

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

Decisions Issued Between July 1, 2006 and September 30, 2006

**Case No. 004959 – Robert F. Ladenson, Hearing Officer
Placement, Compensatory Education
Decision and Order Issued July 17, 2006**

The parent requested a due process hearing seeking payment for private tutoring to compensate the student for the failure of the district's educational program. The student, who was eligible for support in the category of LD, had a demonstrated reading level far below his same-age peers and continued to show only very modest progress in reading. The student was, nonetheless, still on track to graduate from high school with his peers. The hearing officer found that the district had developed an IEP based upon a thorough identification of the student's needs and abilities. On this basis, the hearing officer denied the parent's claim for payment of prospective private tutoring for the student.

The parties were both represented by attorneys.

Parent initiated the request.

**Case No. 004992 – Ann Breen-Greco, Hearing Officer
Consent for Initial Evaluation
Decision and Order Issued July 18, 2006**

The district requested due process to override the parent's refusal to grant consent for an initial case study evaluation. At hearing, which the parent opted not to attend, evidence was produced showing that since the student's 1st grade year, the district had undertaken a range of interventions to address the student's increasing academic and behavioral difficulties without success. During the student's third grade year, after continued difficulties addressing the student's needs, the district attempted to secure parental consent for an initial evaluation, but without success. The hearing officer held that the district had ample justification for seeking an evaluation and ordered the district to proceed.

The district was represented by an attorney (parent did not attend).

District initiated the request.

**Case No. 004823 – Robert F. Ladenson, Hearing Officer
Independent Educational Evaluation, Placement, LRE
Decision and Order Issued July 25, 2006**

The parent requested a due process hearing to challenge the district's placement and to seek an independent educational evaluation. In response, the district filed a counter-request to demonstrate that the existing evaluation of the student was appropriate. The hearing officer first disposed of the independent evaluation claim by granting summary judgment in favor of the district, then proceeded to hearing on the remaining issue of the student's placement.

The hearing officer, in deciding the issue of the independent evaluation, held that the district had complied with the requirements of 34 CFR 300.523, thereby demonstrating that the district's evaluation was appropriate. As to the placement, the hearing officer found that the district had shown that its placement, a self-contained placement for students with MR, was the appropriate placement over the parent's choice of a placement in the general education setting with modifications and accommodations. The hearing officer therefore found that the district's placement could proceed.

The district was represented by an attorney.

Parent initiated the hearing request and the district filed a counter-request.

**Case No. 004879 – Marie Bracki, Hearing Officer
Placement, Methodology
Decision and Order Issued August 1, 2006**

The parents requested a due process hearing to challenge the district's proposed placement; to seek reimbursement for private tutoring; and to correct alleged failures in the district's prior IEPs for the student. The student, who has Downs Syndrome and mild hearing loss, has received progressively more rigorous IEPs over the past several years and has been predominantly educated in the general education setting. The hearing officer found that the prior IEPs developed for the student were appropriate, but ordered the district to conduct a new IEP meeting with the assistance of an agreed-upon facilitator to develop new goals, benchmarks and placement for the student. The hearing officer denied the parents' claim for reimbursement based on the hearing officer's finding that the prior IEPs were appropriate.

Both parties were represented by attorneys.

Parent initiated the hearing request.

**Case No. 004960 – Sheana Hermann, Hearing Officer
Transportation, FAPE
Decision and Order Issued September 1, 2006**

The parent initiated the due process request to challenge the district's decision not to provide transportation to the student. The student, who was 5-years old and identified as DD, lived six blocks from the school. In addition, the district's general policy was not to provide transportation to students living within 1.5 miles of the school they attended. The hearing officer found no evidence suggesting that the nature of the student's disabling condition required transportation. In response to the parent's further claim that the district had failed to develop a behavior intervention plan for the student, the hearing officer found that the behaviors in question were manageable through regular interventions provided by the classroom teacher. The hearing officer therefore found that the district had conferred a FAPE upon the student.

The district was represented by an attorney.

Parent initiated the request.

**Case No. 004498 – Janet E. Kidd, Hearing Officer
Eligibility, Placement, LRE
Decision and Order Issued September 25, 2006**

The parent initiated the due process request to challenge the district's proposal that the student no longer qualified for special education support. The student, who had been previously eligible under the category of OHI, had been diagnosed with ADHD. Though evidence indicated that the ADHD adversely affected the student's academic performance, the student was still achieving academic progress and progressing from grade to grade. The hearing officer found that although the student might not be performing to her intellectual potential, the student was nonetheless capable of performing satisfactorily with the support of an IEP. On this basis, the hearing officer held the student did not require the support of an IEP, but did remain eligible for support pursuant to a Section 504 plan. The hearing officer thus ordered the parties to meet to develop a 504 plan for the student.

Both parties were represented by attorneys.

Parent initiated the request.