

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

**Decisions Issued Between January 1, 2006 and March 31, 2006**

**Case No. 004789 – Mary Schwartz, Hearing Officer  
Standing, Motion to Dismiss  
Order Issued January 9, 2006**

The parent requested a due process hearing in November 2005 which the hearing officer found to be insufficient, as the request did not describe the student's problem, provide facts related to that problem, or propose a resolution. The parent then filed an amended complaint alleging that the district retaliated against the student and parent because the parent revoked consent for the district to evaluate the student for special education. The hearing officer found that the parent did not have standing to file the due process request, as the student had not been identified as a student with a disability. In addition, due to the parent's refusal to provide consent for an evaluation, the district did not have knowledge that the student had a disability. Therefore, the student was not entitled to the procedural protections afforded to students not yet eligible for special education. The matter was dismissed with prejudice.

Both parties were represented by legal counsel.

Parent initiated the request.

**Case No. 004668 – Susan Cox, Hearing Officer  
Evaluation, Unilateral Placement  
Decision and Order Issued February 3, 2006**

The parents requested a due process hearing in July 2005, alleging that the district's failure to evaluate the student for a learning disability in first grade denied the student FAPE. The parents also requested reimbursement for their unilateral placement of the student in second and third grades, alleging the district's proposed IEPs were not sufficient to convey an educational benefit. The hearing officer found that the district's failure to evaluate the student for a learning disability in first grade did not violate the student's right to FAPE. The hearing officer also found that the district's proposed IEP for second grade was sufficient to convey an educational benefit to the student, denying the parents' request for reimbursement for that school year. However, the hearing officer ruled that the district's failure to provide an adequate reading plan in the student's first proposed IEP for third grade and the failure to provide a transitional plan in both proposed IEPs for third grade constituted a denial of FAPE. Therefore, the hearing officer ordered the district to pay for the student's private placement for third grade, and ordered the IEP team to meet and develop an

appropriate three month transitional plan for the student's return to the home school.

Both parties were represented by legal counsel.

Parents initiated the request.

**Case No. 004416 – Julia Quinn Dempsey, Hearing Officer  
Unilateral Placement  
Decision and Order Issued February 5, 2006**

The parent requested a due process hearing in January 2005, alleging that the district failed to offer an appropriate program for the student. The parent enrolled the student in a private residential placement and requested reimbursement for the costs of the program, as well as related services and transportation costs. The hearing officer found that the private residential placement was the least restrictive environment, and that the district did not offer an appropriate program to the student for the 2004-2005 and 2005-2006 school years. The district was ordered to reimburse the parent for tuition, room, board, related services, and transportation for both school years. Because the parent did not provide appropriate notice to the district when the student was removed from the previous placement in the 2002-2003 school year, the district was not obligated to reimburse the parent for costs of the private placement for that school year.

Both parties were represented by legal counsel.

Parent initiated the request.

**Case No. 004718 – Ann Breen-Greco, Hearing Officer  
Unilateral Placement  
Decision and Order Issued February 6, 2006**

The parent requested a due process hearing in September 2005, alleging that the district failed to offer an appropriate program for the student. The parent then unilaterally enrolled the student in a private placement. The district refused to reimburse the parent for the costs of the private placement. The hearing officer found that the district properly identified the student's needs and offered appropriate services. The parent's claims were thus dismissed.

Both parties were represented by legal counsel.

Parent initiated the request.

**Case No. 004794 – Linda Mastandrea, Hearing Officer  
IEP Implementation, Procedures for IEP Meetings  
Decision and Order Issued February 7, 2006**

The parent requested a due process hearing in November 2005, alleging that the student's IEP was not being implemented, and that the district committed procedural violations relative to the conduct of IEP meetings. The hearing officer found that the district did commit procedural violations regarding the conduct of IEP meetings, but those violations did not result in a loss of educational opportunity to the student. The hearing officer found that the district did not implement the student's IEP, because they did not follow the recommendations of the IEP team. The district was ordered to implement the recommendations of the IEP team, and to meet at a later date to evaluate the student's progress.

