

ABSTRACT

Special Education Due Process Hearings Involving Students with Autism

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As more children are diagnosed with autism, school districts are forced to reexamine their practices as both substantive and procedural issues arise in special education due process hearings and court cases related to children with autism. The purpose of this study was to analyze and evaluate the special education due process hearing decisions involving students with autism held in the state of Texas from the school years 1995-1996 through 2004-2005. The guiding questions for this research were: (1) What are the descriptive characteristics of the due process hearing decisions involving students with autism? (2) What are the overall outcomes of the cases? (3) Are there possible relationships between descriptive characteristics of the due process hearing decisions and the outcomes?

Descriptive research methods were used to analyze 86 special education due process hearing decisions over the 10-year period. The following case characteristics were described: date the hearing decision was rendered, gender of student, size of school district involved in the hearing and regional education service center in which the district is located, hearing officer, legal representation of parties, involvement of expert witnesses

involved in testimony, issues and relief requested at hearing. Results suggest that overall outcomes for issue and requested relief rulings favored school districts. Possible relationships were found between the case characteristics of the due process hearing decisions and the outcomes.

Special Education Due Process Hearings Involving Students with Autism

by

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DEDICATION

To the memory of my brother

Daniel Byron Hill

CHAPTER ONE

Introduction

In 1954, the Supreme Court's decision in *Brown v. Board of Education* made it clear that laws that upheld segregation were unconstitutional. The court ruled that separate schools deprive minority children of equal educational opportunities, even if the physical facilities and other factors are equal. The *Brown* decision established the rights of African-American students to a full educational access and set the stage in preventing segregation and exclusion of children with disabilities.

During the 1970s, two important federal court cases resulted in judgments that defined the basic constitutional principles of the right to an appropriate education in the least restrictive environment for all children with disabilities. In *Pennsylvania Association for Retarded Citizens (PARC) v. Commonwealth of Pennsylvania* (1971), a class-action lawsuit was brought forth by school-age students with mental retardation who alleged a denial of access to a free public program of education and training. The *PARC* case resulted in establishing a free education for children between the ages of six and twenty-one in the Commonwealth of Pennsylvania. In *Mills v. Board of Education of the District of Columbia* (1972), seven school age "exceptional" children brought a civil action against the District of Columbia Public schools claiming a denial of a free education and further claimed they were excluded from regular public school classes without being afforded due process of law.

Historically, the battle to establish equal educational rights for all children has been initiated by parents. By the early 1970s, parents of children with disabilities in 26

states had initiated litigation demanding their children's right to attend public schools under the 14th amendment of the U.S. Constitution (National Council on Disability, 2000). In 1975, national case law resulted in special education reform at the Congressional level. The Education for All Handicapped Children Act (EAHCA) (1975), was passed by Congress in an attempt to end the long history of segregation and exclusion of children with disabilities from the American public school system (National Council on Disability, 2000). Through this law, the federal government offered grants to states if they would provide educational services to children with disabilities who were eligible under the EAHCA. In 1997, the Act was reauthorized as the Individuals with Disabilities Education Act (IDEA). Most recently, Congress amended the law again, and it is now known as the Individuals with Disabilities Education Improvement Act (IDEIA) (2004). On October 13, 2006, the final regulations for the IDEIA became effective. The IDEIA along with the supporting regulations set forth higher standards and increased accountability for educating students with disabilities.

The IDEIA provides the basic definitions, requirements, and procedural safeguards for the provision of educational services for children with disabilities. Specifically, the individualized education program (IEP) is created for a student with a disability and directs the student's educational program. The IEP is the cornerstone document of special education (Yell, 1998). Schools must abide by both the procedural and substantive requirements of the IEP to ensure that a student receives an appropriate education. Procedural requirements include things such as providing proper notice and involving parents in the decision-making process, conducting individualized evaluations, and determining placement. Substantive requirements are geared toward the contents of

the IEP and ensuring that a student receives an education that provides meaningful educational benefit. The procedural and substantive requirements of the IEP develop the overall structure that guides the development and implementation of an individualized free and appropriate public education for a student (Drasgow, Yell, & Robinson, 2001).

Statement of the Problem

Although school districts and parents have had over a quarter century's experience with the individualized education process under the IDEIA, disputes continue. One of the increased areas of dispute involves parents of children with autism. According to Baird (1999), due process hearings and cases regarding children with autism represent the fastest growing area of litigation in special education. The number of children diagnosed with autism served under the IDEIA has increased by more than 500 percent in the last decade (United States Government Accountability Office, 2005). According to data collected for the Department of Education in 2002, nearly 120,000 children diagnosed with autism were being served under the IDEIA. The substantial increase may be due to a number of factors, including better diagnosis and a broader definition of autism. While there is no cure for autism, research shows early and intensive interventions can improve the skills of many children with autism in a variety of areas. Major methodologies include the use of applied behavior analysis (ABA) techniques involving the use of one-to-one instruction, and communication-based classroom approaches such as TEACCH, which stands for Treatment and Education of Autistic and Communication Handicapped Children (Heflin & Simpson, 1998).

Since the enactment of the federal special education law in 1975, federal legislators chose to defer to state and local government on decisions about educational

methodology. In the *Board of Education of the Hendrick Hudson Central School District v. Rowley* (1982) the Supreme Court made the following statements in regard to educational methodology:

In assuring that the requirements of the [IDEA] have been met, courts must be careful to avoid imposing their view of preferable educational methodology upon the States. The primary responsibility for formulating the education to be accorded a handicapped child, and for choosing the educational method most suitable to the child's needs, was left by the [IDEA] to state and local educational agencies in cooperation with the parents and guardians of the child. . . .

Since the *Rowley* decision, parents of students with disabilities continue to utilize the IDEA due process procedures to fight for the methodology they believe will provide the most benefit for their children. The courts have had to try to determine when a dispute over a student's educational program is one over a choice of "methodology" versus one whose resolution impacts the student's rights to a free and appropriate education. School districts across the nation have had to develop programs and expertise rapidly in order to offer students with autism a free and appropriate education. Often, programs for students with autism are school-based and do not offer the level of one-to-one training that parents may be seeking for their child. Furthermore, when the subjects of services and programs are discussed, there is a wide variation of opinion about the effectiveness of specific programming for children with autism. For this reason, the question of how children with autism should be serviced in the school system has become a litigious area. The focus of considerable due process hearings and court cases regarding children with autism is the obligation of school districts to provide particular methodologies (Simpson, 1999).

Purpose and Objectives of the Study

The purpose of this study was to analyze and evaluate the rulings resulting from due process hearing decisions for students with autism held in the state of Texas from the school years 1995-1996 through 2004-2005 by Texas Education Agency hearing officers. The intent of this research was to provide stakeholders with knowledge of litigation in the area of autism in the state of Texas. The objectives of this study were as follows:

1. To obtain descriptive characteristics of the due process hearing decisions involving students with autism (date the hearing decision was rendered, school district or shared service agreement involved in hearing, Texas regional education service center the school district or shared service agreement was located, gender of student, school level of student, size of school district, hearing officer, legal representation of parties, involvement of expert witnesses in testimony, issues at hearing, requested relief).
2. To determine overall outcome of the cases.
3. To show possible relationships between descriptive characteristics of the due process hearing decisions and the outcomes.

Significance of the Study

As noted earlier, educational programming for students with autism is a highly litigious area. Public schools should be at the forefront in providing specialized services for students with autism. As revealed by the literature, educational programming and methodology is often controversial and has become the subject of many due process hearings. The results of this study may be advantageous to special education directors and building administrators who are responsible for designing and managing special education programs for students with autism.

In a review of the literature, there have been several studies focused on hearing officer decisions and court cases concerning students with autism. The studies reviewed court cases published in *Education for Handicapped Law Report* (EHLR) and *Individuals with Disabilities Education Law Report* (IDELR). Both of these publications are cited frequently in the research, but the cases found in these publications do not include all due process hearing decisions (LRP Publications, V. Tee, personal communication, April 12, 2006). Previous studies on Texas due process hearing decisions involving students with autism used Texas Education Agency records to review due process hearings decisions. However, these studies occurred prior to 1995. Therefore, this study will add to the existing knowledge on due process hearing decisions for students with autism in the state of Texas.

Delimitations and Limitations

The following are delimitations and limitations of this study:

1. Although special education laws are developed at the federal level, interpretations of the law can vary from state to state. This study was limited to the due process hearing decisions in the state of Texas and therefore may not be generalizable to other states.
2. The due process hearing decisions for students with autism reviewed in this study were limited to decisions from the school years 1995-1996 through 2004-2005.
3. Due process hearing decisions are only one type of the population of disputes over autism issues from within the special education arena.
4. This study was limited by the fact that the researcher is an educator, not a lawyer, doing a law-related study.

5. The fact that one person, this researcher, collected and categorized information from due process hearing decisions written by several different hearing officers over a 10-year period further limits the study. With no check on reliability except for self-imposed ones, the conclusions are exploratory and speculative.

Definition of Terms

The following is a list of special education terminology and basic legal terms.

1. *Autism* – A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three, that adversely affects a child’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences (Individuals with Disabilities Education Improvement Act, 2004).

2. *Admission, Review, and Dismissal (ARD) Committee* – The admission, review, and dismissal (ARD) committee is composed of a student’s parent(s) and school personnel who are involved with the student. The ARD committee determines a student’s eligibility to receive special education services and develops the individualized education program (IEP) of the student (Texas Education Agency, 2002).

3. *Compensatory Education Services* – A student with a disability may be able to obtain “compensatory education services” if the child went without an appropriate program for some period of time.

4. *Declaratory Relief* – A judgment of a court in a civil case which declares the rights, duties, or obligations of each party in a dispute. It does not order any action or result in any award of damages to any party to the case.

5. *Due Process Hearing* – A formal legal procedure used to solve disagreements concerning the education of students who receive special education supports and services. An impartial hearing officer conducts the hearing and makes decisions about the issues (Texas Education Agency, 2002).

6. *Free Appropriate Public Education (FAPE)* – Special Education and related services that (a) are provided at public expense, (b) meet the standards of the state, (c) include an appropriate preschool, elementary, or secondary education, and (d) conform with the IEP. Case law provides additional definitions that eligible students are entitled to services that are individualized and sufficient for them to benefit from their educational programs (Drasgow, Yell, & Robinson, 2001).

7. *Independent Education Evaluation* – The IDEIA permits parents to request an evaluation at the school's expense by someone who is outside of the school district when there is a disagreement about evaluation results. In some cases, school districts may file a due process hearing asking a hearing officer not to provide such evaluation.

8. *Individuals with Disabilities Education Improvement Act (IDEIA)* – In 1975, the federal government passed and signed into law the Education for All Handicapped Children Act (EAHCA), also known as Public Law 94-142. The EAHCA was reauthorized in 1990 and renamed the Individuals with Disabilities Act (IDEA). IDEA was reauthorized in 1997 (IDEA '97) and most recently in 2004. The 2004 reauthorization renamed the IDEA the Individuals with Disabilities Education Improvement Act (Individuals with Disabilities Education Improvement Act, 2004). The federal act requires that a free and appropriate public education be provided to qualifying

students with disabilities and that procedural safeguards are granted to students and their parents.

9. *Individual Education Program (IEP)* – The IDEIA states the IEP means a written statement for each child with a disability that is developed, reviewed, and revised and includes a written statement of the child’s present levels of academic achievement and functional performance, a statement of measurable annual goals, including academic and functional goals, a description of how the child’s progress toward meeting the annual goals will be measured, a statement of the special education and related services, based on peer-reviewed research to the extent practicable, to be provided to the child, and a statement of the program modifications or supports for school personnel that will be provided for the child. It also calls for an explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and must include a statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on State and district wide assessments. The IEP must note the projected date for the beginning of the services and modifications and the anticipated frequency, location, and duration of those services and modifications. In addition, beginning not later than the first IEP to be in effect when the child is 16, and updated annually thereafter, the IEP must include appropriate, measurable postsecondary goals and transition services needed to assist the child in reaching those goals (IDEIA, 2004).

10. *Injunctive Relief* – a remedy granted by the court forbidding or requiring some action by the defendant.

11. *Least Restrictive Environment (LRE)* – To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature and severity of the disability is such that education in regular classes with the use of supplementary aids, services and modifications cannot be achieved satisfactorily (Individuals with Disabilities Education Improvement Act, 2004).

12. *Procedural Violation* – For the purpose of this study, procedural violations refer to the processes required by law to develop a child’s IEP. Procedural violations or errors occur when the school district fails to follow the special education procedures established by the state and federal law. Many times procedural violations substantively affect a student’s education, and, indeed, are difficult to separate from substantive issues. Examples of procedural violations include failure to provide notification about rights, changes in placement without ARD meetings, confidentiality violations, and failure to provide written reports.

13. *Procedural Safeguards* – The formal requirements of the IDEIA that are designed to protect the interests of students with disabilities. Under the procedural safeguards, due process procedures are available to parents of a child with a disability or the local education agency to resolve disagreements over a child’s special education program relating to identification, evaluation, placement or provisions of FAPE. The 1999 federal regulations at 34 CFR 300.660 required that each state establish a complaint resolution procedure that parents may use to bring any claims that the school district has

violated the IDEA in any regard with respect to the educational program provided to their disabled child. The complaint system also includes an opportunity for “mediation,” by which a neutral party attempts to settle disagreements between the school and the parents and a formal due process hearing. IDEIA 2004 made significant changes to the procedural safeguards for filing a due process hearing; however, for the purpose of this study, all due process hearing decisions reviewed will be prior to the implementation of the 2004 revisions.

14. *Related Services* – Special services that are necessary for the student to obtain a benefit from the educational program. These include such services as special transportation, occupational therapy, physical therapy, counseling, and others.

15. *Special Education* – IDEIA defines special education as specially designed instruction, at no cost to the parents, intended to meet the unique needs of a child with a disability. Special education is not limited to a typical school environment and must be provided in a variety of other settings, such as institutions and hospitals, to the extent necessary to provide a FAPE.

16. *Substantive Issues* – For the purpose of this study, substantive issues refer to the content of the IEP and compel schools to provide an education that confers meaningful education benefit to a student. An example of a substantive violation would be a lack of individualized programming designed to meet the identified needs of a student (Drasgow et al., 2001).

17. *Summative Judgment* – A court has made a determination, or judgment, without a full trial or hearing.

Organization of the Dissertation

This dissertation was organized into five chapters. Chapter 1 includes an overview of the special education litigation issues related to students with autism. This chapter also includes the statement of the problem, purpose and objectives of the study, significance of the study, delimitations and limitations of the study, and the definitions of terms. Chapter 2 contains a review of the literature related to the special education law with an emphasis on case law and the processes hearing officers and courts utilize to determine if a child has received a free and appropriate education under the IDEIA. The literature review also describes autism and its classification as a disability for special education eligibility and describes educational methodology and programming for students with autism. Chapter 3 discusses the methodology of this study. Chapter 4 includes a review of the data and information gathered from the study. Chapter 5, provides a summary of the findings along with a discussion of findings. Chapter 5 also includes recommendations to assist school districts in designing and managing specialized programs for students with autism in an attempt to avoid future litigation.

CHAPTER TWO

Review of the Literature

The review of research and related literature for this study focused on the fields of special education law and autism. This chapter includes three sections of related literature. Section one includes a review of special education law within the United States with a history of federal involvement in the education of students with disabilities, a discussion of what constitutes a free and appropriate public education for students with disabilities under the IDEA, and a review of case law and its impact on special education services. Section two includes a discussion of autism and its classification as a disability for special eligibility and describes educational methodology and programming for students with autism. Section three reviews due process guaranteed for students with disabilities, the procedures related to special education due process hearings in the state of Texas and previous research and pertinent literature on due process hearing decisions in the area of autism.

Special Education Law in the United States

The 1960s and 1970s were a period of social consciousness and increased concern over equal educational opportunity. The federal government responded with a host of compensatory programs to supplement and improve the education of poor and minority children. The Elementary and Secondary Education Act (ESEA) passed in 1965, provided monies in the form of compensatory funding to supplement and improve education for disadvantaged children. Later in the 1970s, the definition of the

disadvantaged was enlarged to include handicapped children (Hunkins & Ornstein, 1998). With the passage of the ESEA, there was an increased awareness of students with disabilities; however, their access to educational opportunities was limited in several ways. Prior to the enactment of the federal special education laws, schools educated only one in five students with disabilities, with an estimated 1 million students excluded from public schools (National Council on Disability, 2000). The education of students with disabilities was seen as a privilege rather than a right (Huefner, 2000). In addition, students with disabilities who were being serviced in public settings did not receive appropriate services, and many students, almost 200,000 with mental retardation or emotional disabilities, were institutionalized (National Council on Disability, 2000). Some children of normal intelligence who had physical disabilities were placed in institutions for the mentally retarded because they had been misdiagnosed or because the resources were unavailable to help them live at home or attend local schools (Center on Education Policy, 2002).

As Congress was establishing laws to improve the education of disadvantaged children, the legislative branch began hearing cases that would eventually impact public education in America. The Supreme Court's decision in *Brown v. Board of Education* (1954), that the requirement of African American students to attend separate schools was unconstitutional, was the first civil rights case regarding discriminatory practices within the public school system. Advocates for students with disabilities argued that if segregation by race was a denial of equal education opportunity, then the exclusion of students with disabilities was also (Huefner, 2000). However, as mentioned in Chapter 1, the two federal cases that led to the development of the original special education

legislation were the *Pennsylvania Association for Retarded Children (PARC) v. Commonwealth of Pennsylvania* and *Mills v. Board of Education*. The *PARC* case was a class-action lawsuit brought about by school-age students with mental retardation in the Commonwealth of Pennsylvania for alleged denial of access to a free public program of education and training (*PARC v. Commonwealth of Pennsylvania*, 1971). The *PARC* lawsuit was resolved by a consent agreement stating that the state shall provide a free public education to all of its children between the ages of six and 21 years of age, and even more specifically, that the state would provide education and training for all its exceptional children, and could not deny any mentally retarded child access to a free public program of education and training.

In *Mills v. Board of Education* (1972), seven school age “exceptional” children brought a civil action against the District of Columbia Public Schools alleging a denial of publicly supported education and training and exclusion from regular public school classes without affording them due process of law. The defendants admitted they had denied the children an education but cited inadequate funding available to provide the “exceptional” children services. The Court was not persuaded by their reasoning and noted:

The District of Columbia’s interest in educating the excluded children clearly must outweigh its interest in preserving its financial resources. If sufficient funds are not available to finance all of the services and programs that are needed and desirable in the system then the available funds must be expended equitably in such a manner that no child is entirely excluded from a publicly supported education consistent with his needs and ability to benefit there from. The inadequacies of the District of Columbia Public School System whether occasioned by insufficient funding or administrative inefficiency, certainly cannot be permitted to bear more heavily on the “exceptional” or handicapped child than on the normal child. (Mills, 1972)

The case was resolved by a judgment against the district school board which furthered the cause for students with disabilities being excluded from public schools. The district court consent agreements in the *PARC* and *Mills* cases are the direct and immediate predecessors of the original special education legislation, providing much of its procedural and substantive framework (Zirkel, 2005). In 1975, Congress responded with the first legislation concerning students with disabilities. *Public Law 94-142*, known as the *Education for All Handicapped Children Act (EAHCA)* provided new substantive legal rights and procedural protections for students with disabilities.

The EAHCA has been amended several times, most recently in 2004. The EAHCA was renamed in 1990 and became the Individuals with Disabilities Education Act (IDEA). The IDEA was renamed once again in 2004 and is now known as the Individuals with Disabilities Education Improvement Act (IDEIA). The IDEIA was signed into law December 2004, but the majority of the law was not fully implemented until July 2005. For the purpose of this study, cases that were reviewed occurred prior to the IDEIA implementation date; therefore the IDEA will be the reference point.

Although the IDEA has been amended many times, the overall spirit of the law has not changed. Six basic principles are the foundation upon which the rights of children and their parents are protected by law. The principles are as follows: (1) a free and appropriate public education (FAPE) designed to meet the unique educational needs of a child with a disability, (2) an appropriate evaluation, (3) an individualized education program (IEP), (4) education in the least restrictive environment (LRE), (5) parent and student involvement in the decision making process, and (6) procedural safeguards and due process (Kupper, 1997). Congress made federal money available to states in the

form of grants provided the states adopted certain policies and procedures to follow the special education law.

The IDEA was meant to open the door to education for children with disabilities who were either routinely excluded from public schools, placed in inadequate programs in separate classrooms, or left to fail as they were denied special education services altogether due to a lack of identification (Seligmann, 2005). The law is not designed to assure students with disabilities succeed academically; it only attempts to give the disabled child the same opportunity to succeed as the child without a disability. In developing the IDEA, Congress designed the IEP process to identify how the child's disability affects their learning and designates what type of supports or services the child requires to progress. If a service for a child is required to guarantee a free and appropriate public education (FAPE), the school district must furnish it, even if it is costly. Congress purposely chose not to adopt a substantive definition of FAPE that would specifically dictate which educational components must be included in a student's individualized program (Dragsgow et al., 2001). Rather it mandated that states adopt procedures to ensure a team-approach to the development of the IEP based on a full and individual evaluation of a student's educational and functional needs. Additionally, Congress specified detailed procedures for school districts to follow. The purpose of the procedures was to safeguard a student's rights to a FAPE by ensuring that parents are meaningfully involved in the development of their child's educational program (Dragsgow et al., 2001).

