

March 10, 2006

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

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No. 05-20327

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HOUSTON INDEPENDENT SCHOOL DISTRICT

Plaintiff - Appellant

v.

JJ, b/n/f Romona E

Defendant - Appellee

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Appeal from the United States District Court  
for the Southern District of Texas  
No. 4:03-CV-742  
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Before KING, SMITH and BENAVIDES, Circuit Judges.

PER CURIAM:\*

Plaintiff-Appellant, Houston Independent School District, appeals the district court's order awarding attorneys fees and costs to Defendant-Appellee, JJ, b/n/f Romona E, arguing that the district court erred in concluding that defendant was substantially justified in rejecting plaintiff's settlement offer and did not unreasonably protract the final resolution of the parties' dispute. See 20 U.S.C. § 1415(i)(3)(D)-(F). The

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

district court did not abuse its discretion in concluding that the defendant was substantially justified in rejecting the settlement offer. The order of the district court is accordingly AFFIRMED.