

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

Decisions Issued Between July 1, 2007 and December 31, 2007

**Case No. 2007-0217 – Robert Ladenson, Hearing Officer
Evaluation
Decision and Order Issued July 2, 2007**

The district requested a due process hearing due to the parent's refusal to consent to a case study evaluation of the student. The district cited concerns with the student's behavior, academic performance, and ability to attend in the classroom as justification to conduct an evaluation. The parent did not participate in the hearing. In the absence of testimony and evidence presented by the parent, the hearing officer found that the district made a sufficient argument to justify the need to conduct an evaluation of the student. The district's request to conduct an evaluation was granted.

The district was represented by legal counsel.

District initiated the request.

**Case No. 2007-0245 – Carolyn Ann Smaron, Hearing Officer
Alternative Placement, Compensatory Education
Decision and Order Issued July 20, 2007**

The parent requested a due process hearing in April 2007, alleging that the district failed to identify an appropriate alternative educational placement after the student was expelled, resulting in the student being out of school for a three month period. The parent sought compensatory education services as remedy. The hearing officer found that the district did not place the student in an alternative educational setting in a timely manner, and their attempts to identify an alternative setting for the student were not made in good faith. For their failure to provide services to the student for over three months, the district was ordered to continue the student's placement in a private, therapeutic day school for the remainder of the summer session and through the 2007-2008 school year. The district was also ordered to complete a case study evaluation of the student prior to the beginning of the 2007-2008 school year.

The district was represented by legal counsel.

Parent initiated the request.

**Case No. 2007-0266 – James Wolter, Hearing Officer
Placement, Implementation of IEP
Decision and Order Issued July 15, 2007**

The parent requested a due process hearing in April 2007, alleging that the district failed to provide the services in the student's IEP, and that the student did not derive benefit from the special education placement. As remedy, the parent sought to change the location of the student's placement. The hearing officer found that the district did implement the student's IEP, and that the student did derive benefit from the placement. The parent's request for remedy was denied.

The district was represented by legal counsel.

Parent initiated the request.

**Case No. 2007-0284 – Sheana Hermann, Hearing Officer
Placement
Decision and Order Issued August 27, 2007**

The parent requested a due process hearing in May 2007, challenging the district's proposed placement of the student in a therapeutic day school. The parent sought to continue the placement in an instructional special education program in a regular school building. The hearing officer found that the district failed to modify the student's behavior plan when it appeared it was not being successful. The hearing officer also found that the student's behavior in the current placement was improving toward the end of the school year. The district was ordered to maintain the student's placement in an instructional self-contained classroom in the regular school building.

The district was represented by legal counsel.

Parent initiated the request.

**Case No. 2008-0022 – James Wolter, Hearing Officer
Unilateral Placement, Program and Services
Decision and Order Issued November 7, 2007**

The parent requested a due process hearing in July 2007, alleging that the district failed to provide the student with an appropriate placement and IEP, and failed to consider a privately-obtained independent evaluation. The parent sought reimbursement for their unilateral placement of the student in a private, therapeutic day school. The hearing officer found that the student had derived a meaningful benefit from the placement in the home school. Therefore, the parent's request for reimbursement for the private, therapeutic placement was denied.

Both parties were represented by legal counsel.

Parent initiated the request.

**Case No. 2007-0332 – Linda Mastandrea, Hearing Officer
Evaluation, Program and Services, Placement
Decision and Order Issued November 9, 2007**

The parent requested a due process hearing in June 2007, alleging that the district failed to conduct an appropriate evaluation and develop an appropriate IEP for the student, and that the district failed to allow the parent to fully participate in the formation of an appropriate education for the student. As remedy, the parent sought placement and compensatory education at a private, therapeutic day school, as well as the provision of a parent advocate at district expense for all future IEP meetings involving the student. The hearing officer found that the district's evaluations of the student were appropriate, and the parent was an active participant in the development of the student's IEPs. The hearing officer agreed that the district's recommended placement in an instructional special education classroom in a regular school building was appropriate. The parent's requested remedies were denied.

Both parties were represented by legal counsel.

Parent initiated the request.

**Case No. 2007-0339 – Linda Mastandrea, Hearing Officer
Evaluation, Placement, Program and Services
Decision and Order Issued November 16, 2007**

The parent requested a due process hearing, alleging that the district committed several violations, including failure to: (a) conduct appropriate evaluations of the student; (b) consider an independent educational evaluation; (c) provide an adequate curriculum and services; (d) provide notice of the parent's procedural rights; and (e) recommend an appropriate placement for the student. As remedy, the parent sought placement of the student in a private, therapeutic day program with appropriate related services. The parent also requested compensatory education services and an independent educational evaluation in areas of identified need to be conducted at public expense. The hearing officer found that the district failed to accurately identify the student's disabilities and failed to develop an appropriate IEP. The hearing officer also found that the district's proposed placement was not the least restrictive environment for the student, due to a lack of methodology in the student's instructional program. The district was ordered to place the student in a private, therapeutic day program, develop a new IEP, provide an independent education evaluation at public expense, and provide compensatory education services to the student.

Both parties were represented by legal counsel.

Parent initiated the request.

**Case No. 2007-0299 – Ann Breen-Greco, Hearing Officer
Evaluation, Program and Services
Decision and Order Issued November 19, 2007**

The parent requested a due process hearing, alleging that the district did not conduct an adequate evaluation and did not provide appropriate support services to the student. The parent requested an independent evaluation, and appropriate services to the student, including related services. The district also requested a due process hearing in response to the parent's request for an independent evaluation at public expense. The hearing officer found that the district conducted an adequate evaluation and did not deny the student appropriate support services. The parent's requested remedies were denied.

The district was represented by legal counsel.

Parent initiated the request.