



school district. [REDACTED] has represented the district throughout this matter. The parent has appeared *pro se*.

A pre-hearing conference was held on February 5, 2008, at the district's administrative office. The district provided a Spanish-speaking interpreter, [REDACTED] from [REDACTED] for the parent. During the pre-hearing conference, the district requested leave to amend its complaint because the parent stated that she would not consent to a three-year reevaluation of the student. The district's request was granted, and the district filed its amended request on February 6<sup>th</sup>.

The hearing officer scheduled a second pre-hearing conference on February 28<sup>th</sup> via telephone conference call to address the reevaluation issue raised in the district's amended complaint. The interpreter was available for the conference call; however, the parent refused to participate in the conference call, and so the hearing officer ended the telephone conference.

The district provided its final witness/document lists and a copy of each document to the hearing officer on March 12<sup>th</sup>, the five-day disclosure date. The district attempted to provide the same materials to the parent via UPS, but UPS was unable to deliver the package as no one answered the door.<sup>1</sup> UPS attempted two other times to deliver the documents to the parent but was unable to do so because of no answer. The hearing officer finds that the district made all reasonable efforts to comply with the five-day disclosure date. The district provided the parent its documents and lists at the start of the due process hearing. The parent provided her final document in a timely manner. She provided copies of her documents at the hearing, without objection by the district.

Although the hearing was scheduled for March 17 and 18, 2008, the parties were able to conclude the hearing in one day. [REDACTED] served as interpreter for the parent at the hearing. The student attended the entire hearing.

The hearing officer has read all the documents presented at the hearing and entered into evidence at the hearing's conclusion. These documents are part of the record of this hearing. The testimony reviewed in this decision is based solely on the undersigned's notes and memory of what transpired at the hearing, as the undersigned has received no transcript of the proceeding. This decision is being issued within ten days after the hearing's conclusion, as required by Illinois law. 105 ILCS 5/14-8.02a(g55)(5).

The court reporter was Stephanie Apostolos of [REDACTED] Court Reporting.

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<sup>1</sup> The district provided a tracking slip from UPS as proof of its attempts to comply with the five-day disclosure date. The UPS tracking slip is made part of the district's document binder and is found at page SD 243.

### ISSUES PRESENTED AND REMEDIES SOUGHT

When the district's and parent's due process requests are combined, two issues are raised: 1) whether the district has provided the student with a free appropriate public education in the least restrictive environment; and, 2) whether the district shall proceed with a three year reevaluation of the student despite the parent's refusal to consent to a reevaluation. The district asks for an order finding that the student's educational placement is appropriate and is the least restrictive and an order that it may proceed with a triennial reevaluation of the student.

The hearing officer was unable to obtain specific remedy requests from the parent throughout the pre-hearing procedures in this matter. The parent's due process request asks for the following remedies: preferential seating; class size of no more than eight students; and, computer programs to help develop the student's speech and math skills, such as Boardmaker and "thinking and learning." The district stated several times throughout the hearing that it does not know precisely what the parent is requesting. However, in the parent's closing statement and after some questioning by the hearing officer, the parent stated that she is requesting: modification of the IEP to include realistic goals; the specific technology recommended in the [REDACTED] Easter Seals evaluation; speech therapy services; social work services; and, special services to include the accommodations and modifications she has requested and assistive technology. Additionally, the hearing officer notes that the parent requested placement at a private therapeutic school during the November 2007 IEP meeting.

### BURDEN OF PROOF

In an administrative hearing, the party seeking relief bears the burden of proof. *Schaffer v. Weast*, 126 S. Ct. 528, 539 (2005). Additionally, under Illinois law, the district must present evidence that it has appropriately identified the student's special education needs and that its proposed program and related services are adequate, appropriate and available. 105 ILCS 5/14-8.02a(q-55). In this matter, where the parties have filed cross requests on the issue of the student's placement, the hearing officer finds that the district has the burden of proof. Any other conclusion would lead to the absurd procedure of requiring the district to prove its case and then requiring the parent to prove the opposite. As to the issue of reevaluation, the district has the burden of proof as it filed a due process request on that issue.

