first inquiry of *Rowley*, School District complied with the procedures set forth in IDEA by timely conducting a SBLC meeting and providing Parent with a prior notice of refused action to conduct a special education evaluation of Minor; therefore, School District provided FAPE to Minor.

CHILD FIND

To qualify for special education services a student must both (1) have a qualifying disability and (2) “*by reason thereof*,” need special education and related services.³⁶ Thus, a child may have a disability but not require special education and related services by reason of his/her disability.³⁷ The disability must adversely affect a child’s educational performance, and by reason of the disability, the child requires special education services under IDEA.³⁸

Unique to IDEA is the eligibility criteria defining the need for special education and related services because of the disability.³⁹ Eligibility depends on evidence of an adverse educational impact because of the disability, which may differ significantly from a child’s medical diagnoses and needs.⁴⁰ IDEA deems eligible for special education a child with a disability, which is defined as a child (i) with mental retardation, hearing impairments, speech or language impairments, visual impairments, serious emotional disturbance, orthopedic

³⁵ *Rowley*, 458 U.S. at 206-207; *Andrew F. ex. rel. Joseph F. v. Douglas Cty. Sch. Dist. RE-1*, 137 S. Ct. 988 (2017)

³⁶ 20 U.S.C. § 1401(3)(A); *see Alvin Indep. Sch. Dist. v. A.D. ex rel. Patricia F.*, 503 F.3d 378 (5th Cir.).

³⁷ *Alvin*, 503 F.3d 378 (5th Cir. 2007).

³⁸ *Id.*

³⁹ 20 U.S.C. § 1412(a)(3)(A); *Alvin Indep. Sch. Dist. v. A.D. ex rel. Patricia F.*, 503 F.3d 378, 382 (5th Cir. 2007), *citing* 20 U.S.C. § 1401(3).

⁴⁰ *Alvin Indep. Sch. Dist. v. A.D. ex rel. Patricia F.*, 503 F.3d 378, 382 (5th Cir. 2007), *citing* 20 U.S.C. § 1401(3).

impairments, autism, traumatic brain injury, other health impairments, or specific learning disability; and (ii) who, *by reason thereof*, needs special education and related services.⁴¹

To meet the IDEA guarantee of FAPE and determine whether a child qualifies for special education, all public education agencies like School District are required to ensure that children who are in need of special education and related services, are identified, located, and evaluated.⁴² The requirement is known as the “Child Find” obligation.⁴³ The obligation requires a full and individual initial evaluation within a reasonable time after the school district is on notice of facts or behaviors likely to indicate an educational disability.⁴⁴

On October 7, 2024, Parent, on behalf of Minor, forwarded an email to Head of School requesting that School District evaluate Minor for special education services. Parent contended that ■■■ was concerned with Minor’s behavior, ■■■ was not completing homework in Late Bird or at home, and that Minor had been diagnosed with ■■■. Within a reasonable time after Parent’s October 7, 2024, request for an evaluation, approximately 16 days later, on October 23, 2024, School District convened a SBLC team meeting. According to *Bulletin 1508*, the SBLC committee is a “general education, data driven, decision-making committee whose standing members consist of at least the principal/designee, a classroom teacher, and the referring teacher. In discussing an individual student’s difficulties, the student’s parent or guardian is an invited participant.”⁴⁵

The SBLC committee convened on behalf of Minor consisted of the following: Special Education Coordinator, Minor’s LET, Head of School, Pupil Appraisal Representative, Instructional Support Specialist, Minor’s SET, Parent, and Parent’s advocate. At the SBLC

⁴¹ 20 U.S.C § 1401(3)

⁴² 20 U.S.C. §1412(a)(3)(A).

⁴³ *Id.*; see also 34 C.F.R. § 300.111(a)(1)(i)-(ii).

⁴⁴ *Dallas Indep. Sch. Dist. v. Woody*, 865 F.3d 303, 320 (5th Cir. 2007).

⁴⁵ LAC 28:XLIII.303.

meeting Minor's teachers advised that they did not observe any behavior issues with Minor nor was Minor experiencing any issues academically.

Parent maintained that despite Minor's behavior, [REDACTED] failure to complete homework assignments, and [REDACTED] diagnosis, School District did not conduct an evaluation of Minor nor did they identify that Minor needed special educational services. The fact that Minor did not complete homework and was diagnosed with [REDACTED] with no behavior or academic concerns noted by the teachers did not demonstrate a need for a special education evaluation.

The SBLC committee reviewed Minor's grades and [REDACTED] results on the Fastbridge and DIEBELS assessments. The assessments showed that Minor was on track, and [REDACTED] had an overall score of benchmark. Minor's [REDACTED] diagnosis did not adversely affect [REDACTED] educational performance.

A Child is not eligible for educational services under IDEA merely because [REDACTED] has a particular disability or medical diagnoses; the child is eligible only if [REDACTED] meets the criteria of one of the disability categories in IDEA, "*and because of the impairment,*" needs special education and related services.⁴⁶ An [REDACTED] medical diagnosis does not mean Minor automatically requires or qualifies for special education services. After considering Minor's grades, behavior, teacher observations, and test results, the SBLC committee determined that Minor did not qualify for a special education evaluation, and no further action was required. Parent received prior notice of refused action.

