

KELTON L., B/N/F SHANNON H.,
Petitioner,

v.

WEATHERFORD INDEPENDENT
SCHOOL DISTRICT,
Respondent.

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BEFORE A SPECIAL EDUCATION

HEARING OFFICER FOR

THE STATE OF TEXAS

FINAL DECISION OF THE HEARING OFFICER

Introduction

This case arises under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1482, and its implementing federal and state regulations. Petitioner Student brings this case against Respondent Weatherford Independent School District (Respondent or the District), generally alleging that the District failed to provide Student with a free, appropriate public education (FAPE).

Procedural History

Student filed his Complaint or Request for Due Process Hearing on July 9, 2025 against both Weatherford ISD and Melissa ISD. The Hearing Officer bifurcated the Complaint into two different proceedings individually against each school district. The hearing against Weatherford ISD took place on December 2-3, 2025. The hearing against Melissa ISD is scheduled for January 6-7, 2026.

Both parties sought and obtained a continuance in this case to allow them to mediate their dispute. The parties attended mediation in October 2025 but were unable to reach an agreement.

Throughout these proceedings, Mark Whitburn with Whitburn & Pevsner, PLLC, represented Student. Dean Micknal with Leasor Crass, P.C., represented the District.

Issues from the Pleadings

Student's Complaint raises the following legal issues:

Whether the Respondent District failed to provide Student a FAPE when it:

1. Failed to design and implement an appropriate individualized education program (IEP);
2. Failed to design and implement an appropriate behavior intervention plan (BIP);
3. Failed to place Student in the least restrictive environment appropriate for his unique circumstances, characteristics, and needs; and
4. Failed to provide academic and nonacademic benefits to Student.

Student seeks the following relief through his Complaint:

1. Compensatory relief for private placement of Student at public expense; and
2. Any and all further relief the Hearing Officer deems appropriate or which is recommended by Student's experts and private evaluators.

In its response to the Complaint, the District denies Student's allegations and asserts that it has provided Student a FAPE sufficient to meet his unique educational needs, making a residential placement inappropriate in this case. The District further asserts that it cannot be liable to Student for any relief after he moved to McKinney, Texas – a different school district – in August 2024.

The District also raises the defense of statute of limitations to bar any claim arising more than two years before Student filed his Complaint. The District also asserts that this Hearing Officer has no jurisdiction over claims or relief outside the IDEA. And finally the District generally denies the allegations in Student's Complaint.

Findings of Fact¹

1. Student is a 17 year old male currently placed at the Texas State Hospital in Austin, Texas. (PX 9). The Austin Independent School District is managing his current placement and IEP. (*Id.*) While at the State Hospital, Student's placement has been chaotic, including his being assaulted and raped. (*Tr. at 19-20*).

¹ In this decision, references to the Transcript of the Hearing on December 2-3, 2025 will be "Tr. at _." References to Joint Exhibits will be "JX_ at _"; Petitioner's Exhibits will be "PX_ at _"; and Respondent's Exhibits will be "RX_ at _."

2. Student's education placement history is rather complicated. As an infant, he suffered traumatic brain injuries and meningitis. (*Tr. at 141*). He has resided with his uncle since he was an infant, and his uncle has custody of Student. (*Tr. at 19*). He began his enrollment with the Weatherford ISD at kindergarten but spent the entire time in the principal's office, which he damaged by writing on the walls. (*JX 1 at 12-13*).² He also had several several outplacement visits with hospitals. Student attended the Giggles Therapy center in Fort Worth for nearly five years. (*JX 14 at 46; Tr. at 20*). He returned to the Weatherford ISD in 2021 and enrolled in Tison Middle School. (*JX 1 at 3*). Student is eligible for special education services due to his autism, other health impairment (ADHD), and speech impairment. (*JX 9 at 6*).

Meridell evaluation – February 2021

3. In February 2021, Student was assessed by Meridell Achievement Center. The evaluator noted that Student had been diagnosed with Autism Spectrum Disorder and is being treated for ADHD. The evaluator recommended several strategies addressing his behavioral issues, specifically that if he "appears emotionally distraught with little or no provocation, confronting him will likely result in an escalation of these emotions and accompanying behaviors." (*JX 7 at page 5*). The evaluator further noted that, "[Student's] access to weapons and medications should be closely monitored and restricted given his history of mood and behavioral instability, self-harm, verbalized suicidal ideation and severe aggression." (*Id. at 2*).