In 1982, the first IDEA case to go before the Supreme Court was *Hendrick Hudson District Board of Education v. Rowley* (1982). The Supreme Court's review in

the Rowley case addressed two major issues: (1) the standard under the IDEA requirement for a “free appropriate public education (FAPE),” and (2) the appropriate role of state and federal courts in exercising the review granted by the IDEA.

The case involved a deaf student, Amy Rowley. The issue was whether she was entitled to a sign language interpreter to enable her a FAPE under the law. The District Court ruled that although Amy was in a regular education setting, was able to master the essential elements of the curriculum, was progressing from grade to grade, and performing above average, she was not achieving up to her potential because of the absence of the sign language interpreter and therefore not receiving a FAPE. The District Court employed a commensurate opportunity standard to interpret the meaning of the IDEA requirement for an appropriate education. The Supreme Court interpreted differently and ruled that Amy was not entitled to a sign language interpreter. The Supreme Court relied on the legislative history of the EAHCA when making their decision and noted “the Act generates no additional requirement that the services provided be sufficient to maximize each child’s potential commensurate with the opportunity provided to other children” (*Board of Education v. Rowley*, 1982).

Furthermore, the Supreme Court responded to the issue of the appropriate level of judicial review in EAHCA cases. The Supreme Court found that Congress had authorized courts to make independent decisions based on the preponderance of the evidence, but that Congress also placed great emphasis on the procedural safeguards found in the EAHCA, and that “adequate compliance with the procedures would in most cases assure much if not all of what Congress wished in the way of substantive content in the IEP” (*Board of Education v. Rowley*, 1982). Therefore, even though the courts were

directed to make independent decisions in EAHCA cases, their primary responsibility was to determine if the procedural safeguards were followed. The Court noted that courts “lack the specialized knowledge and expertise” to resolve educational policy questions and must “be careful to avoid imposing their view of preferable educational methods upon the States;” and therefore, reviewing courts should not “overturn a State’s choice of appropriate educational theories” (*Board of Education v. Rowley*, 1982).

The attention given in the Rowley case to methodology choices was not incidental (Seligmann, 2005). The Supreme Court noted the subject of methodology for deaf children involved much debate among experts and rather than get involved in the controversy, the courts should have stopped once satisfied that Amy Rowley was receiving educational benefit from the program designed by the school district (*Board of Education v. Rowley*, 1982).

The decisions rendered in the Rowley case led to the development of a two-prong test to determine the appropriateness of the educational program for Amy Rowley and therefore set a standard for future courts. First, the court should determine whether the procedural requirements set out in the EAHCA have been met. Second, the courts should determine if the IEP is “reasonably calculated to enable a student to receive educational benefit” (*Board of Education v. Rowley*, 1982). The benefit must be meaningful, must offer more than a trivial benefit, and must be likely to produce progress and not trivial educational advancement.

The Rowley standard has been utilized by hearing officers and judges as they seek to determine if a school district has provided a student a FAPE. Later courts have referenced the Rowley standard to deny services to students with disabilities that, while

potentially beneficial, were not required by the IDEA (Palmaffy, 2000). The language used in *Rowley* that deference is due to school authorities in issues of educational methodology has created much debate between parents and school districts, particularly for parent's of children with autism (Seligmann, 2005).

Initially following the *Rowley* decision, many courts looked at procedural histories to determine if the IEP had been developed appropriately under the IDEA, examined records and heard from expert witnesses to determine if the IEP would provide some educational benefit and applied a "not-best" standard (Deloney, 1997). Therefore, educators often focused on compliance as a means to develop an appropriate IEP with less emphasis on the content in the IEP.

Years later, courts began to look more closely at substantive issues, particularly educational benefit (Huefner, 1991). One of the first cases that considered educational benefit was *Hall v. Vance County Board of Education* (1985). In this Fourth Circuit of Appeals case, the parents of a student with a learning disability alleged the school district had not provided James a free and appropriate public education, and they sought reimbursement for the residential placement for their learning disabled son, James Hall. James was a child with above average intelligence who, although he had been passed to fifth grade, was functionally illiterate. The Court noted that the school district made many procedural violations and that James was denied a FAPE under the *Rowley* standard. Additionally, the Court further noted that the school had failed to provide James with an education reasonably calculated to enable him to receive educational benefit and therefore addressed more than the procedural violations. The defendants disagreed and referenced the *Rowley* standard that the IDEA does not require schools to

provide an education that will allow a handicapped child to fulfill his maximum potential and that James' academic progress, as measured by his grade promotions and test scores, demonstrated educational benefit. The Fourth Circuit Court disagreed stating "Congress did not intend that a school system could discharge its duty under the EAHCA by providing a program that produces some minimal academic advancement, no matter how trivial" (*Hall v. Vance County Board of Education*, 1985).

In 1997, the Fifth Circuit heard the *Cypress-Fairbanks I.S.D. v. Michael F.* case in which the parents claimed the school district did not provide their disabled son a free and appropriate public education under the IDEA and sought reimbursement from the school district for the cost they incurred in placing him in a residential placement. The case dealt with the appropriateness of the IEP developed by the school district and whether it was reasonably calculated to provide a meaningful educational benefit under the IDEA. The Fifth Circuit affirmed the district court's reversal of the TEA hearing officer's ruling that the school district must reimburse the parents for the cost of their unilateral placement of Michael in a residential program. The decision expanded the *Rowley* standard with its own four-part test to determine if an IEP offers a student a free and appropriate education. Under the *Michael F.* standard an IEP must (1) be individualized; (2) be administered in the least restrictive environment; (3) include services that are provided in a coordinated and collaborative manner by the key stakeholders; and (4) produce positive benefits, both academically and nonacademically (*Cypress-Fairbanks I.S.D. v. Michael F.*, 1997). Hearing officers in Texas utilize the four factors to determine the quality of IEPs in due process hearings (Walsh, Kemerer, & Maniotis, 2005).

A review of the historical development of the IDEA and case law is beneficial to gain the overall purpose and spirit of the law. Court decisions have continued to impact the way school districts implement the policies and procedures under the IDEA. With an increase in special education litigation, particularly in the area of autism, a review of the due process hearings and court decisions may be beneficial to school districts as they make decisions regarding intervention and programming.

Autism

Autism Causes and Diagnosis and the IDEA Eligibility

Why is autism at the forefront of special education issues? Why are so many children being identified? What causes autism? These are common questions asked in our communities today. According to data collected for the Department of Education, over 100,000 school-aged children diagnosed with autism are receiving services under the Individuals with Disabilities Education Act (IDEA), which is an increase of over 500% in the last decade. Reports estimate the prevalence of autism spectrum disorder ranges from 2 to 6 per 1,000 children (Bertrand et al., 2001). Debates continue as to whether the overall prevalence of autism has increased or whether past rates underestimated the true prevalence (Fombonne, 2001). In the United States, the increase in the number of children receiving services for autism may be attributed to several factors. First, changes in the diagnostic criteria have expanded the concept of autism to a spectrum of disorders. Also, for the first time in 1990, the reauthorization of IDEA included autism as a separate category of disability, possibly leading to increases in the number of children classified with autism because of the availability of the educational

services. Other factors that have had an effect are increased public awareness, availability of more medical and educational resources, increased media coverage, and additional training for psychologists, physicians, educators, and other service providers (Fombonne, 2001). Autism spectrum disorders are more common than other well known childhood disorders such as diabetes, spinal bifida and Downs Syndrome (Filipek et al., 1999). Autism is four times more prevalent in boys than in girls, and it knows no racial, ethnic, social boundaries, family income, lifestyle, or educational levels and can affect any family, and any child (Autism Society of America, n.d.).

The scientific community continues to research causes for autism spectrum disorders. Many scientists believe that autism is the result of abnormal brain development, caused in part by genetics (Kuehn, 2006). Advances in technology have allowed scientists to study the brain much more systematically and studies have shown that many major brain structures are implicated in autism (Akshoomoff, Pierce, & Courchesne, 2002). In recent years, there was much speculation that suggested a link between the use of thimerosal, a mercury-based preservative used in the measles-mumps-rubella (MMR) vaccine, and autism. Several large-scale studies have been done that fail to show a link between thimerosal and autism. However, a panel from the Institute of Medicine is reviewing these studies and other studies that involve exposure to mercury and other heavy metals to determine causal factors, if any, between vaccine and environmental toxins and autism (Strock, 2004). Regardless of the causes of autism spectrum disorders, the increased prevalence has led to an increased emphasis on interventions and education for children diagnosed with autism spectrum disorders.

Autism impacts the normal development of the brain in the areas of communication and socialization. Children with autism spectrum disorders typically exhibit deficits in social interactions, verbal and nonverbal communications and repetitive behaviors or interests. In addition, they will often have unusual responses to sensory experiences, such as certain sounds or the way objects look (Strock, 2004). Since autism is a spectrum disorder, the symptoms and characteristics of autism present themselves in a wide variety of combinations from mild to severe, and each child manifests the symptoms and characteristics differently. Although there are many concerns with labeling young children with autism spectrum disorder, the earlier the diagnosis is made, the earlier interventions can occur. According to the IDEA regulations (1999), autism is defined as follows:

A developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age 3, that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environment change, or change in daily routines, and unusual responses to sensory experiences.

In order for a child with autism to receive services under Part B of the IDEA, the child must be between the ages of 3 and 21 and must meet the definition of one or more of the categories of disabilities and, as a result of the disability, need special education and related services. In addition, Part C of the IDEA was enacted in 1986 and provides states with funding to serve children with disabilities from birth through age 2. In Texas, Part C is implemented through a variety of service providers.

While there is no cure for autism, research indicates that early intervention and treatment alters outcomes for children with autism. Although early intervention has a dramatic impact on reducing symptoms and increasing a child's ability to grow and learn

new skills, it is estimated that only 50 percent of children are diagnosed before kindergarten (Strock, 2004).

Educational Methodology and Programming for Children with Autism

Although professionals are reluctant to agree on the best intervention for all children with autism spectrum disorders (ASD), most agree children with ASD respond well to highly structured, specialized programs (Strock, 2004). Due to the individualized nature of ASD, teaching approaches and interventions must be designed to meet the unique needs of the child with ASD. There are multiple interventions that have been shown to make dramatic improvement in the lives of children with ASD. There is significant debate about which treatment and intervention approaches are most likely to lead to favorable outcomes (Prizant & Rubin, 1999). Most educational approaches for children with ASD derive from developmental or behavioral orientations, which impact goals, intervention procedures, and methods of evaluation (National Research Council, 2001).

Applied behavior analysis (ABA) is an approach derived from behavior modification studies in which data is collected about a child's performance and response to intervention is documented and used to determine instruction and intervention content (Heflin & Simpson, 1998). ABA emphasizes the use of methods that change behavior in systematic and measurable ways and includes the use of functional assessment procedures and interventions, task analysis, and the objective documentation of progress (Anderson & Romanczyk, 1999). One ABA technique that is most associated with traditional ABA approaches is discrete trial training (DTT). DTT is a three part teaching strategy that is adult directed and one to one. The DTT behavioral sequence consists of

the adult giving instruction, the child's response or reaction to the instruction, and the consequence following the response or the reinforcing stimuli.

Although ABA and DTT terminology is used interchangeably by most parents and school districts, DTT is only one aspect of ABA. Traditional ABA and DTT are most often associated with the Lovaas Method and the Young Autism Project. During the project, 19 children with autism received 40 hours a week of discrete trial training in the home environment and later in pre-school over a period of two or more years. The results were dramatic as nearly half (47%) achieved "normal intellectual and educational functioning" and were able to attend public school successfully by first grade (Lovaas, 1987). The traditional ABA approach is the only approach whose proponents refer to "recovery" as a potential outcome for a significant proportion of children (Prizant & Rubin, 1999). The study has been partially replicated by a number of researchers; and although they have not reported the level of recovery of Lovaas' participants, they have reported improvement in the treatment groups compared to control groups not receiving the high-intensity intervention (Sherer & Schreibman, 2005).

The Lovaas study and similar studies that followed have had a dramatic impact on the lives of children with autism. They have also been the basis for many DTT programs in schools, clinics and homes, with some leaders advocating this approach as the intervention to be utilized for all children with autism (Green, 1996). It is not unusual for parents of children with ASD to request an ARD committee to provide an IEP that specifies DTT for 40 hours a week in an attempt to replicate the Lovaas results. This type of programming is usually provided in a home setting and requires a large time commitment from the families of the child with ASD (Choutka, 1999).

Developmental approaches compare the skills of the child with ASD with the skills of a developmental sequence seen in a typically developing child. Patterns of typical skill development are established for each skill by a variety of early childhood assessment tools. For the child with ASD, an assessment is conducted and the identified skill deficits become the targets of teaching. A developmental approach to teaching typically refers to a child-centered approach (child leads, adult follows) that uses materials and tasks that are appropriate to the child's developmental level. The child's preferences guide the selection of materials, and instead of the adult providing consequences for certain behaviors, internal, naturally-occurring reinforcers are assumed to motivate the child to learn (National Research Council, 2001).

Greenspan and Weider's (1999) developmental, individual-difference, relationship-based (DIR) approach, also referred to as "floor time," is a developmental approach that attempts to facilitate an understanding of children and their families by identifying the essential functional developmental capacities. These include the child's functional-emotional developmental level, individual differences in sensory reactivity, processing, and motor planning, and the child's relationships and interactions with caregivers, family members, and others (Greenspan & Weider, 1999).

Although there are many differences between the developmental and behavioral approaches to intervention, contemporary autism interventions include common elements from both. Naturalistic behavioral strategies incorporate discrete trial trainings (DTT) but are more child-centered in that the child's motivation, interests, favored activities, and choices are incorporated into the teaching (National Research Council, 2001).

Two examples of naturalistic strategies are pivotal response training and incidental teaching. Pivotal response training (PRT), is a play-based, naturalistic intervention targeting “pivotal” behaviors that impact many areas of functioning. Although the PRT approach evolved from behavior research, it incorporates a philosophy that it is more effective to target intervention in a naturalistic environment than to address individual behaviors in an isolated fashion (Koegel, Koegel, Harrower, & Carter, 1999).

Another approach that is grounded in the ABA principles of learning, but incorporates a curriculum more similar to developmental approaches, is the incidental teaching approach developed by McGee, Morrier, and Daly (1999). The incidental teaching approach consists of pre-specified child-tutor interactions that involve materials which are highly preferred by the child, prompting and shaping techniques and child-initiated interactions (National Research Council, 2001).

Another intervention model that has elements of both developmental and behavioral theories is the Treatment and Education of Autistic and Related Communication Handicapped Children (TEACCH) which was founded at the University of North Carolina School of Medicine at Chapel Hill in 1972. TEACCH is based on a structured teaching approach, in which environments are organized with clear, concrete, visual information. A child’s program is based on individualized assessments so that the materials and activities selected, and the work system and schedule of learning is individualized to the child and to the needs of the family (National Research Council, 2001). In a study conducted by Gryzwacz & Lombardo (1999), ABA and TEACCH educational methodologies were the most contested educational methodologies in the due

process hearing/review officer and court decisions dealing with the issues of educational methodology.

Educational programming and methodologies for children with autism have evolved over time. At the request of the U.S. Department of Education's Office of Special Education Programs, the National Research Council (2001) formed the Committee on Educational Interventions for Children with Autism and charged the committee to examine several issues related to the education of children with autism. One area of concern was identifying the characteristics of effective interventions in educational programs for young children with autism spectrum disorders. The common characteristics identified by the committee for effective educational programs for students with autism are (1) early entry into an intervention program; (2) active engagement in intensive instructional programming for the equivalent of a full school day, for a minimum of five days a week with full-year programming; (3) use of planned teaching opportunities, organized around relatively brief periods of time for the youngest children (e.g., 15 - to 20- minutes intervals); and (4) sufficient amounts of adult attention in one-to-one or very small group instruction to meet individual goals. The committee also noted to the extent that it leads to the acquisition of a child's educational goals, young children with autism should receive specialized instruction in a setting in which ongoing interactions occur with typically developing peers (National Research Council, 2001).

Due Process for Students with Disabilities

The Fifth and Fourteenth Amendments to the U.S. Constitution guarantee that no state may deprive any person "of life, liberty, or property, without due process of law." In the American legal system, individuals have two types of due process rights:

procedural and substantive (Yell, 1998). As mentioned earlier in the chapter, the IDEA substantive principles include providing special education and related services to all children who meet the age eligibility requirement, providing services in the least restrictive appropriate environment, that the special education and related services are individualized and appropriate to the child's needs, and that the education is to be provided free. Congress recognized that in order for the substantive requirements to be implemented appropriately, procedural safeguards would need to be in place (Rothstein, 2000). The procedural protections are provided at all stages of the educational process, including the identification, evaluation, placement decision making, and implementation. The main purpose of these safeguards is to afford parents the opportunity to be equal partners with the school district in the education of the child (Osborne, 1996).

In addition, it is important to note that Texas places a higher standard on school districts in regards to students with disabilities who are provided services under the autism eligibility due to the "Autism Supplement." The supplement refers to the TEA rule addressing the content of an individualized education program (IEP) for a student with the autism eligibility (19 T.A.C. Section 89.1055(e)) which mandates that an additional seven specific services must be considered. The seven services that must be considered during the IEP/ARD process are as follows: extended educational programming, daily schedule, in-home training, prioritized behavioral objectives, prevocational and vocational needs of students ages 12 and older, parent training, and staff-to-student ratio. Although the spirit of the IDEA promotes a collaborative relationship between parents and school districts, the law stipulates a dispute resolution process in the event that consensus is not reached.

The IDEA requires states receiving federal funding under the IDEA to establish and maintain a due process system to hear and resolve disputes between parents of children with disabilities and school districts. In the January 2000 report on federal enforcement efforts, the National Council on Disability (2000) wrote,

Enforcement of the law is the burden of parents who too often must invoke formal complaint procedures and due process hearings, including expensive and time consuming litigation, to obtain the appropriate services and supports to which their children are entitled under the law. (National Council on Disability, 2000, p. 1).

The 1997 reauthorization of the IDEA amended the stipulation of attorney's fees during a due process hearing. The amendment allows the court to award reasonable attorney's fees as part of the costs to the parents of a child with a disability who is the prevailing party.

The IDEA allows states the discretion to set up one or two-tier special education hearing systems. Under a one-tier system, a neutral hearing officer under the supervision of the state education agency conducts the due process hearing, with appeal to the courts available by filing a civil action. Under the two-tier system, the initial due process hearing is heard under the guidance of the local or intermediate education agency, after which appeal is possible by filing a civil action in the courts (Lanigan, Audette, Dreier, & Kobersy, 2000). In Texas, the State Board of Education (SBOE) mandates the Texas Education Agency (TEA) to implement a one-tier system of due process hearings under the IDEA (19 TAC §89.1151(b)).

In the *Notice of Procedural Safeguards*, a due process hearing is described as a legal process that is similar to a civil court hearing in which a hearing officer hears evidence from all parties and makes a binding decision (Texas Education Agency, 2002).

The Texas Administrative Procedure Act, Tex. Gov. Code Chapter 2001, and the Texas Rules of Civil Procedure and Civil Evidence, as modified by the Texas Administrative Procedures Act govern the proceedings of the hearings (19 TAC §89.1151).

A special education hearing may be initiated by a parent or a public agency on any matter relating to the identification, evaluation or educational placement of a child with a disability, or provision of free appropriate public education to the child (34 C.F.R. §300.507). A request for a due process hearing must be in writing and must be filed with the TEA (19 TAC § 89.1165(a)) and the TEA must ensure that a final hearing decision is reached and mailed to the parties within 45 calendar days after the receipt of the request for the hearing was filed unless the deadline for a final decision has been extended (19 TAC §89.1185(l)). The decision of the hearing officer is final, unless a party to the hearing appeals the decision to a state or federal court (19 TAC §89.1185(p)).

The IDEA specifies that a special education hearing officer must not be an employee of the state agency or the local education agency or by any person having a personal or professional interest that would conflict with his or her objectivity in the hearing. In the state of Texas, hearing officers must be licensed to practice law and have minimum of five years of practice in the area of special education, disability law, administrative law, or civil rights. They must attend three one-day training sessions at TEA per fiscal year. In addition, a Texas hearing officer must earn at least 10 hours of participatory credit under the State Bar of Texas Minimum Continuing Legal Education (MCLE) program in subject areas directly applicable to the duties of a special education hearing officer. Furthermore, if the hearing officer has not previously served as a hearing officer for TEA, they must attend orientation at TEA for one to three days depending on

experience and observe at least two special education due process hearings prior to being assigned to cases. The TEA maintains a list of current hearing officers and the due process hearing request are assigned to hearing officers in order. Specifically, when TEA receives the request, the hearing is assigned to the next available hearing officer and the hearing officers do not preside over a certain region or area in the state (Texas Education Agency, S. Pogro, personal communication, January 12, 2006). The TEA website notes that TEA reserves the right to assign cases based on consideration of workload distribution, geographic locations, timelines, accuracy, efficiency, and other TEA compliance requirements (Texas Education Agency, 2007b).