The role of the reviewing Court under IDEA is purposefully limited; the task is not to second-guess state and local policy; rather, it is the narrow one of determining whether school

⁴⁶ *Alvin Indep. Sch. Dist. v. A.D. ex rel. Patricia F.*, 503 F.3d 378, 382 (5th Cir. 2007), *citing* 20 U.S.C. § 1401(3) (emphasis added).

officials have complied with IDEA.⁴⁷ Congress left the choice of educational policies and methods where it “properly belongs” in the hands of state and local officials.⁴⁸ A school district does not violate FAPE when its eligibility determination is in disagreement with preferences of a Parent.⁴⁹

The Fifth Circuit has held that a student who was diagnosed with ADHD, was not eligible for IEP services.⁵⁰ The court found the student was not “in need of special education” which is also required for eligibility determinations.⁵¹ Similarly in the case before this tribunal, Minor had passing grades, success on the state-wide assessments and according to [REDACTED] teachers, [REDACTED] did not have any behavior issues. Although Minor’s literacy and reading score was well below the goal, this alone was insufficient to show that Minor’s [REDACTED] diagnosis adversely affected [REDACTED] educational performance.

Parent’s disagreement with the SBLC committee’s determination that Minor did not qualify for a special education evaluation does not equate to School District failing in its Child Find obligation. IDEA does not require that parental preferences be implemented.⁵² School District was not required to identify and evaluate Minor for special education services based on Minor’s medical diagnosis.

The evidence obtained by the SBLC committee was sufficient to support its determination that Minor did not qualify for a special education evaluation. Parent received prior notice of the SBLC’s refused action; therefore, there was no procedural violation

⁴⁷ *White*, 343 F.3d at 376 citing *Flour Bluff Indep. Sch. Dist. v. Katherine M. by Lesa T.*, 91 F.3d 689, 693 (5th Cir. 1996).

⁴⁸ *Rowley*, 458 U.S. at 208; *Salley v. St. Tammany Par. Sch. Bd.*, 57 F.3d 458, 463 (5th Cir. 1995) (citing *Daniel R.R. v. State Bd. of Educ.*, 874 F.2d 1036, 1048 (5th Cir. 1989)).

⁴⁹ *D.L. by & through J.L. Clear Creek Indep. Sch. Dist.*, 695 Fed. Appx, 733 (5th Cir. 2017), *as revised* (July 31, 2017).

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *White ex rel. White v. Ascension Par. Sch. Bd.*, 343 F.3d 373 (5th Cir. 2003).

Conclusion

Parent failed to prove School District violated the Child Find mandate of IDEA and denied Minor FAPE. Parent’s requested remedies are denied.

ORDER

IT IS ORDERED that Parent’s March 31, 2025, due process complaint alleging School District denied Minor a free appropriate public education by violating the Individuals with Disabilities Education Act Child Find mandate is **DISMISSED**.

IT IS FURTHER ORDERED that any remedies requested by Parent are **DENIED**.

Rendered and signed on October 30, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Thursday, October 30, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law

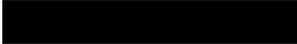


Tameka Johnson-Moore
Administrative Law Judge
Division of Administrative Law

REVIEW RIGHTS

This hearing decision is final unless it is appealed. Any aggrieved party has the right to appeal the findings and decision by filing a civil action within ninety (90) days from the date of this decision in a state court of competent jurisdiction or in a district court of the United States in accordance with Louisiana Administrative Code 28:XLIII.516.

Legend

Parent	
Minor	
Charter School	
School District	East Baton Rouge Parish
Parent's Co-worker	
Exceptional Student Services Coordinator	
Minor's Father	
Director of Academic Programs	
Head of School	
Associate Vice President	
Special Education Coordinator/Dean of Students	
Learning Expert Teacher	
Subject Expert Teacher	
Executive Director for Special Education Services	Dr. Janet Harris
Vice President of Charter School Management	
Associate Vice President	
Special Education Coordinator	
Pupil Appraisal Representative	
Instructional Support Specialist	
Parent's Advocate	

CERTIFICATE OF SERVICE

I certify that the attached **Decision and Order** in **Docket No. 2025-6937-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail on October 30, 2025.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL, CERTIFIED MAIL AND ELECTRONIC MAIL



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BY ELECTRONIC MAIL ONLY

Louisiana Department of Education
E-mail: DisputeResolution.DOE@la.gov

Louisiana Special Education Due Process Hearing

45-H-31-E



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2025-7927-DOE-IDEA**

IN THE MATTER OF

PARENT ON BEHALF OF MINOR

*** AGENCY ID. 45-H-31-E**

ORDER TERMINATING ADJUDICATION

On May 1, 2025, Parent filed a *Withdrawal of Hearing Request*. The request is granted. Accordingly, Parent’s request for a due process hearing is dismissed, the telephone status conference scheduled for May 2, 2025, and the due process hearing scheduled for May 14, 2025, and May 15, 2025, are canceled, and the above-captioned adjudication is terminated.

