IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA

A.A., by and through his mother, P.A., and P.A., in her individual capacity,	*	**CIVIL ACTION NO.:**
Plaintiffs,	*	**COMPLAINT**
v.	*	**DEMAND FOR JURY TRIAL**
ST. TAMMANY PARISH SCHOOL BOARD and FRANK JABBIA, in his official capacity as Superintendent of St. Tammany Parish Public Schools,	*	
Defendants.	*	

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INTRODUCTION

Plaintiffs A.A., by and through his mother, P.A., and P.A., in her individual capacity, bring this original civil action against the St. Tammany Parish School Board ("STPSB") and Frank Jabbia ("Jabbia"), in his official capacity as Superintendent of St. Tammany Parish Public Schools (collectively "Defendants"), under the Individuals with Disabilities Education Act, 20 U.S.C. § 1400 *et seq*. (2005) ("IDEA"); the IDEA regulations contained in 34 C.F.R. § 300.300 *et seq.*; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 ("Section 504"); Title II of Americans with Disabilities Act, 42 U.S.C. § 12131 *et seq*. ("ADA"); and state special education regulations contained in Louisiana Bulletins 1508, 1530, and 1706. Plaintiffs seek reversal of the administrative decision issued on October 30, 2025, by a Louisiana Administrative Law Judge ("ALJ"), attached as Exhibit 1, which denied Plaintiffs the relief they were entitled to under the IDEA, and seek monetary, injunctive, and declaratory relief against Defendants. Plaintiffs file this Complaint and demand a jury trial.

This case concerns a school district's decision to significantly reduce a child's access to instruction and peers rather than provide the supports and services necessary for him to access a

full school day in violation of well-established federal disability laws. In September 2024, Defendants misused procedural mechanisms designed to protect and support disabled children when they placed A.A., a then nine-year-old child with Autism, on a two-hour instructional day isolated in a Behavior Education Classroom with no access to his nondisabled peers. For the remainder of each school day, A.A. sat at home without instruction, services, or access to peers. Over the course of the year, Defendants excluded A.A. from approximately 20,737 minutes[1] of school, meaning he spent more time out of school than he spent receiving instruction.

During his time out of school, A.A. received no instruction, no behavioral services, and no opportunity to practice the very academic, social, and behavioral skills Defendants claimed he lacked—opportunities that cannot be recovered. Rather than providing the supports and services that had previously allowed A.A. to make meaningful educational progress in prior school placements, Defendants decided to systematically exclude A.A. from school. Predictably, A.A. regressed academically, socially, and behaviorally. Rather than responding to his regression with additional supports and services, Defendants relied on A.A.'s regression to justify maintaining a severely abbreviated day for the *entirety* of the 2024-2025 school year.

The IDEA was enacted to prevent precisely this kind of exclusion—children with disabilities pushed out of classrooms, isolated from peers, and denied a meaningful opportunity to learn. A placement that sends a child home for most of the school day, without first providing appropriate supplementary aids and services in a general education setting, is incompatible with the IDEA's guarantee of a free and appropriate public education ("FAPE"). The Plaintiffs have reason to believe, based upon evidence produced during the underlying due process hearing, that A.A. is one of several children with disabilities who have been placed on an amended day schedule

[1] This calculation includes time A.A. was enrolled in school and the days that A.A. attended school. It does not include any days he did not attend school.

in the St. Tammany Parish Public School System. Rather than maintaining a continuum of placements for students with disabilities as required under federal law, Defendants routinely use shortened-day schedules for students with disabilities who require additional supports and services.

PARTIES

1. **Plaintiff A.A.** is a 10-year-old student with disabilities, including Autism, entitled to special education and related services under the IDEA. A.A. is also a "qualified individual with a disability," as defined by Section 504, 34 C.F.R. § 104.3, and Title II of the ADA, 42 U.S.C. § 12131(2), 28 C.F.R. § 35.104.
2. **Plaintiff P.A.** is the parent and legal guardian of A.A. At all relevant times, P.A. made decisions and acted on behalf of A.A. and herself, including exercising or attempting to exercise A.A.'s rights under the IDEA, Section 504, and the ADA.
3. **Defendant St. Tammany Parish School Board** ("STPSB" or "School District") is the Local Education Agency ("LEA") under the IDEA at all times and for all purposes in this matter. STPSB is a recipient of federal funds subject to Section 504, 29 U.S.C. § 794(b)(2)(B), and a "public entity" subject to Title II of the ADA. 42 U.S.C. § 12131(1). Defendant STPSB administers the St. Tammany Parish school district, or St. Tammany Parish Public Schools ("STPPS"), which is a "public entity," subject to the nondiscrimination requirements of Title II of the ADA and Section 504. 42 U.S.C. § 12131(1); 29 U.S.C. § 794 *et seq*.
4. **Defendant Frank J. Jabbia** ("Jabbia") is the Superintendent of St. Tammany Parish Public Schools and is charged with establishing and maintaining the public schools within

the jurisdiction of STPSB. La. Rev. Stat. §§ 17:81, 17:100.5. Defendant Jabbia is sued in his official capacity only.

JURISDICTION AND VENUE

5. This Court has original jurisdiction under 28 U.S.C. § 1331 to hear claims arising under Section 504 and the ADA.

6. Jurisdiction is also based upon 20 U.S.C. § 1415(i)(2)(A), under which any aggrieved party to an impartial due process hearing conducted under 20 U.S.C. § 1415(f) shall have the right to bring a civil action with respect to the complaint presented in a district court of the United States, without regard to the amount in controversy.

7. The claims in Counts 1-5 have met all exhaustion requirements pursuant to 20 U.S.C. §§ 1415(i)(2), (l) of the IDEA as the appeal of a due process hearing decision. On March 19, 2025, Plaintiffs filed an administrative due process complaint. Plaintiffs seek an appeal of the administrative decision, issued by the Louisiana Division of Administrative Law on October 30, 2025, pursuant to the IDEA, 20 U.S.C. § 1415(i). *See* Exhibits 1(Decision) and 2 (Due Process Complaint).

8. This civil action is timely filed under 20 U.S.C. § 1415(i)(2)(B), as the ALJ rendered her final decision on October 30, 2025, and this action is filed within 90 days of the final decision.

9. The claims in Counts 6-9 are exempt from the exhaustion requirement because (i) the gravamen of these claims is something other than the School District's denial of FAPE, (ii) systemic relief is sought, and (iii) further exhaustion through a due process hearing is futile for these claims. *See Honig v. Doe*, 484 U.S. 305 (1988); *see also Fry v. Napoleon Cmty. Sch.*, 580 U.S. 154 (2017); *Perez v. Sturgis Pub. Sch.*, 215 L. Ed. 2d 95 (2023).

10. Venue in the United States District Court for the Eastern District of Louisiana is proper under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to Plaintiffs' claims occurred in this District.

STANDARD OF REVIEW

11. The standard of review for a federal district court reviewing an administrative law judge's decision in a special education case under the IDEA is "virtually *de novo*." *Cypress-Fairbanks Indep. Sch. Dist. v. Michael F.*, 118 F.3d 245, 252 (5th Cir. 1997) (citing *Teague Indep. Sch. Dist. v. Todd L.*, 999 F.2d 127, 131 (5th Cir. 1993)).

12. In conducting the review, this Court must (i) receive the administrative record, (ii) hear additional evidence at the request of either party, and (iii) grant such relief as the court deems appropriate based on the preponderance of the evidence. 20 U.S.C. § 1415(i)(2)(C).

13. The "virtually *de novo*" standard reflects the hybrid nature of judicial review in special education cases under the IDEA, akin to a "trial *de novo*" in which the court considers both the administrative record and any additional evidence presented by the parties. *Michael F.*, 118 F.3d at 252; *Seth B. ex rel. Donald B. v. Orleans Parish Sch. Bd.*, 810 F.3d 961, 967 (5th Cir. 2016).

14. While courts must not "substitute their own notions of sound educational policy for those of school authorities," they must ensure that the administrative decision complies with the IDEA and adequately protects the student's educational rights. *Bd. of Educ. v. Rowley*, 458 U.S. 176, 206 (1982). "[D]eference is based on the application of expertise and the exercise of judgment by school authorities . . . . A reviewing court may fairly expect those authorities to be able to offer a cogent and responsive explanation for their decisions that shows the IEP is reasonably calculated to enable the child to make progress appropriate in

the light of his circumstances." *Endrew F. ex rel. Joseph F. v. Douglas County School Dist. RE-1*, 580 U.S. 386, 404 (2017).

15. Although the court must accord "due weight" to the findings of the ALJ, it is not bound by the administrative decision. *See, e.g.*, *Adam J. v. Keller Indep. Sch. Dist.*, 328 F.3d 804, 808 (citing *Teague*, 999 F.2d at 131; *Alvin Indep. Sch. Dist. v. A.D.*, 503 F.3d 378, 381 (5th Cir. 2007) (citing *Michael F.*, 118 F.3d at 252)).

16. Rather, the court retains the responsibility to independently evaluate the evidence and to make its own determination based on the preponderance of the evidence. *Id.*; *R.H. v. Plano Indep. Sch. Dist.*, 607 F.3d 1001, 1010 (5th Cir. 2010).

17. Plaintiffs did not raise claims under the ADA and Section 504 at the administrative hearing, as hearing officer decisions must be limited to "whether [a] child received a free appropriate public education." 20 U.S.C. § 1415(f)(3)(E)(i). The ALJ's role is limited to FAPE determinations and enforcement of the IDEA's mandates. *See Fry*, 580 U.S. at 167-68 (citations omitted).

STATUTORY FRAMEWORK

The Individuals with Disabilities Education Act ("IDEA")

18. The IDEA, originally passed in 1975 as the Education for All Handicapped Children Act, is a federal statute enacted in response to Congress's recognition that "the educational needs of millions of children with disabilities were not being fully met because . . . the children were excluded entirely from the public school system and from being educated with their peers." 20 U.S.C. § 1400(c)(2). The IDEA was therefore designed to ensure that children with disabilities have access to the general education curriculum to the maximum extent possible. *Id*. at § 1400(c)(5)(A). The statute's primary purpose is "to ensure that all

children with disabilities" receive a meaningful education tailored to "their unique needs and [to] prepare them for further education, employment, and independent living." *Id*. at § 1400(d)(1)(A).

19. To effectuate these goals, the IDEA requires states to provide a FAPE to all children with disabilities who, because of their disability, require special education and related services. FAPE is defined as special education and related services that are provided at public expense, meet state educational standards, and are designed to meet the unique needs of the child. 20 U.S.C. § 1401(9).