Although education litigation declined in the 1980s and 1990s, special education litigation increased (Zirkel, 1997) and specifically, there has been an increase in autism litigation (Zirkel, 2001). Special education litigation under IDEA can be categorized under two questions: Did the school district comply with the procedural safeguards? And did it provide a free and appropriate education (FAPE)? Typically, the hearing officer or judge first examines the procedural development of the student's IEP to determine if all of the procedures were followed correctly. Next, the hearing officer or judge examines the content of the IEP to determine if it was designed to allow the child to make meaningful educational progress.

Considering the increased incidences of autism, the ongoing debate regarding effective instructional approaches, and the increased special education litigation, special education due process decisions can have significant implications for students, parents and school districts. According to Erik Nichols, a school district attorney who works for the law firm of Henslee, Fowler, Hepworth & Schwartz, the cost of a special education

due process hearing can range from \$10,000, for a relatively uncomplicated case, up to \$100,000 for a more complex case (E. Nichols, personal communication, February 11, 2007). There is less research on the outcomes of published hearing/review and court decisions concerning instructional approaches for students with autism than there is research on instructional approaches for students with autism (Choutka, Doloughty, & Zirkel, 2004). In addition, much of the literature concerning autism case law lacks comprehensive case coverage and few provide an empirical analysis (Zirkel, 2001).

Heflin and Simpson (1998) reviewed 16 published cases and discussed four issues – instructional approach, support services, placement decisions, and service length. They made recommendations that included school districts provide evidence to support the selected instructional approach.

Gryzwacz and Lombardo (1999) reviewed due process hearing/review officer and court decisions specifically dealing with the issue of educational methodology. They did not analyze the outcomes or identify the factors associated with winning. Their overall conclusion was that the courts generally defer to the instructional approach or methodology selected by the school district unless it is blatantly inappropriate.

A more comprehensive study was done by Yell and Drasgow (2000) in which they analyzed 45 published cases tried between 1993 and 1998 in which parents of children with autism challenged the appropriateness of the school district's educational program for their child. They examined an additional seven hearings that were decided after the publication of Yell and Drasgow (2000) bringing the total number of cases they reviewed to 52. They reported parents were the prevailing parties 34 times and in 65% of the cases, school districts had to reimburse parents for in-home Lovaas treatment, fund

the remainder of the treatment or both. They found that in the cases that have involved a FAPE issue, schools generally argued that the student made progress and the parents countered that the child made insufficient progress or no progress at all. Therefore, the crucial determinant in hearings or cases involving the substantive issue is whether the student is making progress. They reported hearing officers or courts usually review the following areas to determine whether the student made progress: (1) the evaluation; (2) the present levels of educational performance; (3) the measurable annual goals, benchmarks, and short term objectives; (4) the special education and related services; and (5) the annual review (Yell, Drasgow & Robinson, 2001). Although the study was comprehensive in nature, Zirkel (2001) reported the study did not include quantitative analysis, and had several major methodological limitations.

Zirkel (2001) provided an “empirical analysis” of the case law concerning students with autism between 1996 and 2000. The purpose of the study was to determine key characteristics, including frequency and outcomes, of a comprehensive sampling of autism case law. The major findings of the study included: (1) the amount of autism case law increased since the 1980s, with almost 60% of the cases being decided between 1996-2000; (2) the outcomes favored districts over parents; and (3) issues that yielded favorable outcomes for parents were extended year services and compensatory education (Zirkel, 2001).

Etscheidt (2003) reviewed the outcomes of 68 administrative and judicial decisions related to appropriate programs for children with autism. The study identified three primary factors that supported an IEP had been reasonably calculated to provide educational benefit: individualized education program (IEP) goals must be matched to

evaluation data, IEP team members must be qualified to develop programs, and the methodology selected must be able to assist the students in achieving identified IEP goals.

Choutka, Doloughty, and Zirkel (2004) completed an empirical analysis of a comprehensive sample of hearing officer decisions and court cases specifically concerning ABA/DTT/Lovaas cases published in order to determine the overall outcome-related factors. The findings of the study indicated that in cases that focused on program selection (where parents sought an instructional method other than the one proposed by the school district) and program implementation (parties agreed on instructional approach but disagreed on the location, duration or provider) the odds of either parents or districts winning were 50-50 for both subsamples. The three factors most often associated with wins by parents or school districts for both groups of decisions were testimony of witnesses, documentation of progress, and Individualized Education Program elements. The most frequently occurring outcome-related factor was the testimony of the witnesses, which had not been empirically identified in the previous pertinent literature (Choutka et al.).

A further review of the literature identified very few studies that focused on due process hearing decision outcomes in the State of Texas. Deloney (1997) reviewed data from all Texas hearing officer decisions from 1977 to 1995. The study had two purposes: (a) to determine contextual factors that affect hearing officer decision making and (b) to determine how Texas hearing officers conceptualize and apply the concept of “free and appropriate public education” in their decision. The study was comprehensive in nature and provided descriptive information on the due process hearing decisions and provided

information as to how Texas hearing officers made determinations about FAPE.

Although Deloney's study was not focused specifically on Texas due process hearing decisions for students with autism, descriptive data provided the following pertinent information on decisions involving students with autism: (a) of the 423 due process hearing decisions reviewed, 18 cases involved a student whose primary disability was autism; (b) at the time of the study, less than 1% of the special education population was classified as autistic, but over 4% of the students in the cases reviewed had a primary disability diagnosis of autism; and (c) students with autism and those with serious emotional disturbance were more likely than other students to be involved in cases involving requests for residential placement or more restrictive placement.

Bossey (1995) reviewed Texas due process hearing decisions in autistic cases from 1983 to 1994. The study focused on the nature of the allegations, rate of occurrence of parties initiating due process action, and the decisions rendered. The findings included the following: (a) the population of students identified with autism has increased, (b) due process hearing decisions involving students with autism were appreciable when compared to total special education hearings, (c) parents of students with autism initiated the majority of the hearings but did not prevail in the majority, and (d) allegations that precipitated most due process hearings were lodged by parents and involved least restrictive environment issues, and (e) the school prevailed by a marginal majority in all cases regarding students with autism.

Summary

The IDEA has impacted the way public schools provide services for children with disabilities. Over the last decade, the number of children identified with autism has

increased dramatically. The increased number of children requiring services, special education laws, court decisions, advocacy and family organizations, and the evolving state of research continue to impact decisions regarding educational programming for children with autism. Despite the federal mandate, the methods, resources and overall process of providing services for children with autism varies from state to state and classroom to classroom. The overall responsibility for providing children with autism with a free and appropriate public education falls to the school districts.

As mentioned earlier in this chapter, educational programming for students with autism is often controversial and has increasingly become the subject of due process hearing decisions. Several studies have focused on hearing officer decisions and court cases concerning students with autism. However, the studies only reviewed court cases published in *Education for Handicapped Law Report* (EHLR) and *Individuals with Disabilities Education Law Report* (IDELR). Both of these publications are cited frequently in the research, but according to LRP Publications, the cases found in these publications do not include all due process hearing decisions (LRP Publications, V. Tee, personal communication, April 12, 2006). As mentioned in Chapter 1, a review of the literature found that research studies conducted on Texas due process hearing decisions for students with autism occurred prior to 1995. The purpose of this study was to analyze and evaluate the decisions resulting from due process hearings for students with autism held in the state of Texas from the school years 1995-1996 through 2004-2005. Therefore, this study adds to the existing knowledge on due process hearing decisions for students with autism in the state of Texas.

CHAPTER THREE

Methods and Procedures

Quantitative research was originally developed from research in agriculture and the hard sciences. These fields of study emphasized objectivity and quantification of phenomena. There are two major categories of quantitative research: experimental and nonexperimental. Nonexperimental methods of inquiry describe something that has occurred or examines relationships between things without any direct manipulation of conditions that are experienced (McMillan & Schumacher, 2001).

This study utilized a nonexperimental method, descriptive research, to investigate and describe the research. The descriptive method was used because it illustrates an existing phenomenon by using numbers to describe the characteristics and outcomes of the due process hearings. The descriptive mode allowed this researcher to study differences or relationships between different phenomena, for example, the relationship between characteristics and the outcomes of the due process hearings.

Research Design

The purpose of this study was to analyze the special education due process hearing decisions related to students with autism in the state of Texas. Specifically, the study identified descriptive characteristics of the due process hearing decisions involving students with autism in the state of Texas from the school years 1995-1996 through 2004-2005. The due process hearing decisions were analyzed to determine overall outcomes of

the decisions and to show possible relationships between the descriptive characteristics and the outcomes.

To accomplish this, the researcher identified the special education due process hearing decisions in Texas that (a) were decided between the 1995-1996 school year through the 2004-2005 school year and (b) identified the student involved in the hearing as a student with an IDEA eligibility of autism.

Research Questions

The major questions guiding this study were:

1. What are the descriptive characteristics of the due process hearing decisions involving students with autism (date the hearing decision was rendered, school district or shared service agreement involved in hearing, Texas regional education service center the school district or shared service agreement was located, gender of student, school level of student, size of school district, hearing officer, legal representation of parties, involvement of expert witnesses in testimony, issues at hearing, requested relief)?
2. What are the overall outcomes of the cases?
3. Are there possible relationships between descriptive characteristics of the due process hearing decisions and the outcomes?

Description of the Sample

The TEA maintains a database of all special education due process hearing decisions. The decisions are available to the public on the TEA website. To obtain the sample for this study, the researcher first examined all of the due process hearing decisions posted from the school years 1995-1996 through 2004-2005 to determine the

appropriate sample to be used for the study. For the purpose of reporting the data in this study, the year was defined as September 1 through August 31 of each school year.

During the 10 year period, there were a total of 768 due process hearing decisions published on the TEA website. The researcher reviewed the 768 due process hearing decisions and found that 90 of the decisions involved students who were identified as students with an eligibility of autism. The data for the study were gathered from 86 of the 90 due process hearings, as four due process hearing decisions were not able to be accessed and utilized for this study.

In order to gather the data from the due process hearing decision, a detailed description of the due process hearing decision format is provided. The special education hearing decisions were typically available in a consistent format. The hearing decisions included a variety of demographic data and a detailed description of the case. The due process hearing decision format began with a section entitled, "Statement of the Case," which included the issues and the requested relief brought forth by the petitioner. The next section, "Procedural History," included a summary and timeline describing the procedural aspects of the case (date the due process hearing was filed, information from the initial pre-hearing conference, scheduling dates of the hearing, dates and summary of the follow-up hearing conferences, and requests for extension dates). The "Findings of Fact" section followed with specific details of the educational history of the student as it pertained to the case and noted issues and aspects of the case. The following "Discussion" section typically included a discussion by the hearing officer and overall legal references (including laws, regulations, and previous case law) that assisted in the decision making process. "Conclusions of Law" summarized the conclusions the hearing

officer made about the case. The “Order” described the orders issued by the hearing officer which included the ruling on the requested relief by the petitioner. In addition to the complete special education hearing officer decision, a synopsis of the case was typically included at the end of the decision. The synopsis described each issue brought by the respondent or petitioner and a reference that cited the legal premise for the decision making process. The synopsis included a ruling for each issue brought forth in the case and what party (respondent or petitioner) the hearing officer “held” for in the case. In the 86 due process hearing decisions reviewed in the current study, the due process hearing officers often provided a synopsis at the end of the decision. However, if the hearing officers did not provide the synopsis, the researcher further reviewed the narrative description of the decision to determine the issue rulings.

Instrumentation

A due process hearing may include multiple issues and relief requests. Due to the difficulty of reliability and accurately classifying the overall outcomes of cases into “won” and “lost” categories, the study calculated the outcomes first, in terms of separate issues that the hearing officer decided and, second, in terms of the separate forms of relief requested by the petitioner (e.g., compensatory education or tuition reimbursement). To provide a more precise description of the outcomes of the decisions, or who won the case, an outcome scale was used. This researcher had originally planned to utilize a 7-point outcome scale used in a previous study (Lupini & Zirkel, 2003). The previous study calculated the overall outcomes of issues and requested relief on a scale of “7,” demonstrating a conclusive decision completely favoring school districts, to a score of “1,” representing a conclusive decision completely favoring the parents/adult students.

However, after discussions with one of the original authors of the study, a recommendation was made to the researcher that a 5-point outcome scale would more appropriately calculate the outcomes in this study because the study does not include appeals and higher court decisions (P. Zirkel, personal communication, June 5, 2006).

Specifically, the outcome classifications used in this study are as follows:

(1) Complete win for the parent/adult student

This category includes summary judgments (i.e., decisions without a due process hearing) in favor of the parent as well as complete conclusive win.

(2) Predominant but not complete conclusive win for the parent/adult student

This category includes the final conclusive decisions in the parent/adult students' favor for the major part of the disputed issues or for more than 50% of the requested relief.

(3) Evenly split decision

This category includes split conclusive decisions (e.g., tuition reimbursement for 50% of the requested period).

(4) Predominant but not complete conclusive win for the school district

This category represents final conclusive decisions in the parent/adult student's favor for only the minor part of the disputed issues or for less than 50 percent of the requested relief.

(5) Complete win for the school district

This category includes the granting of dismissals with prejudice and school districts' motions for summary judgment.

Data Collection

A comprehensive picture of the body of the cases was construed using descriptive statistics, graphic representations of some of the data, and reports. As adapted from Zirkel (2001), a coding system was utilized to describe the characteristics of the cases and to organize the study. The following information was collected from each due process hearing decision:

1. Case name (which identified petitioner, respondent, and TEA docket number)
2. Date the hearing decision was rendered
3. Gender of the student
4. School level of student (preschool - EC-PK; elementary K-5; middle or junior high 6-8; high school or adult 9-12; not available)
5. Size of school district
6. Texas regional education service center where school district involved in due process hearing was located
7. Hearing officer
8. Legal representation for petitioner and respondent
9. Involvement of expert witness in testimony for parent/adult student and/or school district
10. Issues at the hearing (eligibility; various aspects of FAPE- procedural, LRE, substantive services for the same placement or substantive services for opposing placements; related services; other service issues; extended year services (EYS); extended educational services; discipline; miscellaneous other)
11. Outcome for each issue in the dispute

12. Type of requested relief (declaratory or injunctive; reimbursement, including not only tuition and other expenses but also independent evaluations; compensatory education).

In addition to describing the characteristics and determining the outcomes for the cases, the researcher explored the possibility of relationships between descriptive characteristics of the due process hearing decisions and the issue and requested relief outcomes. It is important to note that correlational research was not used in the study, and therefore the relationship conclusions are not warranted. The researcher determined since there was a lack of research in the area of special education due process hearing decisions involving students with autism in Texas during the specified time period, descriptive research methods should be utilized in an attempt to gather important and valuable data. Further research is needed to determine the degree of association between the descriptive characteristics of the due process hearing decisions and the issue and requested relief outcomes.

CHAPTER FOUR

Report of Data Analysis

As stated in Chapter 1, the purpose of the study was to analyze and evaluate the special education due process hearing decisions for students with autism held in the state of Texas from the school years 1995-1996 through 2004-2005. The chapter is organized according to the three research questions posed in Chapter 3. The questions were:

1. What are the descriptive characteristics of the due process hearing decisions involving students with autism (date the hearing decision was rendered, school district or shared service agreement involved in hearing, Texas regional education service center the school district or shared service agreement was located, gender of student, school level of student, size of school district, hearing officer, legal representation of parties, involvement of expert witnesses in testimony, issues at hearing, requested relief)?
2. What are the overall outcomes of the cases?
3. Are there possible relationships between descriptive characteristics of the due process hearing decisions and the outcomes?

In order to address these questions, the special education due process hearing decisions were reviewed and organized into a database. During the school years 1995-1996 through 2004-2005, the Texas Education Agency rendered a total of 90 special education due process hearings decisions involving students with autism. Of the 90 decisions, four due process hearing decisions were not available through the Texas Education Agency website and were not reported in this study. Therefore, the data from

86 special education due process hearings decisions involving students with autism were analyzed for this study.

Research Question 1

The first research question dealt with the descriptive characteristics of the due process hearing decisions involving students with autism reviewed in the study. The following descriptive characteristics are reported in this section: Date the hearing decision was rendered, school district or shared service agreement involved in hearing, Texas regional education service center the school district or shared service agreement was located, gender of student, school level of student, size of school district, hearing officer, legal representation of parties, involvement of expert witnesses in testimony, issues at hearing, and requested relief (See Appendix A, D, and E for a listing of all cases and case characteristics).

Date the Hearing Decision was Rendered

Table 1 presents the frequency of hearing decisions involving students with autism on record per year in the State of Texas. For the purpose of reporting the data in this study, the year was defined as September 1 through August 31 of each school year. The school years 2000-2001 and 2003-2004 had the largest numbers of due process hearing decisions. The 2004-2005 school year had the least number of decisions heard. Table 2 summarizes the data into five-year sub periods, which may eliminate the minor year-to-year perturbations. During the first five-year sub period, from the 1995-1996 school year through the 1999-2000 school year, a total of 42 decisions were heard, which is approximately 49% of the total decisions heard over the 10-year period. The second

five-year sub period, from the 2000-2001 school year through the 2004-2005 school year indicated a total of 44 due process hearing decisions heard, which is approximately 51% of the total number of hearings over the 10-year period.

Table 1

Frequency of Hearing Decisions per Year

| School Year of Hearing Decision | Frequency of Hearing Decisions |
|---------------------------------|--------------------------------|
| 1995-1996 | 8 |
| 1996-1997 | 10 |
| 1997-1998 | 7 |
| 1998-1999 | 9 |
| 1999-2000 | 8 |
| 2000-2001 | 12 |
| 2001-2002 | 9 |
| 2002-2003 | 8 |
| 2003-2004 | 12 |
| 2004-2005 | 3 |

Table 2

Frequency of Hearing Decisions per Five-Year Period

| School Year of Hearing Decision | Frequency of Hearing Decisions |
|---------------------------------|--------------------------------|
| 1995-1996 through 1999-2000 | 42 |
| 2000-2001 through 2004-2005 | 44 |

Gender of Student

Of the 86 special education due process decisions heard in Texas over the 10-year period reviewed, 74 hearings or 86% involved male students and 12 hearings or 14% involved female students.

School Level of Student

The educational levels of the students involved in the due process hearing decisions were categorized into four school levels, which were determined by the grade the student was in at the time the hearing was filed. Of the 86 decisions reviewed, 36% (31) of the cases involved students at the elementary level. Yet students in preschool were involved in only 10% (9) of the cases reviewed. Table 3 summarizes the school level of the students involved in the due process hearing decisions.

Table 3

School Level of Student

| School Level | Number of hearings | Percentage of hearings |
|---------------------------|--------------------|------------------------|
| Preschool | 9 | 10 |
| Elementary School | 31 | 36 |
| Middle/Junior High School | 13 | 15 |
| High School or Adult | 29 | 34 |
| Not available | 4 | 5 |

School District or SSA Involved in Due Process Hearings

There were 49 school districts or shared service arrangement organizations (SSAs) involved in the due process hearing decisions involving students with autism that

were reviewed during the 10-year period. (Appendix A includes a listing of all school districts involved). Of the 49 districts, 69% (34) of the districts or SSAs were involved in one due process hearing only, 14% (7) of the districts or SSAs were involved in two due process hearing decisions, and 16% (8) of the districts or SSAs were involved in three or more due process hearing decisions (Table 4). Of the 86 due process hearing decisions reviewed, one district, the Houston Independent School District, was involved in 16% (14) of the due process hearing decisions.

Table 4

School Districts or SSAs with Three or More Hearings During Period Studied

| School District | Total Number of Hearings |
|--------------------------|--------------------------|
| Houston | 14 |
| Northside (San Antonio) | 5 |
| Corpus Christi | 4 |
| North East (San Antonio) | 3 |
| Spring Branch | 3 |
| Lake Travis | 3 |
| Humble | 3 |
| Grapevine-Colleyville | 3 |

Size of District and Regional Education Service Center District Locations

Table 5 shows the relationship between the total student enrollment in a district or SSA and the percentage of due process hearing decisions for the 10-year period studied. The data were grouped into nine categories by the total student enrollment. School districts or SSAs with the largest student enrollment, 50,000 and over, had the most due

process hearings. One due process hearing was held on a student who attended the Texas School for the Deaf, which is a state run school located within the Austin Independent School District. For the purpose of this study, the Texas School for the Deaf due process hearing was grouped into the Austin School District, a district with a student enrollment over 50,000.

There are 20 Regional Education Service Centers (ESCs) located throughout Texas. The ESCs are assigned responsibility for providing basic services to each school district within their respective regional boundaries. The regions are defined as the geographic area encompassing the assigned districts. Table 6 represents the regional education service center in which the district or SSA involved in the due process hearing was located. Regional Education Service Center Four was the service center with the most districts or SSAs involved in due process hearings (33%) within the 10-year period studied.

Due Process Hearing Officers

As noted in Chapter 2, in Texas hearing officers must be licensed to practice law and have a minimum of five years of practice in the area of special education, disability law, administrative law, or civil rights. They must attend annual TEA trainings and participate in continuing legal education programs. The TEA maintains a list of current hearing officers. Hearing officers do not preside over a certain region or area. Instead, TEA determines the case assignments based on consideration of workload distribution, geographic locations, timelines, accuracy, efficiency, and other TEA compliance requirements.