ORDER

IT IS ORDERED that Parent’s *Withdrawal of Hearing Request* is **GRANTED**.

IT IS FURTHER ORDERED that the telephone status conference scheduled for May 2, 2025, and the due process hearing scheduled for May 14, 2025, and May 15, 2025, are **CANCELED**.

IT IS FURTHER ORDERED that the adjudication bearing docket number 2025-7927-DOE-IDEA is **TERMINATED**.

Rendered and signed on May 2, 2025, in New Orleans, Louisiana.



Leighann N. Guilbeau
Administrative Law Judge
Division of Administrative Law

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, May 05, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

Legend

Parent



Minor



School District

Lafayette Parish School System

School District Representative

Holly Ortego

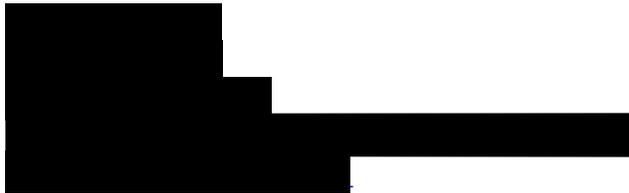
CERTIFICATE OF SERVICE

I certify that the attached **Order Terminating Adjudication** in **Docket No. 2025-7927-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail on May 5, 2025.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL, ELECTRONIC MAIL AND CERTIFIED MAIL



BY ELECTRONIC MAIL AND CERTIFIED MAIL

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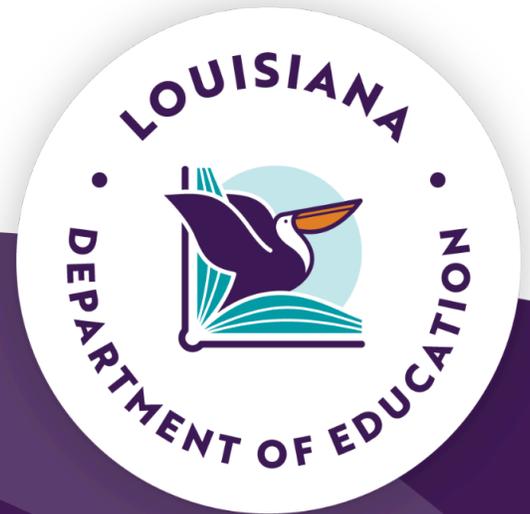
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Superintendent
c/o Lafayette Parish School System
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Lafayette, LA 70508-1502

BY ELECTRONIC MAIL ONLY

Louisiana Department of Education
E-mail: DisputeResolution.DOE@la.gov

Louisiana Special Education Due Process Hearing

45-H-32



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2025-8269-DOE-IDEA**

IN THE MATTER OF

PARENT ON BEHALF OF MINOR

*** AGENCY ID. 45-H-32**

**ORDER GRANTING SCHOOL DISTRICT’S PEREMPTORY EXCEPTION OF
LACK OF SUBJECT MATTER JURISDICTION**

On April 18, 2025, Parent on behalf of Minor filed a request for a due process hearing, contesting an action by School District. On May 9, 2025, School District filed a *Peremptory Exception of Lack of Subject Matter Jurisdiction*, arguing that Parent’s complaint does not fall within the scope of an administrative law judge’s jurisdiction under the Individuals with Disabilities Education Act (IDEA), 20 United States Code (U.S.C.) §1415 *et seq.*, and Louisiana Administrative Code (LAC) 28, Part XLIII, Bulletin 1706, §101. On May 12, 2025, Parent responded and filed an objection to School District’s exception, arguing that her complaint relates to the identification of her child under FAPE, that is, identifying her child in the video, and the review of the educational records, which she alleges includes the video sought to be reviewed in this matter. On May 23, 2025, both parties timely filed pre-hearing statements and exhibits intended for introduction at the hearing.

The administrative law judge’s jurisdiction is delineated in the applicable law, rules and regulations.² That jurisdiction is limited only to issues related to identification, evaluation, placement, and provision of free appropriate public education (FAPE).³ The due process hearing request is dismissed because the allegations made by Parent in the complaint, if taken as true, do

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

² 34 C.F.R. § 300.507 (2024); LAC 28:XLIII.507.A ; LAC 28:XLIII.511. *See also* LAC 28:XLIII.504.A.

³ 34 C.F.R. § 300.507 (2024); LAC 28:XLIII.507.A ; LAC 28:XLIII.511. *See also* LAC 28:XLIII.504.A.

not relate to identification, evaluation, placement, or provision of FAPE. Consequently, the undersigned administrative law judge does not have subject matter jurisdiction.

Parent alleged School District violated the Federal Educational and Privacy Rights Act, 20 U.S.C. § 1232 *et seq.* and 34 Code of Federal Regulations, Subpart A, Part 99 *et seq.*, by not allowing her to review video of Minor in the gymnasium interacting with other children. Parent is concerned with the appearance of certain behavioral changes in Minor and believes the video may show events at school that would explain Minor's behavioral changes. Parent contends that School District's refusal to allow her to view the video is a denial of Minor's right to a FAPE.