20. An individualized education program ("IEP") is the primary vehicle through which a school district delivers FAPE. 20 U.S.C. § 1414(d). To satisfy the FAPE requirement, the IEP must be reasonably calculated to enable the child to make meaningful progress in light of their unique circumstances and designed to provide more than *de minimis* educational benefit. *Endrew F.,* 580 U.S. at 992. In the Fifth Circuit, four factors are considered to evaluate whether an IEP provides meaningful educational benefit: "(1) the program is individualized on the basis of the student's assessment and performance; (2) the program is administered in the least restrictive environment; (3) the services are provided in a coordinated and collaborative manner by the key 'stakeholders'; and (4) positive academic and non-academic benefits are demonstrated." *Michael F.*, 118 F.3d at 253.

21. The IDEA mandates that children with disabilities be educated in the least restrictive environment ("LRE") to the greatest extent possible. Under the IDEA, "[t]o the maximum extent appropriate, children with disabilities . . . [must be] educated with children who are not disabled," and "remov[ing] children with disabilities from the regular education environment occurs only when the nature or severity of the disability of a child is such that

education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily." 20 U.S.C. § 1412(a)(5)(A); *see also* 34 C.F.R. § 300.114(a)(2); La. Bulletin 1706 § 114(A)(2).

22. To satisfy the LRE requirement, school districts are required to make available a continuum of alternative placements "to meet the needs of children with disabilities for special education and related services." 34 C.F.R. § 300.115(a)(1); La. Bulletin 1706 § 115(A). Restrictive placements, including shortened school days, limit instructional time and access to nondisabled peers. Accordingly, before resorting to restrictive placements, school districts must consider and exhaust reasonable alternatives, including the provision of appropriate supplementary aids and services. 20 U.S.C. § 1412(a)(5)(A); 34 C.F.R. § 300.114(a)(2); *see also*, *James D. v. Bd. of Educ. of Aptakisic-Tripp Cmty. Consol. Sch. Dist. No. 102*, 642 F. Supp. 2d 804, 821 (N.D. Ill. 2009) (citing *Beth B. v. Van Clay,* 282 F.3d 493, 498 (7th Cir. 2002)).

23. Placement decisions must be individualized and based on the child's unique needs, and may not be driven by administrative convenience, resource limitations, or the availability of services. La. Bulletin 1530 § 129(B)(2). Where a student's behavior interferes with learning, the IDEA further contemplates "the use of positive behavioral interventions and supports," as part of the child's IEP before considering changes to the student's educational placement, including the development and implementation of a Functional Behavioral Assessment ("FBA") and a Behavior Intervention Plan ("BIP"). 20 U.S.C. § 1414(d)(3)(B)(i); 34 C.F.R. § 300.324(a)(2)(i); La. Bulletin 1706 § 324(A)(2)(a).

24. Further, under the IDEA, school districts have an affirmative obligation, known as "Child Find," to identify, locate, and evaluate any child suspected of having a disability who

resides within a school district's jurisdiction. 20 U.S.C. § 1412(a)(3)(A); La. Bulletin 1706 § 230(A). This duty is triggered when the school district has reason to suspect a disability for a particular child, coupled with reason to suspect that special education services may be needed to address that disability. *Id*. Once a school district is on notice of facts or behaviors that reasonably indicate a disability, it must refer the student for an evaluation within a reasonable time. *Dallas Indep. Sch. Dist. v. Woody*, 865 F.3d 303, 320 (5th Cir. 2017). This duty applies to children regardless of whether they are advancing from grade to grade, are homeschooled, or have not yet received a formal diagnosis. U.S.C. § 1412(a)(3)(A); 34 C.F.R. § 300.111; La. Bulletin 1706 § 111.

25. Louisiana law requires that these evaluations be sufficiently comprehensive to identify all of the child's special education and related service needs and that they incorporate information from multiple sources. La. Bulletin 1508 § 505(A)(1), (5); *id*. at § 507(A)(1)-(3). School districts have a continuing duty, when warranted, to reevaluate a child found eligible for special education services, including a duty to assess for alternative or additional exceptionalities. 34 C.F.R. § 300.303; La. Bulletin 1508 § 1101(A)(1).

26. To prevent unnecessary segregation into more restrictive educational placements, Louisiana law requires a reevaluation whenever "a significant change in placement is proposed." La. Bulletin 1508 § 1101(A)(3).

27. In sum, the IDEA, as implemented in Louisiana through Bulletins 1508, 1530, and 1706, establishes a comprehensive statutory framework designed to ensure that children with disabilities receive FAPE in the LRE. It seeks to prepare children with disabilities for meaningful participation in society by mandating the development of individualized IEPs,

providing procedural safeguards, and emphasizing inclusion and high expectations the. 20 U.S.C. § 1400(c)(5)(A).

The Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973

28. Congress enacted the ADA in 1990 "to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities." 42 U.S.C. § 12101(b)(1). The ADA acknowledges that "historically, society has tended to isolate and segregate individuals with disabilities, and, despite some improvements, such forms of discrimination against individuals with disabilities continue to be a serious and pervasive social problem[.]" *Id*. § 12101(a)(2).

29. Title II of the ADA provides that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." *Id*. § 12132. Similar protections apply to recipients of federal financial assistance under Section 504. 29 U.S.C. § 794(a).

30. Under Section 504, "[a] recipient that operates a public elementary or secondary education program or activity shall provide a free appropriate public education to each qualified handicapped person who is in the recipient's jurisdiction, regardless of the nature or severity of the person's handicap." 34 C.F.R. § 104.33(a).

31. "[T]he provision of an appropriate education is the provision of regular or special education and related aids and services that . . . are designed to meet individual educational needs of handicapped persons as adequately as the needs of nonhandicapped persons are met . . . ." 34 C.F.R. § 104.33(b)(1). The implementation of an Individualized Education Program is "one means" of meeting this standard. 34 C.F.R. § 104.33(b)(2).

32. Section 504 also requires that local educational agencies, like the STPSB, "educate . . . each qualified handicapped person in its jurisdiction with persons who are not handicapped to the maximum extent appropriate to the needs of the handicapped person" and that they "place a handicapped person in the regular educational environment . . . unless it is demonstrated by the [local educational agency] that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily." 34 C.F.R. § 104.34(a).

33. The ADA and Section 504 require school districts to educate students with disabilities in the most integrated setting appropriate to their needs with appropriate services and supports. *See* 42 U.S.C. §§ 12132, 12134; 29 U.S.C. § 794. In accordance with this mandate, public entities such as school districts are prohibited from denying or otherwise failing to afford students with disabilities an opportunity to participate in or benefit from educational aids, benefits, or services that are equal to or as effective as those provided to non-disabled students. 42 U.S.C. §§ 12132, 12134; 29 U.S.C. § 794; *see also* 28 C.F.R. §§ 35.130(b)(1)(i)-(iii); *id*. §§ 41.51(b)(1)(i)-(iii); 34 C.F.R. §§ 104.34(a)-(b); *id*. §§ 104.4 (b)(1)(i)-(iii).

34. Under the same statutory provisions, school districts also are required to provide reasonable accommodations and modifications to students with disabilities, as well as to educate students with disabilities in the most integrated setting appropriate to their needs. 42 U.S.C. §§ 12132, 12134; 29 U.S.C. § 794; *see also* 28 C.F.R. §§ 35.130(b)(7), (d); *id*. § 41.51(d); 34 C.F.R. §§ 104.34(a)-(b); *id*. §§ 104.4(b)(1)(iv), (b)(2). Furthermore, school districts are prohibited from using criteria or methods of administration that have the purpose or effect of impairing accomplishment of the objectives of the school district's educational program

for students with disabilities. 42 U.S.C. §§ 12132, 12134; 29 U.S.C. § 794; *see also* 28 C.F.R. § 35.130(b)(3); *id*. § 41.51(b)(3); 34 C.F.R. § 104.4(b)(4).

35. Moreover, the ADA and Section 504 prohibit school districts from "discriminat[ing] against any individual because such individual has opposed any act or practice made unlawful by [the ADA or Section 504] or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under [the ADA or Section 504]." 42 U.S.C. § 12203(a); *see also* 28 C.F.R. § 35.134; 34 C.F.R. § 104.61.

36. Because they share a similar framework, Title II of the ADA and Section 504 generally "are interpreted in *pari materia*." *Frame v. City of Arlington*, 657 F.3d 215, 223 (5th Cir. 2011).

37. The anti-retaliation provisions of the ADA apply to public entities, including school districts, and prohibit retaliation against individuals who exercise rights protected by the Act. 42 U.S.C. § 12203.

38. Finally, Section 504 applies the "procedural provisions" of Title VI of the Civil Rights Act of 1964, including its anti-retaliation protection, to claims brought under Section 504. 34 C.F.R. § 104.61.

STATEMENT OF FACTS

A. The Effect of Autism on A.A.'s Education

39. A.A. is currently a 10-year-old child in the fourth grade at Carolyn Park Middle School in Defendants' school district.

40. A.A. and P.A. currently reside in St. Tammany Parish and have resided within the District since A.A. started Kindergarten.

41. A.A. has a medical diagnosis of Autism and was first diagnosed in 2021.

42. Consistent with his Autism diagnosis, A.A. experiences significant difficulty with transitions, school refusal, and avoidance. These struggles are most pronounced during morning transitions, including transitioning onto the school bus and/or into the school building, which has caused him to be tardy or absent. Even after entering the school building, A.A. may struggle to transition to schoolwork and often needs a significant amount of time to settle into his school day. At the beginning of the day, A.A. exhibits behaviors such as dragging his feet; yelling or groaning; and refusing to enter the car, bus, or classroom. He also struggles to transition from one classroom to another when prompted, often refusing to do so.

43. As a result of A.A.'s significant and unmet educational and behavioral needs, P.A. has struggled to identify a public school placement within the parish that can meet his needs consistently and appropriately. When Defendants do not provide adequate supports, P.A. has transferred A.A. to different public schools in search of appropriate services and, at times, she has temporarily withdrawn him for homeschooling.

44. All of A.A.'s evaluations, IEPs, and records demonstrate a child with severe behavioral, social, emotional, communication, and adaptive deficits.

45. A.A.'s evaluations, benchmark testing, and prior IEPs also show that A.A. is functioning cognitively and academically well below grade level and that he is faring worse than his peers.

46. Defendants have never found A.A. eligible for special education services under an exceptionality of Autism, and A.A. has never received any Autism-specific supports or services at school.

B. The Defendants inappropriately placed A.A. on a shortened school day in the third grade (2024-2025 school year).

1. Defendants placed A.A. in a highly restrictive setting without considering any less restrictive options.

47. In September 2024, P.A. was living in Mandeville, Louisiana and enrolled A.A. at Mandeville Elementary School for the third grade.

48. On September 6, 2024, Defendants held an IEP meeting to develop an interim IEP (the "September 2024 IEP meeting").

49. A.A.'s existing IEP had been adopted on August 16, 2023 (the "August 2023 IEP").

50. However, Defendants claimed that the August 2023 IEP was no longer valid because A.A.'s exceptionality of Developmental Delay had "expired" due to the failure of Defendant STPSB to reevaluate him prior to his ninth birthday in May 2024.