Table 5

Percentage of Due Process Hearings by Total Student Enrollment

| Total Student Enrollment in District or SSA | Total # of Due Process Hearings | % of Due Process Hearings |
|--|------------------------------------|------------------------------|
| 50,000 and over | 29 | 34 |
| 25,000 to 49,999 | 19 | 22 |
| 10,000 to 24,999 | 18 | 21 |
| 5,000 to 9,999 | 6 | 7 |
| 3,000 to 4,999 | 7 | 8 |
| 1,600 to 2,999 | 5 | 6 |
| 1,000 to 1,599 | 1 | 1 |
| 500 to 999 | 0 | 0 |
| Under 500 | 1 | 1 |

Table 6

Percentage of Due Process Hearings by Regional Education Service Center

| Regional Education Service Center School District or SSA Location | Total # of Due Process Hearings | % of Due Process Hearings |
|---|------------------------------------|------------------------------|
| Region 1 | 3 | 4 |
| Region 2 | 5 | 6 |
| Region 3 | 0 | 0 |
| Region 4 | 28 | 33 |
| Region 5 | 0 | 0 |
| Region 6 | 2 | 2 |

(table continues)

| Regional Education Service Center School District or SSA location | Total # of Due Process Hearings | % of Due Process Hearings |
|---|---------------------------------|---------------------------|
| Region 7 | 1 | 1 |
| Region 8 | 0 | 0 |
| Region 9 | 2 | 2 |
| Region 10 | 9 | 11 |
| Region 11 | 8 | 9 |
| Region 12 | 2 | 2 |
| Region 13 | 7 | 8 |
| Region 14 | 0 | 0 |
| Region 15 | 0 | 0 |
| Region 16 | 1 | 1 |
| Region 17 | 1 | 1 |
| Region 18 | 0 | 0 |
| Region 19 | 3 | 4 |
| Region 20 | 14 | 16 |

Although a total of 16 hearing officers presided over the 86 due process hearings, 60% of the cases in the study were heard by 6 hearing officers. Table 7 lists each hearing officer and the number and percentage of cases heard during the 10-year period. For the purposes of reporting these data, the hearing officer's names were not reported.

Appendix D includes a comprehensive list of all cases and the hearing officer who presided in the case. There were nine female hearing officers and seven male hearing officers.

Table 7

Due Process Hearing Officers and Number of Cases Heard

| Hearing Officers | Number of Cases Heard | % of Cases Heard |
|-------------------|-----------------------|------------------|
| Hearing Officer A | 10 | 11.6 |
| Hearing Officer B | 9 | 10.4 |
| Hearing Officer C | 9 | 10.4 |
| Hearing Officer D | 8 | 9.3 |
| Hearing Officer E | 8 | 9.3 |
| Hearing Officer F | 8 | 9.3 |
| Hearing Officer G | 6 | 7.0 |
| Hearing Officer H | 6 | 7.0 |
| Hearing Officer I | 5 | 5.9 |
| Hearing Officer J | 3 | 3.5 |
| Hearing Officer K | 3 | 3.5 |
| Hearing Officer L | 3 | 3.5 |
| Hearing Officer M | 3 | 3.5 |
| Hearing Officer N | 2 | 2.3 |
| Hearing Officer O | 2 | 2.3 |
| Hearing Officer P | 1 | 1.2 |

Legal Representation of Parties

Due process hearing officers reported the names of attorneys representing the school districts in 82 cases. The four most active attorneys for schools handled from six to eight cases each, which represented 33% (28) of the cases. The next six most active

attorneys represented school districts in four cases each. Appendix E includes a listing of all cases and the legal representation noted for the school districts.

Of the 86 due process hearings reviewed, parents represented themselves in approximately 13% (11) of the cases. Due process hearing officers did not report representation for parents and students in five of the hearings. One attorney represented the students in 17 hearings, about 20% of the cases. The next two most active students' attorneys represented eight or nine cases each. Representatives of advocacy groups handled four cases. Appendix E includes a listing of all cases and the noted legal representation for the parents.

Of the 86 decisions reviewed, parents initiated 80 of the due process hearing decisions, or 93% of the cases. School districts initiated 6 of the due process hearing decisions, or 7% of the cases.

Involvement of Expert Witnesses in Testimony

Due process hearing officers referred to expert witnesses in the testimony for parents and school districts throughout the cases reviewed. However, the term "expert witnesses" was never defined, making it difficult to determine if the expert witness was an employee of the school district with expert knowledge in the area of autism or possibly an educational consultant or specialist in the area of autism brought in to assist the parent or school district in the cases. Also, the hearing officers did not clarify when the expert was representing the school district or the student. Therefore, it was not possible to quantify the representation of expert witnesses for the school district or the student due process hearing decisions.

Due Process Hearing Issues

The categorization of issues was difficult in some cases because the issues are not mutually exclusive and the due process hearing decisions can be read from more than one perspective. As noted in Chapter 3, this study adapted the methodology from portions of a national study on case law concerning students with autism (Zirkel, 2001). In this study, the due process hearing decisions were categorized into the following issues: eligibility, same placement but different package of services (i.e., dispute regarding kind of and/or amount of services), different placements (regardless of whether the package of services was the same for each placement), different placements where “least restrictive environment” (LRE) was an explicit and influential factor, related and supplemental services (e.g., aide or transportation), other service issues (e.g., hours or training of staff), procedural issues (e.g., notice or evaluation), extended school year (ESY), discipline, extended educational services, and miscellaneous other (e.g., stay put or fees for services). (Appendix C provides detailed definitions and criteria for categorization of issues used in this study). As noted in Chapter 3, due process hearing decisions may contain multiple issues. In this study, 86 due process hearing decisions were reviewed, and there were a total of 256 issue rulings. The average number of issue rulings was 2.97 per decision.

Table 8 presents the data in terms of the 11 categories of issues arranged in order of frequency of the issue rulings. Although the categorization of the issues is not clear-cut, claims that the district committed procedural violations occupied the most frequent position, accounting for almost 30% of the most frequent issue rulings, followed in second, by disputes over related and supplemental services.

Table 8

Due Process Hearing Issues

| Issue | Number of Issues | % of Issues |
|---|------------------|-------------|
| Procedural Violations | 76 | 29.6 |
| Related and Supplemental Services | 47 | 18.4 |
| Same Placement but Different Package of Services | 33 | 13.0 |
| Different Placements where LRE was an explicit factor | 30 | 11.7 |
| Different Placements | 18 | 7.0 |
| Extended School Year (ESY) | 14 | 5.5 |
| Eligibility | 13 | 5.1 |
| Other Service Issues | 10 | 3.9 |
| Miscellaneous Other | 8 | 3.1 |
| Extended Educational Services | 6 | 2.3 |
| Discipline | 1 | .40 |

Type of Relief Requested

As described in Chapter 3, the special education due process hearing decision thoroughly describes the case and lists the relief requested by the Petitioner. This study grouped the type of requested relief into the following four categories: declaratory or injunctive, reimbursement (including not only tuition and other expenses but also independent education evaluations), compensatory education, and both reimbursement and compensatory education. Table 9 presents the type of relief requested over the 10-year period studied. In this study, 86 due process hearing decisions were reviewed and

there were a total of 131 types of relief requested. The average number of relief types requested was 1.52 per decision. The most frequently requested relief was declaratory or injunctive, which accounted for about 52% (68) of all requested relief.

Table 9

Type of Relief Requested

| Type of Relief Requested | Frequency of Requested Relief |
|---|-------------------------------|
| Declaratory or Injunctive | 68 |
| Reimbursement | 31 |
| Compensatory Education | 15 |
| Both Reimbursement and Compensatory Education | 17 |

Research Question 2

The second research question inquired into the outcomes of the issues and the requested relief in the cases. As stated in Chapter 3, due to the difficulty of reliably and accurately sorting the cases into “won” and “lost” categories, the outcomes were classified separately for each identified issue and the specific relief sought. The outcome classifications are as follows: 1 = complete win for the parent, 2 = predominant but not complete conclusive win for the parent, 3 = evenly split, 4 = predominant but not complete win for the school district, and 5 = complete win for the school district.

Outcomes for Issue Rulings

Table 10 depicts the average outcomes for issue rulings. Appendix B includes a comprehensive listing of all cases and the issues and outcomes in each case. In the 10-

year period studied, there were 256 issue rulings with an average outcome of 3.8, which indicates a slight favor toward school districts. Table 11 summarizes the data on average outcomes for issue rulings into five-year sub periods, noting an increase in average outcomes per issue ruling for school districts over the 10-year period.

Table 10

Average Outcome of Issue Rulings

| Issue | Number of Issues | Average Outcome for Issue Rulings |
|---|------------------|-----------------------------------|
| Procedural Violations | 76 | 3.9 |
| Related and Supplemental Services | 47 | 3.9 |
| Same Placement but Different Package of Services | 33 | 4.2 |
| Different Placements where LRE was an explicit factor | 30 | 4.0 |
| Different Placements | 18 | 3.1 |
| Extended School Year (ESY) | 14 | 2.3 |
| Eligibility | 13 | 4.3 |
| Other Service Issues | 10 | 4.0 |
| Miscellaneous Other | 8 | 3.7 |
| Extended Educational Services | 6 | 4.2 |
| Discipline | 1 | 5 |

In reviewing the specific issues, school districts fared most favorably in terms of discipline, same placement but different package of services, eligibility, and extended educational services and least favorable where the issue was extended school year (ESY).

Conversely, parents fared most favorably when the issue of extended school year (ESY) was brought forth. The issue rulings dealing with different placements (regardless of whether the packages of services were the same for each placement) were on average evenly split between parents and school districts.

Table 11

Average Outcomes of Issue Rulings per Five-Year Period

| School Year of Hearing Decision | Average Outcome for All Issue Rulings |
|---------------------------------|---------------------------------------|
| 1995-1996 through 1999-2000 | 3.4 |
| 2000-2001 through 2004-2005 | 4.3 |

Outcomes for Requested Relief

In the study, there were 86 due process hearing decisions reviewed with a total of 131 requested relief rulings. Appendix C includes a comprehensive listing of the case and the requested relief and outcome for each case. The average outcome for the requested relief ruling was 3.77 over the 10-year period, which is a slight favor toward school districts. Table 12 provides the overall average outcome for the relief requested. School districts fared best when the type of relief requested was declaratory or injunctive. When the relief requested was reimbursement and compensatory, the margin of victory for school districts was modest.

Research Question 3

The third research question explores the possibility of relationships between descriptive characteristics of the due process hearing decisions and the issue and

requested relief outcomes. As noted in Chapter 3, relationship conclusions are not warranted, and further research is needed to determine possible causal relationships.

Table 12

Outcomes for Requested Relief

| Type of Relief Requested | Frequency of Requested Relief | Average Outcome Per Requested Relief |
|---|-------------------------------|--------------------------------------|
| Declaratory or Injunctive | 68 | 4.0 |
| Reimbursement | 31 | 3.7 |
| Compensatory Education | 15 | 3.6 |
| Both Reimbursement and Compensatory Education | 17 | 3.3 |

Due Process Hearing Officers and Outcomes

This study indicated there were differences in overall issue and requested relief outcomes by hearing officer. Specifically, a review of all of the due process hearing decisions found the average outcomes of the issue rulings and the requested relief varied by individual hearing officer. However, it is difficult to conclude that the reason or cause of the difference was due to the individual hearing officer as there are many variables involved.

As mentioned earlier in Research Question 2, 60% of the due process hearing decisions in the study were heard by six hearing officers. Table 12 displays the top six hearing officers in terms of frequency, or volume, of due process hearing decisions heard and the average outcome, on the aforementioned 1-to-5 scale, for all issues and requested relief heard by the hearing officer. Appendix D contains a comprehensive listing of all

cases with hearing officers, and the outcomes for the issues and requested relief for each case.

In terms of issue rulings by each hearing officer, as compared to the others, Hearing Officer A was the most favorable toward parents, with an average of 3.2 per issue ruling. However, considering that 3.0 is the midpoint, or evenly split position, on the 1-to-5 outcome scale, in due process hearings heard by Hearing Officer A, school districts fared modestly more favorably than parents on an average basis across the various issues heard. Hearing Officer F was particularly favorable to school districts, with an average of 4.8 for issue rulings (Table 13).

Hearing Officer E was much more school district friendly than the other hearing officers in terms of the final decisions on the requested relief, with an average outcome of 4.8 per requested relief. As compared to the others, Hearing Officer D's average outcome for requested relief was 3.4, which was closer to the midpoint, or evenly split position, than the other hearing officers' average outcome rulings (Table 13).

Table 14 shows the differences in the top six hearing officers in terms of frequency, or volume, of due process hearing decisions heard and the average outcome, on the aforementioned 1-to-5 scale, for the individual issues by the hearing officer. In comparing the individual hearing officers' outcomes on issue rulings to the total outcome issue rulings that was noted previously in Table 10, noted differences are found.

Specifically, in terms of issue rulings on procedural violations, Hearing Officer F favored school districts, with a noted difference of outcome issue rulings (4.9) compared to the total average outcome for all rulings on this issue (3.9) and compared to the other 5 hearing officers (Table 14).

Table 13

Top 6 Hearing Officers: Frequency and Average Outcomes for Issues Rulings and Requested Relief

| Hearing Officers | Number of Cases Heard | Frequency of Issue Rulings | Average Outcome for Issue Rulings | Frequency of Requested Relief | Average Outcome for Requested Relief |
|-------------------|-----------------------|----------------------------|-----------------------------------|-------------------------------|--------------------------------------|
| Hearing Officer A | 10 | 26 | 3.2 | 16 | 3.6 |
| Hearing Officer B | 9 | 14 | 4.1 | 11 | 4.3 |
| Hearing Officer C | 9 | 17 | 3.7 | 12 | 3.8 |
| Hearing Officer D | 8 | 23 | 3.9 | 14 | 3.4 |
| Hearing Officer E | 8 | 31 | 4.5 | 14 | 4.8 |
| Hearing Officer F | 8 | 37 | 4.8 | 14 | 4.6 |

Another noted difference is found in the issue rulings involving related and supplemental services. Hearing Officer A favored parents, with a noted difference of outcome issue rulings (1.3) compared to the total average outcome for all rulings on this issue (3.9) and compared to the other 5 hearing officers (Table 14).

Other issues found in Table 14 contain noted differences between the individual hearing officers' outcomes on issue rulings and the total outcome issue rulings, but due to the total number of issues in the each issue categories, findings and conclusions warrant caution.

Table 14

Top 6 Hearing Officers: Average Outcome of Issue Rulings

| Issue | Average Outcome for All Issue Rulings | Hearing Officer | | | | | |
|---|---------------------------------------|-----------------|-----|-----|-----|-----|-----|
| | | A | B | C | D | E | F |
| Procedural Violations | 3.9 | 3.3 | 3.4 | 3.6 | 3.6 | 4.3 | 4.9 |
| Related and Supplemental Services | 3.9 | 1.3 | 5 | 4.5 | 3 | 4.5 | 4.4 |
| Same Placement but Different Package of Services | 4.2 | 5 | 5 | 4 | 4.3 | 5 | 5 |
| Different Placements where LRE was an explicit factor | 4.0 | 3.6 | 5 | 0 | 5 | 5 | 5 |
| Different Placements | 3.1 | 3.3 | 3 | 3 | 0 | 2 | 5 |
| Extended School Year (ESY) | 2.3 | 1 | 0 | 3.5 | 0 | 0 | 5 |
| Eligibility | 4.3 | 0 | 0 | 5 | 3 | 5 | 5 |
| Other Service Issues | 4 | 5 | 0 | 0 | 0 | 5 | 5 |
| Miscellaneous Other | 3.7 | 3 | 5 | 0 | 3 | 0 | 5 |
| Extended Educational Services | 4.2 | 3.3 | 5 | 0 | 0 | 5 | 0 |
| Discipline | 5 | 0 | 0 | 0 | 0 | 0 | 5 |

Note: “0” indicates the Hearing Officer had zero hearings with the indicated issue. The “Average Outcome for All Issue Rulings” refers to the average outcome from all of the hearing officer issue rulings (see Table 10), not just the 6 noted in Table 14.

Size of District and Outcomes of Issue Rulings

As previously noted (Table 5), the school districts involved in the due process hearings were grouped into nine categories by total student enrollment in a district or SSA. In the 10-year period studied, there were a total of 256 issue rulings with an average outcome of 3.8, which indicates a slight favor toward school districts and a total of 131 requested relief rulings with an average outcome of 3.7, again having a slight favor toward school districts.

Table 15 shows the differences in average outcome of issue rulings and requested relief rulings and size of district. Noted differences are found between the size of district and the average outcome for issue and requested relief rulings; however, due to the number of cases heard in the school districts, findings and conclusions warrant caution.

School Districts and Outcomes

Noted earlier in Table 4, there were 49 school districts or SSAs involved in the due process hearing decisions that were reviewed during the 10-year period. Of the 49 school districts, 8 school districts were involved in 3 or more due process hearings. Table 16 displays the differences in the average outcome for issue and requested relief rulings and the aforementioned 8 school districts. Bearing in mind that 3.0 is the midpoint, or evenly split position, on the outcome scale, one can see all 8 districts fared better on average than parents in the issue ruling outcomes. There are noted differences however within the issue ruling outcomes of the 8 districts, specifically; Houston ISD was the school district involved in the most due process hearings (14), and also had the lowest average outcome rating for issue rulings than the other districts. Due process

hearing decisions from Northside ISD and Humble ISD were the most favorable toward school districts.

Table 15

Size of District: Frequency and Average Outcomes for Issues Rulings and Requested Relief

| Total Student Enrollment in District or SSA | Number of Cases Heard | Frequency of Issues | Average Outcome for Issue Rulings | Frequency of Requested Relief | Average Outcome for Requested Relief Rulings |
|---|-----------------------|---------------------|-----------------------------------|-------------------------------|--|
| 50,000 and over | 29 | 93 | 3.9 | 49 | 3.9 |
| 25,000 to 49,999 | 19 | 48 | 3.3 | 27 | 3.9 |
| 10,000 to 24,999 | 18 | 57 | 4.0 | 27 | 3.6 |
| 5,000 to 9,999 | 6 | 19 | 3.3 | 9 | 3.3 |
| 3,000 to 4,999 | 7 | 17 | 4.1 | 8 | 4.2 |
| 1,600 to 2,999 | 5 | 12 | 4.5 | 7 | 3.8 |
| 1,000 to 1,599 | 1 | 8 | 1 | 2 | 1 |
| 500 to 999 | 0 | 0 | 0 | 0 | 0 |
| Under 500 | 1 | 2 | 5 | 2 | 5 |

Note: “0” indicates the size of district category had zero hearings

In examining Table 16 in terms of requested relief ruling outcomes, all 8 districts fared more favorably compared to parents. There are differences between the school districts. Spring Branch ISD and Grapevine-Colleyville ISD were the school districts that had the lowest outcome average at 3.4, and Humble ISD had the highest outcome at 5.0.

Table 16

School Districts or SSAs with Three or More Hearings: Frequency and Average Outcomes for Issue and Requested Relief Rulings

| School District | Total Number of Hearings | Frequency of Issues | Average Outcome for Issue Rulings | Frequency of Requested Relief | Average Outcome for Requested Relief Rulings |
|-----------------------|--------------------------|---------------------|-----------------------------------|-------------------------------|--|
| Houston | 14 | 39 | 3.5 | 24 | 3.5 |
| Northside | 5 | 21 | 4.8 | 8 | 4.8 |
| Corpus Christi | 4 | 10 | 3.8 | 6 | 3.8 |
| North East | 3 | 6 | 4.3 | 6 | 4.5 |
| Spring Branch | 3 | 8 | 4.0 | 5 | 3.4 |
| Lake Travis | 3 | 8 | 3.6 | 4 | 3.7 |
| Humble | 3 | 5 | 5.0 | 3 | 5 |
| Grapevine-Colleyville | 3 | 6 | 3.6 | 5 | 3.4 |

Summary

The descriptive characteristics of the 86 due process hearing decisions reviewed provide a useful picture of what has transpired in Texas over the 10-year period regarding students with autism and due process hearing decisions. The results on the outcomes for issue and requested relief rulings have favored school districts more than parents. A more detailed summary and a discussion of the findings are provided in the next chapter.

CHAPTER FIVE

Summary and Discussion

To assist the reader, this final chapter of the dissertation restates the research problem and reviews the major methods used in the study. The major sections of this chapter summarize and discuss the findings from the special education due process hearing decisions involving students with autism held within a 10-year period in the state of Texas. This chapter also presents the relationship of the current study to previous research, offers recommendations for educators and other interested parties regarding educational programming for students with autism, specifically in terms of the types of disputes that reach the hearing level, and presents suggestions for further research in the area.