Parent's allegations in the due process hearing request do not address any matters covered by Bulletin 1706 § 504.A.1 and 2, relating to the identification, evaluation, educational placement, or provision of a FAPE to Minor. Consequently, the tribunal does not have subject matter jurisdiction.⁴

ORDER

IT IS ORDERED that School District's *Peremptory Exception of Lack of Subject Matter Jurisdiction* is **GRANTED**.

IT IS FURTHER ORDERED that the due process hearing request filed by Parent on behalf of Minor is **DISMISSED**.

IT IS FURTHER ORDERED that the hearing scheduled for June 4 - 5, 2025, is **CANCELED**.

Rendered and signed on May 29, 2025, in Baton Rouge, Louisiana.



William H. Cooper
Administrative Law Judge
Division of Administrative Law

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Friday, May 30, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law

⁴ LAC 28:XLIII.507.A.1.

Legend

Parent



Minor



School District

Ascension Parish School

School District Representative

Adina Million and Edith Walker

REVIEW RIGHTS

This hearing decision is final unless it is appealed. Any aggrieved party has the right to appeal the findings and decision by filing a civil action within ninety (90) days from the date of this decision in a state court of competent jurisdiction or in a district court of the United States in accordance with Louisiana Administrative Code 28:XLIII.516.

CERTIFICATE OF SERVICE

I certify that the attached **Order Granting School District's Peremptory Exception of Lack of Subject Matter Jurisdiction** in **Docket No. 2025-8269-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail on May 30, 2025.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL, ELECTRONIC MAIL AND CERTIFIED MAIL



BY ELECTRONIC MAIL AND CERTIFIED MAIL

Timothy J. Riveria
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Edith Walker, Superintendent
c/o Ascension Public Schools
1100 Webster Street
Donaldsonville, LA 70346

BY ELECTRONIC MAIL ONLY

Louisiana Department of Education
E-mail: DisputeResolution.DOE@la.gov

Louisiana Special Education Due Process Hearing

45-H-33-E



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2025-9051-DOE-IDEA**

IN THE MATTER OF

*

PARENT ON BEHALF OF MINOR

*** AGENCY ID. 45-H-33-E**

ORDER TERMINATING ADJUDICATION

On May 6, 2025, School District Representative submitted a Resolution Meeting Agreement signed by the parties, in which Parent on behalf of Minor agreed to withdraw her request for a due process hearing.

ORDER

IT IS ORDERED that the adjudication in the above-entitled and numbered matter is terminated.

IT IS FURTHER ORDERED that the telephone prehearing conference scheduled for May 16, 2025, at 9:00 AM is **CANCELED**.

IT IS FURTHER ORDERED that the hearing scheduled for May 22, 2025, at 9:00 AM is **CANCELED**.

Rendered and signed on May 8, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, May 12, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law



Lynette Roberson
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

Legend

Parent



Minor



School District

Lafayette Parish School System

School District Representative

Francis Touchet, Jr. and Holly Ortego

Louisiana Special Education Due Process Hearing

45-H-34



STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW

SCHOOL DISTRICT¹

* DOCKET NO. 2025-9215-DOE-IDEA

*

IN THE MATTER OF

*

*

PARENT ON BEHALF OF MINOR

* AGENCY ID. 45-H-34

ORDER TERMINATING ADJUDICATION

On May 16, 2025, Parent on behalf of Minor submitted a *Withdrawal of Hearing Request* withdrawing her request and waiving her right to a hearing. The telephone prehearing conference scheduled for May 23, 2025, at 1:00 p.m., and the hearing on the merits tentatively scheduled for June 27, 2025, are canceled.

ORDER

IT IS ORDERED that the adjudication entitled *School District in the matter of Parent on Behalf of Minor* bearing docket number 2025-9215-DOE-IDEA is **TERMINATED**.

IT IS FURTHER ORDERED that the telephone prehearing conference scheduled for May 23, 2025, at 1:00 p.m., is **CANCELED**.

IT IS FURTHER ORDERED that the hearing on the merits tentatively scheduled for June 27, 2025, is **CANCELED**.

Rendered and signed on May 20, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Wednesday, May 21, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law



Stephanie E. Robin
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

Legend

Parent



Minor



School District

Jefferson Davis Parish School District

School District Representative

Jeremy Fuselier, Special Education Supervisor

Louisiana Special Education Due Process Hearing

45-H-35



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2025-9330-DOE-IDEA**

IN THE MATTER OF

PARENT ON BEHALF OF MINOR

*** AGENCY ID. 45-H-35**

ORDER TERMINATING ADJUDICATION

On May 28, 2025, the Louisiana Department of Education forwarded to the Division of Administrative Law Parent on behalf of Minor’s written request to withdraw his request for a due process hearing, stating that an agreement was reached during the resolution meeting.

ORDER

IT IS ORDERED that Parent on behalf of Minor’s request for a due process hearing is **DISMISSED**, and the matter bearing docket number *2025-9330-DOE-IDEA* is **TERMINATED**.

IT IS FURTHER ORDERED the telephone hearing scheduled for June 5, 2025, at 10:00 a.m., is **CANCELLED**.