## FINDINGS OF FACT<sup>2</sup>

The student is currently 11 years old and attends sixth grade in a cross-categorical classroom at [REDACTED], Illinois. (SD 155)

### Background Information

The student was first found eligible for special education and related services by the [REDACTED] in 1999, when he was 3.5 years old. The evaluator noted that the student had a normal rate of mental growth and that his test scores showed a discrepancy between his potential and his then current functioning level. The assessment also revealed a significant discrepancy between the student's non-verbal reasoning skills and his verbal abilities, from which the examiner determined that the student was eligible for learning disability and speech/language services. (SD 110).

In 2004, the parent requested a second opinion from the [REDACTED] [REDACTED] within the [REDACTED] (" [REDACTED] ") at [REDACTED] [REDACTED] [REDACTED], Illinois, on a diagnosis of autism given by the student's school district. Presenting concerns at the time of the evaluation included delays in communication, receptive and expressive language, and play and social interaction skills as well as the presence of repetitive and restricted behaviors. (PD 15). The report states that the parent had been concerned about the student's development and behavior since he was 17 months old, when he stopped talking and became more distant. (PD 16). The [REDACTED] conducted a comprehensive evaluation of the student, including standardized assessments of his intelligence, achievement, speech and language development, motor development, and specific assessments for autism. (PD 16).

On the Wechsler Intelligence Scale for Children – Third Edition (WISC-III), the student's verbal IQ was 54 (<1<sup>st</sup> percentile) while his performance IQ was 100 (50<sup>th</sup> percentile), yielding a full scale IQ of 74 (4<sup>th</sup> percentile). The examiner reported that the student's full scale IQ was not a good indicator of his overall abilities. (PD 20). The student had difficulty attending to and processing verbal information and directions, which negatively impacted his ability to successfully complete tasks both in the verbal domain as well as performance tasks that required following a sequence of verbal directions. (PD 21).

The student was given the Kaufman Test of Educational Achievement – Brief Form (KTEA). He received the following Standard Scores: Mathematics, 97 (42<sup>nd</sup> percentile); Reading, 103 (58<sup>th</sup> percentile); Spelling, 104 (61<sup>st</sup>

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<sup>2</sup> In this decision, school district documents are referred to as "SD" followed by a page number, and parent documents are referred to as "PD" followed by a page number. The hearing officer has numbered each document page for reference purposes. If both parties submitted the same document, reference is made only to one party's document.

percentile); and, a composite of 101 (53<sup>rd</sup> percentile). His achievement, compared to other children his age, was within the average range. (PD 21).

The language evaluation found that the student had "remarkably delayed" receptive language skills and atypical expressive language skills. The examiner determined that the student used language to regulate behavior rather than for purposeful social interaction. She also noted that the student had "remarkable" difficulties processing language. (PD17). The student also showed a low quality of social interaction and was reported to have a few rigid behaviors, including difficulties with change in routine and preservative talking. (PD 18).

For the occupational therapy evaluation, the parent reported that the student sought out repetitive visual stimulation through lining up objects repeatedly, had difficulty eating textured foods, was sensitive to touch, had increased pain tolerance, was overly sensitive to sounds, and enjoyed spinning for long periods of time. (PD 20). Despite these concerns, the evaluator found that within the interview situation, the student was able to sit and attend to a variety of challenging activities with minimal redirection and was able to tolerate multiple changes in the activity, between rooms and between individuals. (PD 19).

The [redacted] evaluation confirmed the autism diagnosis. The [redacted] team recommended integrating visual instructions and structure, treatment focusing on the student's communication and social interaction deficits, and intensive occupational therapy using a sensory integration approach. (PD 22).