Full Individual Evaluation (FIE) – September 2021

4. Weatherford ISD conducted an FIE for Student in September 2021. (*JX 1*). The related Functional Behavior Assessment (FBA) documented several examples of threatening behaviors, which were also confirmed by his uncle. (*Id. at 19-20*). The behaviors included swearing, name calling, threatening others, hitting, kicking and spitting. (*Id.*) The evaluators recommended the following content for Student's IEP:

² Some of the facts noted in this decision occurred more than two years before Petitioner filed his complaint in July 2025. I refer to those earlier facts simply to provide context and not as support for any of Petitioner's claims.

- Systematic instruction in reading through multi-modal instruction in phonics and reading and spelling sight words.
- Hands on instruction in math calculation.
- Use of visuals for academics and behavior expectations and supports.
- Visuals for his daily schedule with written descriptions.
- Use of social stories for instruction on school expectations and classroom procedures.
- Reading support in content areas.
- Opportunities to create models and visual representations of processes in units of study in Science and Social Studies.
- Modified curriculum in all areas including physical education (reduce physical activities that cause pain until further information can be received from [Student's] orthopedist.

(JX 1 at 33).

5. In addition, the evaluators recommended the following strategies to address Student's behavior issues:

- Predictable schedule
- Consistent behavioral expectations throughout the day
- Frequent Breaks
- Frequent positive reinforcement to shape Kelton's behaviors
- Work Break Cycle
- Use of preferred reinforcers
- Social Stories

(Id.)

Student's IEPs

6. The earliest IEP admitted into evidence was Student's annual IEP for the 2023-2024 school year. (JX 9). The IEP committee found him eligible for special education services based on his autism, other health impairment, and speech impairment. Student's present levels of academic achievement and functional performance (PLAAFP) overall showed improvements across his academic subjects. The IEP contained several measurable annual goals. His behavior, however, continued to be problematic and affects both his educational and home environments. He remains for the most part in a specially designed instruction behavior classroom but with good behavior can earn time away in an "out class" with general education peers.

7. The IEP committee also adopted a Behavior Intervention Plan (BIP) for Student. (*JX 9 at 35-39*). The BIP contained three targeted behaviors: noncompliance, physical aggression, and verbal aggression. Student's uncle agreed with the proposed IEP. (*Id. at 32*).
8. Student had been temporarily removed from the District in February 2024 through May of 2024 to attend a residential placement school at the Ki Charter Academy in San Marcos, Texas. This placement was affiliated with Meridell. While there, Student also displayed aggressive outbursts and elopement. (*PX 5 at 3*). Noticeably, his psychiatric evaluation through Meridell stated that his prognosis was "fair with residential treatment, extremely poor without." (*Id. at 26*).
9. Student reenrolled with Weatherford ISD on May 6, 2024. Upon his return to the District, Student's behavior was horrible. (*Tr. at 66*). On his first day back, he eloped to the nearby highway. And on May 14, he punched a staff member in the face and broke a computer. (*Id.*) He was arrested and charged again with yet another criminal charge. (*Tr. at 63-67, 87-88, 193-195*).
10. Then on May 20, Student hit a window several times, then walked across room and spat in a staff member's face. He then punched staff in shoulder. While two staff members controlled Student, he spat, pinched, and threatened to bite and head butt them. (*JX 26*). Since by then the school year was almost over, Student's uncle decided to not have Student attend school for the rest of the year. (*Tr. at 67-68*).
11. On May 21, 2024, Weatherford ISD proposed another IEP for Student for the 2024-2025 school year. (*JX 14*). His PLAAFPs from the previous school year were mixed. His reading comprehension placed him in the 23rd percentile. In math he scored in the 3rd percentile. In science he scored in the 8th percentile. His behavior had worsened and continued to be the most problematic, as discussed below, so the IEP committee continued Student's BIP, just adding another goal relating to Student's elopement activities. (*Id. at 52-58*).
12. Student's uncle disagreed with the May 2024 IEP. (*Id. at 40*). In an email to the District after the May 2024 IEP meeting, the uncle stated:

I disagree with the IEP and request private placement at public expense.