Rendered and signed on May 30, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, June 02, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law

Esther A Redmann

Esther A. Redmann
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

Legend

Parent



Minor



School District

East Baton Rouge Parish

School District Representative

Dr. Janet Harris

CERTIFICATE OF SERVICE

I certify that the attached **Order Terminating Adjudication** in **Docket No. 2025-9330-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail on June 2, 2025.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL, ELECTRONIC MAIL AND CERTIFIED MAIL



BY ELECTRONIC MAIL AND CERTIFIED MAIL

Dr. Janet A. Harris
c/o East Baton Rouge Parish School System
1050 S. Foster Drive
Baton Rouge LA 70806
CERTIFIED MAIL #7019 2280 0000 0865 5443
janetharris@ebrschools.org

BY REGULAR, FIRST-CLASS MAIL

Lamont Cole
Superintendent
c/o East Baton Rouge Parish School System
1050 S. Foster Drive
Baton Rouge, LA 70806-7221

BY ELECTRONIC MAIL ONLY

Louisiana Department of Education
E-mail: DisputeResolution.DOE@la.gov

Louisiana Special Education Due Process Hearing

45-H-36



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2025-9857-DOE-IDEA**

IN THE MATTER OF

*

PARENT ON BEHALF OF CHILD

*** AGENCY ID. 45-H-36**

ORDER TERMINATING ADJUDICATION

Parent, on behalf of Child, filed a due process hearing request alleging School District denied Child a free appropriate public education. A telephone status conference was scheduled for June 2, 2025. Prior to the telephone status conference on May 23, 2025, School District filed a resolution agreement indicating that the issues that are the subject of the due process complaint have been resolved. Consequently, since no justiciable issue remains, the matter is terminated and the conference scheduled for June 2, 2025, is cancelled.

ORDER

IT IS ORDERED that the matter entitled *School District in the matter of Parent on behalf of Child*, bearing docket number 2025-9857-DOE-IDEA is **TERMINATED**.

IT IS FURTHER ORDERED that the telephone status conference scheduled for **June 2, 2025**, is **CANCELLED**.

Rendered and signed on June 2, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Tuesday, June 03, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law



Tameka Johnson-Moore
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

Legend

Parent



Minor



School District

East Baton Rouge Parish School System

School District Representative

Dr. Janet A. Harris

REVIEW RIGHTS

This decision is final unless it is appealed. Any aggrieved party has the right to appeal the findings and decision by filing a civil action within ninety (90) days from the date of this decision in a state court of competent jurisdiction or in a district court of the United States in accordance with Louisiana Administrative Code 28:XLIII.516.

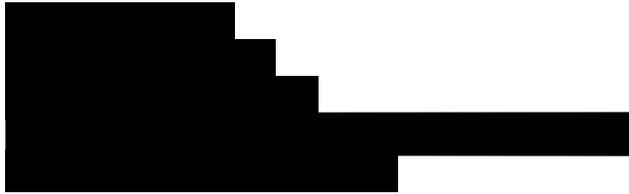
CERTIFICATE OF SERVICE

I certify that the attached **Order Terminating Adjudication** in **Docket No. 2025-9857-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail on June 3, 2025.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL, ELECTRONIC MAIL AND CERTIFIED MAIL



BY ELECTRONIC MAIL AND CERTIFIED MAIL

Dr. Janet A. Harris
c/o East Baton Rouge Parish School System
1050 S. Foster Drive
Baton Rouge LA 70806
CERTIFIED MAIL #7019 2280 0000 0865 5467
janetharris@ebrschools.org

BY REGULAR, FIRST-CLASS MAIL

Lamont Cole
Superintendent
c/o East Baton Rouge Parish School System
1050 S. Foster Drive
Baton Rouge, LA 70806-7221

BY ELECTRONIC MAIL ONLY

Louisiana Department of Education
E-mail: DisputeResolution.DOE@la.gov

Louisiana Special Education Due Process Hearing

45-H-37



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2025-10291-DOE-IDEA**

IN THE MATTER OF

PARENT ON BEHALF OF MINOR

*** AGENCY ID. 45-H-37**

DECISION AND ORDER ON SCHOOL DISTRICT’S MOTION TO DISMISS

On May 19, 2025, Parent on behalf of Minor, requested a due process hearing alleging:

The school currently lacks a functioning system for implementing various Section 504 mandates, including providing adequate notice of rights, implementing child find obligations, offering to conduct and conducting appropriate evaluations, planning meetings, and providing a free appropriate public education [FAPE] to these students. On a routine and systemic basis, families seeking these services for their children are unlawfully rebuffed, fed misinformation regarding Section 504 eligibility, and improperly steered away from the process and other informal procedures that are patently inconsistent with required 504 procedures. These district-wide practices show a lack of training and a chronic, fundamental misunderstanding of the law at the staff and administrative levels. In many instances, these practices are the result of the continued implementation of facially unlawful Section 504 policies.²

Parent seeks the following relief:

We ask that LDOE [Louisiana Department of Education] issue a comprehensive corrective plan that requires the District to reform its noncompliant Section 504 policies, practices, and procedures, and provides aggrieved students with compensatory education as appropriate to their individual needs.³

Parent’s request for relief continues:

LDOE should conduct a proper investigation into all of the foregoing allegations of noncompliance with Section 504 and Title II, and issue comprehensive corrective actions regarding all relevant policies and practices of the district, including but not limited to the following: 1. Revise its Section 504 and Title II policies, regulations, procedures, manuals, forms, and any other relevant materials to ensure they comply with the ADA and Section 504 and Title II regulations, including the Section 504 regulations at 34 C.F.R. § 104.31 through 104.35

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

² Parent’s request for a due process hearing, page 10.

