

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

Decisions Issued Between January 1, 2007 and June 30, 2007

**Case No. 2007-0007 – Kristine L. Anderson, Hearing Officer
FAPE, Evaluation, Placement, Development of IEP
Decision and Order Issued January 10, 2007**

The parents requested a due process hearing to challenge the appropriateness of the student's evaluation, IEP, and placement. The student, a 16 year old with severe deficits in all academic areas, began to regress during the 2005-2006 school year. The hearing officer found that the district failed to fully evaluate the student, resulting in a denial of FAPE. It was also found that the district failed to develop an appropriate IEP that enabled the student to receive educational benefit, specifically in reading. Procedural violations throughout the evaluation and IEP development processes also resulted in a denial of FAPE. The hearing officer ordered that the student be placed in a private day school at district expense for the remainder of the 2006-2007 school year, with the provision of extended school year services, and for the 2007-2008 school year with transportation. The district was required to convene an IEP team meeting with school staff from the district and the private day school in order to develop an appropriate IEP. In addition, the district was required to reimburse the parents for the fees from independent evaluations.

Both parties were represented by legal counsel.

Parents initiated the request.

**Case No. 2007-0105 – James Wolter, Hearing Officer
Placement
Decision and Order Issued February 1, 2007**

The parent requested a due process hearing to prevent the district from implementing an IEP that would have changed the student's placement. The district placed the student in a separate public special education school as a result of his emotional disturbance eligibility. The parent failed to present substantive evidence in support of the allegations and the complaint was found to be without merit. The hearing officer ordered the district to implement the IEP as written.

The district was represented by legal counsel.

The parent initiated the request.

**Case No. 4893 – Janet E. Kidd, Hearing Officer
Eligibility, Placement
Decision and Order Issued February 5, 2007**

The parent initiated a due process complaint seeking reimbursement for a unilateral private placement. The student's services were terminated during her sophomore year, but the parent requested an evaluation during the student's senior year as a result of the student's declining grades, unexcused absences, and behavioral concerns. An evaluation was not completed because staff did not believe that the student was a candidate for special education services. However, the student was referred to a number of counseling services through the school district and community. Due to the student's lack of progress and attendance at counseling sessions, the parent placed the student in a private residential program. The hearing officer found that the district failed to appropriately identify the student's "emotional disorder" and provide an IEP to address her needs. The district was required to locate a person or entity to complete an independent educational evaluation, create an appropriate IEP for the student, and reimburse the parent for all reasonable costs associated with the student's private placement.

Both parties were represented by legal counsel.

Parent initiated the hearing request.

**Case No. 2007-0061 – Kristine L. Anderson, Hearing Officer
Placement
Decision and Order Issued February 7, 2007**

The parent requested a due process hearing to dispute the district's recommendation to place the student in a therapeutic day school instead of his current placement in the instructional education program at his home school. The student, a 15 year old freshman, exhibited disruptive behavior which negatively affected his education, as well as the education of other students. The hearing officer found that the district's recommended placement in a public therapeutic day school would most appropriately meet the needs of the student. The hearing officer ordered the district to place the student at the therapeutic day school and convene an IEP meeting with the therapeutic day school staff to ensure a smooth transition and develop an appropriate IEP.

Both parties were represented by legal counsel.

Parent initiated the hearing request.

**Case No. 2007-0015 – Stacey L. Stutzman, Hearing Officer
Eligibility, FAPE
Decision and Order Issued February 9, 2007**

The student initiated due process after the district issued a diploma without convening the IEP team to review the student's goals and progress. The hearing officer found that the district deprived the student of FAPE, including failure to follow special education procedures. The hearing officer ordered that the diploma issued to the student be rescinded and a certificate of completion be issued until the IEP Team met to review the student's progress and determine that a diploma be conferred. The district was ordered to administer a speech/language assessment, functional vocational assessment, and assess the student's math and reading skills. Upon completion of the required evaluations, the district was required to develop an IEP that included measurable annual goals, related services, transitional services, and required that progress be reviewed at least quarterly.

The district was represented by legal counsel. The student was represented by an attorney-in-fact.

Student initiated the request.

**Case No. 2007-0050 – Marie A. Bracki, Hearing Officer
Evaluation, Eligibility
Decision and Order Issued February 14, 2007**

The guardian requested a due process hearing to settle a dispute about the district's lack of provision of services and supposed failure to identify the student as eligible for special education. The district made numerous attempts to screen, identify, and evaluate the student, but the parent indicated that she did not want the child labeled. The student was determined eligible and an IEP was developed in April of 2006, but the parent refused to give consent for implementation. The hearing officer denied the parent's request for an individual aide, outside tutoring, and reimbursement for tutoring, legal fees, and expert fees. The hearing officer ordered the district to obtain parental consent to implement the IEP, conduct auditory processing and occupational therapy evaluations, convene a meeting to consider the results, and determine if extended school year services were appropriate.