51. Defendants developed an "interim" IEP pending the completion of a reevaluation to determine A.A.'s continued special education eligibility.

52. Defendants began the reevaluation process in September 2024, but the reevaluation was not completed until November 11, 2024.

53. At the September 2024 IEP meeting, Defendants placed A.A. on a severely amended instructional schedule, limiting his attendance to two hours (120 minutes) per day.

54. The September 2024 IEP meeting included a significant move to a highly restrictive placement for A.A. His immediately preceding IEPs—dated April 20, 2023, March 20, 2023, and August 16, 2023—had all placed him on a full-day schedule with substantial access to nondisabled peers in the general education setting.

55. Defendants conducted no evaluation or reevaluation prior to imposing the 120-minute amended day at the September 2024 IEP meeting.

56. P.A. objected to the proposed placement because a two-hour school day would deprive A.A. of meaningful instructional time and the supports inherent in a full school day, including opportunities for engagement, processing, and breaks.

57. Despite A.A.'s previous documented success on a full-day placement at Madisonville Elementary in the 2022-2023 school year, Defendants offered only three severely abridged options: (1) two hours per day for five days per week; (2) three hours per day for three days per week; or (3) two hours per day for three days per week.

58. When P.A. declined these options, Defendants' Assistant Director of Students with Exceptionalities, Kim Cochran, informed her that A.A. would receive no special education services unless she signed the interim IEP and accepted one of the three options presented to her. Ms. Cochran explained that A.A.'s prior eligibility expired because A.A. was not reevaluated before his ninth birthday.

59. It was Defendants' responsibility to reevaluate A.A. prior to his ninth birthday.

60. Prior to placing A.A. on a two-hour-per-day schedule, Defendants had not provided him with a one-to-one paraprofessional, Applied Behavior Analysis ("ABA") therapy as a related service, or support from a Board Certified Behavior Analyst ("BCBA"), school psychologist or any other professional with specialized training in Autism to design or implement behavioral interventions.

61. Defendants failed to consider any additional services for A.A. because, upon information and belief, Defendants do not offer them as part of their program of special education.

62. Upon information and belief, Defendants do not provide ABA as a related service as a matter of policy, practice, or custom, even when it is necessary in order for an individual student with a disability to benefit from their education.

63. Upon information and belief, Defendants do not have a BCBA on their staff.

64. Defendants also did not discuss or consider less restrictive or alternative placements before reducing A.A.'s instructional day because, upon information and belief, Defendants do not have a continuum of placements for students with disabilities in accordance with the IDEA and federal and state special education regulations.

65. Instead, upon information and belief, Defendants have a policy, practice, or custom of placing students with disabilities, particularly those with behavioral challenges, on shortened school days instead of providing them with educational programming, services, and access to nondisabled peers.

66. Moreover, a two-hour per day schedule at school with the remainder of the day spent at home without any access to educational programming, services, or any peers is not a legally authorized placement under Louisiana Bulletin 1530, Section 117.

67. Prior to placing A.A. on a shortened school day at the September 2024 meeting, Defendants neglected to implement a Behavior Intervention Plan ("BIP"), despite citing past behavior as a key reason for A.A. needing a shortened day.

68. A.A.'s first BIP, developed at the September 2024 IEP meeting, required A.A. to meet specified behavioral goals to "earn" back instructional time.

69. The September 6, 2024 IEP provided that the team would reconvene on September 30, 2024, to consider extending A.A.'s school day if he met 70 percent of his behavioral goals, with any increase in instructional time potentially limited to as little as 15 minutes.

70. While on a 120-minute amended schedule at Mandeville Elementary, A.A. spent nearly all of his limited instructional time in a self-contained Behavior Education Classroom ("BEC"), with no access to nondisabled peers. For the remaining approximately five hours

of each school day, A.A. was sent home and received no instruction, related services, or access to nondisabled peers.

71. A.A.'s participation in school activities was also severely restricted. His recess, if permitted at all, occurred only with other students with disabilities or alone with a paraprofessional, and he was never taken to the cafeteria or allowed to eat lunch on campus.

72. During this period, A.A. received no in-school instruction in science or social studies. Defendants' staff informed P.A. that she was responsible for providing instruction in those subjects at home, despite her lack of certification as an educator, and Defendants provided no training, instructional materials, technology, or other supports.

73. At the September 30, 2024, follow-up IEP meeting, Defendants declined to extend A.A.'s school day or increase his access to peers, citing his failure to meet the arbitrary 70 percent threshold.

74. From September 10, 2024 through October 10, 2024, A.A. attended Mandeville Elementary for only 120 minutes per day, five days per week. Given that a full instructional day is 426 minutes, A.A. was deprived of 306 minutes per day—more than five hours—of educational programming, which would necessarily include special education, related services, and access to nondisabled peers each school day.

75. As a point of comparison, at A.A.'s school placement in Spring 2023 at Madisonville Elementary, a school within Defendants' school district, he attended a full instructional day of 376 minutes per day, five days per week, receiving instruction in both general education and special education settings. He accessed the general education environment for four subjects, lunch, and recess—totaling approximately 190 minutes per day—where he worked in small groups; engaged in successful peer interactions; and developed a

positive relationship with his general education teacher. A.A. was not confined to a self-contained setting for behavioral support while he was at Madisonville Elementary and was making academic, behavioral, and social progress.

76. In fact, A.A. was so successful in this environment that Defendants had difficulty completing a Functional Behavior Assessment ("FBA") while A.A. was enrolled at Madisonville Elementary, because A.A. was not exhibiting challenging behaviors in the school setting. While P.A. signed consent for the District to conduct an FBA in 2023, no FBA or BIP was ever completed at Madisonville Elementary.

2. A.A. withdrew and reenrolled in Defendants' schools.

77. On October 10, 2024, P.A. withdrew A.A. from Mandeville Elementary and resumed homeschooling after Defendants refused to permit A.A. to attend a full school day with the supports necessary for him to do so.

78. In December 2024, due to housing instability, P.A. moved back to Slidell, Louisiana, where she has a family support system.

79. A.A. re-enrolled in the St. Tammany Parish Public School System at Bayou Woods Elementary on December 5, 2024.

3. Defendants continued A.A.'s inappropriate placement on a shortened school day until the end of the 2024-2025 school year.

80. On December 2, 2024, prior to his re-enrollment at Bayou Woods, at a state-facilitated IEP meeting, P.A. again requested that A.A. be allowed to attend school for a full school day. Defendants rejected P.A.'s request, and over her objection, again placed A.A. on a severely shortened school day of 140-minutes (i.e., two hours and twenty minutes).

81. At the December 2, 2024, IEP meeting, the Bayou Woods principal stated that one of the reasons for A.A.'s continued shortened day placement was the limited staff and resources

at Bayou Woods Elementary. Under this IEP, A.A. was again placed in the BEC setting for the entirety of his shortened school day. Unlike before, he was the only student present in the BEC classroom for most of the day, as other students entered the setting only briefly when dysregulated, leaving A.A. with little to no opportunity to practice social skills or engage in peer interactions. He had no access to electives, recess, or field trips, and as before, was sent home for the remainder of each school day without access to other students, instruction, or services.

82. Just as in his previous shortened-day placement, A.A. did not receive instruction in science and social studies.

83. A.A.'s December 2, 2024, BIP and IEP again required him to satisfy arbitrary behavioral requirements, tracked daily through behavior sheets, to gain access to equal educational programming and the requisite services and supports to ensure progress. Despite meeting and exceeding those benchmarks, Defendants did not increase his time in school. At the January 7, 2025, IEP meeting, Defendants refused to extend A.A.'s school day even though he surpassed the 70 percent behavior goal on four out of five days, maintained an overall average of 87 percent across eleven tracked days, and displayed physical aggression on only one of those eleven days.

84. A.A.'s school day was extended only after P.A. retained legal counsel. At an IEP meeting held on February 6, 2025, at Bayou Woods Elementary, Defendants extended A.A.'s school day to 185 minutes. As a result of counsel's intervention, Defendants, for the first time, provided P.A. with a Chromebook for use with A.A. at home; however, the device contained no educational materials related to science or social studies.

85. At a subsequent IEP meeting on February 27, 2025, Defendants increased A.A.'s school day to 260 minutes, still substantially shorter than the full 426-minute instructional day at Bayou Woods. The 260-minute schedule went into effect on March 10, 2025, and remained in place through the end of the 2024–2025 school year. At an April 2025 IEP meeting, A.A. met and exceeded his physical aggression goal, achieving a 95.5 percent success rate, yet Defendants again refused to increase his instructional time.

86. As a result, from December 5, 2024, through May 13, 2025, A.A. was excluded from approximately 16,452 minutes of school while enrolled at Bayou Woods.

87. Over the course of the 2024-2025 school year, during the times that A.A. was enrolled in and attended Mandeville Elementary and Bayou Woods Elementary, defendants excluded A.A. from approximately 20,737 minutes of school.

4. A.A. failed to make meaningful progress on an amended day schedule during the 2024-2025 school year.

88. As a direct result of Defendants' repeated reductions of A.A.'s instructional time and access to services, A.A. failed to make meaningful academic progress during the 2024–2025 school year and experienced regression in his social-emotional and behavioral goals.

89. A.A.'s IEP progress reports issued by Defendants in May 2025, stated that he had made "Insufficient Progress" in every IEP goal assessed during the nine-week reporting period, including Peer Interaction, Reading, Math, Behavior, and Language.

90. Not only did A.A. fail to progress, he regressed. He fell behind in both academic and non-academic areas during the 2024–2025 school year. By the end of the school year, A.A. was refusing all academic work and instead sought only to draw or color, and his behavioral and disciplinary incidents increased.

91. A.A.'s social skills also declined significantly compared to what had been observed at A.A.'s previous school placements. Previously at Mandeville Elementary, A.A. wouldn't leave the playground, but after months of isolation in the BEC classroom at Bayou Woods Elementary, A.A. was refusing to attend recess or lunch and avoided interacting with peers altogether.

92. District teacher and staff observations at Bayou Woods noted that when it was time for A.A. to eat lunch in the cafeteria with same-age peers, he did not want to go and would instead eat alone in the BEC classroom. Further, when they could get him to go outside for recess, A.A. stood back by himself away from any peers, with his hood on and head against the wall.

93. Despite this documented academic, behavioral, and social regression, Defendants did not make any meaningful changes to A.A.'s IEP or BIP to provide additional supports or services and did not conduct a new Functional Behavior Assessment.

94. Throughout the 2024–2025 school year, P.A. repeatedly requested that A.A. be permitted to attend a full school day and be provided appropriate academic and behavioral supports, including a one-to-one paraprofessional, in-school ABA services, and additional support during transitions. Defendants consistently denied these requests, prompting P.A. to file a request for due process.