³ Parent’s request for a due process hearing, page 11.

regarding the identification, evaluation, and educational placement of students who, because of a disability, need or are believed to need special education or related services. Through a fully compliant and timely Section 504 process, offer and provide FAPE in the LRE, including appropriate, research-based services, compensatory education services and monetary reimbursement as appropriate to all students found eligible in accordance with laws the District to ensure compliance with all applicable laws governing procedural safeguards when initiating, changing or refusing identification.⁴

On May 29, 2025, School District filed a *Motion to Dismiss* Parent's due process complaint, arguing that the alleged violations of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973 and the relief sought by Parent were outside the jurisdiction of the administrative law judge.

A hearing on the School District's motion was held June 12, 2025, at which Parent appeared self-represented. School District appeared through its counsel, Ashley B. Jackson. Following argument, the record was held open until June 17, 2025, at 4:00 p.m. for additional written arguments. Parent timely filed additional written arguments that were accepted into the record. The record on the *Motion to Dismiss* was closed at the designated time and the matter submitted for decision on the motion.

Due Process Complaint Requirement⁵

Parent's due process complaint is sufficient. The due process hearing complaint must include: the name and address of the child; the name of the school the child is attending; a description of the nature of the child's problem; and a proposed resolution of the problem.⁶ Parent's complaint identified the name and address of the child, the name of the school the child

⁴ Parent's request for due process hearing, page 16.

⁵ Parent argued in his *Opposition to the Motion to Dismiss* that his due process complaint is sufficient.

⁶ 20 U.S.C. § 1415(b)(7)(A)(ii); 34 C.F.R. § 300.508(b) (2025); Louisiana Administrative Code (LAC) 28:XLIII.508.B.

is attending, a description of the nature of the child’s problem, and a proposed resolution of the problem. The minimal pleading requirements of a due process hearing complaint are met.⁷

Subject Matter Jurisdiction

School District’s *Motion to Dismiss* Parent’s due process complaint is granted. The administrative law judge’s jurisdiction is delineated in applicable laws, rules and regulations.⁸ That jurisdiction is limited to issues related to identification, evaluation, placement, and provisions of FAPE.⁹ Parent’s allegation of violations of Title II of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973, as stated in his request for due process hearing, is beyond the scope of an Individuals with Disabilities Education Act (IDEA) hearing. Accordingly, Parent’s request for due process is dismissed in its entirety.¹⁰

An administrative law judge may grant relief as provided by the applicable laws, rules and regulations.¹¹ Parent proposed various resolutions, including ordering the School District to revise its Section 504 policies, awarding compensatory time,¹² granting attorney’s fees and costs as allowed by law, and awarding damages to which Parent may be entitled under law.¹³ An administrative law judge does not have jurisdiction to grant attorney’s fees and costs or any damages, as they are not within the scope of an IDEA due process hearing. Because an administrative law judge does not have jurisdiction to grant the relief sought by Parent, the proposed resolutions are dismissed.

⁷ *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 54 (2005).

⁸ 34 C.F.R. § 300.507 (2025); LAC 28:XLIII.507.A ; LAC 28:XLIII.511. *See also* LAC 28:XLIII.504.A.

⁹ 34 C.F.R. § 300.507 (2025).

¹⁰ 34 C.F.R. § 300.507 (2014); LAC 28:XLIII.507.A ; LAC 28:XLIII.511. *See also* LAC 28:XLIII.504.A.

¹¹ *See* 34 C.F.R. § 300.517 (2025), LAC 28:XLIII.517.

¹² Parent’s written opposition to School District’s motion.

¹³ Parent’s oral argument in the hearing on School District’s motion.

ORDER

IT IS ORDERED that Parent’s due process complaint met the minimal pleading requirements of a due process complaint.

IT IS FURTHER ORDERED that the issues in Parent’s due process complaint, and Parent’s proposed relief, are **DISMISSED**.

IT IS FURTHER ORDERED that School District’s *Motion to Dismiss* Parent’s request for a due process hearing in its entirety is **GRANTED**, and the above-captioned adjudication is **TERMINATED**.

Rendered and signed on July 24, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, July 28, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law



William H. Cooper
Administrative Law Judge
Division of Administrative Law

REVIEW RIGHTS

This hearing decision is final unless it is appealed. Any aggrieved party has the right to appeal the findings and decision by filing a civil action within ninety (90) days from the date of this decision in a state court of competent jurisdiction or in a district court of the United States in accordance with Louisiana Administrative Code 28:XLIII.516.