Statement of the Problem

Although there was a decrease in education litigation during the 1980s and 1990s, special education litigation increased (Zirkel, 1997). One of the increased areas of dispute involves parents of children with autism. In fact, due process hearings and cases regarding children with autism represent the fastest growing area of litigation in special education (Baird, 1999). The number of children diagnosed with autism receiving services under the IDEA has increased by more than 500% in the last decade (United States Government Accountability Office, 2005). The reasons not only include an increased public awareness, improved medical and psychological diagnosis, and perhaps environmental effects, but also, in 1990, the IDEA amendments added autism as one of

the recognized eligibility categories. Although there is no cure for autism, research shows that early and intensive intervention can improve the skills of many children with autism in a variety of areas.

As more children are diagnosed with autism, school districts are forced to reexamine their practices as both substantive and procedural issues arise in special education due process hearings and court cases related to children with autism. Although education literature concerning autism is abundant, there is little research on autism litigation, specifically in Texas. Previous studies on Texas special education due process hearing decisions involving students with autism occurred prior to 1995. Thus the purpose of this study was to analyze and evaluate the special education due process hearing decisions involving students with autism held in the state of Texas from the school years 1995-1996 through 2004-2005. The questions guiding this research were:

1. What are the descriptive characteristics of the due process hearing decisions involving students with autism (date the hearing decision was rendered, school district or shared service agreement involved in hearing, Texas regional education service center the school district or shared service agreement was located, gender of student, school level of student, size of school district, hearing officer, legal representation of parties, involvement of expert witnesses in testimony, issues at hearing, requested relief)?
2. What are the overall outcomes of the cases?
3. Are there possible relationships between descriptive characteristics of the due process hearing decisions and the outcomes?

Review of Methodology

Descriptive research methods were used to analyze and evaluate the special education due process hearing decisions involving students with autism held in the state of Texas from the school years 1995-1996 through 2004-2005. There was a total of 90 due process hearing decisions involving students with autism during the 10-year period, and 86 of the decisions were utilized for the study. The special education due process hearing decisions were accessed from the public TEA website. A coding system was used to describe the characteristics of the cases and a 5-point outcome scale was utilized to accurately classify the overall outcomes of cases. Further study was completed to determine the possibility of relationships between characteristics and outcomes of the due process hearing decisions.

This researcher's role was to describe the characteristics of the due process hearing decisions and to search for possible relationships between the characteristics and the due process hearing decision outcomes. As previously noted, relationship conclusions are not warranted, and further research is needed to determine possible causal relationships.

The category construction for issues was adapted from a previous study (Zirkel, 2001), and as in the Zirkel study, categorizing the issues was sometimes difficult as certain issue categories tended to overlap. Furthermore, the fact that one person, this researcher, collected and categorized information from due process hearing decisions written by several different hearing officers over a 10-year period cannot be ignored. With no check on reliability except for self-imposed ones, the conclusions are

exploratory and speculative. However, this study can contribute to the knowledge base about special education due process hearing decisions.

Summary and Discussion of Findings

Research Question 1

The first research question dealt with the descriptive characteristics of the due process hearing decisions involving students with autism reviewed in this study. The following descriptive characteristics are summarized in this section: Date the hearing decision was rendered, gender of the student, size of school district and regional education service center where the district is located, hearing officer, legal representation of parties, involvement of expert witnesses in testimony, issues at hearing, and relief requested at hearing.

Date the hearing decision was rendered. There were 90 special education due process hearing decisions involving students with autism in the state of Texas from the school years 1995-1996 through 2004-2005. The data for this study were gathered from 86 of the 90 due process hearing decisions. Over the 10-year period studied, the number of due process hearing decisions rendered for students with autism in Texas remained somewhat constant. Specifically, there were a total of 42 decisions rendered in the first five-year sub period, and 44 decisions rendered in the second five-year sub period.

Interestingly, although the number of Texas children receiving IDEA services under the eligibility of autism has increased during the 10-year period of this study, the number of Texas special education due process hearing decisions has remained fairly constant. In addition, as compared to national studies that note a sharp increase in the

volume of autism case law (Zirkel, 2001), overall, special education due process hearing decisions in Texas have not increased dramatically over the 10-year period studied.

There are several possibilities for the lack of increase of special education due process hearings in Texas. Perhaps the T.A.C. ruling, which mandates additional considerations be given to students receiving services under the autism eligibility during the IEP/ARD process (i.e., the autism supplement), addresses services that other states do not routinely address. Or possibly, parents of students with autism challenge the school districts in other areas of dispute resolution such as mediation or the complaints system, therefore reducing the need to settle the dispute through the due process hearing. Regardless of the reasons, this seems to be good news for the state of Texas.

During the 10-year period studied, there were 768 special education due process hearing decisions rendered in the state of Texas and 11.7% of the decisions (90) involved students with autism. Over the 10-year period studied, in Texas, students with autism have represented between 1% to 2% of the population with disabilities; however, they represent over 11% of the special education due process hearing population.

Therefore, although the number of special education due process hearing decisions involving students with autism has not increased in Texas over the 10-year period studied, there were a disproportionate number of special education due process hearings involving students with autism as compared to the other disability categories. Similarly, Deloney (1997) reviewed 423 special education due process hearing decisions from the school year 1978-1979 through 1994-1995 in Texas and found less than one percent of the special education population was classified as autistic while over four percent of the students in the cases reviewed had a primary disability diagnosis of autism.

Furthermore, the data found in the current study are similar to a national study that found dispute resolution requests more frequently involved students with autism (United States Department of Education, Office of Special Education Programs, 2004).

Gender of student. In the 10-year period studied, 74 hearings or 86% involved male students, and 12 hearings or 14% involved female students. This calculates to approximately six due process hearing decisions involving male students with autism rendered to every 1 due process hearing decision involving female students with autism. Prevalence rates of autism spectrum disorders have consistently noted the ratio of boys to girls is three to four boys for every girl (National Research Council, 2001). In a national study on autism cases, Zirkel (2001) found a 3:1 male to female ratio which approximates the proportions in the national population. Therefore, in comparison to previous research on autism case law and to the autism proportions in the national population, Texas appears to have a disproportionate number of male students represented in the special education due process hearing decisions during the 10-year period studied.

School level of the student. The majority of the due process hearing decisions studied involved students at the elementary school level (grades 1-5) and the high school level (grades 9-12). The preschool level (ages 3 – Kindergarten) had the fewest amount of due process hearing decisions for students with autism. This data is contrary to expectations. Since the onset of autism and the increase in early identification has contributed to more students being identified at an earlier age it is surprising that the preschool level had the lowest number of the cases.

School district or SSA involved in due process hearings. There were a total of 49 school districts or SSAs involved in the 86 special education due process hearing decisions reviewed. There were eight school districts involved in three or more of the due process hearing decisions during the 10-year period studied, which accounted for 44% of the due process hearing decisions. Of the 86 special education due process hearing decisions reviewed during the 10-year period, the Houston Independent School District, the school district with the largest enrollment in the state of Texas, was involved in the most due process hearing decisions, which is not surprising.

During the 10-year period studied, the total number of school districts, including charter school districts, in Texas was approximately 1248 districts (Texas Education Agency, 2007). In comparing the total number of school districts, on average, in the state of Texas to the total number of school districts or SSAs involved in the 86 special education due process hearing decisions reviewed, it appears that only about 4% of the Texas school districts were involved in a special education due process hearing decision involving a student with autism.

Size of district and regional education service center district location. School districts with the largest student enrollment, 50,000 and over, also had the most due process hearing decisions. Regional Education Service Center (ESC) IV was the service center with the most districts or SSAs involved in due process hearings within the 10-year period studied.

Previous studies found larger school districts to be more likely than smaller ones to have dispute resolution activity of all kinds (United States Department of Education, Office of Special Education Programs, 2004). Interestingly, although the numbers

fluctuated somewhat over the 10-year period, Dallas ISD was the school district with the second to the largest student enrollment, and it was only involved in 2 of the special education due process hearing decisions reviewed.

Due process hearing officers. A total of 16 hearing officers presided over the 86 special education due process hearing decisions. More than half of the cases were heard by six of the hearing officers despite the fact that cases were assigned to the hearing officers by the next one up for a case.

Legal representation of parties. Of the 86 due process hearing decisions reviewed, 82 noted the names of the legal representation for school districts. There were four attorneys who represented school districts in approximately one-third of all the due process hearing decisions reviewed. In the majority of the due process hearing decisions, parents had legal representation. One attorney represented parents/students in about 20% of all of the due process hearing decisions reviewed.

Involvement of expert witness in testimony. Although expert witnesses were noted throughout the due process hearing decisions reviewed, it was difficult to quantify their involvement. It appears that the due process hearing officers did not use the term “expert witness” consistently; therefore, the involvement of expert witnesses was not quantifiable because the terminology was not consistently documented in the proceedings. Previous research found the testimony of witnesses during the due process hearing reviews and court decisions impacted the outcomes in terms of who “won” the case (Choutka, Doloughty, & Zirkel, 2004). The current study does not discount this possibility; however, further research is needed with the Texas cases to make a determination.

Due process hearing issues. A due process hearing may be initiated by the parent or the school district. In the hearings reviewed for this study, parents initiated the due process hearings in 93% of the due process hearing decisions. School districts initiated the due process hearings in 7% of the cases.

Due process hearings may contain multiple issues. In the 10-year period studied, almost one-third of the issues brought forth were claims that school districts committed procedural violations that amounted to a denial of a free and appropriate public education (FAPE). The next highly disputed issue was the area of related and supplemental services (e.g., aide or transportation).

The current study categorized the data in terms of 11 categories. The borders of some of the categories were less defined and the categories sometimes overlapped. Specifically, the “Related Services” category had a fuzzy boundary with the “Different Placements” and “Same Placements but Different Package of Services” categories. Similarly, the “Different Placements” and “Different Placements where least restrictive environment (LRE) was an Explicit Factor” categories tended to overlap; those placed in the LRE category explicitly mentioned LRE, which seem to be an underlying factor.

Previous research found somewhat different results. In the Zirkel (2001) study, which specifically focused on autism cases, disputes about competing placements occupied the most frequent position and claims that the school district committed procedural violations was the next most disputed issue. Bossey (1995) reviewed Texas due process hearing decisions in autistic cases from 1983 to 1994 and found that allegations that precipitated most due process hearings involved least restrictive environment issues. Deloney (1997) found that students with autism were more likely

than other students to be involved in cases involving requests for residential placements or more restrictive placements.

Due process hearing type of relief requested. As with the issues, due process hearing decisions may also contain different types of relief requests. In the 86 due process hearing decisions reviewed, a little more than half (52%) of the requested relief was declaratory or injunctive. This is not surprising as declaratory or injunctive relief is a wide-ranging category for declaratory judgments. For example, the category was used when a hearing officer ruled whether a particular placement or service was appropriate. Additionally, the category was used when the hearing officer provided other types of injunctions, such as orders for extended school year (ESY). In the current study, the low frequency of requests for compensatory relief was unexpected as this form of relief does not have the economic barrier that reimbursement requests entail. However, the Zirkel study (2001) noted similar results in the area of the frequency of requested relief for compensatory education.

In the current study, approximately one-fourth (24%) of the requested relief was reimbursement (which included tuition, independent education evaluations, and other expenses). The Zirkel study (2001) found similar results as 59% of the requested relief was declaratory or injunctive and 29% was reimbursement.

Research Question 2

The second research question studied the outcomes of the issues and the requested relief in the cases. This study classified the outcomes by individual issue rulings and requested relief rulings. A scale was used to classify the outcomes as follows: 1 =

complete win for the parent, 2 = predominant but not complete conclusive win for the parent, 3 = evenly split, 4 = predominant but not complete win for the school district, and 5 = complete win for the school district.

Outcome for issue rulings. In the 10-year period studied, there were 256 issue rulings with an average outcome of 3.8, which notes a slight favor toward school districts. Interestingly, by consolidating the data into five-year sub-periods, school districts fared better on average in both sub-periods, with a slight increase in the second five-year sub period.

There was a difference in the outcomes for individual issue rulings. School districts fared most favorably in terms of issues related to discipline, same placement but different package of services, eligibility, and extended educational services and least favorable where the issue was extended school year (ESY). Conversely, when issues related to extended school year (ESY) were brought forth, parents fared best.

In the current study, the category with the most issues, procedural violations, had an overall average outcome for issue rulings of 3.9, which indicates a modest school friendly result. The outcomes for procedural violations are similar to the results found in the Zirkel (2001) study. Furthermore, the same placement but different package of services category suggests a school district friendly category with an average issue ruling of 4.2. Additionally, in the eligibility category, school districts fared favorably with a 4.3 average issue ruling.

The special education due process hearing decisions revealed parent friendly outcomes when issues were related to extended school year (ESY). The results of the current study are similar to previous studies on autism due process hearings and court

cases that indicated positive outcomes for parents in the area of ESY issues (Zirkel, 2001).

Outcomes for requested relief. There were a total of 131 requested relief rulings during the 10-year period studies. The average outcome for all requested relief was 3.77, indicating a favor toward school districts. School districts fared the best when the relief requested was declaratory or injunctive.

Research Question 3

The third research question explored the possibility of relationships between the case characteristics of the due process hearing decisions and the issue and requested relief outcomes. As noted previously, relationship conclusions are not warranted and more research is needed to determine possible causal relationships.

Issues and outcomes. As mentioned earlier, school districts fared most favorably in terms of issues related to discipline, same placement but different package of services, eligibility, and extended educational services. The data do reveal noticeable differences in these issues and outcomes and suggests there could be a possible relationship between favorable outcomes for school districts and these certain issues. More research would need to be conducted to determine possible causal relationships. In addition, due to the low number of issues per category in the discipline and extended educational services categories, cautions against overgeneralization are warranted.

Conversely, the current study indicates parent friendly results in the ESY issue. The data suggests a possible relationship between favorable outcomes for parents when

dealing with issues related to ESY. Again, additional studies would need to be conducted to determine possible causal relationships.

Requested relief and outcomes. The differences in the type of relief requested and outcomes were small, but indicated parents fared slightly better when the type of relief requested was both reimbursement and compensatory education. However, it should be noted that even though parents fared slightly better as compared to the other types of relief requested, the average outcome for requested relief in the reimbursement and compensatory education was 3.3. Considering that 3.0 is the midpoint, or evenly split position, on the 1-to-5 outcome scale, school districts still fared modestly more favorably than parents on an average.

Due process hearing officers and outcomes. There were differences in overall issue and requested relief outcomes by hearing officers. Certain hearing officers tended to be more school district friendly than other hearing officers.

The data on the individual hearing officers' outcomes on issue rulings found noted differences. A review of the outcome rulings related to procedural violations found there was one hearing officer who, on average, was much more favorable to school districts than the other hearing officers. Conversely, in the area of related and supplemental services, there was one hearing officer who, on average, was much more favorable to parents. Similarly, the data on the individual hearing officers' outcomes on requested relief rulings found noted differences. However, it was difficult to conclude that the reason or cause of the differences was due to the individual hearing officer, as

there were many variables involved and further research would need to be done to determine possible causation.

Size of district and outcomes. In reviewing the size of the district or SSA involved, noted differences were found between the size of the district and the average outcome for issue and requested relief rulings. However, patterns were not recognized and due to the number of decisions by school districts, findings warrant caution.

School districts and outcomes. During the 10-year period studied, 49 different school districts or SSAs were involved in the 86 due process hearing decisions reviewed. The data found eight school districts were involved in three or more due process hearings. There were noted differences between the school district and the average outcome for issue rulings. Surprisingly, Houston ISD was involved in the most due process hearing decisions and also had the lowest average outcome for issue rulings than the other districts. Also, the average outcome rulings for due process hearing decisions from Northside ISD and Humble ISD were the most favorable toward school districts as compared to the other eight school districts that were involved in three or more due process hearings. Therefore, the data possibly suggests relationships between frequency of involvement in due process hearings and overall outcomes for issue rulings.

In terms of requested relief ruling outcomes, there were differences between the school districts that were involved in 3 or more due process hearings. Some school districts, on average, had more favorable outcomes in terms of the requested relief than other school districts. However, patterns were difficult to determine.

Recommendations for Parents, Educators, and Policymakers

Prior studies have focused on the causes, experiences and perceptions of due process hearings and the descriptive characteristics of cases. During the 10-year period studied, this research provided information on case characteristics, outcomes, and the possibility of relationships between case characteristics and outcomes. The following recommendations may be beneficial to parents, educators, and policymakers:

1. This study found that school districts with a total student enrollment of 25,000 or more were involved in over half of the due process hearings studied. Based on this information, it is recommended that school districts with a total enrollment of 25,000 or more look closely at procedural and substantive issues related to educating students with autism. In addition, programming and compliance issues related to students with autism are vast. Staff development and additional personnel devoted to this area, for example, autism consultants or specialists, may avoid the school district being involved in due process hearings relative to students with autism.

2. The majority of the students involved in the due process hearings studied were in elementary and high school levels. Additional training for staff and administrators who design programs and provide services for students with autism at these school levels may be beneficial.

3. Regional educational service centers provide a wealth of training for school districts in their region. It is recommended that the regional educational service centers review the due process hearing data on a regular basis to determine trends in the hearings and to better prepare the districts in their area. In the due process hearings studied, Region 4 and Region 20 had the highest frequencies of special education due process

hearings and therefore, training at their centers may assist schools in avoiding due process hearings involving students with autism.

4. This study found difference in overall issues and requested relief outcomes by due process hearing officers. It is recommended the Texas Education Agency further review these findings to determine if relationships exist.

5. The study identified procedural violations and related and supplemental service issues as the most frequent issues brought forth in the hearings. It is recommended that school districts examine their policies, procedures, and programming in these specific areas to ensure compliance and appropriate practices are in place.

6. Over the 10-year period studied, parents prevailed, on average, on issues related to an extended school year (ESY). School districts should be aware of the procedural requirements and the substantive appropriateness of their ESY programming.

7. It is recommended that school districts provide ongoing staff development in the areas of educational programming, evaluation, transition, and other procedural issues to teachers and other pertinent staff members who work with students with autism.

8. It is recommended that TEA review the template used by the Hearing Officers to record the Special Education Due Process Hearing Decisions and confer with the Hearing Officers about the importance of including comprehensive information. For example, some Hearing Officers' did not include vital information such as involvement of expert witnesses or legal representation. In addition, when an expert witness was involved, the hearing officers could list the reason the person was deemed an "expert." By providing this additional information and making it available on the TEA website, stakeholders can gain useful information about the cases.

9. Lastly, this researcher recommends school districts and regional education service centers make available training for parents on understanding their rights under the IDEA and state laws, as well as an understanding of the school districts' obligations under the IDEA to provide a free and appropriate public education for students with autism.

Suggestions for Additional Research

Although the special education due process hearing is only one area of the dispute resolution system, the lack of an increase in the overall number of special education due process hearings involving students with autism over the 10-year period is noteworthy. There are a number of variables that may have impacted the frequency of special education due process hearings involving students with autism in Texas. Regardless of the cause, this is good news for educators, parents, and policymakers. Further research in this area would be beneficial to study why Texas is not following the national trend.

This study suggested a disproportionate number of male students were represented in the special education due process hearings involving students with autism. Additional studies might focus on why it appears in Texas, over the 10-year period, there were more special education due process hearings involving male students with autism than female.

The majority of the due process hearings reviewed in this study involved students at the high school and elementary school levels. Future researchers may want to study the issues at these various grade levels to determine if certain patterns can be found.

Over half of the special education due process hearings studies during the 10-year period involved school districts with a total student enrollment of 25,000. Of those,

approximately one-third of all the cases involved school districts with student enrollments of 50,000 or more. This study suggests larger districts are involved in more due process hearings for students with autism. Are these results simply due to the fact that larger districts tend to have larger populations of students with autism? Or, are there additional factors that may contribute to the increased number of due process hearings in larger districts? Additional research might examine the student population of the school districts involved to determine if differences in ethnicity and socioeconomic status impact frequencies in special education due process hearings for students with autism.

This study also looked at the regional education service center where the school district involved in the due process hearing was located. Further research is recommended to determine why there appear to be differences in number of special education due process hearing decisions from one region to another, as the differences seem to be other than an increase in the overall student population within the region.

The data obtained on the special education due process hearing officers involved in the hearings is interesting. Future researchers may want to look more closely as to why the data suggest relationships between specific hearing officers and outcomes of cases. Specifically, it is recommended researchers review hearing decisions that deal with similar issues and the hearing officers' rulings on the issues.

Previous research has documented the involvement of expert witnesses and their impact on outcomes of due process hearings. This study was unable to accurately describe the involvement of expert witnesses in the due process hearings studied. Future researchers may want to look more closely at the Texas cases studied to gather important

information about expert witnesses and involvement in due process hearings involving students with autism.

The data surrounding issue categories and outcomes suggest a need for further study in several areas. First, due to the frequency of claims that the school district committed procedural violations, additional research is recommended to determine the types of procedural violations brought forth in the hearings. Second, the next highly disputed issue was in the area of supplemental and related services. Future researchers may want to explore the specific types of services that were disputed and also determine why the data found in this study on types of services is different than results in other studies. In addition, the researcher noted the difficulty categorizing the issues. Further researchers may want to repeat portions of the study to verify the coding for case category and outcomes.