The district's current placement and Behavior Intervention Plan are not sufficient to keep [Student], staff and students safe. [Student] has become increasingly aggressive as evidenced by assaulting others, eloping into highways, and injuring himself. He is currently facing several assault charges with the DA. Current services are not adequate to provide a FAPE for [Student] within Weatherford ISD.

(Id. at 42; JX 27 at 1).

13. Weatherford ISD proposed revisiting Student's IEP in August 2024. However, Student's uncle sent an email to the District on August 2 advising them that he had moved to Melissa, which is close to McKinney. *(RX 4; Tr. at 71-72).*
14. Since then, Student enrolled at Melissa ISD but also attended the Behavior Network due to serious illness. *(Tr. at 100).* Student later had been placed at the juvenile justice center in Collin County and currently resides in the Austin State Hospital, where his academic placement is under the Austin ISD. *(Tr. at 19, 104; PX 9).*

Student's outbursts, restraints, and disciplinary issues

15. Student's most recent years at Weatherford ISD reflect significant and pervasive behavioral problems. In an assessment from mid-August 2021 through the first week of September 2021, Student engaged in the following behavioral incidents:

- Swearing - 132
- Name calling - 51
- Threatening to hit others - 28
- Hitting - 55
- Kicking - 28
- Spitting - 3

(JX 1 at 19-20).

16. Student's conduct warranted his being placed in physical restraints on several occasions, including:
 - 4/28/21 – Student throwing objects (chairs, trays, buckets, flagpole), attempted to hit staff, banging and kicking tables, walls, and doors
 - 4/28/21 – Student kicked staff member in private area and kicked hole in wall

- 4/30/21 – Student engaged in physical aggression, self harm, and destruction of property. Kicking holes in the wall, punching and slapping staff, head-butting walls and staff; violently hitting head on wall
- 5/7/21 – Student engaged in severely aggressive behavior toward himself by banging head against wall; threats and physical aggression toward staff (punching principal in the face, slapping, scratching, kicking, attempting to bite); attempting to destroy school property (pulling objects from wall, kicking and hitting walls, attempted to pick up desks)
- 7/7/21 – Student threatened to move toward the street and said he was going to jump in the road to get hit by a car
- 7/8/21 – Student was breaking things off the wall and hitting and biting staff

(PX 1).

- 5/19/23 – Student picked up a pencil and tried to stab teacher 3-4 times
- 5/6/24 – Student threatened teacher and then ran out of building onto the highway; threw objects he found on the highway at teachers
- 5/14/24 – Student punched staff member in the face and continued to head butt and bite him. This was the third adult he hit today
- 5/20/24 – Student hit window several times and then walked across room and spat in staff member's face. Student then punched staff in shoulder. While two staff members controlled Student, he spat, pinched, and threatened to bite and head butt them

(JX 23 – JX 26).

17. Some of the outbursts above resulted in Student receiving discipline, including the following:

- 11/17/21 – Student received out of school suspension for leaving school and punching a female student in the face
- 5/2/23 – Out of school suspension for destroying computer and spitting multiple times on two staff members
- 1/11/24 – Out of school suspension for pulling chair out from under a student. He then returned to the classroom and punched another student twice in the back
- 5/14/24 – Out of school suspension for hitting principal in the face with his fist

(JX 22).

18. Apparently the lock in Student's classroom was not sufficient to maintain him, as he ripped opened a magnetic room lock and left his special education class. (Tr. at 178-181). And while Student's special education teacher stated that he had other students with behaviors similar to Student's, no other teachers filed felony assault charges against these other students as they did with Student. (Tr. at 236-237).