C. Defendants have never properly evaluated A.A. for Autism.

1. The November 2024 reevaluation of A.A. was inadequate.

95. Although Defendants began the reevaluation of A.A. in September 2024, they did not complete it until November 2024.

96. In the November 2024 evaluation, Defendants purported to consider Autism as a suspected exceptionality for the first time. However, the evaluation lacked the requisite components, systematic observations and interviews, and sufficient follow-up testing needed to comprehensively assess A.A. for Autism. At the time of the November 2024 reevaluation, the record demonstrated that A.A. exhibited characteristics meeting—and exceeding—the minimum required criteria across all three domains of the Autism exceptionality under Louisiana Bulletin 1508. These characteristics were documented consistently over time and across settings in both A.A.'s medical records and the School District's own evaluations, all of which were available to Defendants during the November 2024 reevaluation process.

97. The only Autism-specific assessment administered during the November 2024 reevaluation was the Gilliam Autism Rating Scale–Third Edition ("GARS-3"). On this assessment, both P.A. and A.A.'s special education teacher rated A.A. in the highest category available under the instrument, indicating he was "Very Likely" to demonstrate characteristics of Autism.

98. Despite these results, Defendants concluded—without explanation or analysis—that A.A. did not meet the criteria for an Autism exceptionality.

99. The reevaluation report dismissed Autism eligibility in a single conclusory statement and failed to identify which Autism criteria under Louisiana Bulletin 1508 A.A. allegedly did or did not meet, and did not include a checklist, data synthesis, or reasoned justification supporting the determination.

100. Although the November 2024 reevaluation report references A.A.'s Autism diagnosis from Children's Hospital of New Orleans, the report does not reflect that the

evaluation team meaningfully considered, analyzed, or incorporated the findings, conclusions, or recommendations contained in that evaluation when determining A.A.'s eligibility under the Autism exceptionality.

101. Furthermore, at the November 2024 dissemination meeting, the School District provided no data-based or criteria-specific explanation for its determination that A.A. did not qualify under the Autism exceptionality. Instead, STPSB's evaluation coordinator, Christie Ardoin, informed P.A. that Autism exceptionalities are reserved for children with "severe," Level 3 Autism, and that A.A.'s Autism was therefore not sufficient to qualify—an explanation inconsistent with Louisiana Bulletin 1508 and the IDEA, neither of which limits Autism eligibility to a particular severity level.

102. In addition, Defendant STPSB completed academic and behavioral evaluations of A.A., which indicated that he needed additional services.

103. On the Woodcock-Johnson IV Tests of Achievement administered as part of the November 2024 evaluation, A.A. scored in the "very low" range, well over two standard deviations below the mean, in every academic area, including 3.0 standard deviations below the mean in Math, 3.5 standard deviations below the mean in Basic Reading Skills, and 4.0 standard deviations below the mean in Reading Comprehension.

104. On the Behavior Assessment System for Children, Third Edition ("BASC-3"), administered as part of the November 2024 evaluation, A.A. scored in the "Clinically Significant" range in the areas of Adaptive Skills, Aggression, Conduct Problems, Withdrawal, Adaptability, Leadership, and Study Skills, and the "At-Risk" range in the areas of Social Skills, Functional Communication, Hyperactivity, Attention Problems, Atypicality, Externalizing Problems, and Depression.

2. Prior to the November 2024 evaluation, Defendants repeatedly failed to evaluate A.A. for Autism when they should have.

105. A.A. was two years and ten months old when he was first found eligible by Defendants for special education services in 2018, following a Bulletin 1508 evaluation ("1508 evaluation"). During this time, A.A. was enrolled in Head Start at Regina Coeli Head Start in Pearl River, Louisiana.

106. Defendants' 1508 evaluation documented that A.A. displayed symptoms and behaviors sufficient to create reasonable suspicion that A.A. may have an exceptionality of Autism.

107. Specifically, A.A.'s April 2018 initial evaluation found:

a. A.A. exhibited symptoms of echolalia, had difficulty interacting with others, and his social use of language was inappropriate—all listed criteria for an Autism exceptionality in Louisiana Bulletin 1508.

b. A.A. had a long-standing articulation delay that included sound omissions, sound distortions, and reduced intelligibility of speech, as well as both a receptive and expressive language deficit, directly corresponding with the Bulletin 1508 Autism criteria of disturbances in the development of spoken language.

c. A.A. was functioning significantly below age expectancy in the area of social-emotional development with noted impairments in play, peer interaction, adult interaction, environmental interactions, and expression of emotions.

d. A.A.'s teachers likewise noted poor peer relations and that he played mostly by himself or not at all.

e. On the BASC-3, A.A. scored in the "Clinically Significant" range in the areas of Atypicality and Withdrawal and in the "At-Risk" range in areas of Anxiety, Depression, Adaptability, Social Skills, and Functional Communication.

108. Despite these documented indicators of Autism in its own initial evaluation, Defendants did not assess or consider A.A. for an exceptionality of Autism and did not conduct a comprehensive, Bulletin 1508-compliant assessment addressing Autism as a suspected disability.

109. Instead, Defendants' 2018 evaluation found A.A. eligible for special education services solely under the exceptionality of Developmental Delay. The concerns identified in Defendants' April 2018 evaluation—particularly A.A.'s significant language delays, impaired social interaction, echolalia, and atypical communication—were sufficiently pronounced and ongoing, such that A.A.'s Head Start teachers independently recommended that P.A. obtain a medical evaluation for Autism.

110. Acting on this recommendation, P.A. pursued a psychological evaluation at Children's Hospital New Orleans to look at the possibility of Autism Spectrum Disorder. After years of waitlists and delays related to Covid, A.A. was screened and evaluated for Autism over the course of several sessions in 2020-2021, and in August of 2021, when A.A. was five years old, Dr. Koren Boggs at Children's Hospital diagnosed A.A. with Autism Spectrum Disorder with possible intellectual impairment through a psychological evaluation (Children's Hospital Evaluation).

111. The Children's Hospital Evaluation was comprehensive and included a variety of assessments, including Autism-focused clinical interviews, direct behavioral observations designed to assess for the presence of symptoms of Autism, and formal testing such as the Childhood Autism Rating Sale, 2nd Edition, High Functioning Version ("CARS2-HF")—an Autism-focused rating scale assessment completed by clinicians based on systematic clinical observations.

112. The Children's Hospital Evaluation identified clinically significant impairments in social communication and social interaction across multiple contexts, as well as restricted and repetitive patterns of behavior, interests, or activities. The evaluator concluded that

these impairments were consistent with Autism Spectrum Disorder and that A.A.'s social communication deficits and restricted and repetitive behaviors required support.

113. Further, the Children's Hospital Evaluation recommended that A.A. receive therapy based in Applied Behavior Analysis ("ABA"), an evidence-based treatment for the symptoms of Autism Spectrum Disorder; social skills training and work on improving interactions with adults and peers; and accommodations and modifications in school to address social communication deficits that may negatively impact his academic performance.

114. Additionally, the August 2021 evaluation diagnosed A.A. with borderline intellectual functioning because his full-scale IQ fell in the 5th percentile, or "very low" range.

115. In August 2022, P.A. provided Defendants with the 2021 Children's Hospital evaluation diagnosing A.A. with Autism.

116. Accordingly, since at least August 2022, Defendants were on notice of A.A.'s Autism, triggering their obligation to consider Autism as a suspected disability in its evaluation and eligibility determination.

117. Instead, the only thing Defendants did upon receipt of the Children's Hospital Evaluation and medical diagnosis of Autism in August 2022, was complete a cursory "Non-Parish Review" form, which summarily determined that the Children's Hospital Evaluation did not meet La. Bulletin 1508 criteria for Autism. Defendants did not refer A.A. for a 1508-compliant evaluation to determine whether an exceptionality of Autism was appropriate or perform any additional assessments or testing at this time to consider an exceptionality of Autism.

118. In January 2023, Defendants conducted a reevaluation of A.A.; however, that reevaluation did not contain any Autism specific testing or assessments and did not consider Autism as a qualifying exceptionality, despite Defendants being on notice of the Autism diagnosis five months prior.

119. A.A. turned nine years old in May 2024.

120. At the time of A.A.'s ninth birthday, P.A. and A.A. continued to reside within St. Tammany Parish.

121. STPSB did not conduct a reevaluation of A.A. prior to his ninth birthday.

122. Defendants did not contact or even attempt to contact P.A. regarding a reevaluation of A.A. before his ninth birthday, as required by 20 U.S.C. § 1412(a)(3)(A) and La Bulletin 1706 § 111(A)(2).

D. P.A. has struggled to find a school for A.A. within the School District that meets his needs.

123. Since Kindergarten, A.A. has resided within the School District and attended its schools when he was not enrolled in homeschool.

124. In September of 2020 (during Covid), A.A. began Kindergarten at Whispering Forest in Slidell, Louisiana, within Defendants' school district. However, in October of that year, P.A. withdrew A.A. from the school due to his disability-related struggles with school Covid policies.

125. From October 2020 through March 2021, P.A. homeschooled A.A. because of the disability-related difficulties he was experiencing due to Covid protocols: he was struggling to adjust to social distancing, including being unable to sit near or touch his teacher and classmates, and he experienced sensory issues regarding people having to wear masks.

126. In March 2021, P.A. enrolled A.A. at E.E. Lyon Elementary School in Covington, Louisiana, a school within Defendants' school district. However, because faculty and staff at Lyon Elementary were unwilling to communicate with P.A. about accommodations they were providing for A.A., P.A. withdrew A.A. after a couple of weeks of school to homeschool from March 2021 through August 2022.

127. In April 2021, when A.A. was five years old and homeschooled, Defendants reevaluated A.A. pursuant to 34 C.F.R. § 300.303; La. Bulletin 1508 § 1101(C)(1). Again, Defendants identified A.A. with the exceptionality of Developmental Delay.

128. About a year later, on August 8, 2022, P.A. enrolled A.A. in the first grade at Covington Elementary School in Covington, Louisiana, a school in Defendants' school district.

129. In September 2022, P.A. withdrew A.A. to homeschool him because staff were using inappropriate strategies to restrain A.A. during behavioral episodes.

130. In January 2023, P.A. enrolled A.A. at Madisonville Elementary School in Madisonville, Louisiana, a school in Defendants' school district. A.A. completed the semester at Madisonville Elementary.

131. The next school year, in August 2023, P.A. had moved, and A.A. was zoned to attend Pontchartrain Elementary School, in Ponchatoula, Louisiana, a school in Defendants' school district, for the second grade. P.A. enrolled A.A. at Pontchartrain Elementary but withdrew him after two weeks to homeschool him because A.A. was not receiving adequate supports and reported that staff were taunting him about his disability.

132. From September 2023 through September 2024, P.A. homeschooled A.A. During this time, P.A. and A.A. continued to reside in St. Tammany Parish.