The student received an Augmentative Communication Evaluation from the [redacted] in 2003. He was referred for the evaluation because of his seriously limited expressive language, which included being unable to read orally and communicating through gestures. (PD 24). At the time of the evaluation, the student's educational placement was a self-contained classroom. The evaluator recommended low-technology devices, including a Large PECS Book and Boardmaker Mac for the classroom computer, and a visual schedule. The evaluator also recommended that the classroom teacher, speech pathologist and the parent receive PECS training. (PD 25).

The [redacted] held an annual review of the student's Individualized Education Program ("IEP") on December 1, 2005, as part of his three-year reevaluation.<sup>3</sup> (PD 45). His eligibility categories were autism, learning disability, and

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<sup>3</sup> The hearing officer notes for the record that while one of the parent's documents purports to be a [redacted] IEP developed on October 18, 2005, a close examination of the document reveals that only the first two pages are from the October 16<sup>th</sup> meeting. The first page is dated and, in the upper right hand corner, is numbered "1 of 16." The second page is numbered in the same manner, "2 of 16." The subsequent pages are dated "12/1/05" and the numbers have been written over. Thus, the undersigned does not reference this document for purposes of this decision.

speech/language impairment, although the first page of the IEP lists his primary disability as learning disability. (PD 45, 48). The parent's concern was that the student was not making academic progress. (PD 49). The required modifications and accommodations include visual cues and aids, modified assignments, sentence starters, and structure during less structured activities. (PD 53). The student's reading present level of performance ("PLOP") states that he was reading at the fourth grade level but had poor comprehension skills. The reading goal was to answer three out of five questions after three pages were read. (PD 54). In math, the PLOP states that the student was able to complete single digit addition and subtraction and had a sense of fact families up to 20. His annual goal was to be able to identify the value of coins and provide two equivalency coins for a nickel, dime, and quarter. (PD 55). The science PLOP reports that the student was working at the fourth grade level. The annual goal was to identify three key points of how natural phenomenon has affected society. (PD 56). The social science PLOP also indicates that the student was working at the fourth grade level. His annual goal was to be able to identify four ways that government works and helps the city and four resources. (PD 57). Although the academic PLOPs report that the student was working at the fourth grade level, the standardized achievement assessment reported within the same IEP assesses the student's achievement levels in reading, writing, and math as at the first percentile, with grade equivalencies of 1.9, 1.4, and 1.2. (PD 46). The student's educational program was a self-contained classroom with speech/language consult services. (PD 58).

The [REDACTED] conducted a psychological evaluation as part of the student's reevaluation. The evaluator gave the student the Woodcock Mini-Battery of Achievement ("MBA") and reviewed past test data. On the MBA, the student received the following Standard Scores: basic skills, 55; reading, 65; writing, 58; mathematics, 43, and factual knowledge, 54. All Standard Scores are at the first percentile and within the very low range. The examiner noted that the student gave up as the comprehension questions became more complex. In a parent interview, the parent expressed concerns about the student's safety, communication skills, academic progress, and Assistive Technology. (SD 109). The examiner concluded that the student was functioning academically at the end of first grade level, which was commensurate with his cognitive ability. His adaptive behavior was in the low range. He noted that the student's strengths were in nonverbal analytical reasoning skills, visualization abilities, visual organization, and alertness to detail. His weaknesses were verbal reasoning, language development, vocabulary, and auditory processing. The student was also given the Reynolds Intellectual Assessment Scales ("RIAS"). He obtained a composite score of 50, a verbal IQ of 49, and a nonverbal IQ of 68. All these scores are significantly below average. The examiner recommended that the student would benefit from a program for autism and mild cognitive delays. (SD 111).