19. On May 14, 2024, Student had been restrained earlier that day and later ran down a hall at school, causing school to be put on a lockdown due to his unsafe behavior. (*JX 25 at 3*).
20. Student currently has felony assault charges pending against him. The district attorney is sitting on those charges to see if Student received a long-term plan to avoid his becoming a greater threat to himself and the community. (*Tr. at 61, 84*).
21. Two of Student's treating doctors testified in favor of residential placement for Student. Dr. Kishore Sunkara has been Student's treating psychiatrist since he was four years old, last time seeing him in August 2024. He explained that Student is autistic, with ADHD and a bi-polar disorder. He noted that Student is about 5 ½ feet tall and weighs around 175-180 pounds. (*Tr. at 240-254*).
22. Dr. Sunkara recommends a residential placement for Student because his aggression presents a danger to himself and others. The advantages of such a placement include a better ability to control his behaviors, this placement better teaches him to control behaviors, and his medications could be monitored more closely. Because he has not been in a residential placement, he has hurt people, has poor social skills and is not capable of managing his own affairs. (*Id.*)
23. Dr. Amanda Coffey is a BCBA-D and has worked with Student or his uncle since 2021. She has a doctorate in behavior analysis and owns the Behavior Network which deals with students having severe behaviors such as Student. Dr. Coffey and Behavior Network performed a neuropsychological evaluation of Student in July 2024. (*PX 6; Tr. at 108-157*).
24. Dr. Coffey noted that Student has gone through several inpatient treatments, suspensions, medications with multiple diagnoses, and a lot of things tried but they have not worked. Dr. Coffey concluded that Student is a danger to himself and others. Consequently, she recommended a residential placement for Student and, specifically, with the Calo Program which is a Texas Education Agency-approved center. (*Id.*)
25. Calo Program, as Dr. Coffey explained, is focused on a trauma-informed program for students having gone through adoption or foster care – i.e., conditions similar to Student's background. Dr. Coffey also explained her recommendation was educational based for Student, as well as for his home

environment. (*Tr. at 144-146*). She did not believe a school environment like Weatherford ISD was appropriate for Student due to his dangerous behaviors. He should not be exposed to other students and teachers due to the behaviors he had engaged in, according to Dr. Coffey. She also explained that regarding his behavior problems, Student goes from zero to 100, so he's unsafe. Dr. Coffey further testified:

Q. So in your professional opinion does a student -- would a student with [Student's] sort of profile, like you said, with this sort of intermittent and potentially severe violent episodes, would a campus -- would a school district ever be appropriate as the least restrictive environment?

A. For [Student], I mean, not at the time -- not with these behaviors.

(*Tr. at 141*).

26. During his visit with Meridell in the summer of 2024, Student was diagnosed with Autism Spectrum Disorder, Level 1. He also appeared to suffer from Major Depressive Disorder, as well as Disruptive Mood Dysregulation Disorder. The evaluators further noted that, "Though he may have the intellectual ability to meet some academic expectations, his communication and social skill deficits appear to adversely impact progress in traditionally inclusive classroom settings." (*PX 6 at 8*).

Discussion

A. Burden of proof

There is no distinction between the burden of proof in an administrative hearing such as this case or a district court proceeding. *Richardson Ind. Sch. Dist. v. Michael Z.*, 580 F.3d 286, 292 n.4 (5th Cir. 2009). In a due process hearing under the IDEA, the burden of proof rests upon the party challenging a proposed IEP and placement or seeking relief. *Schaffer v. Weast*, 546 U.S. 49, 62 (2005); *Teague Indep. Sch. Dist. v. Todd L.*, 999 F.2d 127, 131 (5th Cir. 1993).

B. Student's FAPE

The main issue in this case is uncle's request for residential placement of Student. Underlying this request are the following legal issues:

Whether the District failed to design and implement an appropriate IEP for Student;
Whether the District failed to design and implement an appropriate BIP for Student;
Whether the District failed to place Student in the least restrictive environment appropriate for his unique circumstances, characteristics, and needs; and
Whether the District failed to provide academic and nonacademic benefits to Student.