E. P.A. initiated due process proceedings to protect A.A.'s rights under the IDEA.

133. On March 19, 2025, P.A., on behalf of A.A., filed a due process hearing request alleging that the School District denied A.A. a free appropriate public education ("FAPE") by:

a. failing to provide an appropriate IEP;

b. failing to educate him in the least restrictive environment;

c. failing to timely and properly reevaluate him before his ninth birthday;

d. failing to conduct a reevaluation before moving him to a more restrictive placement; and

e. failing to properly evaluate and identify Autism as a suspected exceptionality.

134. A due process hearing was held before Administrative Law Judge Stephanie E. Robin over five days, on May 9, 2025; May 30, 2025; and July 28–30, 2025.

135. At the hearing, P.A. presented expert testimony from Dr. Brad Dufrene, a licensed psychologist and professor with expertise in school psychology. Dr. Dufrene testified that A.A. met the criteria for Autism under Louisiana Bulletin 1508 in all required categories from an early age and across settings, and that the Children's Hospital Autism diagnosis was conducted in accordance with best practices and was reliable. He further testified that Defendants possessed medical and educational records reflecting Autism-related symptoms at the time of the November 2024 reevaluation, including evidence dating back to 2018.

136. Based on his review of A.A.'s records, Dr. Dufrene identified impairments in communication, social interaction, and restricted and repetitive behaviors consistent with the criteria for Autism set forth in Bulletin 1508. He testified that Defendants' failure to

identify Autism impacted the supports and services provided to A.A. and that a severely shortened school day was inappropriate for a student with A.A.'s needs. He further testified that A.A.'s IEP goals, behavior supports, and Behavior Intervention Plans were not appropriate to address his academic, social, and behavioral needs and were not adequately linked to his Functional Behavior Assessments.

137. Dr. Dufrene also testified that A.A. required specialized behavioral supports, including Applied Behavior Analysis ("ABA") services, that evidence-based interventions and supports to support A.A. in a full school day exist, and that appropriate therapeutic placements that could meet A.A.'s needs also exist.

138. Defendants presented testimony from its own employees but did not present testimony from a school psychologist or other witness qualified to diagnose Autism or provide expert behavioral analysis. Defendants did not present expert testimony contradicting Dr. Dufrene's conclusion that A.A. met the criteria for Autism under Bulletin 1508, nor did it identify which criteria A.A. allegedly failed to meet.

139. District witnesses testified that A.A. made progress while attending a full school day with supports at Madisonville Elementary, but failed to make adequate academic progress and experienced behavioral regression while on a shortened school day schedule at Mandeville Elementary and Bayou Woods Elementary. District witnesses further testified that A.A. made insufficient progress on all IEP goals in May 2025.

140. Several of Defendants' witnesses testified that the decision to maintain A.A. on a shortened school day was influenced by staffing and resource limitations, that Defendants do not provide ABA services, and that no alternative placements beyond a shortened school

day were proposed at the September 2024 IEP meeting or at any subsequent meeting during the 2024-2025 school year.

F. Defendants retaliated against P.A. by banning her from school district property after she filed a due process complaint.

141. On May 21, 2025, while the due process hearing was ongoing and just days after she testified against Defendants, P.A. received a letter from Mary Hart, Assistant Superintendent for Defendants, notifying her that she was "not to appear on any St. Tammany Parish School Board property or at any St. Tammany Parish School Board sponsored events or activities without my expressed permission, until further notice." It further stated that the ban would be reviewed at the end of the first semester.

142. The letter cited two dates (April 4, 2025, and May 14, 2025) on which P.A. allegedly engaged in "disruptive actions and behavior" at Bayou Woods Elementary and asserted that her conduct violated Defendants' "Public Conduct on School Property" policy. The letter did not describe what conduct was allegedly disruptive and did not explain how P.A.'s actions violated Defendants' policy. Further, it did not identify which provision of the policy P.A. allegedly breached.

143. This ban was put into place May 21, 2025, subsequent to the commencement of the due process hearing on behalf of A.A. In fact, the alleged "disruptive actions and behavior" of P.A. occurred on May 14, 2025, just days after P.A. testified at the due process hearing on May 9, 2025. Further, the ban was put into place nine days before the second day of A.A.'s due process hearing, which took place on May 30, 2025, on School District property.

144. Due to the ban, P.A., through counsel, had to seek special permission to even be able to attend the final three days of the due process hearing.

145. The ban had immediate and tangible consequences for A.A.'s access to education and P.A.'s ability to participate in the education of her child.

146. Because P.A., who is a single parent, was prohibited from entering Defendants' campuses, she was unable to take A.A. to meet his teacher, tour his new campus, and participate in back-to-school activities like all other students at the beginning of the 2025-2026 school year. A.A. was deprived of needed individualized planning, services, and accommodations to prepare him for the transition to a new school year and new campus because of the campus ban.

147. Further, A.A. was unable to attend school at all on days when he was unable to access bus transportation because his mother was not allowed to drop him off at school. Due to A.A.'s disabilities, he frequently cannot transition onto the school bus in the allotted short window of time Defendants give him to get on the bus. This has led to an additional loss of instructional time, further reducing his already amended instructional time in school.

148. P.A. requested permission on multiple occasions to bring A.A. to school when he missed the bus. She also requested permission on multiple occasions to access Defendants' campuses for school-related purposes, including open houses and school events. Those requests were denied or unanswered.

149. On January 20, 2026, Defendants held a meeting where they decided to allow P.A. to access STPSB property again pursuant to stipulations that restrict her from communicating directly with A.A.'s teachers and most other school staff.

150. The restrictions set out by Defendants are punitive and designed to chill and curtail P.A.'s exercise of her rights.

THE ALJ'S ERRORS OF LAW AND FACT

151. On October 30, 2025, the ALJ issued her decision denying P.A.'s claims and concluding that Defendant STPSB provided A.A. FAPE. In doing so, the ALJ made seven (7) findings of law and fact that constitute reversible error.

A. The ALJ erred in allowing Defendant STPSB to rely on A.A.'s attendance history as a justification a shortened school day.

152. The ALJ erred by relying on A.A.'s absences and tardies to affirm the School District's decision to place A.A. on a severely shortened school day. The record reflects that A.A.'s attendance difficulties were disability-related, including Autism-related challenges with transition difficulties and school refusal, and that such behavior is appropriately addressed through behavioral supports, including a Behavior Intervention Plan developed by a professional with Autism expertise. Rather than supporting the need for a shortened day, the attendance evidence underscores Defendant STPSB's failure to implement meaningful disability-related supports.

153. The ALJ further erred in using attendance to excuse further reductions in actual instructional time provided. School District witnesses admitted that A.A. was dismissed at 10:45 a.m. even when he arrived *after* 8:45 a.m., such that he routinely received less than the two hours of instruction contemplated by the amended-day placement. Given that disability-related school refusal already reduced A.A.'s instructional time, Defendant STPSB's decision to further abridge A.A.'s school day—without accounting for the disability-related basis of the attendance challenges—ensured even less access to instruction and services.

154. In any event, attendance challenges do not reduce a school district's obligations under the IDEA. Defendant STPSB remains obligated to provide FAPE and to address

disability-related barriers through appropriate supports and services. Reducing instructional time is not a lawful substitute for required special education services.

B. The ALJ erred by using the incorrect legal standards in analyzing the provision of a FAPE to A.A.

155. The ALJ erred as a matter of law in concluding that Defendant STPSB had not denied A.A. FAPE. The decision reflects multiple legal errors that infected the ALJ's analysis of appropriateness, progress, and benefit.

156. The ALJ incorrectly refused to consider hindsight evidence when evaluating IEP appropriateness, stating that "[c]onsideration of hindsight evidence is not appropriate" for determining whether an IEP is individualized based on assessed abilities and performance. Ex. 1 at 29 (citing *Lisa M. v. Leander Indep. Sch. Dist.*, 924 F.3d 205, 214 (5th Cir. 2019)). This is a legal error. The Fifth Circuit has expressly recognized that "[i]n IEP appropriateness cases, this circuit embraces hindsight evidence." *Lisa M.*, 924 F.3d at 214; *V.P. v. Lewisville Indep. Sch. Dist.*, 582 F.3d 576, 588 (5th Cir. 2009) (demonstrated academic and non-academic benefit is among the most critical factors in the FAPE analysis).

157. The ALJ relied on *Board of Education v. Rowley*, 458 U.S. 176 (1982), to state that courts may not "second-guess" school officials or substitute their judgment for educational policy. Ex. 1 at 27. But *Endrew F.* qualifies this principle: deference is warranted only when school authorities apply expertise and judgment and provide a "cogent and responsive explanation" for their decisions. *Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386, 404 (2017). The ALJ erred by affording deference to Defendant STPSB without requiring a cogent and responsive explanation of how a two-hour school day could confer appropriate academic and non-academic benefit to A.A.

158. The ALJ further erred by applying *Rowley*'s formulation rather than the controlling *Endrew F.* standard. The decision repeatedly relies on *Rowley*'s two-part inquiry and suggests that satisfying *Rowley* resolves the FAPE question. Ex. 1 at 27–42. But the controlling standard is from *Endrew F.* The essential question to be answered under *Endrew F.* is whether Defendant STPSB offered an IEP "reasonably calculated to enable a child to make progress in light of the child's circumstances." *Endrew F.*, 580 U.S. at 399. In her decision, the ALJ did not make the required finding under *Endrew F.* as to whether A.A.'s program was reasonably calculated to enable appropriate progress.

159. The Fifth Circuit applies the *Endrew F.* standard. *See, e.g.*, *North East Indep. Sch. Dist. v. I.M. by Bianca R.*, 160 F.4th 630, (5th Cir. 2025). Therefore, the ALJ's failure to analyze appropriateness and progress under *Endrew F.* constitutes reversible error.

160. The ALJ largely relied on A.A.'s report card as evidence of benefit and failed to holistically evaluate non-academic progress. Ex. 1 at 36–42. The Fifth Circuit requires a holistic inquiry into academic and non-academic benefits and recognizes that academic performance alone may be insufficient where non-academic progress is inadequate. *North East Indep. Sch. Dist.*, 160 F.4th at 640.

161. In sum, the ALJ reached erroneous conclusions under the *Michael F.* framework and in determining whether A.A. received a FAPE. These conclusions rested on the use of incorrect legal standards, including (i) incorrect exclusion of hindsight evidence, (ii) unqualified deference to Defendant STPSB without the "cogent and responsive explanation" required by *Endrew F.*, (iii) use of *Rowley* instead of *Endrew F.* as the controlling legal standard, and (iv) a non-holistic assessment of educational benefits to A.A. Under a proper analysis, it is clear that A.A. did not derive meaningful academic and

non-academic benefits from his IEP and that the IEP wasn't reasonably calculated to enable appropriate progress.

C. The ALJ erred by disregarding all evidence showing that Defendant STPSB failed to consider less restrictive placements for A.A.

162. The ALJ failed to address P.A.'s allegations, established at trial, that Defendant STPSB denied A.A. access to general education peers, failed to implement supplementary aids and services prior to moving him to a more restrictive placement, and failed to consider the full continuum of placements.

