

United States Court of Appeals
for the Fifth Circuit

No. 25-20361

United States Court of Appeals
Fifth Circuit

FILED

September 8, 2026

Lyle W. Cayce
Clerk

W.H., *by and through his next friend*, LARRY G.,

Plaintiff—Appellant,

versus

FORT BEND INDEPENDENT SCHOOL DISTRICT,

Defendant—Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:24-cv-01515

Before JONES, SOUTHWICK, and WILLETT, *Circuit Judges*.

PER CURIAM:*

This appeal concerns the proper educational setting for a student with dyslexia. The classroom accommodations for this student are described as unique within his school district for their magnitude. With those accommodations, he has earned excellent grades and has a spotless disciplinary record. Nonetheless, upon his entering ninth grade, school officials proposed removing him from the general classroom environment

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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and placing him in a separate classroom for English and math. The proposal was based on a finding that his grades overstated his performance and that his substantially more limited academic progress necessitated the change.

An administrative hearing officer upheld the school district's proposal as to math but not as to English. The district court agreed with the school district and found a separate classroom appropriate for both subjects.

We AFFIRM.

BACKGROUND

This case presents issues regarding the Individuals with Disabilities Education Act, 20 U.S.C. § 1400, *et seq.* (“IDEA”). The student will be referred to as W.H. He was 16 years old at the time of the district court judgment in July 2025. The parties informed the court that he is now starting his senior year in high school in the Fort Bend Independent School District. The district court's lengthy opinion described the accommodations the school district made for W.H.'s education, grouping those made during the fourth through sixth grades, then year-by-year for the seventh, eighth, and ninth grades. As that detailed summary shows, the accommodations were extensive.

In Texas, consideration of appropriate accommodations under the IDEA is made by a school district's Admissions, Review, and Dismissal (“ARD”) Committee. 19 TEX. ADMIN. CODE § 89.1050. Members include various educators as well as a parent or guardian. *Id.* § 89.1050(c); 34 C.F.R. § 300.322. The ARD Committee determines an appropriate Individual Education Program (IEP) for a student. 19 TEX. ADMIN. CODE § 89.1050(a). Leading up to the 2023–2024 school year, school district members (but not his guardian) concluded that W.H. should be placed in a separate, non-general setting for his English and math classes.

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W.H. would remain in a general classroom environment for social studies, science, and electives. The school district argued that W.H.

was “making progress” but (1) could not “achieve the goals and objectives contained in the IEP even though supplementary aids and services are used” and (2) “needed modifications [that could not] be implemented without eliminating essential components from curriculum/activity(ies).”

W.H.’s uncle, who is his guardian, objected to the proposed placement, asserting the school district was retaliating against him for expressing concerns about W.H.’s accommodations. Shortly thereafter, W.H.’s uncle filed a complaint requesting a due process hearing as permitted under the IDEA. 20 U.S.C. § 1415(f)(1)(A). He argued that the school district failed to provide W.H. with a free appropriate public education by placing him in the separate classroom. A Special Education Hearing Officer conducted a hearing in January 2024, with testimony from W.H.’s teachers and school administrators. Pursuant to IDEA’s “stay-put” provision, W.H. has remained in the general education classroom. *See* 20 U.S.C. § 1415(j).

In a decision issued in March 2024, the Hearing Officer concluded that the school district was justified in proposing math instruction for W.H. in a separate classroom, but that English should be taught in a general education setting.

In April 2024, W.H., through his guardian, filed this suit in the United States District Court for the Southern District of Texas. The claims were that the school district violated the IDEA by not placing W.H. in a general education classroom for all subjects, and that denial of proper accommodations in the general education classroom constituted discrimination in violation of Section 504 of the Rehabilitation Act.

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In April 2025, the parties filed cross-motions for summary judgment. The school district argued that, even with the numerous accommodations provided to W.H., objective data and teacher testimony demonstrated that W.H. was “progressively falling further and further behind.” Accordingly, it argued that the decision to place W.H. in a separate classroom for both math and English was not clearly unreasonable in light of the known circumstances. The school district moved for judgment on the administrative record and summary judgment, and W.H. moved for judgment on the administrative record. The district court granted the school district’s motion, reversing the Hearing Officer in part and upholding placement of W.H. in a separate classroom for both English and math.¹ The court determined that for both classes: (1) W.H. could not “grasp the essential elements” of the regular education; (2) the social benefit of W.H. staying in general education was unclear; and (3) W.H.’s needs “had a detrimental impact” on his fellow special education students. W.H. timely appealed to this court.

DISCUSSION

Under the IDEA, “the district court’s review of a hearing officer’s decision is virtually *de novo*.” *Seth B. ex rel. Donald B. v. Orleans Par. Sch. Bd.*, 810 F.3d 961, 967 (5th Cir. 2016) (quoting *Cypress-Fairbanks Indep. Sch. Dist. v. Michael F.*, 118 F.3d 246, 252 (5th Cir. 1997)). Due weight must be given to the hearing officer’s findings, but the district court conducts an independent review based on the preponderance of the evidence. *Id.* at 966. We review whether the district court properly found that a school complied with the IDEA’s mainstreaming requirement *de novo*. *H.W. v. Comal Indep.*

¹ On appeal, W.H. does not challenge the grant of summary judgment as to the Section 504 claim.

