

**Illinois State Board of Education
Due Process Summaries**

Decisions Issued Between January 2008 through March 2008

**Case No. R05119 – Julia Quinn Dempsey, Hearing Officer
FAPE, Placement
Decision and Order Issued January 14, 2008**

The parent initiated a due process request seeking reimbursement for payment of the unilateral placement of the student in a private special education facility and two years of compensatory education services as a result of the district's failure to develop an appropriate IEP and the student's denial of FAPE. The student, a third grader, was functioning in the average to high average range and received services for health and orthopedic impairments. The hearing officer found that the district did not fail to implement services. The district was not required to reimburse the parents for any expense involved in the private school placement.

Both parties were represented by legal counsel.

Parent initiated the request.

**Case No. 2008-0040 – Alfred Spitzzeri, Hearing Officer
Placement
Decision and Order Issued January 19, 2008**

The parent requested a due process hearing, seeking placement in a different public school district as a result of teasing and bullying that interfered with the student's ability to learn. The student, who was eligible for services due to an emotional disturbance, was involved in two behavioral incidents at school, resulting in several suspensions. After the second suspension, the student's counselor and nurse recommended, in writing, that the student not return to school and the student received homebound tutoring for the remainder of the school year. The parent alleged that the school district failed to provide prior written notice of its refusal to place the student in a different school. The hearing officer found that the school district made it clear that there was only one school in the district and the parent failed to meet her burden of proof. The district was required to implement the recommendations made at the student's last IEP meeting and place the student in a special education class within the school district.

Both parties were represented by legal counsel.

Parent initiated the request.

**Case No. 2008-0211 – James Wolter, Hearing Officer
FAPE, Placement, Compensatory Education
Decision and Order Issued January 24, 2008**

The parent initiated a due process request, seeking placement in a residential placement at district expense, payment for independent educational evaluations, and compensatory education services as a result of the district's inadequate IEPs and failure to provide FAPE. The student, who was eligible for services under multiple categories, was placed in a psychiatric hospital by his mother in August 2007 related to acts of aggression exhibited in the home. The hearing officer found that the district failed to provide FAPE during the student's extended school year (ESY) program, since the student received only four of the required six weeks. The parent's request for residential placement at public expense was denied, but as compensation, the district was required to offer the teacher at the hospital two, one hour consultation sessions with a specialist in the field of deaf and hard of hearing.

Both parties were represented by legal counsel.

Parent initiated the request.

**Case No. 2008-0105 – Sheana Hermann, Hearing Officer
Placement
Decision and Order Issued January 25, 2008**

The district initiated a due process request to dispute the placement of the student in her home school. The student, who was eligible for services under the specific learning disability eligibility, transferred to the district with an IEP that required placement in a self-contained instructional program. The district did not have such a program in the student's neighborhood school, but did offer the program in its cooperative. The student was temporarily placed in the local junior high school with an individual aide and special education resource, but testimony indicated that the student did not make educational progress so the district enforced the stay-put provision in the cooperative program. The hearing officer found that the student's needs were significant enough to warrant placement at the cooperative program. The district was required to convene an IEP team meeting with cooperative staff, develop an IEP, and place the student in the cooperative program.

The district was represented by legal counsel.

District initiated the hearing request.

**Case No. 2008-0039 – Mary Schwartz, Hearing Officer
FAPE, Development of IEP, Placement
Decision and Order Issued February 4, 2008**

The student initiated the due process request alleging that the district failed to provide a free appropriate public education as a result of inappropriate IEPs. The district offered to place the student in a separate day school until she turned 22, but the student argued that this offer was insufficient to account for the services that were denied. The hearing officer found that the student's IEPs did not include relevant information, appropriate goals and objectives, and the goals and objectives were not individualized to meet the needs of the student. The district was required to complete a vocational assessment, convene an IEP team meeting with district and separate day school staff to develop an appropriate IEP, and provide services to the student in an appropriate educational placement until the day before her 22nd birthday.

Both parties were represented by legal counsel.

Student initiated the request.

**Case No. 2008-0127 – James Wolter, Hearing Officer
Placement
Decision and Order Issued February 16, 2008**

The parent initiated the due process request to challenge the district's recommendation to change the student's special education placement from a self-contained class in a regular education high school to a separate public special education day school for students with emotional disorders. A manifestation determination was conducted and the team recommended a more restrictive placement rather than expelling the student. The hearing officer found that the student was unable to benefit from his current placement and the proposed placement was reasonably calculated to provide the student with educational benefit. The district was required to hand-deliver a copy of the decision to the home of the parent, implement the IEP, and place the student at the special education day school.

The district was represented by legal counsel.

Parent initiated the request.

**Case No. 2008-0018 – Sheana Hermann, Hearing Officer
Placement, Compensatory Education
Decision and Order Issued February 19, 2008**

The parents initiated the due process request, claiming that the district failed to implement peer-reviewed research-based methods with appropriately trained staff, failed to account for the student's lack of progress, and failed to develop appropriate IEPs for the student. The student, who was eligible under specific learning disability and speech/language, received extreme modifications and accommodations, which masked the student's inability to complete grade level work. The hearing officer found that the district failed to provide the student with appropriate services to meet his needs. The district was ordered to place the student in a private day school and provide transportation and compensatory education services in the form of extended school year and tutoring. The parent's requests for reimbursement for independent evaluations and services were denied.

Both parties were represented by legal counsel.

Parents initiated the request.

**Case No. 2007-0075 – Sheana Hermann, Hearing Officer
Placement
Decision and Order Issued March 6, 2008**

The parent initiated the due process request to challenge the district's placement of the student in a self-contained program in the district's cooperative. The student, who qualified for services under the other health impairment and specific learning disability categories, had significant attendance issues and did not consistently take his medication for ADHD. The parent opposed placement in the cooperative program because she believed that he would not have friends in that program. The hearing officer found that the self-contained program was providing the student a free appropriate public education in the least restrictive environment. The district was not ordered to take any further action.

The district was represented by legal counsel.

Parent initiated the request.

**Case No. 2008-0124 – Kristine L. Anderson, Hearing Officer
FAPE, Placement, LRE
Decision and Order Issued March 19, 2008**

The parent initiated the due process request to dispute the student's placement in a self-contained emotional disability classroom that resulted in the district's failure to provide a free appropriate public education in the least restrictive environment. The parent opposed placement in a self-contained emotional disability instructional classroom for grades 1-4 because she believed that it was a negative environment and preferred that her son be returned to a regular education classroom in his home school. The hearing officer found that the district provided ample proof that the self-contained placement was the appropriate placement for the student based on district testimony. The parent's request to place the student in a regular education classroom was denied, but the district agreed to transfer the student to a different self-contained classroom for grades 4-6 and provide transportation for the student.

The district was represented by legal counsel.

Parent initiated the request.

**Case No. 2008-0258 – Mary Schwartz, Hearing Officer
Reevaluation, FAPE, LRE
Decision and Order Issued March 25, 2008**

The district initiated the due process request in December 2007 as a result of the parent's refusal to sign consent for the student's three year reevaluation. In January 2008, the parent filed a cross request alleging that the district failed to provide a free appropriate public education in the least restrictive environment. The parent reported in a letter to the district that the student suffered from severe school anxiety and she refused to send him to the cross-categorical classroom and requested that the district place the student in a private therapeutic school. The hearing officer found that the student's current educational placement and related services were appropriate and that the parent's requested remedies were already implemented. The hearing officer ordered the district to proceed with its three year reevaluation of the student to include an occupational therapy assessment and other appropriate evaluations.

The district was represented by legal counsel.

District initiated the request.