Finally, the study revealed possible relationships between case characteristics and outcomes of the hearing decisions. As previously noted, additional research is needed to assess the relationships between the case characteristics and the outcomes. There is a need for further research in this area, and using the data gathered in this study, future researchers will have a place to begin. This researcher hopes that the information from this study can provide a better understanding of special education due process hearings involving students with autism so that parents, educators, and policy makers can continue to improve educational programming for students with autism, make informed decisions in preparation for a due process hearing, and continue to improve the dispute resolution system in Texas.

APPENDICES

APPENDIX A

Due Process Hearing Case Names: Case Characteristics Coding Key

This coding key provides an explanation of the entry headings for the Table listed in this Appendix.

The left column titled “Case Name” provides the case name, beginning with the petitioner and followed by the respondent, along with the TEA document number.

The column headed “School District” lists the name of the school district or SSA involved in the due process hearing.

The “Date Decided” column is the date the hearing decision was decided. The cases are listed in ascending order by the date decided.

The column headed “Gen” lists the gender of the student, where available in the published decision.

- 1 = male
- 2 = female
- 3 = not available

The column marked “School Level” lists the broad grade-level of the student at the time the dispute arose (typically the date the hearing was filed).

- 1 = preschool (EC-PK)
- 2 = elementary (K-5)
- 3 = middle or junior high (6-8)
- 4 = high school or adult (9-12)
- 5 = not available

The column identified as “Size of District” lists total student enrollment in the district or SSA.

- 1 = 50,000 or more
- 2 = 25,000 to 49,999
- 3 = 10,000 to 24,999
- 4 = 5,000 to 9,999
- 5 = 3,000 to 4,999
- 6 = 1,600 to 2,999
- 7 = 1,000 to 1,599
- 8 = 500 to 999
- 9 = Under 500

The column marked as “TX ESC” indicated the Regional Education Service Center the school district or SSA involved in the due process hearing is located. There are 20 Regional Education Service Centers in Texas.

Table A.1

Due Process Hearing Case Names: Case Characteristics

| Case Name | School District | Date Decided | Gen | School Level | Size of District | TX. ESC |
|---|-----------------|--------------|-----|--------------|------------------|---------|
| Andrew T.K. vs. Houston ISD, TEA # 246-SE-395 | Houston | 9/1/1995 | 1 | 5 | 1 | 4 |
| Santos J.P. vs. Houston ISD, TEA # 481-SE-795 | Houston | 10/30/1995 | 1 | 2 | 1 | 4 |
| Crystal L.W. vs. Spring ISD, TEA # 512-SE-895 | Spring | 12/20/1995 | 1 | 3 | 3 | 4 |
| Michael R vs. Clear Creek ISD, TEA # 177-SE-196 | Clear Creek | 4/10/1996 | 1 | 3 | 2 | 4 |
| Jon N vs. Southwest ISD, TEA # 184-SE- 196 | Southwest | 5/15/1996 | 1 | 2 | 4 | 10 |
| Andrew D.G. vs. Houston ISD, TEA #261-SE-3965 | Houston | 6/6/1996 | 1 | 5 | 1 | 4 |
| Lauren S. vs. Boerne ISD, TEA # 171-SE- 196 | Boerne | 7/1/1996 | 2 | 3 | 5 | 20 |
| Robert P. vs. Houston ISD, | Houston | 8/26/1996 | 1 | 1 | 1 | 4 |
| Zachary McC. Vs. Humble ISD, TEA #281-SE-496 | Humble | 10/14/1996 | 1 | 4 | 2 | 4 |
| Zachary McC. Vs. Humble ISD, TEA #386-SE-896 | Humble | 10/24/1996 | 1 | 4 | 6 | 4 |

(table continues)

| Case Name | School District | Date Decided | Gen | School Level | Size of District | TX. ESC |
|--|-----------------|--------------|-----|--------------|------------------|---------|
| Lauren S. vs. Boerne ISD, TEA # 054-SE- 996 | Boerne | 11/22/1996 | 2 | 3 | 5 | 20 |
| Elliott M. v. Floresville ISD, TEA # 073-SE-1096 | Floresville | 2/10/1997 | 1 | 2 | 5 | 20 |
| Troy Mark B. v. Flour Bluff ISD | Flour Bluff | 3/5/1997 | 1 | 1 | 4 | 2 |
| Zachary McC., v. Humble ISD, TEA # 116-SE-1196 | Humble | 4/21/1997 | 1 | 4 | 3 | 4 |
| Zandra M. vs. Dallas ISD, TEA # 217-SE- 297 | Dallas | 5/27/1997 | 2 | 4 | 1 | 10 |
| Samuel D. v. Dallas ISD, TEA # 398-SE- 896 | Dallas | 5/27/1997 | 1 | 2 | 1 | 10 |
| Jonathan S. vs. Conroe ISD, TEA # 279-SE-496 | Conroe | 7/7/1997 | 1 | 1 | 2 | 4 |
| Allison K. v. Azle ISD, TEA# 371-SE- 597 | Azle | 7/31/1997 | 2 | 1 | 4 | 6 |
| Jenifer M v. Houston ISD, TEA # 415-SE- 697 | Houston | 11/17/1997 | 2 | 4 | 1 | 4 |
| Patrick H. v. Austin ISD, TEA# 244-SE- 397 | Austin | 2/4/1998 | 1 | 4 | 1 | 13 |
| David A. v. Bryan ISD, TEA # 078-SE- 1197 | Bryan | 2/6/1998 | 1 | 4 | 3 | 6 |

(table continues)

| Case Name | School District | Date Decided | Gen | School Level | Size of District | TX. ESC |
|---|-----------------------|--------------|-----|--------------|------------------|---------|
| Robert V. v. Weslaco ISD, TEA # 044-SE-1097 | Weslaco | 3/4/1998 | 1 | 4 | 3 | 1 |
| Chase Ryan D. v. Austin ISD, TEA # 005-SE-997 | Austin | 3/18/1998 | 1 | 4 | 1 | 13 |
| Marc G. V. Houston ISD, TEA # | Houston | 4/6/1998 | 1 | 1 | 1 | 4 |
| Grapevine - Colleyville ISD v. Danielle R., TEA # 108-SE-1297 | Grapevine-Colleyville | 7/17/1998 | 2 | 2 | 3 | 11 |
| George R. v. North East ISD, TEA # 370-SE-898 | Northeast | 9/25/1998 | 1 | 2 | 2 | 20 |
| Robert B. v. Weslaco ISD, TEA # 314-SE-698 | Weslaco | 9/30/1998 | 1 | 4 | 3 | 1 |
| Ted H. v. Carrollton-Farmers Branch ISD, TEA # 257-SE-498 | Carrollton-Farmers | 11/5/1998 | 1 | 4 | 3 | 10 |
| Vinay V v. Houston ISD, TEA # 306-SE-598 | Houston | 11/14/1998 | 1 | 2 | 1 | 4 |
| Diego V. v. Houston ISD, TEA # 237-SE-498 | Houston | 1/8/1999 | 1 | 2 | 1 | 4 |
| Michael B. v. Houston ISD, TEA 359-SE-798 | Houston | 1/21/1999 | 1 | 4 | 1 | 4 |
| Daniel Zachary M. v. Grapevine-Colleyville ISD, TEA # 109-SE-1298 | Grapevine-Colleyville | 2/9/1999 | 1 | 1 | 3 | 11 |

(table continues)

| Case Name | School District | Date Decided | Gen | School Level | Size of District | TX. ESC |
|---|-----------------------|--------------|-----|--------------|------------------|---------|
| Timothy T. vs. Northside ISD, TEA # 093-SE-1197 | Northside | 2/15/1999 | 1 | 3 | 1 | 20 |
| Iowa Park ISD v. Shawn K., TEA #230-SE-499 | Iowa Park | 6/11/1999 | 1 | 3 | 6 | 9 |
| Michael M. v. Coppell ISD, TEA # 344-SE-698; Coppell ISD v. Michael M., TEA # 083-SE-1198 | Coppell | 9/6/1999 | 1 | 2 | 4 | 10 |
| Northside ISD v. Hannah H., TEA #128-SE-199 | Northside | 10/22/1999 | 2 | 1 | 1 | 20 |
| Anna H. v. Tyler ISD, TEA # 383-SE-899 | Tyler | 11/2/1999 | 2 | 2 | 3 | 7 |
| Patrick K., vs. Kennedale ISD, TEA # 052-SE-1099 | Kennedale | 1/7/2000 | 1 | 2 | 6 | 11 |
| Vinay V v. Houston ISD, TEA # 142-SE-1299 | Houston | 3/24/2000 | 1 | 2 | 1 | 4 |
| Louis A. v. Grapevine-Colleyville ISD, TEA #233-SE-300 | Grapevine-Colleyville | 5/4/2000 | 1 | 1 | 3 | 11 |
| Cody C. vs. Dimmitt ISD & Castro SSA, TEA # 102-SE-1298 | Dimmitt & Castro SSA | 5/16/2000 | 1 | 2 | 7 | 16 |
| Jenifer M v. Houston ISD, TEA # 332-SE-500 | Houston | 7/13/2000 | 2 | 4 | 1 | 4 |

(table continues)

| Case Name | School District | Date Decided | Gen | School Level | Size of District | TX. ESC |
|---|-------------------------------|--------------|-----|--------------|------------------|---------|
| Lake Travis ISD v. Nathan L. , TEA # 358-SE-600 | Lake Travis | 9/9/2000 | 1 | 2 | 5 | 13 |
| Newcastle ISD & Big Four Co-op v. Collin B, TEA #006-SE-900 | Newcastle ISD & Big Four Coop | 12/11/2000 | 1 | 2 | 9 | 9 |
| Irshad J v. El Paso ISD, TEA # 095-SE-1100 | El Paso | 2/16/2001 | 1 | 4 | 1 | 19 |
| Samuel W. v. Northwest ISD, TEA # 189-SE-200 | Northwest | 2/26/2001 | 1 | 2 | 4 | 11 |
| Tommy H. v. Connally ISD, TEA 192-SE-0301 | Connally | 5/29/2001 | 1 | 4 | 6 | 12 |
| David N., v. Northeast ISD, TEA # 246-SE-0401 | Northeast | 6/12/2001 | 1 | 4 | 1 | 20 |
| Bruno L. vs. McAllen ISD, TEA # 209-SE-0301 | McAllen | 7/12/2001 | 1 | 3 | 3 | 1 |
| Eric H., v. Judson ISD, TEA # 267-SE-0501 | Judson | 7/17/2001 | 1 | 3 | 3 | 20 |
| Adam J., vs. Keller ISD, TEA # 239-SE-0401 | Keller | 7/20/2001 | 1 | 4 | 3 | 11 |
| Nathan L., v. Lake Travis ISD, TEA 305-SE-0601 | Lake Travis | 7/20/2001 | 1 | 2 | 5 | 13 |
| Jeffrey W. v. Texas School for the Deaf, TEA # 163-SE-0201 | Texas School for the Deaf | 7/30/2001 | 1 | 4 | 1 | 13 |

(table continues)

| Case Name | School District | Date Decided | Gen | School Level | Size of District | TX. ESC |
|---|-----------------|--------------|-----|--------------|------------------|---------|
| James A. v. Spring Branch ISD, TEA # 304-SE-0601 | Spring Branch | 8/18/2001 | 1 | 3 | 2 | 4 |
| Charles W. v. Lewisville ISD, TEA # 343-SE-0701 | Lewisville | 10/16/2001 | 1 | 3 | 2 | 11 |
| Jason S. v. Plano ISD, TEA # 375-SE-0801 | Plano | 12/10/2001 | 1 | 4 | 2 | 10 |
| Spring Branch ISD V. Danny R, TEA # 077-SE-1001 | Spring Branch | 2/4/2002 | 1 | 4 | 2 | 4 |
| Jay D. v. Seminole ISD, TEA # 367-SE-0801 | Seminole | 3/4/2002 | 1 | 2 | 6 | 17 |
| Christopher N. v. Corpus Christi ISD, TEA # 327-SE-0502 | Corpus Christi | 8/3/2002 | 1 | 4 | 2 | 2 |
| Marie R. vs. Texas City ISD, TEA# 351-SE-0602 | Texas City | 8/7/2002 | 2 | 2 | 4 | 4 |
| Jeffrey M. vs. Fort Bend ISD, TEA # 217-SE-0302 | Fort Bend | 8/8/2002 | 1 | 3 | 1 | 4 |
| Cody R. v. Alvin ISD, TEA # 306-SE-0402 | Alvin | 8/12/2002 | 1 | 2 | 3 | 4 |
| Daniel R. v. Spring Branch ISD, TA # 146-SE-0102 | Spring Branch | 8/29/2002 | 1 | 4 | 2 | 4 |
| Alexander S. vs. San Antonio ISD, TEA # 303-SE-0402 | San Antonio | 9/16/2002 | 1 | 2 | 1 | 20 |

(table continues)

| Case Name | School District | Date Decided | Gen | School Level | Size of District | TX. ESC |
|--|-----------------|--------------|-----|--------------|------------------|---------|
| James C. vs. Corpus Christi ISD, TEA # 276-SE-0402 | Corpus Christi | 10/31/2002 | 1 | 2 | 2 | 2 |
| Caleb K. v. Harlandale ISD, TEA #167-SE-0102 | Harlandale | 1/10/2003 | 1 | 2 | 3 | 20 |
| Gabriel M. vs. Houston ISD, TEA # 084-SE-1102 | Houston | 3/18/2003 | 2 | 4 | 1 | 4 |
| Jared M. vs. Killeen ISD, TEA # 125-SE-1102 | Killeen | 4/9/2003 | 1 | 2 | 2 | 12 |
| Timothy T. vs. Northside ISD, TEA # 142-SE-0103 | Northside | 5/5/2003 | 1 | 4 | 1 | 20 |
| Max W. v. Lewisville ISD, TEA # 172-SE-0203 | Lewisville | 6/5/2003 | 1 | 1 | 2 | 11 |
| Stephen J. v. McKinney ISD, TEA # 184-SE-0203 | McKinney | 7/31/2003 | 1 | 2 | 3 | 10 |
| Niko G. v. Lake Travis ISD, TEA #329-SE-0603 | Lake Travis | 9/15/2003 | 1 | 2 | 5 | 13 |
| Rene H. vs. Ysleta ISD, TEA # 365-SE-0803 | Ysleta | 10/1/2003 | 1 | 4 | 2 | 19 |
| Charles A. v. Pearland ISD, TEA # 357-SE-0803 | Pearland | 10/10/2003 | 1 | 5 | 3 | 4 |
| Paul C. v. Alief ISD, TEA # 013-SE-0903 | Alief | 10/31/2003 | 1 | 2 | 2 | 4 |

(table continues)

| Case Name | School District | Date Decided | Gen | School Level | Size of District | TX. ESC |
|--|---------------------|--------------|-----|--------------|------------------|---------|
| Bobby P. v. Houston ISD, TEA # 332-SE- 0603 | Houston | 1/29/2004 | 1 | 2 | 1 | 4 |
| Lathom Y. v. Dripping Springs ISD, TEA # 227-SE- 0303 | Dripping Springs | 3/26/2004 | 1 | 3 | 5 | 13 |
| Christopher N. v. Corpus Christi ISD, TEA # 164-SE-0104 | Corpus Christi | 5/20/2004 | 1 | 4 | 2 | 2 |
| Sarah E. v. Keller ISD, TEA # 094-SE- 1103 | Keller | 6/23/2004 | 2 | 4 | 3 | 11 |
| Rene H. vs. Ysleta ISD, TEA # 186-SE- 0104 | Ysleta | 6/28/2004 | 1 | 5 | 2 | 19 |
| Connor G. v. North East ISD, TEA # 070-SE-1003 | North East | 6/30/2004 | 1 | 2 | 1 | 20 |
| Brandon F. vs. Irving ISD, TEA # 320-SE- 0504 | Irving | 7/12/2004 | 1 | 2 | 2 | 10 |
| Gavino L. v. Corpus Christi ISD, TEA # 022-SE-0903 | Corpus Christi | 8/9/2004 | 1 | 2 | 2 | 2 |
| Trenton D. v. Northside ISD, TEA # 140-SE-0105 | Northside | 4/5/2005 | 1 | 4 | 1 | 20 |
| T.B.T. v. Northside ISD. TEA 266-SE- 0405 | Northside | 7/8/2005 | 1 | 4 | 1 | 20 |
| J.M. v. Houston ISD, TEA # 281-SE-0405 | Houston | 7/30/2005 | 1 | 3 | 1 | 4 |

APPENDIX B

Due Process Hearing Case Names: Issue and Outcomes Coding Key

This coding key provides an explanation of the entry headings for the Table listed in this Appendix. Clarifications for each heading are listed below.

The columns marked “I” list the issues in the case.

1 = eligibility

2 = same placement but different package of services (i.e., dispute regarding kind and/or amount of services)

3 = different placements (regardless of whether the package of services was the same for each placement)

4 = different placements where “least restrictive environment” (LRE) was explicitly mentioned in the case and seemed to be an underlying factor

5 = related and supplemental service (e.g., aide or transportation, etc.)

6 = other service issues (e.g., hours, training, etc.)

7 = procedural issues (e.g., notice or evaluation, etc.)

8 = extended school year services (ESY)

9 = discipline

10 = extended educational services

11 = miscellaneous other

The column marked “O” lists the outcome for each issue in the dispute.

1 = Complete win for the parent/adult student

This category includes summary judgments (i.e., decisions without a due process hearing) in favor of the parent as well as complete conclusive win.

2 = Predominant but not complete conclusive win for the parent/adult student

This category includes the final conclusive decisions in the parent/adult students’ favor for the major part of the disputed issues or for more than 50% of the requested relief.

3 = Evenly split decision

This category includes split conclusive decisions (e.g., tuition reimbursement for 50% of the requested period).

4 = Predominant but not complete conclusive win for the school district

This category represents final conclusive decisions in the parent/adult student’s favor for only the minor part of the disputed issues or for less than 50% of the requested relief.

5 = Complete win for the school district

This category includes the granting of dismissals with prejudice and school districts’ motions for summary judgment.

Table B.1

Due Process Hearing Case Names: Issues and Outcomes

| Case Name | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O |
|---|---|---|----|---|----|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Andrew T.K. vs. Houston ISD, TEA # 246-SE-395 | 3 | 2 | 8 | 1 | 5 | 5 | | | | | | | | | | | | |
| Santos J.P. vs. Houston ISD, TEA # 481-SE-795 | 1 | 5 | 5 | 5 | 11 | 5 | | | | | | | | | | | | |
| Crystal L.W. vs. Spring ISD, TEA # 512- SE-895 | 2 | 4 | 11 | 2 | | | | | | | | | | | | | | |
| Michael R vs. Clear Creek ISD, TEA # 177- SE-196 | 4 | 5 | | | | | | | | | | | | | | | | |
| Jon N vs. Southwest ISD, TEA # 184-SE-196 | 7 | 1 | 2 | 1 | 5 | 5 | | | | | | | | | | | | |
| Andrew D.G. vs. Houston ISD, TEA #261-SE- 3965 | 8 | 1 | 10 | 4 | | | | | | | | | | | | | | |
| Lauren S. vs. Boerne ISD, TEA # 171-SE-196 | 4 | 5 | 10 | 5 | | | | | | | | | | | | | | |
| Robert P. vs. Houston ISD, | 1 | 5 | 4 | 4 | | | | | | | | | | | | | | |

(table continues)

| Case Name | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O |
|--|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Zachary McC. Vs. Humble ISD, TEA #281-SE- 496 | 2 | 5 | 7 | 5 | | | | | | | | | | | | | | |
| Zachary McC. Vs. Humble ISD, TEA #386-SE- 896 | 2 | 5 | | | | | | | | | | | | | | | | |
| Lauren S. vs. Boerne ISD, TEA # 054-SE-996 | 2 | 5 | 7 | 5 | | | | | | | | | | | | | | |
| Elliott M. v. Floresville ISD, TEA # 073-SE- 1096 | 5 | 5 | 4 | 5 | 6 | 3 | | | | | | | | | | | | |
| Troy Mark B. v. Flour Bluff ISD | 3 | 4 | 8 | 2 | | | | | | | | | | | | | | |
| Zachary McC., v. Humble ISD, TEA # 116-SE- 1196 | 2 | 5 | 5 | 5 | | | | | | | | | | | | | | |
| Zandra M. vs. Dallas ISD, TEA # 217-SE-297 | 4 | 5 | 1 | 5 | 2 | 5 | | | | | | | | | | | | |
| Samuel D. v. Dallas ISD, TEA # 398-SE-896 | 7 | 1 | 7 | 1 | | | | | | | | | | | | | | |

(table continues)

| Case Name | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O |
|--|---|---|---|---|----|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Jonathan S. vs. Conroe ISD, TEA # 279-SE-496 | 3 | 4 | 8 | 2 | | | | | | | | | | | | | | |
| Allison K. v. Azle ISD, TEA# 371-SE-597 | 7 | 1 | 3 | 2 | 5 | 2 | | | | | | | | | | | | |
| Jenifer M v. Houston ISD, TEA # 415-SE-697 | 3 | 1 | 8 | 5 | 5 | 4 | | | | | | | | | | | | |
| Patrick H. v. Austin ISD, TEA# 244-SE-397 | 8 | 2 | 5 | 1 | 10 | 5 | 5 | 5 | | | | | | | | | | |
| David A. v. Bryan ISD, TEA # 078- SE-1197 | 3 | 1 | | | | | | | | | | | | | | | | |
| Robert V. v. Weslaco ISD, TEA # 044-SE- 1097 | 5 | 1 | 7 | 5 | 8 | 5 | 2 | 1 | | | | | | | | | | |
| Chase Ryan D. v. Austin ISD, TEA # 005- SE-997 | 7 | 1 | 4 | 5 | 5 | 5 | | | | | | | | | | | | |
| Marc G. V. Houston ISD, TEA # | 4 | 1 | 7 | 2 | 5 | 2 | | | | | | | | | | | | |
| Grapevine- Colleyville ISD v. Danielle R.. TEA # 108- SE-1297 | 7 | 1 | 2 | 1 | | | | | | | | | | | | | | |