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Sch. Dist., 32 F.4th 454, 464 (5th Cir. 2022). By contrast, factual findings — such as “findings that a disabled student obtained educational benefits under an IEP” — are reviewed for clear error. *Id.* (quoting *E.R. ex rel. E.R. v. Spring Branch Indep. Sch. Dist.*, 909 F.3d 754, 762 (5th Cir. 2018)). However, because “the IDEA creates a presumption in favor of a school system’s educational plan,” the burden rests with the party challenging the plan. *White ex rel. White v. Ascension Par. Sch. Bd.*, 343 F.3d 373, 377 (5th Cir. 2003).

Importantly, the Supreme Court insists that courts not “substitute their own notions of sound educational policy for those of the school authorities which they review.” *Endrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386, 404 (2017) (quoting *Board of Educ. of Hendrick Hudson Cent. Sch. Dist., Westchester Cnty. v. Rowley*, 458 U.S. 176, 206 (1982)). That means that decisions of school administrators and teachers are entitled to special weight:

[D]eference is based on the application of expertise and the exercise of judgment by school authorities. The Act vests these officials with responsibility for decisions of critical importance to the life of a disabled child. The nature of the IEP process, from the initial consultation through state administrative proceedings, ensures that parents and school representatives will fully air their respective opinions on the degree of progress a child’s IEP should pursue. By the time any dispute reaches court, school authorities will have had a complete opportunity to bring their expertise and judgment to bear on areas of disagreement.

Id. (citations omitted).

Finally, the court’s task is not “to second guess state and local policy decisions” but instead to conduct the “narrow” inquiry of whether school officials have complied with the IDEA. *White ex. rel. White*, 343 F.3d at 377

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(quoting *Flour Bluff Indep. Sch. Dist. v. Katherine M.*, 91 F.3d 689, 693 (5th Cir. 1996)).

Placement outside the general population should only occur where “education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.” 20 U.S.C. § 1412(a)(5)(A). The tension inherent in “mainstream[ing] handicapped children” and tailoring “each child’s particular needs” leaves deference to school administrators to “mainstream each child only to the maximum extent appropriate.” *Daniel R.R. v. State Bd. of Educ.*, 874 F.2d 1036, 1044–45 (5th Cir. 1989). Importantly, progress “should be measured not by his relation to the rest of the class, but rather with respect to the individual student.” *Houston Indep. Sch. Dist. v. Bobby R.*, 200 F.3d 341, 349 (5th Cir. 2000).

Here, W.H.’s guardian objected to the IEP and, later, to the Hearing Officer’s decision. A court’s review asks if there were procedural errors in the decision and if the IEP is “reasonably calculated to enable the child to receive educational benefits” *Rowley*, 458 U.S. at 206–07. “[P]rocedural defects alone do not constitute a violation of the right to a [free appropriate public education] unless they result in the loss of an educational opportunity.” *Adam J. ex rel. Robert J. v. Keller Indep. Sch. Dist.*, 328 F.3d 804, 812 (5th Cir. 2003) (quoting *T.S. v. Indep. Sch. Dist. No. 54*, 265 F.3d 1090, 1095 (10th Cir. 2001)). The objection here is to the adequacy of the IEP, and for that, a court considers whether:

(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.

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Klein Indep. Sch. Dist. v. Hovem, 690 F.3d 390, 396 (5th Cir. 2012) (quoting *Michael F.*, 118 F.3d at 253).

The district court made a careful review of the evidence as it applied each of those four factors. It parsed through competing interpretations of the discrepancies among W.H.’s course grades, consistent advancement of grade levels, anecdotes from teachers, and standardized test performance. Testimony from W.H.’s teachers supported the fact that too much of W.H.’s supposed progress was not actually occurring. For example, W.H.’s ninth-grade Algebra I teacher stated that W.H. “had not made much progress in math.” That teacher worried that the level of accommodations W.H. received could be harmful because “he will probably not fully understand the material and be successful in any future math courses.” W.H.’s special education support teacher noted that although W.H. made “some progress toward [English Language Arts] goals in 7th and 8th grade,” he had to spend up to 85% of class time with W.H. despite there being five other special education students in the class. The import of this testimony was that W.H.’s actual progress and understanding across subjects did not match his grades.

The court offered this summary of its factual findings when applying the *Michael F.* factors:

(1) the 2023-2024 IEP is individualized on the basis of W.H.’s assessment and performance, (2) the 2023-2024 IEP is administered in the least restrictive environment for Math and English, (3) the services have been provided in a coordinated and collaborative manner by the key stakeholders, and (4) positive academic and non-academic benefits have been demonstrated. The Court affirms the determination of the Hearing Officer that [the school district] provided W.H. a free appropriate public education by proposing [separate] instruction for Math and reverses the determination of the

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Hearing Officer that [the school district] denied a free appropriate public education by proposing [separate] instruction for English.

The record supports the school administrators' determination that, even with accommodations, W.H. could not "grasp the essential elements of the regular education curriculum" in both math and English. *Daniel R.R.*, 874 F.2d at 1049. Despite making passing grades, W.H. did not show signs of the level of comprehension that was appropriate for him. The school district determined that W.H. required significant resources to ensure comprehension, namely, a slower pace, a smaller classroom setting, and increased one-on-one instruction. Considering that W.H. would be mainstreamed in all other subjects, and that providing increased support to W.H. in the general education classroom would reduce the support available to other special education students, the school district determined that placement in a separate classroom was appropriate. "[W]hen education in a regular classroom cannot meet the handicapped child's unique needs, the presumption in favor of mainstreaming is overcome and the school need not place the child in regular education." *Daniel R.R.*, 874 F.2d at 1045.

We give deference to the school district's careful consideration of the most appropriate placement for W.H. See *Endrew F.*, 580 U.S. at 404. We find no error in the district court's fact findings or legal conclusions on that placement.

AFFIRMED.