

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

Decisions Issued Between April 1, 2006 and June 30, 2006

**Case No. 004698 – Robert E. Lehrer, Hearing Officer
Independent Educational Evaluation
Decision and Order Issued April 18, 2006**

The district initiated the due process request in response to the parent's request for an independent educational evaluation (IEE). The parent's request for the IEE came on the heels of a prior set of independent evaluations the district had provided following mediation of a previous due process request. The parent refused to participate in either a resolution session or mediation and failed to provide a written response to the district's request. The hearing officer convened a proceeding to allow the district the opportunity to provide support for its case following the district's motion for a default judgment. The hearing officer found that there were no material changes in circumstance of the student to merit the granting of a second set of independent evaluations. Accordingly, the hearing officer granted the district's motion, thereby denying the parent's request for a new IEE.

The district was represented by an attorney.

The district initiated the hearing request.

**Case No. 004631 – Gail Friedman, Hearing Officer
Unilateral Placement, Compensatory Education
Decision and Order Issued May 11, 2006**

The parents initiated the due process request seeking compensatory education in the form of six years of placement at a private therapeutic school for LD students. Prior to the due process hearing, the parents notified the district of their intent to reject the then-current placement offer by the district and placed the student at the therapeutic school in question. At hearing, the parents claimed that the district had engaged in a series of procedural violations dating back six years related to the student's eligibility and the services offered by the district since the student's initial eligibility determination in 2001. The hearing officer found that all alleged violations occurring before 2003 could not be considered given the two-year statute of limitations on due process claims. Additionally, the hearing officer found that any delays or interruptions in service the student experienced were the result of parental actions rather than a failure of the district to act. Analyzing the districts actions, the hearing officer concluded that the district had provided FAPE to the student during the period in question. Thus,

the hearing officer held that the district should not be liable for the compensatory education claims, nor for prospective placement in the therapeutic school.

Both parties were represented by attorneys.

Parents initiated the request.

**Case No. 004572 – Carolyn Ann Smaron, Hearing Officer
Placement, LRE
Decision and Order Issued May 12, 2006**

The parents requested a due process hearing to challenge the district's placement of the student in a cross-categorical, self-contained setting. The parents claimed that the student would be most appropriately served in a general education setting or, alternatively, in a private therapeutic setting. The student, who was eligible for services under the categories of LD and OHI, was found during his 5th grade year to have a significant learning disability compounded by ADHD. The district initially tried to support the student in a general education setting, but changed the placement (via an IEP meeting) to a self-contained setting at the end of 5th grade. The student remained in a self-contained setting through his 8th grade year, at which time the due process request was initiated. At hearing, the hearing officer found that the placement was supported by ample evidence derived from his evaluations and the student's performance. Therefore, the hearing officer held that the district's current placement remained appropriate for the student.

The district was represented by an attorney.

Parent initiated the hearing request.

**Case No. 004163 – Gail Friedman, Hearing Officer
Consent for Evaluation, Unilateral Placement
Decision and Order Issued June 30, 2006**

The district initiated the hearing to override the parents' refusal to provide consent for an evaluation of the student. Subsequent to this, the parents placed the student unilaterally in a private day-school setting and filed a counter-request for due process to seek reimbursement and prospective placement in the private setting. Pursuant to a motion for summary judgment by the district, the hearing officer held that there was no basis for the district to be held liable for the costs of the parents' unilateral placement, especially where the district had not been given authority to conduct its own evaluation. Accordingly, the hearing officer authorized the district to proceed with its own evaluation of the student when and

if the student returned to the district for education. In addition, the hearing officer denied the parents' claim for reimbursement and placement in the private setting.

Both parties were represented by attorneys.

District initiated the hearing request. Parent filed a counter-request.