Certain well-settled principles guide the analysis in this case. The Supreme Court has held that to determine whether a public school has provided FAPE to a student, the school must both comply with IDEA's procedural requirements and develop an individualized program reasonably calculated to enable the student to receive an educational benefit. *Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 458 U.S. 176, 206-207 (1982). The Court also explained that an "educational benefit" under IDEA means one which is meaningful and provides a basic floor of opportunity or access to specialized instruction and related services individually designed to provide educational benefit. *Id.* at 201. An educational program or IEP is meaningful if it is reasonably calculated to confer a meaningful educational benefit rather than regression or trivial educational advancement. *Rowley, supra*; *Houston Indep. Sch. Dist. v. V.P.*, 582 F.3d 576, 583 (5th Cir. 2009)

Shedding further light on IDEA and its FAPE requirements, the Supreme Court later made clear that the Act does not guarantee any particular educational outcome but rather only requires an educational program reasonably calculated to enable a child to make progress appropriate in light of the child's circumstances. *Endrew F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386, 137 S.Ct. 988, 197 L.Ed.2d 335 (2017).

The Fifth Circuit created a four-part test for determining whether a school district has provided FAPE to a student, using the following factors:

1. Whether the program is individualized on the basis of the student's assessment and performance;
2. Whether the program is administered in the least restrictive environment;
3. Whether the services are provided in a coordinated and collaborative manner by the key stakeholders; and

4. Whether both positive academic and nonacademic benefits are demonstrated.

Cypress-Fairbanks Indep. Sch. Dist. v. Michael F., 118 F.3d 245, 253 (5th Cir. 1997). When reviewing these factors, courts have found there is no particular manner to consider or weigh them. Rather, the caselaw holds these factors are “indicators” of an IEP’s appropriateness and intended to guide the fact-intensive inquiry for evaluating whether an IEP provided an educational benefit. *Michael Z.*, *supra*, 580 F.3d at 293-294. Viewing the record as a whole under these factors, I find that Weatherford ISD failed to provide Student a FAPE during the relevant period.

1. *Individualized program based on assessment and performance*

The IDEA requires school districts to have an IEP in place at the beginning of each school year that is individualized for the student, based on assessment and performance. 34 C.F.R. §§ 300.22, 300.320, 300.323(a). In this case, the District had in place an IEP or proposed IEP for the relevant school years. Each IEP also contained a BIP.

The issue here is not so much whether the District developed appropriate academic goals for Student – it clearly did, based on his assessments and performance. Rather, the issue is whether his BIPs were appropriate and effective based on his behavioral performance. Clearly, they were not.

It is undisputed that Student’s behavior progressively worsened every year he attended the District. The record is replete with severe behavioral problems by Student, including damage to property, to himself, and to other students and staff. These problems interfered not only with Student’s access to his educational programming, but also interfered with other students attending class.

What was the District’s response? By the end of the 2024 school year, the District simply added another goal to the BIP to deal with elopement. Nothing else changed with the BIP, which apparently did not work very well given Student’s increasing behavioral outbursts. The fact that Student assaulted staff members in the District, who then filed felony assault charges against him – which is highly extraordinary – should have placed the District on notice that its previous goals, supports, and accommodations were not going to work with Student regarding his behavior. And in the end, they did not work.

Throughout the 2023-24 school year, and certainly by May 2024, the District knew or should have known that the IEP/BIP in place for Student was flawed with respect to managing his behavior. His behavior escalated from destruction of property and breaking through magnetic lock to his classroom, to attempts to stab District staff and punch them, resulting in felony assault charges. He also punched his fellow students. His performance warranted a change in his BIP, but no significant changes occurred. Therefore, I find that Student met this factor of the *Michael F.* FAPE analysis.

2. *Least restrictive environment*

The IDEA requires school districts to educate disabled students in least restrictive environment. 34 C.F.R. § 300.114. The requirement ensures that disabled children are educated to the maximum extent possible with nondisabled children. *Id.* Simply put, IDEA requires schools to mainstream disabled students as much as is appropriate. *Rowley, supra*, 458 U.S. at 202; *Daniel R.R. v State Bd of Educ.*, 874 F.2d 1036, 1048 (5th Cir. 1989).

In cases such as this where the Student seeks residential placement, this placement (excluding juvenile detention or a state-supported living center) represents the most restrictive educational setting in the continuum of alternative placements. 19 Tex. Admin. Code § 89.1005(c)(10). A residential placement under the IDEA may be appropriate when it is (1) essential for the student with a disability to receive a meaningful educational benefit, and (2) primarily oriented toward enabling the student to obtain an education. *Michael Z., supra*, 58 F.3d at 301.