163. Regarding peer access, the ALJ stated that when A.A. had access to peers during non-structured times, he "often chose" to remain in the BEC setting with his paraprofessional. Ex. 1 at 39. The ALJ's Decision does not address evidence that remaining in the BEC setting was a new behavior that emerged only after months of isolation in a one-student BEC classroom and that A.A. had previously experienced success in general education settings.

164. The ALJ acknowledged that the interim IEP team agreed to implement the BIP drafted in August 2023, at the same meeting in which it placed A.A. on a two-hour school day. Ex. 1 at 14–15. But the ALJ failed to recognize that Defendant STPSB's failure to implement basic supports—including a BIP—before imposing an amended-day schedule and a highly restrictive placement contravenes the IDEA's requirement that supplementary aids and services be implemented and considered before increasing restrictiveness.

165. Finally, the ALJ failed to address P.A.'s claim, proven at trial, that Defendant STPSB did not consider or propose alternative placements along the required continuum, including placements affording access to a full school day and peers. La. Bulletin 1706 § 115(A); 34 C.F.R. § 300.115(a).

D. The ALJ erred by improperly assessing the impact of Defendant STPSB's failure to evaluate A.A. before his ninth birthday or moving him to more restrictive placement.

166. The ALJ erred in finding that P.A. failed to prove denial of FAPE based on Defendant STPSB's failure to conduct a reevaluation prior to A.A.'s ninth birthday.

167. The ALJ further erred by failing to account for Defendant STPSB's Child Find obligations regardless of enrollment status. 20 U.S.C. § 1412(a)(3)(A); *see e.g., Ja. B. v. Wilson Cnty. Bd. of Educ.*, 61 F.4th 494, 501 (6th Cir. 2023).

168. Louisiana Bulletin 1508 § 705(E)(2) requires reevaluation of students classified with Developmental Delay before their ninth birthday. The ALJ erred by treating the issue as a "reasonable delay" question, where the governing rule imposes a firm deadline.

169. The ALJ also misapplied *Spring Branch Indep. Sch. Dist. v. O.W.*, 961 F.3d 781 (5th Cir. 2020), which addresses the timeline for completing an initial evaluation after a district has reason to suspect disability. Here, the School District had longstanding knowledge of A.A.'s disability since his initial evaluation in April 2018.

170. The ALJ further erred in concluding the delay caused no actionable harm. The record reflects that, because Defendant STPSB failed to complete the required reevaluation before A.A.'s ninth birthday, his eligibility had "expired" by the September 6, 2024, interim IEP meeting. P.A. was told that, if she did not sign the interim IEP placing A.A. on a two-hour day, he would receive no special education services.

171. The ALJ further erred in excluding an audio recording proffered by P.A. regarding statements that A.A. would receive no special education services absent P.A.'s signature, sustaining a hearsay objection despite the permissibility of hearsay in administrative proceedings. Counsel for P.A. proffered the recording.

172. The ALJ also erred in concluding that Defendant STPSB did not deny FAPE by failing to reevaluate A.A. before moving him to a more restrictive placement, reasoning that reevaluation requirements apply only when an exceptionality is "in place" and that A.A.'s Developmental Delay classification had "expired." Ex. 1 at 35. That conclusion improperly allows Defendant STPSB to benefit from its own failure to conduct the required reevaluation before the ninth birthday.

173. The record and the ALJ's findings reflect that A.A. was moved to a significantly more restrictive placement on September 6, 2024, and the reevaluation was not completed until November 11, 2024. Ex. 1 at 30. The ALJ's conclusion that this procedural failure did not deny FAPE is erroneous. Louisiana regulations require reevaluation when "a significant change in placement is proposed." La. Bulletin 1508 § 1101(A)(3).

E. The ALJ erred by concluding that Defendant STPSB's failure to evaluate A.A. for Autism didn't deny him a FAPE.

174. The ALJ failed to address P.A.'s claim, supported by expert testimony, that Defendant STPSB had a duty to evaluate A.A. for Autism "as far back as 2018."

175. The ALJ also failed to address the uncontested record that after Defendant STPSB received A.A.'s Children's Hospital Autism diagnosis in August 2022, it did not initiate a Bulletin 1508-compliant evaluation for Autism and did not adjust A.A.'s educational programming to address the diagnosis. *See* La. Bulletin 1508 § 1105(F)(1).

176. The ALJ made an error of fact in stating that the November 11, 2024, evaluation did not reflect reports or observations of restricted or repetitive behaviors. Ex. 1 at 19. Defendant STPSB's Autism screener (GARS-3) reflects P.A. reported multiple behaviors as "Very Much Like the Individual," including persistent stereotyped behaviors and self-

stimulatory vocalizations. The ALJ further erred as a matter of law by adopting Defendant STPSB's expert's premise that classification under Autism rather than Other Health Impairment ("OHI") does not matter for services. Ex. 1 at 34. Courts have recognized that failure to evaluate in all areas of suspected disability can deny FAPE where it prevents appropriate IEP development and deprives the student of educational benefit. *Timothy O. v. Paso Robles Unified Sch. Dist.*, 822 F.3d 1105, 1126 (9th Cir. 2016); *N.B. v. Hellgate Elem. Sch. Dist.*, 541 F.3d 1202, 1210 (9th Cir. 2008); *Amanda J. v. Clark Cnty. Sch. Dist.*, 267 F.3d 877, 894 (9th Cir. 2001).

177. The record reflects that Defendant STPSB's failure to evaluate and identify Autism affected the nature, intensity, and delivery of evidence-based interventions, including ABA programming. Defendant STPSB's November 2024 evaluation included minimal behavioral recommendations and lacked Autism-specific interventions.

178. For these reasons, the ALJ erred in concluding P.A. failed to prove denial of FAPE based on Defendant STPSB's failure to evaluate and identify Autism and to provide Autism-informed supports and services.

F. The ALJ erred by incorrectly excluding recorded statements of witnesses as inadmissible hearsay.

179. During the administrative hearing, Plaintiffs offered five audio recordings of statements made by Defendant STPSB's witnesses.

180. The audio recordings were highly relevant to the question of whether A.A. received FAPE and substantiated factual claims made by Plaintiffs.

181. Defendant STPSB objected to each proffer of an audio recording on the grounds of hearsay and the best evidence rule.

182. The ALJ sustained Defendant's objections. Thus, the ALJ failed to review the relevant evidence and failed to weigh the evidence in her decision.

183. The evidence in question was not hearsay, and it did not violate the best evidence rule.

184. Defendant STPSB's objections should have been overruled, and the audio recordings should have been considered by the ALJ.

185. Hearsay is an out-of-court statement offered into evidence to prove the truth of the matter asserted. Evidence offered for impeachment based on a prior inconsistent statement is not hearsay; it goes to the credibility of the witness. Further, during administrative proceedings, the United States Supreme Court has found that hearsay is "admissible up to the point of relevancy." *Richardson v. Parales*, 402 U.S. 389, 410 (1971). *See also Glendale Unified School Dist. v. Almasi*, 122 F. Supp. 2d 1093, 1101 (C.D. Cal. 2000) (holding that hearsay evidence was admissible at a due process hearing); *Louisiana Household Goods Carriers v. Louisiana Pub. Serv. Comm'n*, 762 So.2d 1081, 1089 (La. 6/30/2000). The Louisiana Division of Administrative Law rules state that "[t]he weight given to any evidence shall be determined by the administrative law judge based on its reliability and probative value." La. Admin. Code tit. 1, § III-721(D).

186. The best evidence rule requires that an original document, rather than a copy of a document, be presented unless the original document is unavailable. The audio recordings proffered by Plaintiffs did not violate the best evidence rule, as they were a file of an audio recording made by P.A. In this case, the ALJ did not determine whether the evidence should be admitted based upon its reliability and probative value; the audio recordings were

excluded on the grounds that they were audio recordings, with no consideration as to content or relevance.

G. The ALJ erred by disregarding the testimony of Plaintiffs' expert.

187. Plaintiffs' expert witness, Dr. Dufrene, is a nationally recognized expert in school psychology and ABA. With over two decades of specialized training and experience, Dr. Dufrene has conducted hundreds of psychological and education evaluations, trained school systems across Louisiana and Mississippi on FBAs and BIPs, and has published 100 peer-reviewed works on behavioral interventions. He has a Ph.D. in school psychology, advanced training in ABA, and a certification in Autism diagnostic tools, such as the Autism Diagnostic Observation Schedule ("ADOS"). He has taught, supervised, and mentored doctoral students in behavioral interventions, consulted with multiple school districts on compliance with the IDEA and La. Bulletin 1508, and continues to serve on editorial boards of professional journals. His testimony reflected both a depth of clinical knowledge of and practical experience with implementing behavioral supports that directly inform what A.A. requires to benefit from his education.

188. Notably, Defendants STPSB did not present a school psychologist or anyone with comparable diagnostic or behavioral expertise to rebut Dr. Dufrene's testimony at trial. Their sole expert witness, Dr. Brandie Wolsefer, is not a psychologist and has no degree, certification, or specialized training in behavioral analysis or Autism diagnosis. Her doctorate is in educational leadership, which does not require coursework in behavioral science, and she has never published, presented, or consulted outside of her school district on issues of behavior. Consequently, while Dr. Dufrene was qualified as an expert in the discipline of school psychology, Dr. Wolsefer was qualified far more narrowly as an expert

as the "special education behavior coordinator for the parish of St. Tammany." She admitted her role as behavior coordinator is limited to supporting staff and reviewing data, not conducting or overseeing comprehensive evaluations or individualized interventions.

189. The ALJ's decision completely discounts the discrepancy between the qualifications of Dr. Dufrene and Dr. Wolsefer. The ALJ determined that "Parent's argument that the testimony of Parent's Expert unequivocally demonstrates that Minor meets the criteria for an exceptionality of Autism is not persuasive" because Dr. Dufrene's testimony was based on a review of A.A.'s medical and educational records. Ex. 1 at 33-34. Not only is this a factual error—Dr. Dufrene testified that he conducted an interview with P.A. during which A.A. was present—it is also an insufficient reason to completely discount the testimony of a highly credentialed and knowledgeable expert witness.

190. The ALJ erred in disregarding the testimony of Plaintiffs' expert witness.

CLAIMS FOR RELIEF

COUNT I:
IDEA –DENIAL OF A FREE AND APPROPRIATE PUBLIC EDUCATION
(brought by A.A. against Defendant STPSB)

191. Plaintiff A.A. repeats and realleges paragraphs 1-17 and 39-190 as if fully set forth herein.

192. Plaintiff A.A. further realleges the allegations raised in Plaintiffs' Due Process Complaint before the Division of Administrative Law. *See* Ex. 2.