(table continues)

| Case Name | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O |
|--|---|---|---|---|----|---|---|---|---|---|---|---|---|---|---|---|---|---|
| George R. v. North East ISD, TEA # 370- SE-898 | 4 | 5 | 7 | 1 | 7 | 5 | | | | | | | | | | | | |
| Robert B. v. Weslaco ISD, TEA # 314-SE-698 | 7 | 5 | 5 | 5 | 2 | 5 | | | | | | | | | | | | |
| Ted H. v. Carrollton- Farmers Branch ISD, TEA # 257-SE-498 | 4 | 5 | 7 | 5 | 5 | 5 | 9 | 5 | | | | | | | | | | |
| Vinay V v. Houston ISD, TEA # 306-SE-598 | 4 | 1 | 5 | 1 | 10 | 1 | | | | | | | | | | | | |
| Diego V. v. Houston ISD, TEA # 237-SE-498 | 4 | 5 | 5 | 5 | | | | | | | | | | | | | | |
| Michael B. v. Houston ISD, TEA 359-SE-798 | 2 | 1 | 8 | 2 | | | | | | | | | | | | | | |
| Daniel Zachary M. v. Grapevine- Colleyville ISD, TEA # 109-SE- 1298 | 4 | 5 | 5 | 5 | | | | | | | | | | | | | | |
| Timothy T. vs. Northside ISD, TEA # 093-SE- 1197 | 4 | 5 | 5 | 1 | 7 | 5 | | | | | | | | | | | | |

(table continues)

| Case Name | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O |
|---|---|---|---|---|---|---|----|---|----|---|---|---|---|---|---|---|---|---|
| Iowa Park ISD v. Shawn K., TEA #230- SE-499 | 7 | 5 | | | | | | | | | | | | | | | | |
| Michael M. v. Coppell ISD, TEA # 344-SE- 698; Coppell ISD v. Michael M., TEA # 083-SE- 1198 | 7 | 4 | 8 | 1 | | | | | | | | | | | | | | |
| Northside ISD v. Hannah H., TEA #128- SE-199 | 7 | 5 | 4 | 5 | 6 | 5 | 7 | 5 | 11 | 5 | 7 | 5 | | | | | | |
| Anna H. v. Tyler ISD, TEA # 383- SE-899 | 4 | 1 | 7 | 5 | | | | | | | | | | | | | | |
| Patrick K., vs. Kennedale ISD, TEA # 052-SE- 1099 | 1 | 1 | 7 | 5 | 7 | 5 | 11 | 3 | | | | | | | | | | |
| Vinay V v. Houston ISD, TEA # 142-SE- 1299 | 1 | 0 | 5 | 7 | 5 | 7 | 1 | | | | | | | | | | | |
| Louis A. v. Grapevine- Colleyville ISD, TEA #233-SE- 300 | 1 | 5 | 2 | 5 | | | | | | | | | | | | | | |

(table continues)

| Case Name | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O |
|---|---|---|----|---|----|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Cody C. vs. Dimmitt ISD & Castro SSA, TEA # 102-SE- 1298 | 1 | 1 | 6 | 1 | 7 | 1 | 7 | 1 | 6 | 1 | 7 | 1 | 7 | 1 | 7 | 1 | | |
| Jenifer M v. Houston ISD, TEA # 332-SE-500 | 4 | 5 | 11 | 3 | | | | | | | | | | | | | | |
| Lake Travis ISD v. Nathan L. , TEA # 358- SE-600 | 1 | 1 | 4 | 5 | | | | | | | | | | | | | | |
| Newcastle ISD & Big Four Co-op v. Collin B, TEA #006- SE-900 | 1 | 5 | 2 | 5 | | | | | | | | | | | | | | |
| Irshad J v. El Paso ISD, TEA # 095-SE- 1100 | 7 | 5 | 7 | 3 | 7 | 5 | 7 | 5 | 4 | 5 | 5 | 5 | | | | | | |
| Samuel W. v. Northwest ISD, TEA # 189-SE-200 | 5 | 5 | 2 | 5 | 7 | 5 | | | | | | | | | | | | |
| Tommy H. v. Connally ISD, TEA 192-SE- 0301 | 2 | 5 | 7 | 5 | 11 | 5 | | | | | | | | | | | | |
| David N., v. Northeast ISD, TEA # 246-SE- 0401 | 7 | 5 | | | | | | | | | | | | | | | | |

(table continues)

| Case Name | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O |
|--|--------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Bruno L. vs. McAllen ISD, TEA # 209-SE- 0301 | 5 | 5 | 4 | 5 | 8 | 1 | | | | | | | | | | | | |
| Eric H., v. Judson ISD, TEA # 267-SE- 0501 | 1 | 5 | 7 | 5 | 2 | 5 | 7 | 5 | 7 | 5 | 7 | 5 | 7 | 5 | 5 | 5 | | |
| Adam J., vs. Keller ISD, TEA # 239-SE- 0401 | 3 | 5 | | | | | | | | | | | | | | | | |
| Nathan L., v. Lake Travis ISD, TEA 305- SE-0601 | 7 | 5 | 7 | 5 | 7 | 5 | | | | | | | | | | | | |
| Jeffrey W. v. Texas School for the Deaf, TEA # 163- SE-0201 | 4 | 1 | 5 | 1 | 4 | 5 | 5 | 5 | 5 | 5 | | | | | | | | |
| James A. v. Spring Branch ISD, TEA # 304-SE- 0601 | 1 0 | 5 | 2 | 5 | 5 | 5 | 7 | 5 | | | | | | | | | | |
| Charles W. v. Lewisville ISD, TEA # 343-SE- 0701 | 3 | 1 | 4 | 1 | 7 | 5 | 5 | 1 | 7 | 1 | | | | | | | | |
| Jason S. v. Plano ISD, TEA # 375- SE-0801 | 3 | 5 | | | | | | | | | | | | | | | | |

(table continues)

| Case Name | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Spring Branch ISD V. Danny R, TEA # 077-SE- 1001 | 7 | 5 | | | | | | | | | | | | | | | | |
| Jay D. v. Seminole ISD, TEA # 367-SE- 0801 | 5 | 5 | 3 | 5 | 7 | 5 | | | | | | | | | | | | |
| Christopher N. v. Corpus Christi ISD, TEA # 327- SE-0502 | 7 | 1 | 8 | 1 | 7 | 5 | 7 | 5 | | | | | | | | | | |
| Marie R. vs. Texas City ISD, TEA# 351- SE-0602 | 3 | 5 | 5 | 5 | 5 | 1 | 5 | 5 | 5 | 5 | 8 | 5 | | | | | | |
| Jeffrey M. vs. Fort Bend ISD, TEA # 217- SE-0302 | 7 | 1 | 2 | 1 | 4 | 5 | | | | | | | | | | | | |
| Cody R. v. Alvin ISD, TEA # 306- SE-0402 | 2 | 5 | | | | | | | | | | | | | | | | |
| Daniel R. v. Spring Branch ISD, TA # 146-SE- 0102 | 7 | 5 | 5 | 1 | 5 | 1 | | | | | | | | | | | | |
| Alexander S. vs. San Antonio ISD, TEA # 303-SE- 0402 | 1 | 5 | 7 | 5 | 7 | 5 | 2 | 5 | | | | | | | | | | |

(table continues)

| Case Name | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| James C. vs. Corpus Christi ISD, TEA # 276- SE-0402 | 4 | 5 | 7 | 5 | 7 | 5 | | | | | | | | | | | | |
| Caleb K. v. Harlandale ISD, TEA #167-SE- 0102 | 5 | 3 | 5 | 1 | 5 | 1 | 7 | 5 | 5 | 5 | 8 | 1 | 6 | 5 | 1 | 5 | 6 | 5 |
| Gabriel M. vs. Houston ISD, TEA # 084-SE- 1102 | 2 | 5 | 2 | 5 | | | | | | | | | | | | | | |
| Jared M. vs. Killeen ISD, TEA # 125-SE- 1102 | 5 | 5 | 7 | 5 | 7 | 5 | 6 | 5 | 5 | 5 | 7 | 5 | | | | | | |
| Timothy T. v. Northside ISD, TEA # 142-SE- 0103 | 4 | 5 | 7 | 5 | 2 | 5 | | | | | | | | | | | | |
| Max W. v. Lewisville ISD, TEA # 172-SE- 0203 | 7 | 1 | 3 | 3 | 3 | 1 | | | | | | | | | | | | |
| Stephen J. v. McKinney ISD, TEA # 184-SE- 0203 | 2 | 1 | 4 | 1 | 3 | 3 | 5 | 5 | | | | | | | | | | |
| Niko G. v. Lake Travis ISD, TEA #329-SE- 0603 | 7 | 5 | 2 | 5 | 4 | 1 | | | | | | | | | | | | |

(table continues)

| Case Name | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O |
|---|---|---|----|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rene H. vs. Ysleta ISD, TEA # 365- SE-0803 | 7 | 1 | 2 | 5 | | | | | | | | | | | | | | |
| Charles A. v. Pearland ISD, TEA # 357-SE- 0803 | 5 | 5 | 7 | 5 | | | | | | | | | | | | | | |
| Paul C. v. Alief ISD, TEA # 013- SE-0903 | 2 | 5 | 3 | 3 | | | | | | | | | | | | | | |
| Bobby P. v. Houston ISD, TEA # 332-SE- 0603 | 7 | 5 | 2 | 3 | 8 | 3 | 5 | 5 | 7 | 5 | | | | | | | | |
| Lathom Y. v. Dripping Springs ISD, TEA # 227-SE- 0303 | 4 | 5 | 11 | 5 | | | | | | | | | | | | | | |
| Christopher N. v. Corpus Christi ISD, TEA # 164- SE-0104 | 3 | 1 | | | | | | | | | | | | | | | | |
| Sarah E. v. Keller ISD, TEA # 094- SE-1103 | 1 | 5 | 1 | 5 | 6 | 5 | 7 | 5 | | | | | | | | | | |
| Rene H. vs. Ysleta ISD, TEA # 186- SE-0104 | 5 | 5 | 2 | 5 | | | | | | | | | | | | | | |

(table continues)

| Case Name | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O | I | O |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Connor G. v. North East ISD, TEA # 070- SE-1003 | 1 | 5 | 7 | 5 | | | | | | | | | | | | | | |
| Brandon F. vs. Irving ISD, TEA # 320-SE- 0504 | 3 | 5 | | | | | | | | | | | | | | | | |
| Gavino L. v. Corpus Christi ISD, TEA # 022- SE-0903 | 4 | 5 | 5 | 5 | | | | | | | | | | | | | | |
| Trenton D. v. Northside ISD, TEA # 140-SE- 0105 | 7 | 5 | 7 | 5 | 7 | 5 | 7 | 5 | 2 | 5 | 2 | 5 | | | | | | |
| T.B.T. v. Northside ISD. TEA 266-SE- 0405 | 2 | 5 | 2 | 5 | 7 | 5 | | | | | | | | | | | | |
| J.M. v. Houston ISD, TEA # 281-SE- 0405 | 3 | 5 | 6 | 5 | 6 | 5 | 4 | 5 | | | | | | | | | | |

Note: O – Outcomes; I – Issues

APPENDIX C

Due Process Hearing Case Names: Requested Relief and Outcomes Coding Key

This coding key provides an explanation of the entry headings for the Table listed in this Appendix. Clarifications for each heading are listed below.

The columns marked “R” list the type of requested relief in the case.

1 = declaratory or injunctive

2 = reimbursement (including not only tuition and other expenses but also independent education evaluations)

3 = compensatory education

4 = both reimbursement and compensatory education

The column marked “O” utilizes the same coding key for outcomes as noted in Appendix B.

Table C.1

Due Process Hearing Case Names: Requested Relief and Outcomes

| Case Name | R | O | R | O |
|--|---|---|---|---|
| Andrew T.K. vs. Houston ISD, TEA # 246-SE-395 | 2 | 2 | 1 | 5 |
| Santos J.P. vs. Houston ISD, TEA # 481-SE-795 | 1 | 5 | | |
| Crystal L.W. vs. Spring ISD, TEA # 512-SE-895 | 1 | 4 | | |
| Michael R vs. Clear Creek ISD, TEA # 177-SE-196 | 1 | 5 | | |
| Jon N vs. Southwest ISD, TEA # 184-SE-196 | 3 | 3 | | |
| Andrew D.G. vs. Houston ISD, TEA #261-SE-3965 | 1 | 1 | 1 | 4 |
| Lauren S. vs. Boerne ISD, TEA # 171-SE-196 | 1 | 5 | | |
| Robert P. vs. Houston ISD, | 2 | 5 | 1 | 4 |
| Zachary McC. Vs. Humble ISD, TEA #281-SE-496 | 1 | 5 | | |
| Zachary McC. Vs. Humble ISD, TEA #386-SE-896 | 1 | 5 | | |
| Lauren S. vs. Boerne ISD, TEA # 054-SE-996 | 1 | 5 | | |
| Elliott M. v. Floresville ISD, TEA # 073-SE-1096 | 1 | 4 | | |
| Troy Mark B. v. Flour Bluff ISD | 2 | 4 | 1 | 2 |
| Zachary McC., v. Humble ISD, TEA # 116-SE-1196 | 1 | 5 | | |
| Zandra M. vs. Dallas ISD, TEA # 217-SE-297 | 1 | 5 | 2 | 5 |
| Samuel D. v. Dallas ISD, TEA # 398-SE-896 | 1 | 1 | 3 | 5 |
| Jonathan S. vs. Conroe ISD, TEA # 279-SE-496 | 2 | 4 | | |
| Allison K. v. Azle ISD, TEA# 371-SE-597 | 4 | 2 | | |
| Jenifer M v. Houston ISD, TEA # 415-SE-697 | 4 | 2 | 1 | 1 |
| Patrick H. v. Austin ISD, TEA# 244-SE-397 | 3 | 2 | 1 | 5 |

(table continues)

| Case Name | R | O | R | O |
|---|---|---|---|---|
| David A. v. Bryan ISD, TEA # 078-SE-1197 | 1 | 1 | | |
| Robert V. v. Weslaco ISD, TEA # 044-SE-1097 | 3 | 1 | 1 | 1 |
| Chase Ryan D. v. Austin ISD, TEA # 005-SE-997 | 4 | 5 | | |
| Marc G. V. Houston ISD, TEA # | 4 | 3 | | |
| Grapevine - Colleyville ISD v. Danielle R., TEA # 108-SE-1297 | 2 | 1 | 1 | 1 |
| George R. v. North East ISD, TEA # 370-SE-898 | 2 | 2 | 3 | 5 |
| Robert B. v. Weslaco ISD, TEA # 314-SE-698 | 1 | 5 | | |
| Ted H. v. Carrollton-Farmers Branch ISD, TEA # 257-SE-498 | 3 | 5 | 1 | 5 |
| Vinay V v. Houston ISD, TEA # 306-SE-598 | 4 | 3 | 1 | 1 |
| Diego V. v. Houston ISD, TEA # 237-SE-498 | 2 | 5 | 1 | 5 |
| Michael B. v. Houston ISD, TEA 359-SE-798 | 3 | 1 | 1 | 5 |
| Daniel Zachary M. v. Grapevine-Colleyville ISD, TEA # 109-SE-1298 | 1 | 5 | | |
| Timothy T. vs. Northside ISD, TEA # 093-SE-1197 | 1 | 4 | 2 | 5 |
| Iowa Park ISD v. Shawn K., TEA #230-SE-499 | 2 | 5 | | |
| Michael M. v. Coppell ISD, TEA # 344-SE-698; Coppell ISD v. Michael M., TEA # 083-SE-1198 | 4 | 3 | 1 | 5 |
| Northside ISD v. Hannah H., TEA #128-SE-199 | 1 | 5 | 2 | 5 |
| Anna H. v. Tyler ISD, TEA # 383-SE-899 | 1 | 1 | 3 | 5 |
| Patrick K., vs. Kennedale ISD, TEA # 052-SE-1099 | 1 | 1 | 3 | 1 |
| Vinay V v. Houston ISD, TEA # 142-SE-1299 | 1 | 5 | 1 | 3 |
| Louis A. v. Grapevine-Colleyville ISD, TEA #233-SE-300 | 2 | 5 | 1 | 5 |
| Cody C. vs. Dimmitt ISD & Castro SSA, TEA # 102-SE-1298 | 1 | 1 | 2 | 1 |

(table continues)

| Case Name | R | O | R | O |
|---|---|---|---|---|
| Jenifer M v. Houston ISD, TEA # 332-SE-500 | 2 | 3 | 1 | 5 |
| Lake Travis ISD v. Nathan L. , TEA # 358-SE-600 | 1 | 4 | | |
| Newcastle ISD & Big Four Co-op v. Collin B, TEA #006-SE-900 | 2 | 5 | 1 | 5 |
| Irshad J v. El Paso ISD, TEA # 095-SE-1100 | 1 | 5 | 2 | 4 |
| Samuel W. v. Northwest ISD, TEA # 189-SE-200 | 2 | 5 | | |
| Tommy H. v. Connally ISD, TEA 192-SE-0301 | 1 | 5 | 4 | 5 |
| David N., v. Northeast ISD, TEA # 246-SE-0401 | 1 | 5 | 3 | 5 |
| Bruno L. vs. McAllen ISD, TEA # 209-SE-0301 | 3 | 1 | 2 | 5 |
| Eric H., v. Judson ISD, TEA # 267-SE-0501 | 1 | 5 | 4 | 5 |
| Adam J., vs. Keller ISD, TEA # 239-SE-0401 | 2 | 5 | | |
| Nathan L., v. Lake Travis ISD, TEA 305-SE-0601 | 1 | 5 | | |
| Jeffrey W. v. Texas School for the Deaf, TEA # 163-SE-0201 | 1 | 3 | | |
| James A. v. Spring Branch ISD, TEA # 304-SE-0601 | 1 | 5 | 2 | 5 |
| Charles W. v. Lewisville ISD, TEA # 343-SE-0701 | 2 | 1 | | |
| Jason S. v. Plano ISD, TEA # 375-SE-0801 | 1 | 5 | | |
| Spring Branch ISD V. Danny R, TEA # 077-SE-1001 | 1 | 5 | | |
| Jay D. v. Seminole ISD, TEA # 367-SE-0801 | 1 | 5 | | |
| Christopher N. v. Corpus Christi ISD, TEA # 327-SE-0502 | 4 | 2 | | |
| Marie R. vs. Texas City ISD, TEA# 351-SE-0602 | 1 | 5 | 2 | 1 |
| Jeffrey M. vs. Fort Bend ISD, TEA # 217-SE-0302 | 1 | 2 | 4 | 2 |
| Cody R. v. Alvin ISD, TEA # 306-SE-0402 | 1 | 5 | | |
| Daniel R. v. Spring Branch ISD, TA # 146-SE-0102 | 1 | 1 | 4 | 1 |

(table continues)

| Case Name | R | O | R | O |
|---|---|---|---|---|
| Alexander S. vs. San Antonio ISD, TEA # 303-SE-0402 | 4 | 5 | | |
| James C. vs. Corpus Christi ISD, TEA # 276-SE-0402 | 1 | 5 | 4 | 5 |
| Caleb K. v. Harlandale ISD, TEA #167-SE-0102 | 1 | 2 | 4 | 2 |
| Gabriel M. vs. Houston ISD, TEA # 084-SE-1102 | 3 | 5 | | |
| Jared M. vs. Killeen ISD, TEA # 125-SE-1102 | 1 | 5 | 2 | 5 |
| Timothy T. vs. Northside ISD, TEA # 142-SE-0103 | 1 | 5 | 4 | 5 |
| Max W. v. Lewisville ISD, TEA # 172-SE-0203 | 2 | 1 | | |
| Stephen J. v. McKinney ISD, TEA # 184-SE-0203 | 2 | 3 | | |
| Niko G. v. Lake Travis ISD, TEA #329-SE-0603 | 1 | 1 | 2 | 5 |
| Rene H. vs. Ysleta ISD, TEA # 365-SE-0803 | 1 | 5 | 1 | 1 |
| Charles A. v. Pearland ISD, TEA # 357-SE-0803 | 1 | 5 | | |
| Paul C. v. Alief ISD, TEA # 013-SE-0903 | 2 | 3 | | |
| Bobby P. v. Houston ISD, TEA # 332-SE-0603 | 1 | 5 | 4 | 1 |
| Lathom Y. v. Dripping Springs ISD, TEA # 227-SE-0303 | 2 | 5 | | |
| Christopher N. v. Corpus Christi ISD, TEA # 164-SE-0104 | 2 | 1 | | |
| Sarah E. v. Keller ISD, TEA # 094-SE-1103 | 1 | 5 | 2 | 5 |
| Rene H. vs. Ysleta ISD, TEA # 186-SE-0104 | 1 | 5 | 3 | 5 |
| Connor G. v. North East ISD, TEA # 070-SE-1003 | 1 | 5 | 3 | 5 |
| Brandon F. vs. Irving ISD, TEA # 320-SE-0504 | 2 | 5 | | |
| Gavino L. v. Corpus Christi ISD, TEA # 022-SE-0903 | 1 | 5 | 3 | 5 |
| Trenton D. v. Northside ISD, TEA # 140-SE-0105 | 1 | 5 | | |
| T.B.T. v. Northside ISD. TEA 266-SE-0405 | 1 | 5 | | |
| J.M. v. Houston ISD, TEA # 281-SE-0405 | 4 | 5 | | |