Education within [REDACTED]

A. March 10, 2006 IEP

The student began attending [REDACTED] in February 2006. (SD 187). The district developed its first IEP for the student on March 10, 2006. (SD 176). The parent attended the IEP meeting. (SD 189). The IEP reports that the student had a good visual memory but had difficulty with comprehension and conceptualization. His reading ability was higher than his comprehension ability. The parent expressed concerns about the student's ability to make good decisions regarding safety. (SD 177). The IEP notes that he had a tendency to wander. (SD 176). The IEP also indicates that the student's primary language is Spanish and that items must be translated for clarification. (SD 182). The student was placed in a cognitive disabilities classroom and was to receive speech/language services for 60 minutes per week ("mpw"). (SD 184). He was to attend extended school year ("ESY") for three hours/day for 25 days. (SD 186).

The IEP team developed several goals for the student. The speech goal lists his PLOP as "very poor receptive language and expressive language is characterized by phrases, not sentences." The speech goal is to improve his receptive and expressive language skills. There are two objectives to help him accomplish this goal. The first is to "use pictures to understand "WH" questions and be able to choose a picture to correctly respond following a model," and the second is to use pictures to him express himself in a grammatically correct sentence. (SD 179).

In reading, the PLOP states that the student has a strong sight word vocabulary and spelling skills and was reading material up to a fourth grade level; however, he had poor comprehension skills. The goal is for him to read with understanding and fluency and to improve his comprehension skills. The benchmarks to help him achieve this goal are to read grade level material and answer who, what, where, when and why questions about the story, to understand the concepts he is being taught and to verbally express what the teacher is talking about, and to read, spell and understand the meaning of grade level spelling words. (SD 180).

The math PLOP reports that the student was able to compute two and three digit addition problems with regrouping, to tell time to the hour, and to identify all coins and values. He was working on two-digit subtraction with regrouping. The annual goal is for the student to demonstrate knowledge and the use of numbers in a broad range of settings. Objectives include computing two and three digit subtraction with regrouping, reading and solving simple word problems with addition and subtraction, telling time to the half and quarter hour, and learning multiplication facts for 0 to 5. (SD 181).

Because the district noted significant discrepancies between two evaluations of the student's nonverbal reasoning abilities – the June 2004 WISC-III reported performance IQ as 100 and the October 2006 RAIS reported nonverbal IQ as 68 - it decided to re-evaluate the student's nonverbal reasoning skills. On the WISC-IV, the student achieved a Perceptual Reasoning Index of 104, which is at the 61<sup>st</sup> percentile and within the average range. His Block Design score was at the 84<sup>th</sup> percentile, and he scored at the 50<sup>th</sup> percentile in picture categorization/association. His nonverbal/abstract pattern deduction skills were at the 37<sup>th</sup> percentile. He demonstrated average range nonverbal reasoning skills on all WISC-IV subtests administered. The student was also given the Stanford Binet Intelligence Scale – Fifth Edition. He scored at the 25<sup>th</sup> percentile on the Nonverbal Visual Spatialization subtest, within the average range. The evaluator also gave the student the Stanford Binet – Fourth Edition Bead Memory test, on which the student scored at the 25<sup>th</sup> percentile, within age appropriate limits. Overall, the examiner concluded that the student's nonverbal reasoning skills, visual spatialization skills, and visual memory are all within the average range. (SD 187-189).

#### B. October 20, 2006 IEP

The next IEP meeting for the student was held on October 20, 2006. (SD 190). The parent attended the meeting and was given a copy of the IEP and the notice of procedural safeguards. (SD 191). The purpose of the meeting was to change the student's eligibility category and educational placement. (SD 211). Based on the district's psychological evaluation, the student's primary disability was changed to autism, with no secondary disability. The team noted that the student's severe expressive and receptive language delays had a negative impact on his educational progress and recommended a classroom that could make accommodations for these significant deficits. (SD 194).

The IEP team reported that the student had made good academic progress. He had mastered two of his math goals and could solve multi-digit math and addition problems, tell time to the exact minute, and compute time duration. In reading, he could decode words up to the late third grade level using a variety of phonetic strategies and read orally with 80% comprehension at the upper second grade level. His comprehension problems became evident at the upper third grade level. With prompting, he was able to identify two critical elements of a story. He had excellent letter formation but was unable to independently write his personal information. No behavioral problems were noted. The bus attendant's report noted that the student frequently slept on the bus on the way to school. (SD 196).