The district was represented by legal counsel.

Guardian initiated the request.

**Case No. 2007-0023 – Susan E. Cox, Hearing Officer
FAPE, Placement, Compensatory Education
Decision and Order Issued February 28, 2007**

The parent initiated the due process request concerning the district's denial of FAPE as a result of procedural violations related to evaluation, IEP development, placement, and compensatory education services. The parent alleged that the school district failed to provide an IEP for the student during his sophomore year, provide proper notification of the student's progress, follow proper evaluation procedures, and notify the parent before terminating the student's speech services. The hearing officer found that the district's procedural violations resulted in the denial of educational services. The hearing officer granted the parent's request for placement at a private residential setting and for two years of compensatory education based on the district's denial of FAPE.

Both parties were represented by legal counsel.

Parent initiated the request.

**Case No. 2007-0095 – Robert E. Lehrer, Hearing Officer
Eligibility
Decision and Order Issued March 23, 2007**

The student initiated due process to dispute his eligibility for special education and related services. The fifteen year old student was determined ineligible for special education and related services and was assigned to a disciplinary placement at which no special education services were available. The hearing officer found that the student was eligible for special education based on an emotional disturbance and the district continuously failed to provide special education and related services. The district was required to immediately prepare an IEP and provide special education and related services in an appropriate placement.

The district was represented by legal counsel.

Student initiated the request.

**Case No. 2007-0114 – Ann Breen-Greco, Hearing Officer
Placement, LRE
Decision and Order Issued March 28, 2007**

The foster parent initiated the due process hearing after the IEP team determined that the student had made significant progress and recommended increased participation in the general education setting. At an IEP meeting, the team agreed that the student had shown growth in reading and math, as well as gains in behavior management. However, the foster parent disagreed with the district's placement in general education math with an aide. The hearing officer found that the district provided an appropriate placement, including specialized education in the LRE, and that the student's IEP was reasonably calculated to confer educational benefit. The district was ordered to implement the student's IEP by placing the student in the general education setting for math with an aide. The parent's request for relief was denied.

The district was represented by legal counsel. A guardian ad litem represented the student.

Foster parent initiated the request.

**Case No. 4860 – Gail Tuler Friedman, Hearing Officer
Placement, LRE
Decision and Order Issued March 28, 2007**

The parents initiated due process seeking retroactive reimbursement for the unilateral placement of the student at a therapeutic day school, including the costs related to an individual aide, related services, and transportation. In response, the district filed a counter-request in order to evaluate the student and assess his educational needs. Due to a behavioral incident at school that resulted in suspension, the district recommended a three day Crisis Intervention Behavior Stabilization (CIBS) program. The parents rejected the proposed placement and indicated that the student would be enrolled in a private school at public expense. The hearing officer determined that the program set out by the district was reasonably calculated to confer educational benefit to the student in the LRE. The hearing officer denied the parents request for reimbursement for the unilateral placement of the student in a private school.

Both parties were represented by legal counsel.

Parents initiated the request.

**Case No. 2007-0176 – James A. Wolter, Hearing Officer
Failure to Prosecute Claim, Motion to Dismiss
Order Issued April 4, 2007**

The parent requested a due process hearing to dispute the district's recommendation to place the student in a more restrictive setting outside of the

student's home school. However, the parent failed to submit documentation into evidence, present witnesses, and appear at the due process hearing. All issues raised by the parent were dismissed and the district was required to take no further action.

The district was represented by legal counsel. The parent did not attend.

Parent initiated the request.

**Case No. 5131 – Ann Breen-Greco, Hearing Officer
Placement
Decision and Order Issued April 19, 2007**

The parent initiated the due process complaint seeking reimbursement for out-of-state room and board for the student in a residential placement. The district asserted that it did not have prior notice of the student's need for a residential placement. The student, who was eligible on the basis of an emotional disorder, was hospitalized a number of times for psychiatric reasons. After the student's last hospitalization, the hospital refused to release her unless she was being released to a residential facility. Witnesses testified that the parent had contacted the district to inform them of the student's difficulties in the home and community, various hospitalizations, and her intent to seek out a residential placement. The hearing officer found that the district had notice of the parents' intent to place the student in a residential placement. The district was ordered to reimburse the parents for the cost of room and board.