The district was represented by legal counsel.

Parent initiated the request.

**Case No. 004782 – Alfred Spitzzeri, Hearing Officer  
Unilateral Placement, Extended School Year  
Decision and Order Issued February 13, 2006**

The parent requested a due process hearing in November 2005, alleging that the district failed to develop an appropriate IEP, including extended school year services, and to develop an appropriate placement for the student. The parent requested reimbursement for the unilateral placement of the student in a private day school. The hearing officer found that the IEP, extended school year services, and proposed placement developed by the district were appropriate. The parent's request for placement in the private day school at public expense was denied, as was the parent's request for reimbursement for tuition and related expenses at the private day school.

Both parties were represented by legal counsel.

Parent initiated the request.

**Case No. 004314 – Venita Hervey, Hearing Officer  
Unilateral Placement, Evaluation  
Decision and Order Issued February 15, 2006**

The parent requested a due process hearing in November 2004, alleging that the district had failed to develop an appropriate program for the student. The parent also alleged that the district failed to conduct appropriate evaluations to identify the extent of the student's disability. The parent requested reimbursement for the unilateral placement of the student in a private, therapeutic day school. The hearing officer found that the district had denied the student an appropriate program and services, and that the appropriate placement for the student was the private, therapeutic day school. The hearing officer also found that the district did not follow procedural requirements in conducting evaluations. The district was

ordered to reimburse the parent for the costs of the private placement, as well as independent evaluations that the parent had obtained. The district was also ordered to provide compensatory services for their failure to provide an appropriate program to the student, and to convene an IEP meeting to change the student's eligibility and provide services to address that disability.

Both parties were represented by legal counsel.

Parent initiated the request.

**Case No. 004373 – Venita Hervey, Hearing Officer  
Transportation  
Decision and Order Issued February 22, 2006**

The parent requested a due process hearing in September 2005, alleging that the district did not provide appropriate transportation services to the student. Specifically, the bus route to the student's private, therapeutic day school was too lengthy, and the student had an inadequate restraint belt. The hearing officer rejected the parent's claim that the student was denied an appropriate education because of these issues. However, the hearing officer did order the IEP team to convene a meeting to add the services of a paraprofessional on the bus, to address the student's goals, and to consider whether a placement closer to the student's home would be appropriate. The district was also ordered to provide an appropriate restraint belt for the student, and to consult with the private day school regarding whether the student could participate in a before-school program which could decrease travel time.

Both parties were represented by legal counsel.

Parent initiated the request.

**Case No. 004625 – Ann Breen-Greco, Hearing Officer  
Evaluation, IEP, Placement  
Decision and Order Issued March 13, 2006**

The parent requested a due process hearing in June 2005, alleging that the student's eligibility determination and placement were inappropriate, and that the student's Behavior Intervention Plan (BIP) was inadequate. The hearing officer found that the district conducted a proper evaluation of the student, the BIP was adequate, and the student's placement in a therapeutic program was the least restrictive environment. The parent's request for relief was denied.

The parent was represented by legal counsel. Decision and order does not specify whether district was represented by legal counsel.

Parent initiated the request.

**Case No. 004635 – Gail Friedman, Hearing Officer  
IEP, Placement  
Decision and Order Issued March 22, 2006**

The parent requested a due process hearing in June 2005, alleging that the student's proposed placement was inappropriate, the IEP did not address the student's educational needs, including related services and extended school year services, and the district failed to have a general education teacher attend an IEP meeting. The hearing officer found that the student's IEP was not reasonably calculated to confer an educational benefit upon the student in the least restrictive environment. The district also committed procedural violations that denied the student an appropriate education by failing to have a general education teacher at the IEP meeting and failing to allow the parent to participate in the IEP process. The district was ordered to reimburse the parent for private, home therapy services and for a private preschool program for the 2005-2006 school year. The district was also ordered to develop an IEP for the 2006-2007 school year that considered the individual needs of the student.

Both parties were represented by legal counsel.

Parent initiated the request.