The student was given the Wide Range Achievement Test – 3<sup>rd</sup> Revision (WRAT-3) in October 2006. He achieved the following Standard Scores: reading, 89; writing, 92; and math, 60. Based on this assessment and informal classroom observation and assessment, the examiner determined that the

student's functional levels were at the mid to late third grade level in decoding and writing, upper second grade level in comprehension, and late first grade level in math. (SD 195).

The student's speech PLOP, annual goal and objectives are the same as on the prior IEP. (SD 197). In math, the student's PLOP reports that his functional math skills were at a late first grade level. His annual goal was to demonstrate and apply knowledge and a sense of numbers at the early to late second grade level. Four objectives are provided for this goal, including solving problems with basic multiplication facts and division problems, solving two-step situational word problems, and determining area and perimeter when given prompts and necessary dimensions. (SD 199). His reading PLOP reports that his current functional reading skills were at middle to late third grade in decoding and upper second grade in comprehension. His annual goal was to read at the early fourth grade level with understanding and fluency and at the upper third grade level for comprehension. No objectives are given. (SD 200). The IEP added a writing goal, which was to communicate through writing for a variety of purposes at the late third grade to early fourth grade level. The student's PLOP in writing indicates that his functional writing skills were at the mid-third grade level. Three objectives were developed to help him reach his goal: writing a complete sentence with correct punctuation and capitalization; printing personal information including full name, complete address and telephone number; and, writing a paragraph with up to ten sentences in the first person, all given prompts, forms or story starters. (SD 198).

The student's educational placement was in a cross-categorical classroom, and his related services included direct speech/language services for 60 mpw and a classroom aide. (SD 204). He was to attend ESY for three hours/day for 25 days. (SD 206).

The IEP provides lengthy notes reflecting discussion between school personnel and the parent regarding the student's progress, as well as discussion about the parent's concerns about her son. The parent expressed concern about lack of assistive technology and reported that she did not see the progress at home that the district reported the student was making in school. The notes indicate that the parent had written to the district's superintendent in July 2006 regarding her concern about the student's assistive technology needs. The district apparently did not receive the [REDACTED] assistive technology report until October 2, 2006. The district was providing the student with the Boardmaker program noted in the [REDACTED] evaluation. (SD 208). The district reviewed its reasons for re-evaluating the student – to resolve the discrepancies they found in prior reports regarding the student's abilities – and changing the student's eligibility category to autism only and his educational placement to a cross-categorical classroom. (SD 209).

### C. March 14, 2007 IEP

On March 14, 2007, the district convened an annual IEP review meeting on the student, which the parent attended. (SD 217, 218). The parent was given notice of the meeting as well as her procedural safeguards and a copy of the IEP. (SD 218, 219). School personnel reported that the student was making academic progress. He was able to solve multiplication problems with one digit in the multiplier and division problems with a remainder with use of a multiplication card. He was beginning to answer questions in full sentences. His decision-making ability improved, as evidenced by his ability to make quick decisions in choosing library books and selecting materials for classroom projects. The district noted that his auditory processing was still very low and that pictures were needed to help him learn new material in science and social studies. Visual cues were necessary to help him transition from one task to another. Accommodations included preferential seating in the front of the room so that the teacher could assist him as necessary; visual cues such as post-it notes and assignment starters, and a calculator and multiplication cards. (SD 220, 227).

The student's absences from school impacted his academic progress because he missed crucial days in various classes and then was lost on following assignments. (SD 220). The student's absence rate was 20%. (SD 235). Staff reported that the student "loved" his special computer class, which met once every two weeks. On the WRAT, the student achieved the following Standard Scores: math, 88; word reading, 99. (SD 220). The nurse reported that the student was taking daily medication for asthma at home and had not needed to use his inhaler at school. The student had been hospitalized for pneumonia and under his doctor's care for asthma exacerbation with severe headaches and vomiting. The speech therapist reported that the student was adjusting to his new classroom environment and had recently become more verbal in his speech therapy group. The support of picture/word combinations helped the student in answering questions. (SD 221).