Both parties were represented by legal counsel.

Parents initiated the request.

**Case No. 2007-0145 – Marie A. Bracki, Hearing Officer
Child Find, Eligibility
Decision and Order Issued April 23, 2007**

The parent initiated the due process request to dispute the eligibility and services recommended for the student. The student, an eighth grader, was diagnosed with Attention Deficit Disorder (ADD), Obsessive Compulsive Disorder (OCD), clinical depression, anxiety, mild word retrieval processing deficit, and Asperger's syndrome, but was not found eligible for special education services. The hearing officer found that the district failed to fulfill its child find responsibilities and ordered the district to consider the student to be eligible for special education services. The district was required to conduct an occupational therapy evaluation, convene an IEP meeting to determine appropriate services and placement, and consider the student's behavior a manifestation of his disability.

Both parties were represented by legal counsel.

The parent initiated the request.

**Case No. 004702 – Gail Tuler Friedman, Hearing Officer
Placement, Compensatory Education
Decision and Order Issued April 23, 2007**

The parents initiated due process seeking reimbursement for the unilateral placement of the student in a nonpublic facility and for compensatory services for the period of time the student was denied FAPE. The parents adamantly rejected the district's determination to place the student in a communication disorders class. The hearing officer found that the program set out by the district provided educational benefit to the student and the parents were not entitled to reimbursement for their unilateral placement in a nonpublic facility.

Both parties were represented by legal counsel.

Parents initiated the request.

**Case No. 2007-0175 – Alan J. Cook, Hearing Officer
Placement
Order Issued May 21, 2007**

The guardian initiated the due process hearing to challenge the district's placement in the student's home school as opposed to placement in a residential facility. The student, who was eligible on the basis of an emotional disorder, had a history of running away, chronic truancy, and hospitalizations. When the IEP team met, it was determined that the student's placement would not change while the district attempted to obtain medical records. The hearing officer found that the student's IEPs did not adequately address her needs, the functional behavioral assessment and behavior intervention plan were inadequate, and the student's placement was not appropriate. The district was required to convene an IEP meeting, pay for an independent educational evaluation, identify and offer related services, provide a residential placement at public expense, and fund monthly visits of the guardian to the student at her residential placement as compensatory education services.

Both parties were represented by legal counsel.

Guardian initiated the request.

**Case No. 2007-0198 – Stacey L. Stutzman, Hearing Officer
Development of IEP
Decision and Order Issued June 15, 2007**

The parents initiated the due process request concerning the district's failure to provide an appropriate education and essential related services. The student was determined eligible due to a primary disability of autism and was placed in an instructional classroom with mainstreaming for 50% of his reading and math instruction. The student progressed and consistently met quarterly benchmarks and goals on his IEPs. The hearing officer found that the IEPs were developed to include appropriate speech language services, access to assistive technology, support from paraprofessionals, adequate developmental and functional supports, and appropriate goals. The parent's requests for relief were denied and the district was permitted to implement the existing IEP.

Both parties were represented by legal counsel.

Parents initiated the request.

**Case No. 2007-0027 – Julia Quinn Dempsey, Hearing Officer
Assistive Technology
Order Issued June 29, 2007**

The parent initiated due process concerning the district's implementation of a voice output communication device and the certification of the teacher assigned to the student's classroom. The hearing officer found that the district failed to provide adequate training and certification on the voice output communication device for staff working with the student which prohibited the student from properly progressing toward his IEP goals. The district was ordered to provide direct speech language services for 60 minutes three times per week on the use of an assistive technology device to include consultation with the speech language pathologist, classroom teacher, and individual aide. The district was required to log minutes on a monthly basis and make up any missed sessions. The district was also ordered to provide a computer to the student with specific assistive technology programs.

Both parties were represented by legal counsel.

Parent initiated the request.

**Case No. 005062 – Gail Tuler Friedman, Hearing Officer
FAPE, Eligibility, Placement, Compensatory Education
Decision and Order Issued June 29, 2007**

The parents initiated the due process complaint concerning their request for placement in a private therapeutic day school at public expense, payment for independent educational evaluations, related services, and compensatory education services. The hearing officer found that the district failed to provide FAPE and that placement in a private therapeutic day school was the appropriate placement for the student. The hearing officer ordered the district to reimburse the parents for the cost of tuition at the private day school and round trip transportation costs. The district was also ordered to convene an IEP meeting to determine eligibility and placement, as well as provide compensatory education services for speech language.

Both parties were represented by legal counsel.

Parent initiated the request.