Note: R – Requested Relief; O – Outcomes

APPENDIX D

Due Process Hearing Case Names: Hearing Officers

Table D.1

Due Process Hearing Case Names - Hearing Officers

| Case Name | Hearing Officer |
|--|----------------------|
| Andrew T.K. vs. Houston ISD, TEA # 246-SE-395 | James Holtz |
| Santos J.P. vs. Houston ISD, TEA # 481-SE-795 | Olivia B. Ruiz |
| Crystal L.W. vs. Spring ISD, TEA # 512-SE-895 | Gwendolynn Hill Webb |
| Michael R vs. Clear Creek ISD, TEA # 177-SE-196 | James Holtz |
| Jon N vs. Southwest ISD, TEA # 184-SE-196 | Olivia Ruiz |
| Andrew D.G. vs. Houston ISD, TEA #261-SE-3965 | James Holtz |
| Lauren S. vs. Boerne ISD, TEA # 171-SE-196 | Lucius Bunton |
| Robert P. vs. Houston ISD, | D. Heaton McElvaney |
| Zachary McC. Vs. Humble ISD, TEA #281-SE-496 | Lucretia Dillard |
| Zachary McC. Vs. Humble ISD, TEA #386-SE-896 | Lucretia Dillard |
| Lauren S. vs. Boerne ISD, TEA # 054-SE-996 | Lucius Bunton |
| Elliott M. v. Floresville ISD, TEA # 073-SE-1096 | Kevin O'Hanlon |
| Troy Mark B. v. Flour Bluff ISD | Gwendolynn Hill Webb |
| Zachary McC., v. Humble ISD, TEA # 116-SE-1196 | Luecretia Dillard |
| Zandra M. vs. Dallas ISD, TEA # 217-SE-297 | Janis Herd |
| Samuel D. v. Dallas ISD, TEA # 398-SE-896 | Lucius Bunton |

(table continues)

| Case Name | Hearing Officer |
|--|----------------------|
| Jonathan S. vs. Conroe ISD, TEA # 279-SE-496 | Gwendolynn Hill Webb |
| Allison K. v. Azle ISD, TEA# 371-SE-597 | Janis Herd |
| Jenifer M v. Houston ISD, TEA # 415-SE-697 | Lucretia Dillard |
| Patrick H. v. Austin ISD, TEA# 244-SE-397 | Olivia B. Ruiz |
| David A. v. Bryan ISD, TEA # 078-SE-1197 | Lucius Bunton |
| Robert V. v. Weslaco ISD, TEA # 044-SE-1097 | Stephen Webb |
| Chase Ryan D. v. Austin ISD, TEA # 005-SE-997 | Janis Herd |
| Marc G. V. Houston ISD, TEA # | James Holtz |
| Grapevine - Colleyville ISD v. Danielle R., TEA # 108-SE-1297 | Kevin O'Hanlon |
| George R. v. North East ISD, TEA # 370-SE-898 | James Hollis |
| Robert B. v. Weslaco ISD, TEA # 314-SE-698 | Stephen Webb |
| Ted H. v. Carrollton-Farmers Branch ISD, TEA # 257-SE-498 | Ann Vevier Lockwood |
| Vinay V v. Houston ISD, TEA # 306-SE-598 | James Holtz |
| Diego V. v. Houston ISD, TEA # 237-SE-498 | Ann Vevier Lockwood |
| Michael B. v. Houston ISD, TEA 359-SE-798 | Lucretia Dillard |
| Daniel Zachary M. v. Grapevine-Colleyville ISD, TEA # 109-SE-1298 | Lucius Bunton |
| Timothy T. vs. Northside ISD, TEA # 093-SE-1197 | James Hollis |
| Iowa Park ISD v. Shawn K., TEA #230-SE-499 | Lucius Bunton |
| Michael M. v. Coppell ISD, TEA # 344-SE-698; Coppell ISD v. Michael M., TEA # 083-SE-1198 | Evelyn Conner Hicks |

(table continues)

| Case Name | Hearing Officer |
|---|--------------------------|
| Northside ISD v. Hannah H., TEA #128-SE-199 | Ann Vevier Lockwood |
| Anna H. v. Tyler ISD, TEA # 383-SE-899 | Deborah Heaton McElvaney |
| Patrick K., vs. Kennedale ISD, TEA # 052-SE-1099 | James Hollis |
| Vinay V v. Houston ISD, TEA # 142-SE-1299 | James Holtz |
| Louis A. v. Grapevine-Colleyville ISD, TEA #233-SE-300 | Janis Herd |
| Cody C. vs. Dimmitt ISD & Castro SSA, TEA # 102-SE-1298 | Gwendolyn Hill Webb |
| Jenifer M v. Houston ISD, TEA # 332-SE-500 | James Holtz |
| Lake Travis ISD v. Nathan L. , TEA # 358-SE-600 | Stephen Aleman |
| Newcastle ISD & Big Four Co-op v. Collin B, TEA #006-SE-900 | Janis Herd |
| Irshad J v. El Paso ISD, TEA # 095-SE-1100 | Ann Vevier Lockwood |
| Samuel W. v. Northwest ISD, TEA # 189-SE-200 | Evelyn Conner Hicks |
| Tommy H. v. Connally ISD, TEA 192-SE-0301 | Gwendolyn Hill Webb |
| David N., v. Northeast ISD, TEA # 246-SE-0401 | Lucius Bunton |
| Bruno L. vs. McAllen ISD, TEA # 209-SE-0301 | Stephen P. Webb |
| Eric H., v. Judson ISD, TEA # 267-SE-0501 | Janis Herd |
| Adam J., vs. Keller ISD, TEA # 239-SE-0401 | Lucius Bunton |
| Nathan L., v. Lake Travis ISD, TEA 305-SE-0601 | Evelyn Conner Hicks |
| Jeffrey W. v. Texas School for the Deaf, TEA # 163-SE-0201 | Gwendolyn Hill Webb |
| James A. v. Spring Branch ISD, TEA # 304-SE-0601 | Janis Herd |

(table continues)

| Case Name | Hearing Officer |
|---|--------------------------|
| Charles W. v. Lewisville ISD, TEA # 343-SE-0701 | Stephen P. Webb |
| Jason S. v. Plano ISD, TEA # 375-SE-0801 | Lucyretia Dillard |
| Spring Branch ISD V. Danny R, TEA # 077-SE-1001 | Stephen P. Webb |
| Jay D. v. Seminole ISD, TEA # 367-SE-0801 | Deborah Heaton McElvaney |
| Christopher N. v. Corpus Christi ISD, TEA # 327-SE-0502 | Olivia B. Ruiz |
| Marie R. vs. Texas City ISD, TEA# 351-SE-0602 | Ann Vevier Lockwood |
| Jeffrey M. vs. Fort Bend ISD, TEA # 217-SE-0302 | James Hollis |
| Cody R. v. Alvin ISD, TEA # 306-SE-0402 | Lynn E. Rubinett |
| Daniel R. v. Spring Branch ISD, TA # 146-SE-0102 | Lynn E. Rubinett |
| Alexander S. vs. San Antonio ISD, TEA # 303-SE-0402 | James Hollis |
| James C. vs. Corpus Christi ISD, TEA # 276-SE-0402 | Mary Carolyn Carmichael |
| Caleb K. v. Harlandale ISD, TEA #167-SE-0102 | Steven R. Aleman |
| Gabriel M. vs. Houston ISD, TEA # 084-SE-1102 | James Hollis |
| Jared M. vs. Killeen ISD, TEA # 125-SE-1102 | Janis Herd |
| Timothy T. vs. Northside ISD, TEA # 142-SE-0103 | James Holtz |
| Max W. v. Lewisville ISD, TEA # 172-SE-0203 | Lucyretia Dillard |
| Stephen J. v. McKinney ISD, TEA # 184-SE-0203 | Steven R. Aleman |
| Niko G. v. Lake Travis ISD, TEA #329-SE-0603 | Jeff A. Armstrong |
| Rene H. vs. Ysleta ISD, TEA # 365-SE-0803 | James Hollis |
| Charles A. v. Pearland ISD, TEA # 357-SE-0803 | Lynn E. Rubinett |
| Paul C. v. Alief ISD, TEA # 013-SE-0903 | James Holtz |

(table continues)

| Case Name | Hearing Officer |
|---|-------------------------|
| Bobby P. v. Houston ISD, TEA # 332-SE-0603 | Olivia B. Ruiz |
| Lathom Y. v. Dripping Springs ISD, TEA # 227-SE-0303 | Lucius Bunton |
| Christopher N. v. Corpus Christi ISD, TEA # 164-SE-0104 | Stephen Webb |
| Sarah E. v. Keller ISD, TEA # 094-SE-1103 | Ann Vevier Lockwood |
| Rene H. vs. Ysleta ISD, TEA # 186-SE-0104 | James Hollis |
| Connor G. v. North East ISD, TEA # 070-SE-1003 | Lucyretia Dillard |
| Brandon F. vs. Irving ISD, TEA # 320-SE-0504 | Lucyretia Dillard |
| Gavino L. v. Corpus Christi ISD, TEA # 022-SE-0903 | Mary Carolyn Carmichael |
| Trenton D. v. Northside ISD, TEA # 140-SE-0105 | Ann Vevier Lockwood |
| T.B.T. v. Northside ISD. TEA 266-SE-0405 | Ann Vevier Lockwood |
| J.M. v. Houston ISD, TEA # 281-SE-0405 | James Holtz |

APPENDIX E

Due Process Hearing Case Names: Legal Representation

Table E.1

Due Process Hearing Case Names – Legal Representation

| Case Name | School District | Parent/Adult Student |
|--|---------------------------|----------------------------|
| Andrew T.K. vs. Houston ISD, TEA # 246-SE-395 | C. Borreca | M. Holland |
| Santos J.P. vs. Houston ISD, TEA # 481-SE-795 | H. Graff | Pro Se |
| Crystal L.W. vs. Spring ISD, TEA # 512-SE-895 | J. Horton | Pro Se |
| Michael R vs. Clear Creek ISD, TEA # 177-SE-196 | M Schexnayder | M. O'Dell |
| Jon N vs. Southwest ISD, TEA # 184-SE-196 | J. Fessenden | C. Jonas |
| Andrew D.G. vs. Houston ISD, TEA #261-SE-3965 | J Horton | M. O'Dell |
| Lauren S. vs. Boerne ISD, TEA # 171-SE-196 | D. Anderson R. LaVallo | C. Jonas |
| Robert P. vs. Houston ISD, | Not Noted | Not Noted |
| Zachary McC. Vs. Humble ISD, TEA #281-SE-496 | J Jacobs | B. Mladenka-Fowler |
| Zachary McC. Vs. Humble ISD, TEA #386-SE-896 | J. Jacobs | Pro Se |
| Lauren S. vs. Boerne ISD, TEA # 054-SE-996 | D. Anderson | C. Jonas, S. Westergren |

(table continues)

| Case Name | School District | Parent/Adult Student |
|--|--------------------------------------|-----------------------|
| Elliott M. v. Floresville ISD, TEA # 073-SE-1096 | J. Fessenden | C. Jonas |
| Troy Mark B. v. Flour Bluff ISD | D. Travis | M. O'Dell |
| Zachary McC., v. Humble ISD, TEA # 116-SE-1196 | J. Jacobs | D. Wintersgill |
| Zandra M. vs. Dallas ISD, TEA # 217-SE-297 | H. Wardell L. Schwartz | M. Miner |
| Samuel D. v. Dallas ISD, TEA # 398-SE-896 | H. Wardell L. Schwartz | M. O'Dell |
| Jonathan S. vs. Conroe ISD, TEA # 279-SE-496 | M. Schneider-Vogel | M. O'Dell |
| Allison K. v. Azle ISD, TEA# 371-SE-597 | L. Scott, T. Myers R. Hoodenpyle, | M. Silver |
| Jenifer M v. Houston ISD, TEA # 415-SE-697 | H. Graff | M. Holland |
| Patrick H. v. Austin ISD, TEA# 244-SE-397 | C. Buechler | C. Jonas |
| David A. v. Bryan ISD, TEA # 078-SE-1197 | J. Jacobs | M. O'Dell |
| Robert V. v. Weslaco ISD, TEA # 044-SE-1097 | J. Gonzalez | C. Jonas |
| Chase Ryan D. v. Austin ISD, TEA # 005-SE-997 | C. Buechler | K. Johnson, C. Wilson |
| Marc G. V. Houston ISD, TEA # 102-SE-1197 | H. Graff | M. Holland |
| Grapevine - Colleyville ISD v. Danielle R., TEA # 108-SE-1297 | N. Matthews S. Graham | J. Deatherage |
| George R. v. North East ISD, TEA # 370-SE-898 | C. Wood | G. Griffin |

(table continues)

| Case Name | School District | Parent/Adult Student |
|---|-------------------------------------|--------------------------------|
| Robert B. v. Weslaco ISD, TEA # 314-SE-698 | P. Husbands | C. Jonas |
| Ted H. v. Carrollton-Farmers Branch ISD, TEA # 257-SE-498 | N. Matthews S. Graham | M. O'Dell |
| Vinay V v. Houston ISD TEA # 306-SE-598 | J. Rogers | D. Jones, Parent Advocate |
| Diego V. v. Houston ISD, TEA # 237-SE-498 | H. Graff | D. McCall |
| Michael B. v. Houston ISD, TEA 359-SE-798 | H. Graff | J.Giustini, Parent Advocate |
| Daniel Zachary M. v. Grapevine- Colleyville ISD, TEA # 109-SE-1298 | N. Matthews | M. Silver |
| Timothy T. vs. Northside ISD, TEA # 093-SE-1197 | D. Anderson | J. Oliver |
| Iowa Park ISD v. Shawn K., TEA #230-SE-499 | N. Matthews | Pro Se |
| Michael M. v. Coppell ISD, TEA # 344-SE-698; Coppell ISD v. Michael M., TEA # 083-SE-1198 | R. Gibbs L. Belt R. Lina | M. Partin, |
| Northside ISD v. Hannah H., TEA #128-SE-199 | P. Roalson, E. Gallegos | B. Ancira |
| Anna H. v. Tyler ISD, TEA # 383-SE-899 | D. Anderson Y. Muniz J. Hardy | M. Silver |
| Patrick K., vs. Kennedale ISD, TEA # 052-SE-1099 | J. Lobert | C. Jonas |
| Vinay V v. Houston ISD, TEA # 142-SE-1299 | J. Rogers | D. Jones Parent Advocate |

(table continues)

| Case Name | School District | Parent/Adult Student |
|--|-------------------------------|--------------------------------|
| Louis A. v. Grapevine-Colleyville ISD, TEA #233-SE-300 | N. Matthews | M. O'Dell |
| Cody C. vs. Dimmitt ISD & Castro SSA, TEA # 102-SE-1298 | S. Graham M. Williams | M. O'Dell M.J. White |
| Jenifer M v. Houston ISD, TEA # 332-SE-500 | H. Graff | J. Brennan |
| Lake Travis ISD v. Nathan L. , TEA # 358-SE-600 | W. C. Bednar | S. Marshall Parent Advocate |
| Newcastle ISD & Big Four Co-op v. Collin B, TEA #006-SE-900 | S. Graham | C. Hamilton |
| Irshad J v. El Paso ISD, TEA # 095-SE-1100 | S. Hughes | L. Monroy Parent Advocate |
| Samuel W. v. Northwest ISD, TEA # 189-SE-200 | C. Buechler | G. Mayerson |
| Tommy H. v. Connally ISD, TEA 192-SE-0301 | Y. Muniz D. Anderson | Pro Se |
| David N., v. Northeast ISD, TEA # 246-SE-0401 | C. Wood | K. D. Seal |
| Bruno L. vs. McAllen ISD, TEA # 209-SE-0301 | C. Buechler | C. Jonas |
| Eric H., v. Judson ISD, TEA # 267-SE-0501 | P.M. Roalson, | T. Wechsler |
| Adam J., vs. Keller ISD, TEA # 239-SE-0401 | S. Graham | M. Silver |
| Nathan L., v. Lake Travis ISD, TEA 305-SE-0601 | W. C. Bednar | Pro Se |
| Jeffrey W. v. Texas School for the Deaf, TEA # 163-SE-0201 | K. Johnsonious, C. Vaughn, | K. K. Johnson |

(table continues)

| Case Name | School District | Parent/Adult Student |
|--|--------------------|-----------------------------|
| James A. v. Spring Branch ISD, TEA # 304-SE-0601 | J. Rogers | E. Roberts |
| Charles W. v. Lewisville ISD, TEA # 343-SE-0701 | N. Matthews | M. Silver |
| Jason S. v. Plano ISD, TEA # 375-SE-0801 | S. Graham | Pro Se |
| Spring Branch ISD V. Danny R, TEA # 077-SE-1001 | J. Rogers | Pro Se |
| Jay D. v. Seminole ISD, TEA # 367-SE-0801 | Y. Muniz | C. Jonas |
| Christopher N. v. Corpus Christi ISD, TEA # 327-SE-0502 | J. Martin | C. Jonas |
| Marie R. vs. Texas City ISD, TEA# 351-SE-0602 | D. Hodgins | D. Jones Parent Advocate |
| Jeffrey M. vs. Fort Bend ISD, TEA # 217-SE-0302 | M. Schneider-Vogel | E. P. Roberts |
| Cody R. v. Alvin ISD, TEA # 306-SE-0402 | J. Rogers | M. Vaughn |
| Daniel R. v. Spring Branch ISD, TA # 146-SE-0102 | J. Rogers | D. McCall |
| Alexander S. vs. San Antonio ISD, TEA # 303-SE-0402 | B. Rickhoff | C. Jonas |
| James C. vs. Corpus Christi ISD, TEA # 276-SE-0402 | J. Martin | C. Jonas |
| Caleb K. v. Harlandale ISD, TEA #167-SE-0102 | B. Rickhoff | C. Jonas |
| Gabriel M. vs. Houston ISD, TEA # 084-SE-1102 | Not Noted | Not Noted |

(table continues)

| Case Name | School District | Parent/Adult Student |
|--|----------------------------|----------------------|
| Jared M. vs. Killeen ISD, TEA # 125-SE-1102 | E. Howard-Hand | D. Snead |
| Timothy T. vs. Northside ISD, TEA # 142-SE-0103 | P. Roalson | Pro Se |
| Max W. v. Lewisville ISD, TEA # 172-SE-0203 | N. Matthews | M. Silver |
| Stephen J. v. McKinney ISD, TEA # 184-SE-0203 | N. Matthews | M. Silver |
| Niko G. v. Lake Travis ISD, TEA #329-SE-0603 | W. C. Bednar | J. Oliver |
| Rene H. vs. Ysleta ISD, TEA # 365-SE-0803 | Not Noted | Pro Se |
| Charles A. v. Pearland ISD, TEA # 357-SE-0803 | M. Schneider-Vogel | Pro Se |
| Paul C. v. Alief ISD, TEA # 013-SE-0903 | E. Nichols | Pro Se |
| Bobby P. v. Houston ISD, TEA # 332-SE-0603 | H. Graff | E.. Roberts |
| Lathom Y. v. Dripping Springs ISD, TEA # 227-SE-0303 | D. Hays E. Howard-Hand, | E. Roberts |
| Christopher N. v. Corpus Christi ISD, TEA # 164-SE-0104 | J. Martin | C. Jonas |
| Sarah E. v. Keller ISD, TEA # 094-SE-1103 | S. Graham | M. Silver |
| Rene H. vs. Ysleta ISD, TEA # 186-SE-0104 | Jose Martin | M. Berry |
| Connor G. v. North East ISD, TEA # 070-SE-1003 | C. Wood | C. Jonas |

(table continues)

| Case Name | School District | Parent/Adult Student |
|---|-----------------|----------------------|
| Brandon F. vs. Irving ISD, TEA # 320-SE-0504 | J. Deatherage | Pro Se |
| Gavino L. v. Corpus Christi ISD, TEA # 022-SE-0903 | D. Richards | C. Jonas |
| Trenton D. v. Northside ISD, TEA # 140-SE-0105 | P. M. Roalson | J. Warren |
| T.B.T. v. Northside ISD. TEA 266-SE-0405 | Hans Graff | J. Keating |
| J.M. v. Houston ISD, TEA # 281-SE-0405 | C. Wood | K. D. Seal |

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