193. A.A. is a child with a disability as defined by the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1401(3)(A).

194. Defendant STPSB is a Local Educational Agency ("LEA") as defined by the IDEA, 20 U.S.C. § 1401(19)(A).

195. At all relevant times, Defendant STPSB denied A.A. a Free and Appropriate Public Education ("FAPE"), in violation of 20 U.S.C. § 1412(a)(1)(A), by failing to develop and implement an IEP reasonably calculated to enable A.A. to make appropriate progress in light of his circumstances.

196. All IEPs in effect for A.A. over the last two years failed to meet the standards articulated in *Endrew F.* and the factors set forth in *Michael F.*, as they lacked individualized goals, accommodations, and services addressing A.A.'s unique academic, behavioral, and social needs and were not reasonably calculated to provide educational benefit.

197. Despite A.A.'s significant needs across all domains, his IEPs during the 2024–2025 school year placed him on an extremely shortened school day, depriving him of the instruction, services, and opportunities necessary for him to make meaningful academic, behavioral, and social progress.

198. A.A.'s IEPs were not driven by his individualized needs, failed to include appropriate goals, and failed to incorporate effective behavior interventions.

199. Defendant STPSB failed to account for A.A.'s Autism diagnosis and did not provide Autism-specific supports and services—including ABA-based interventions and social skills instruction—necessary for A.A. to receive a FAPE.

200. Beginning in September 2024, Defendant STPSB used A.A.'s IEPs to restrict his access to instruction and services rather than to remediate his academic and behavioral deficits.

201. During the 2024–2025 school year, Defendant STPSB failed to develop or implement appropriate, individualized behavior supports through A.A.'s IEP or BIP.

Instead, Defendant STPSB imposed an inappropriate BIP that conditioned A.A.'s access to instructional time on compliance with behavior expectations directly related to his disability.

202. When those BIPs failed to remediate A.A.'s behaviors or increase his access to instruction, Defendant STPSB failed to make meaningful revisions.

203. Defendant STPSB further failed to conduct a new Functional Behavioral Assessment ("FBA") during the 2024–2025 school year despite A.A.'s lack of progress and the emergence of new behaviors.

204. Throughout the relevant statutory period, A.A.'s IEP teams lacked individuals with specialized knowledge and training in Autism Spectrum Disorder. Defendant STPSB failed to include qualified professionals—such as a school psychologist or Board Certified Behavior Analyst—to provide supervision, consultation, and Autism-informed programming.

205. As a result of these failures, the IEP team did not design or implement an educational program reasonably calculated to provide A.A. a FAPE.

206. Rather than making progress, A.A. regressed both academically and non-academically during the 2024–2025 school year.

COUNT II:
IDEA –FAILURE TO PROVIDE AN EDUCATION IN THE LEAST RESTRICTIVE ENVIRONMENT
(brought by A.A. against Defendant STPSB)

207. Plaintiff A.A. repeats and realleges paragraphs 1-17 and 39-190 as if fully set forth herein.

208. Plaintiff A.A. further repeats and realleges the allegations raised in Plaintiffs' Due Process Complaint before the Division of Administrative Law. *See* Ex. 2.

209. A.A. is a child with a disability as defined by the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1401(3)(A).

210. Defendant STPSB is a Local Educational Agency ("LEA") as defined by the IDEA, 20 U.S.C. § 1401(19)(A).

211. At all relevant times, Defendant STPSB failed to educate A.A. in the LRE "[t]o the maximum extent appropriate . . . with children who are not disabled" in violation of 20 U.S.C. § 1412(a)(5)(A); 34 C.F.R. § 300.114(a)(2)(i); and La. Bulletin 1706 § 114(A).

212. A.A. spent the majority of the 2024-2025 school year excluded from his nondisabled peers. During the limited time he was permitted on campus, he spent most of his day in the Behavior Education Classroom ("BEC") setting without access to non-disabled peers at Mandeville Elementary and then without access to any peers at Bayou Woods.

213. Under the two-hour placement, A.A. spent the vast majority of his school day at home, without access to any peers, instruction, services, or the broader school environment.

214. Before placing A.A. in this highly restrictive setting, Defendant STPSB failed to implement even the most basic supplementary aids and services required to support him in a less restrictive environment.

215. Defendant STPSB moved A.A. to a severely shortened school day without first implementing a Behavior Intervention Plan ("BIP"), one of the most fundamental and legally required supports for addressing disability-related behavior.

216. At the time A.A. was placed on a two-hour schedule in September 2024—and at every IEP meeting thereafter—Defendant STPSB officials and members of A.A.'s IEP team knew or should have known of other potential therapeutic or specialized placements.

217. Despite this knowledge, Defendant STPSB failed to identify, offer, or create any placement that would allow A.A. to receive a full instructional day and meaningful access to peers.

218. Indeed, during the relevant statutory period, no Defendant STPSB official or IEP team member ever discussed or proposed any placement that would provide A.A. with both a full school day and peer interaction.

COUNT III:
IDEA – FAILURE TO CONDUCT REEVALUATION PRIOR TO NINTH BIRTHDAY
(brought by A.A. against Defendant STPSB)

219. Plaintiff A.A. repeats and realleges paragraphs 1-17 and 39-190 as if fully set forth herein.

220. Plaintiff A.A. further repeats and realleges the allegations raised in Plaintiffs' Due Process Complaint before the Division of Administrative Law. *See* Ex. 2.

221. A.A. is a child with a disability as defined by the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1401(3)(A).

222. Defendant STPSB is a Local Educational Agency ("LEA") as defined by the IDEA, 20 U.S.C. § 1401(19)(A).

223. Defendant STPSB failed to conduct the mandatory reevaluation of A.A. prior to his ninth birthday, as required by the IDEA.

224. Defendant STPSB's failure to conduct this required reevaluation denied A.A. a free appropriate public education.

225. As a result of Defendant STPSB's failure to timely reevaluate A.A., he did not have a valid, up-to-date IEP when Defendant STPSB placed him on a highly restrictive schedule. This deprived Plaintiffs of critical procedural protections. A.A. was denied the right to a

reevaluation before a more restrictive placement was implemented, the right to refuse consent to an IEP, and the ability to invoke stay-put protections to maintain his existing placement.

COUNT IV:
IDEA – FAILURE TO CONDUCT REEVALUATION PRIOR TO MOVING STUDENT TO MORE RESTRICTIVE PLACEMENT
(brought by A.A. against Defendant STPSB)

226. Plaintiff A.A. repeats and realleges paragraphs 1-17 and 39-190 as if fully set forth herein.

227. Plaintiff A.A. further repeats and realleges the allegations raised in Plaintiffs' Due Process Complaint before the Division of Administrative Law. *See* Ex. 2.

228. A.A. is a child with a disability as defined by the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1401(3)(A).

229. Defendant STPSB is a Local Educational Agency ("LEA") as defined by the IDEA, 20 U.S.C. § 1401(19)(A).

230. In reducing A.A.'s instructional day to 120 minutes, Defendant STPSB failed to comply with its legal obligation to reevaluate A.A. before moving him to a more restrictive placement.

231. This failure to conduct a required reevaluation denied A.A. a Free and Appropriate Public Education and deprived him of the procedural safeguards designed to prevent the unjustified exclusion of children with disabilities from instruction and services.

COUNT V: IDEA - CHILD FIND
(brought by A.A. against Defendant STPSB)

232. Plaintiff A.A. repeats and realleges paragraphs 1-17 and 39-190 as if fully set forth herein.

233. Plaintiff A.A. further repeats and realleges the allegations raised in Plaintiffs' Due Process Complaint before the Division of Administrative Law. *See* Ex. 2.

234. A.A. is a child with a disability as defined by the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. § 1401(3)(A).

235. Defendant STPSB is a Local Educational Agency ("LEA") as defined by the IDEA, 20 U.S.C. § 1401(19)(A).

236. Defendant STPSB has violated its Child Find obligation by failing to timely identify and evaluate A.A. for an exceptionality of Autism as early as April 2018.

237. Defendant STPSB's April 2018 initial evaluation documented numerous indicators of Autism, including significant communication, social, and adaptive deficits, sufficient to create reasonable suspicion and trigger Defendant STPSB's duty to conduct a comprehensive Autism evaluation.

238. None of the special education evaluations conducted by Defendant STPSB for A.A. have complied with the requirements of La. Bulletin 1508.

239. As a result, despite clear evidence that A.A. meets the criteria for eligibility under the exceptionality of Autism, Defendant STPSB has never found him eligible under that category.

240. When Defendant STPSB received A.A.'s Autism diagnosis from Children's Hospital in August 2022, it had further reason to suspect eligibility and a corresponding duty to conduct a comprehensive Bulletin 1508 reevaluation. *See* La. Bulletin 1508 § 1105(F)(1). Nevertheless, Defendant STPSB failed to evaluate A.A. for Autism at any point thereafter, including during his January 2023 reevaluation.

241. Despite purporting to agree with the Children's Hospital Evaluation and medical diagnosis, Defendant STPSB has never meaningfully reviewed, incorporated, or implemented the evaluation's recommendations in developing A.A.'s educational program.

242. Defendant STPSB's November 2024 evaluation was procedurally and substantively deficient, as it disregarded substantial evidence, misapplied the governing legal standards, and improperly denied A.A. eligibility under the exceptionality of Autism.

243. As a direct result of Defendant STPSB's Child Find failures, A.A. has been unable to make the progress of which he is capable, has experienced regression, and has remained confined to a shortened school day and isolated from his peers.

244. Because Defendant STPSB failed to properly identify Autism as the source of A.A.'s academic and behavioral challenges, it repeatedly failed to provide Autism-specific supports and services. Accordingly, Defendant STPSB has never provided A.A. with the supports and services necessary for him to receive a Free and Appropriate Public Education.

COUNT VI:
DEFENDANTS DISCRIMINATED AGAINST PLAINTIFF A.A. IN VIOLATION OF TITLE II OF THE AMERICANS WITH DISABILITIES ACT
(brought by A.A. against Defendant STPSB and Defendant Jabbia)

245. Plaintiff A.A. repeats and realleges paragraphs 1-150 of this Complaint as if fully set forth herein.

246. Title II of the ADA and its implementing regulations prohibit public entities from discriminating on the basis of disability in the provision and administration of public services and require that persons with disabilities be afforded meaningful access to the programs and activities of public entities. 42 U.S.C. § 12132; 28C.F.R. §35.130.

247. Specifically, the ADA provides that "no qualified individual shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12132.

248. Public entities discriminate against individuals with disabilities in violation of the ADA when they discriminate directly or when they utilize any criteria or methods of administration that have the effect of subjecting qualified individuals with disabilities to discrimination on the basis of disability or have the purpose or effect of substantially impairing accomplishment of the objectives of the public entity's program with respect to people with disabilities. 34 C.F.R. § 35.130(b)(3)(i).

