

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 15-50204

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United States Court of Appeals  
Fifth Circuit

**FILED**

October 20, 2015

Lyle W. Cayce  
Clerk

PHOUNG C., as Next Friend of Z.C.,

Plaintiff - Appellant

v.

KILLEEN INDEPENDENT SCHOOL DISTRICT,

Defendant - Appellee

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. 6:14-CV-86

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Before JOLLY, HIGGINBOTHAM, and SMITH, Circuit Judges.

PER CURIAM:\*

The appellant, minor child Z.C. by next friend, Phoung C., seeks reimbursement from the Killeen Independent School District (KISD) for her unilateral choice to withdraw Z.C. from KISD and enroll her in a private school. Phoung C. contends that the public school failed to provide Z.C. with a Free and Adequate Public Education (FAPE), and that under the Individuals

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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with Disabilities Education Act (IDEA), she is therefore entitled to the cost of private education.

Phoung C. first filed for a due process hearing with a due process Hearing Officer (H.O.), who determined that KISD had provided Z.C. with a FAPE. After Phoung C. sought review in the district court, KISD moved for and obtained summary judgment affirming the H.O.'s decision. Phoung C. appeals that judgment here.

We have reviewed the briefs and applicable law and have consulted the pertinent portions of the record, including the hearing officer's comprehensive review of the facts. We have also heard the helpful oral arguments of counsel. There is no reversible error. The summary judgment is **AFFIRMED**, essentially for the reasons given by the district court.