Legend

Parent



Minor



School District

Lycée Français de la Nouvelle-Orleans

School District Representative

Chase McLaurin and Faith Moses

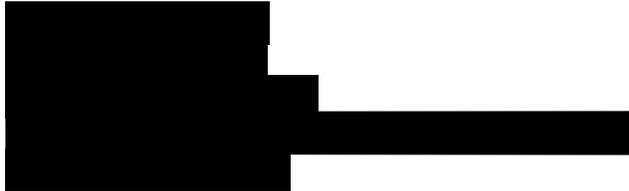
CERTIFICATE OF SERVICE

I certify that the attached **Decision and Order on School District's Motion to Dismiss** in **Docket No. 2025-10291-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail on July 28, 2025.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL, ELECTRONIC MAIL AND CERTIFIED MAIL



BY ELECTRONIC MAIL AND CERTIFIED MAIL

Ashley B. Jackson
Attorney at Law
450 Laurel Street, Suite 1900
Baton Rouge, LA 70801
CERTIFIED MAIL #7019 2280 0000 0865 **5528**
ashley.jackson@arlaw.com

BY REGULAR, FIRST-CLASS MAIL

Chase McLaurin, Superintendent
c/o Lycée Français de la Nouvelle-Orléans
1601 Leonidas Street
New Orleans, LA 70118

BY ELECTRONIC MAIL ONLY

Louisiana Department of Education
E-mail: DisputeResolution.DOE@la.gov

Louisiana Special Education Due Process Hearing

45-H-38



STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW

SCHOOL DISTRICT¹

* DOCKET NO. 2025-10292-DOE-IDEA

*

IN THE MATTER OF

*

*

PARENT ON BEHALF OF MINOR

* AGENCY ID. 45-H-38

ORDER TERMINATING ADJUDICATION

On June 12, 2025, Parent withdrew [REDACTED] request for a due process hearing for the above entitled and numbered administrative cause.

ORDER

IT IS ORDERED that the case entitled *School District in the Matter of Parent on behalf of Minor* bearing docket number 2025-10292-DOE-IDEA is **TERMINATED**.

Rendered and signed on June 13, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, June 16, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law



William H. Cooper
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

LEGEND

Parent



Minor



School District

Lycée Francais de la Nouvelle-Orleans

School District Representative

Faith Moses

Louisiana Special Education Due Process Hearing

45-H-39



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2025-11230-DOE-IDEA**

IN THE MATTER OF

PARENTS ON BEHALF OF MINOR

*** AGENCY ID. 45-H-39**

ORDER TERMINATING ADJUDICATION

On June 2, 2025, Parents on behalf of Minor filed a *Request for Due Process Hearing*, which was assigned Docket Number 2025-11230-DOE-IDEA. The matter is scheduled for hearing on August 14, 2025, August 18, 2025, and August 19, 2025. On August 7, 2025, Parents on behalf of Minor and School District filed a *Joint Motion to Dismiss* indicating the parties resolved the dispute through a written settlement agreement. The motion is granted.

ORDER

IT IS ORDERED that the *Joint Motion to Dismiss* is **GRANTED**.

IT IS FURTHER ORDERED that Parents on behalf of Minor's request for a hearing is **DISMISSED**, and the adjudication under docket number 2025-11230-DOE-IDEA is **TERMINATED**.

IT IS FURTHER ORDERED that the hearing scheduled for August 14, 2025, August 18, 2025, and August 19, 2025, is **CANCELLED**.

Rendered and signed on August 7, 2025, in Baton Rouge, Louisiana.

Anthony J. Russo

Anthony J. Russo
Administrative Law Judge
Division of Administrative Law

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Friday, August 08, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

LEGEND

Parents



Minor



School/School District

New Harmony High School

Special Education Director

Rachell Hillard

Student Support Consultant

Dr. Monique Handy

Louisiana Special Education Due Process Hearing

45-H-40



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2025-11306-DOE-IDEA**

IN THE MATTER OF

*

**GRANDPARENT ON BEHALF OF
MINOR**

*** AGENCY ID. 45-H-40

ORDER TERMINATING ADJUDICATION

On July 3, 2025, Grandparent withdrew her request for a due process hearing. The above-captioned adjudication is terminated.

ORDER

IT IS ORDERED that the adjudication bearing docket number 2025-11306-DOE-IDEA is **TERMINATED**.

IT IS FURTHER ORDERED that the telephone status conference scheduled for July 21, 2025, is **CANCELED**.

Rendered and signed on July 7, 2025, in New Orleans, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Monday, July 07, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law



Leighann N. Guilbeau
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

Legend

Grandparent: [REDACTED]

Minor: [REDACTED]

School District: St. Landry Parish School Board

School District Representative: Alvado Willis

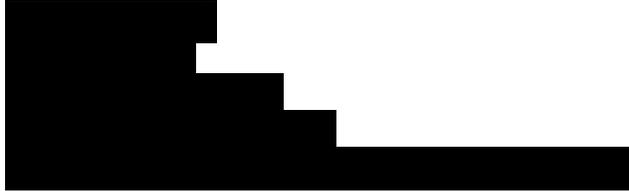
CERTIFICATE OF SERVICE

I certify that the attached **Order Terminating Adjudication** in **Docket No. 2025-11306-DOE-IDEA** has been served to the following individuals by regular, first-class mail, certified mail, and/or electronic mail on July 7, 2025.