249. Plaintiff A.A. is a qualifying individual with a disability as defined by the ADA. *Id*. at § 12131(2).

250. Defendant STPSB is a public entity as defined by the ADA. 42 U.S.C. § 12131(1). Defendant Jabbia, as Superintendent of STPPS, is charged with establishing and maintaining the public schools within the jurisdiction of STPSB.

251. As a school-aged child who lives in the St. Tammany Parish School District, Plaintiff A.A. is qualified to participate in Defendants' educational programs and services. *Id*.

252. Defendants have discriminated and continue to discriminate against A.A. based on his disability in violation of Title II of the ADA. By the placement of A.A. on a shortened school day and the other acts and omissions described above, Defendants are:

a. Denying Plaintiff A.A. an opportunity to participate in and benefit from educational services that are equal to those afforded to non-disabled students;

b. Denying Plaintiff A.A. educational services that are as effective in affording equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement as those provided to non-disabled students;

c. Denying Plaintiff A.A. the opportunity to receive educational programs and services in the most integrated setting appropriate to his needs, where such placement is appropriate to his needs, not opposed by Plaintiff, and can be reasonably accommodated;

d. Failing to provide reasonable accommodations and/or make reasonable modifications to its policies, practices, and procedures when such accommodations and modifications were necessary to allow A.A. access to its full educational program; and

e. Placing Plaintiff A.A. outside the regular educational environment where he can be educated in a mainstream school environment with the use of supplementary aids and services.

253. Defendants utilize criteria or methods of administration that had the effect of subjecting A.A. to discrimination on the basis of his disability and the purpose and effect of defeating or substantially impairing the accomplishment of the objectives of Defendants' program and activities with respect to students with disabilities.

254. Granting relief to Plaintiffs would not fundamentally alter Defendants' programs, services, and activities.

255. The acts and omissions of Defendants have caused and will continue to cause Plaintiff A.A. to suffer irreparable harm.

COUNT VII:
DEFENDANTS DISCRIMINATED AGAINST PLAINTIFF A.A. IN VIOLATION OF SECTION 504 OF THE REHABILITATION ACT OF 1973
(brought by A.A. against Defendant STPSB and Defendant Jabbia)

256. Plaintiff A.A. incorporates by reference paragraphs 1-150 of this Complaint.

257. Section 504 of the Rehabilitation Act and its implementing regulations prohibit federal fund recipients from discriminating against individuals by reason of disability. 29 U.S.C. § 794; 34 C.F.R. ch. I, pt. 104.

258. Specifically, Section 504 states, "No otherwise qualified individual with a disability in the United States, [ ] shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. . . ." 29 U.S.C. § 794(a).

259. Defendant STPSB is a public entity within the meaning of Section 504. Defendant Jabbia, as Superintendent of STPSB, is charged with establishing and maintaining the public schools within the jurisdiction of STPSB. 29 U.S.C. § 794.

260. Plaintiff A.A. is an individual with a disability within the meaning of Section 504. His disabilities substantially limit one or more major life activity, including learning, reading, concentrating, thinking, communicating, or developing and maintaining relationships.

261. As a school-aged child who lives in the School District, Plaintiff is qualified to participate in Defendants' educational programs and services. 29 U.S.C. § 794(b)(2).

262. Defendants have discriminated and continue to discriminate against A.A. based on his disability in violation of Section 504. By the placement of A.A. on a shortened school day and the other acts and omissions described above, Defendants are:

a. Denying Plaintiff A.A. an opportunity to participate in and benefit from educational services that are equal to those afforded to non-disabled students;

b. Denying Plaintiff A.A. educational services that are as effective in affording equal opportunity to obtain the same result, gain the same benefit, or reach the same level of achievement as those provided to non-disabled students;

c. Denying Plaintiff A.A. the opportunity to receive educational programs and services in the most integrated setting appropriate to his needs, where such placement is appropriate to his needs, not opposed by Plaintiff, and can be reasonably accommodated;

d. Failing to provide reasonable accommodations and/or make reasonable modifications to its policies, practices, and procedures when such

accommodations and modifications were necessary to allow A.A. access to its full educational program; and

e. Placing Plaintiff A.A. outside the regular educational environment where he can be educated in a mainstream school environment with the use of supplementary aids and services.

263. Defendants utilize criteria and methods of administration that had the effect of subjecting A.A. to discrimination on the basis of his disability and the purpose and effect of defeating or substantially impairing the accomplishment of the objectives of Defendants' program and activities with respect to students with disabilities.

264. Granting relief to Plaintiff would not fundamentally alter Defendants' programs, services, and activities.

265. As a direct and proximate result of Defendants' unlawful discrimination, Plaintiff A.A. has suffered and continues to suffer irreparable harm.

COUNT VIII:
DEFENDANTS RETALIATED AGAINST PLAINTIFF P.A. IN VIOLATION OF TITLE II OF THE AMERICANS WITH DISABILITIES ACT
(brought by P.A. against Defendant STPSB and Defendant Jabbia)

266. Plaintiff P.A. incorporates by reference paragraphs 1-150 of this Complaint.

267. The ADA prohibits a person from retaliating, interfering, coercing, or intimidating any individual for opposing unlawful acts or otherwise participating in or exercising a right under the ADA. 42 U.S.C. § 12203.

268. "No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this chapter or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter." 42 U.S.C. § 12203(a).

269. Plaintiff P.A. engaged in protected activity when she filed a special education due process complaint against Defendant STPSB on March 19, 2025, and testified in the resulting administrative hearing on behalf of her child with a disability, A.A.

270. Shortly after P.A. engaged in this protected activity, Defendants took adverse action by banning her from all STPSB property.

271. Defendants' actions were taken because of and in direct response to P.A.'s protected activity.

272. Defendants intentionally violated Plaintiff P.A.'s rights under the anti-retaliation provisions of the ADA.

273. There is a temporal and causal connection between Plaintiff P.A.'s protected activity and Defendants' corresponding adverse actions.

274. Defendants' actions constitute continuous and ongoing violations of the anti-retaliation provisions of the ADA.

275. Defendants' retaliation foreseeably and directly harmed P.A. and A.A. by restricting his access to education, services, and parental participation.

276. As a result of Defendants' retaliatory conduct, Plaintiffs have suffered and continue to suffer educational, emotional, and tangible harm.

COUNT IX:
DEFENDANTS RELATIATED AGAINST PLAINTIFF P.A. IN VIOLATION OF THE REHABILITATION ACT
(brought by P.A. against Defendant STPSB and Defendant Jabbia)

277. Plaintiff P.A. incorporates by reference paragraphs 1-150 of this Complaint.

278. Defendant STPSB is a recipient of federal financial assistance and is subject to Section 504 of the Rehabilitation Act of 1973. 29 U.S.C. § 794.

279. Section 504, through incorporation of Title VI of the Civil Rights Act of 1964, prohibits recipients of federal funds from engaging in retaliatory or intimidating conduct against any individual who opposes unlawful discrimination or participates in protected activity. 29 U.S.C. § 794(a); 34 C.F.R. §§ 100.7(e), 104.61.

280. Plaintiff P.A. engaged in protected activity when she filed a special education due process complaint against STPSB on March 19, 2025, and testified in the resulting administrative proceeding on behalf of her child with a disability, A.A.

281. Shortly after P.A. engaged in this protected activity, Defendants took adverse action by banning her from all STPSB property.

282. Defendants' actions were taken because of and in direct response to P.A.'s protected activity.

283. Defendants intentionally violated Plaintiff P.A.'s rights under the anti-retaliation provisions of Section 504.

284. There is a clear temporal and causal connection between P.A.'s protected activity and Defendants' adverse actions.

285. Defendants' retaliation foreseeably and directly harmed A.A. by restricting his access to education, services, and parental participation.

286. Defendants' actions constitute ongoing violations of Section 504's anti-retaliation provisions.

287. As a result of Defendants' retaliatory conduct, Plaintiffs have suffered and continue to suffer educational, emotional, and tangible harm.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs request that this Court provide the following relief:

A. Reversal of ALJ Decision and Findings Under IDEA

1. Reverse the administrative decision finding that P.A. failed to prove that Defendant STPSB violated the procedural or substantive requirements of the IDEA.
2. Reverse the administrative decision dismissing P.A.'s Due Process Complaint.
3. Reverse the administrative decision denying P.A. any relief.
4. Enter a finding that Defendant STPSB denied A.A. a Free and Appropriate Public Education ("FAPE") because the IEPs developed during the 2024–2025 school year were not reasonably calculated to enable A.A. to make appropriately ambitious academic, social, and behavioral progress in light of his circumstances.
5. Enter a finding that A.A.'s placement on a shortened school day was inappropriate and that the appropriate placement for provision of FAPE is a full day of instruction, five days per week, in a regular school setting with appropriate supports and services.
6. Enter a finding that Defendant STPSB denied FAPE by failing to educate A.A. in the Least Restrictive Environment.
7. Enter a finding that Defendant STPSB denied FAPE by failing to timely and comprehensively evaluate A.A. for Autism and by failing to identify him as eligible under the Autism exceptionality.

B. Declaratory Relief

1. Declare that Defendant STPSB violated the IDEA by denying A.A. a FAPE.

2. Declare that Defendants violated the ADA and Section 504 by denying A.A. meaningful access to education and discriminating against him on the basis of disability.

3. Declare that Defendants retaliated against Plaintiff P.A. in violation of the ADA.

4. Declare that Defendants retaliated against Plaintiff P.A. in violation of Section 504.

C. Injunctive and Equitable Relief

1. Order Defendants to provide and fund all supports, services, accommodations, and related services necessary to meet A.A.'s unique educational needs and to ensure the provision of a free appropriate public education ("FAPE") in all educational settings, including but not limited to a full-time, one-to-one paraprofessional and behavioral services, such as full-time Applied Behavior Analysis ("ABA"), through qualified providers of P.A.'s choosing.

2. Order Defendants to fund, obtain, and implement all independent educational and behavioral evaluations, assessments, and expert services necessary to determine and address A.A.'s needs, through qualified experts selected by P.A., including development of appropriate intervention plans and training of District staff.

3. Order Defendants to develop, adopt, and implement policies and practices to ensure the School District does not discriminate against students on the basis of disability, including by unnecessarily excluding children with disability-related

behaviors from a full school day and thereby denying them an equal educational opportunity.

4. Order Defendants to provide a full continuum of placement for students with disabilities in compliance with state and federal law.

5. Permanently enjoin Defendants from violating Plaintiffs' rights under the ADA and Section 504.

D. Compensatory Education

1. Award A.A. compensatory education and services provided outside of the instructional day to make up for the time A.A. was excluded from school during the 2024-2025 school year and to put A.A. back in the place he would have been had he received a free and appropriate public education.

E. Damages, Fees, and Other Relief

1. Award Plaintiffs' all compensatory and nominal damages available under the law.

2. Award Plaintiffs reasonable costs and attorneys' fees.

3. Award any other relief the Court deems proper.

Waiver of Summons Requested.

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**Pro Hac Vice Application to be filed*