The only evidence on addressing Student's need for residential placement came from his two treating doctors. Dr. Sunkara, who treated Student for several years, testified that Student's aggression presents a danger to himself and others. Residential placement, according to Dr. Sunkara, would provide a better ability to control his behaviors, and his medications could be monitored more closely.

Dr. Coffey was even more convincing. She testified that Student would benefit from a TEA-approved placement such as the Calo program, which is trauma-informed for students with backgrounds like Student. She explained that this placement would address Student's ability to obtain an educational benefit.

She also concluded that given Student's severe behavior problem, a regular school district like Weatherford would never be appropriate for the least restrictive environment. Both Drs. Sunkara and Coffey referred to Student as a threat to himself and others, with Dr. Coffey describing his behavior as "going from zero to 100, so he's unsafe."

This conclusion was reaffirmed in Student's last visit to Meridell, which found that although "Student progressed slowly through multimodal treatment, high level of impulsiveness and mood instability interfered with his ability to engage in programming." (*PX 5 at 3*). The evaluators concluded that, "Though he may have the intellectual ability to meet some academic expectations, his communication and social skill deficits appear to adversely impact progress in traditionally inclusive classroom settings." (*Id. at 8*).

On the record before me, I find that Student met the two-prong test from *Michael Z.* for residential placement, as well as met his burden of showing his placement at Weatherford was not the least restrictive environment under the second *Michael F.* factor.

3. Coordinated and collaborative provision of services

The process of developing an IEP is holistic, requiring the input and collaboration of various persons, including the student's parents, special and regular education teachers, therapists, and often the student himself. 34 C.F.R. §§ 300.321-322; 19 Tex. Admin. Code 89 § 1050(c). To the extent possible, the decision of the ARD committee should be by mutual agreement. 19 Tex. Admin. Code 89 § 1050(g).

The District in this case cannot be faulted for any failure to collaborate with all necessary stakeholders to provide services to Student. Student and his uncle attended ARD committee meetings. The District also ensured other necessary parties attended the meetings. 34 C.F.R. § 300.321. There also appeared to be ample communications between the District and Student's uncle concerning Student's performance.

The parties disagreed with Student's proposed 2024-2025 IEP when Student's uncle requested residential placement for Student. That disagreement of course forms the basis for this proceeding and by itself does not prove lack of coordination or collaboration by the District. On this third *Michael F.* factor, I find that Student did not meet his burden of proof.

4. *Academic and nonacademic benefit*

This last *Michael F.* factor, whether a student received academic and nonacademic benefits, is one of the most critical factors in determining whether a school has met its obligation to provide FAPE. *R.P. ex rel. R.P. v. Alamo Heights Indep. Sch. Dist.*, 703 F.3d 801, 813-814 (5th Cir. 2012). It is not necessary for a student to improve in every area of his IEP to obtain an academic benefit that satisfies the IDEA. *Houston Indep. Sch. Dist. v. Bobby R.*, 200 F.3d 341, 350 (5th Cir. 2000). Instead, as both the Supreme Court and Fifth Circuit have acknowledged, it is sufficient that the program provided to the student “confer *some* educational benefits upon the handicapped child.” *Rowley, supra*, 458 U.S. at 198 (emphasis added); *Bobby R., supra*, 200 F.3d at 349-350.

Here, the record shows that for the most part, Student has spent his time at school with Weatherford in a special education classroom with limited exposure to nondisabled peers. When he is with nondisabled peers, his behavior often consists of inappropriate actions including threatening and hitting them. The record shows an increasing level of behavioral problems by Student that limits his access to academic programming. In fact, his uncle has stated that Student has made little academic progress since he was in the second grade. (*PX 6 at 2*).

From a nonacademic perspective, Student also suffers from social functional in several dimensions. His foundational capacity for social-emotional and relational functions is well under-developed. He does not understand social interaction rules and struggles with nonverbal behaviors such as eye contact, gestures, and facial expressions. His persistent deficits in social communication, social interactions, and behavior patterns significantly impact his ability to function in all environments, including home and school. (*PX 6 at 8*).