Clerk of Court

Division of Administrative Law

BY REGULAR, FIRST-CLASS MAIL, ELECTRONIC MAIL AND CERTIFIED MAIL



BY ELECTRONIC MAIL AND CERTIFIED MAIL

Melissa Losch
601 Poydras Street Suite 1200
New Orleans, LA 70130
mlosch@mcglinchey.com
CERTIFIED MAIL #7019 2280 0000 0865 5795

BY REGULAR, FIRST-CLASS MAIL

Milton Batiste III, Superintendent
1013 East Creswell Lane
Opelousas, LA 70571

BY ELECTRONIC MAIL ONLY

Louisiana Department of Education
E-mail: DisputeResolution.DOE@la.gov

Louisiana Special Education Due Process Hearing

45-H-41



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2025-11491-DOE-IDEA**

IN THE MATTER OF

**GRANDPARENT ON BEHALF OF
MINOR**

AGENCY ID. 45-H-41

**ORDER TERMINATING ADJUDICATION FOR
LACK OF SUBJECT MATTER JURISDICTION**

On June 5, 2025, Grandparent on behalf of Minor filed a request for a special education due process hearing, claiming that Charter School violated Minor’s rights under Section 504 of the Rehabilitation Act of 1973 (Section 504)² by failing to implement Minor’s Section 504 Individual Accommodation Plan (IAP). On June 13, 2025, Charter School filed a response to the due process hearing request, arguing that Charter School acted in compliance with Minor’s Section 504 IAP.³

Grandparent’s due process hearing request is outside the jurisdiction of the Division of Administrative Law (DAL). The DAL has jurisdiction under the Individuals with Disabilities Education Act (IDEA)⁴ to hear due process issues with respect to matters relating to the identification, evaluation, or educational placement of a student with a disability (as defined by IDEA), or the provision of a free appropriate public education.⁵ Claims relevant to the education of a child with a disability under Section 504 are excluded from the claims that may be brought

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

² 29 U.S.C. § 794.

³ Charter School also argued in its response that Grandparent’s request was insufficient on its face. Because the tribunal does not have jurisdiction to hear claims arising under Section 504, Charter School’s argument is moot.

⁴ See 20 U.S.C. §§ 1400 *et seq.*

⁵ Louisiana Administrative Code (LAC) 28:XLIII.507.

to the DAL through a request for a due process special education hearing under Louisiana Administrative Code 28:XLIII.507.A.

Because the claims in Grandparent's request for a due process hearing arise under Section 504, not IDEA, the tribunal does not have subject matter jurisdiction to hear Grandparent's request. Grandparent's request for a due process hearing is dismissed.

ORDER

IT IS ORDERED that the due process hearing request filed on June 5, 2025, by Grandparent on behalf of Minor is **DISMISSED**, and all proceedings in 2025-11491-DOE-IDEA are **TERMINATED**.

IT IS FURTHER ORDERED that the telephone conference scheduled for June 23, 2025, at 1:00 PM is **CANCELED**.

IT IS FURTHER ORDERED that the due process hearing scheduled for July 24, 2025, at 9:00 AM is **CANCELED**.

Rendered and signed on June 16, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Wednesday, June 18, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court
Division of Administrative Law



Lynette Roberson
Administrative Law Judge
Division of Administrative Law

REVIEW RIGHTS

This decision is final unless it is appealed. Any aggrieved party has the right to appeal the findings and decision by filing a civil action within ninety (90) days from the date of this decision in a state court of competent jurisdiction or in a district court of the United States in accordance with Louisiana Administrative Code 28:XLIII.516.

Legend

Grandparent



Minor



School District

Jefferson Parish Schools

Charter School



Louisiana Special Education Due Process Hearing

45-H-42



Louisiana Special Education Due Process Hearing

45-H-43



**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW**

SCHOOL DISTRICT¹

*** DOCKET NO. 2025-12500-DOE-IDEA**

IN THE MATTER OF

PARENT ON BEHALF OF MINOR

*** AGENCY ID. 45-H-43**

ORDER TERMINATING ADJUDICATION

On July 23, 2025, Parent on behalf of Minor filed a motion to withdraw their request for a due process hearing. The motion is granted.

ORDER

IT IS ORDERED that the matter entitled School District in the matter of Parent on behalf of Minor bearing docket number *2025-12500-DOE-IDEA* is **TERMINATED**.

Rendered and signed on July 23, 2025, in Baton Rouge, Louisiana.

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Thursday, July 24, 2025, I have sent a copy of this decision/order to all parties of this matter.

Clerk of Court

Division of Administrative Law

Esther A Redmann

Esther A. Redmann
Administrative Law Judge
Division of Administrative Law

¹ Due to confidentiality requirements, all specific identifying information has been redacted from this order. See attached Legend for identifying information.

Legend

Parent



Minor



School District

Zachary Community Schools

School District Representative

Aeneid Mason, Director of Student Support Services