The assessment of this last *Michael F.* factor requires a court “to review each student’s case in a fact-intensive, individualized, holistic manner....To make this judgment, we must look to [student’s] overall academic success, not whether [student’s] disability has been remediated.” *H.W. v. Comal Indep. Sch. Dist.*, 32 F.4th 454, 468-469 (5th Cir. 2022). From an individualized and holistic point of view, the record evidence convinces me that Student did not receive a meaningful academic or nonacademic benefit during the 2022-2024 school years.

Accordingly, I find the Student met his burden of proof on this final *Michael F.* factor.

In conclusion, I find that the Student met his burden of proof of showing that the District denied him a FAPE during the 2022-2023 school year and the 2023-2024 school year.

C. Appropriate relief for Student

As stated above, Student has not been enrolled with the District since May 2024. Therefore, it would be inappropriate to provide for IEP/BIP-related relief on a prospective basis to be administered by Weatherford ISD. However, in fashioning an appropriate remedy for a denial of FAPE or violation of the IDEA, a hearing officer is empowered to provide relief in light of the purposes of the IDEA. *Sch. Comm. of Town of Burlington, Mass. v. Dep't of Educ. of Mass.*, 471 U.S. 359, 369, 374, 105 S. Ct. 1996, 85 L.Ed.2d 385 (1985); *P.P. v. Northwest Indep. Sch. Dist.*, 839 Fed.App'x 848, 857 (5th Cir. 2020).

Student seeks compensatory relief in the form of residential placement at Calo Program, which his doctors have testified is an appropriate placement for him. I would note that there is some question whether this requested relief is compensatory or equitable in nature. *E.g.*, TEA Docket No. 284-SE-0817, *Student v. Dallas ISD* at 32 (March 19, 2018). Regardless of the nature of the relief, it is clear that the IDEA confers authority to grant it. Under the facts of this case, I will order such residential placement for one school year.

Conclusions of Law

Based on the preponderance of the evidence and applicable law, the Hearing Officer makes the following conclusions of law:

1. Respondent Weatherford Independent School District (District) is a local education agency responsible for complying with the IDEA. 20 U.S.C. § 1400 *et seq.*
2. Petitioner Student is a child with a disability eligible for special education services under the IDEA based on the categories of autism, other health impairment (ADHD), and speech impairment. 20 U.S.C. § 1401(3)(A); 34 C.F.R. §§ 300.306, .307.
3. In a due process hearing under IDEA, the burden of proof rests upon the party challenging a proposed IEP and placement or seeking relief. *Schaffer v. Weast*, 546 U.S. 49 (2005); *Teague Indep. Sch. Dist. v. Todd L.*, 999 F.2d 127 (5th Cir. 1993).

4. Student met his burden of proof by a preponderance of the evidence to show the District violated the IDEA or denied him a FAPE by failing to develop and implement an appropriate IEP or BIP. *Cypress-Fairbanks Indep. Sch. Dist. v. Michael F.*, 118 F.3d 245 (5th Cir. 1997).

5. Student further met his burden of proof by a preponderance of the evidence to show he was entitled to a residential placement at Calo Programs or any other appropriate, TEA-approved residential placement at this time. *Richardson Indep. Sch. Dist. v. Michael Z.*, 580 F.3d 286 (5th Cir. 2009).

Orders

1. Based on the above findings of fact and conclusions of law, Petitioner's request for residential placement at Calo Programs or a comparable TEA-approved residential placement is **granted** for one school year or its equivalent. Petitioner shall take steps immediately to effectuate this placement, including contacting Calo Program personnel or asking his representative to contact such personnel.

2. Petitioner's residential placement, including associated and necessary costs, shall be at the Weatherford Independent School District's expense. The District shall cooperate with Petitioner to effectuate this placement.

3. All other claims for relief not specifically addressed in this decision are **denied**.

Signed: January 5, 2026

By:



Christian A. Bourgeacq
Special Education Hearing Officer
for the State of Texas

Notice to the Parties

The Decision of the Hearing Officer in this cause is a final and appealable order. Any party aggrieved by the findings and decisions made by the Hearing Officer may bring a civil action with respect to the issues presented at the due process hearing in any state court of competent jurisdiction or in a district court of the United States. 20 U.S.C. §1415(i)(2); 34 C.F.R. §§ 300.514(a), 300.516; 19 Tex. Admin. Code § 89.1185(n).