Detailed notes report the discussion between district personnel and the parent reviewing the student's progress and discussing the parent's concerns. The parent expressed concern that the student had not progressed in reading comprehension or in math and had lost skills since entering District 99. She again stated that he needed technology to compensate for this auditory processing problems. The parent reported on the student's behavior at home, which included aggression and refusing to eat and sleep. She also said that sometimes he did not want to come to school. (SD 233). The IEP team agreed to have [REDACTED] conduct an assistive technology evaluation of the student. (SD 235).

The student's PLOP in speech notes that he had very poor receptive language and that his expressive language was characterized by phrases rather

than sentences. His annual goal was to improve his expressive and receptive language skills. Objectives toward this goal include producing sentences using correct grammar given pictures and key words and understanding "WH" questions with the use of pictures and answering the questions appropriately in a full sentence. (SD 222). In writing, the PLOP reports that the student was below grade level. His annual goal is to communicate in writing for a variety of purposes. Four objectives are provided for the goal, including being able to retell a story with given pictures, being able to write a short paragraph with the use of given transition words and pictures, to expand sentences asking questions when given a subject and predicate, and answering a question in a complete sentence with correct punctuation and capitalization. (SD 223). The math PLOP reports that the student was at a 4.0 level. The annual goal is to demonstrate and apply a knowledge and sense of numbers at a middle fourth grade level. Objectives toward achieving this goal are to understand the place value of numbers to 1,000,000, to read numbers through the millions, to subtract numbers with regrouping, to find the perimeter and area of a rectangle and square, to change decimals into fractions, to round off numbers to the nearest 10 and 100, and to become proficient with a calculator. (SD 224). In reading, the student's PLOP indicates that he was at the fifth grade level in word reading and the upper first grade level in reading comprehension. The annual goal is to improve his reading comprehension skills to the upper second grade level. Objectives include being able to: look at a simple picture and tell characters, setting and what is happening; read a short story paragraph and tell the main idea; sequence story steps; read aloud verbally with the use of pictures; and, scan and find specific information in a short reading selection at his reading level. (SD 225). A spelling goal was added, which indicates that the student was at the middle fourth grade level in spelling. The annual goal is to increase his spelling score to the fifth grade level. Objectives are for the student to be able to locate the root word within prefixes and suffixes, to spell words with the suffixes "tion, sion, cial, ious" and to spell homonyms according to the definition given. (SD 226).

The student's educational program was a cross-categorical classroom and related services of direct speech/language therapy for 60 mpw and a classroom aide. (SD 229). He was to attend ESY for three hours/day for 25 days. (SD 231).

The student was given the WRAT-4 on March 13, 2007. He received the following Standard Scores: word reading, 99; spelling 99; math, 88; and reading sentence comprehension, 77. The student's word reading was at a grade equivalency of 5.1. The grade equivalency on all his other scores was at 4.0. (SD 244).

#### D. November 7, 2007 IEP

The district convened an IEP meeting on November 7, 2007. (SD 155). At the time of the meeting, the student was receiving homebound tutoring based on

a doctor's note that reported anxiety. (SD 159). Both the district and the parent were represented by attorneys at the meeting. The parent requested that the student be placed at a private school, [REDACTED]. Due to the student's non-attendance and note indicating anxiety, the district recommended a psychiatric evaluation to determine if the student could attend school. (SD 160).

The speech/language therapist and a regular education teacher had provided services to the student while he was on homebound. His progress was minimal, due both to limited time and limited on-task behavior. The services took place at the public library, which prohibited using the computer with the student for his schoolwork. (SD 161).

The student's IEP goals were reviewed and updated. The speech/language PLOP includes assessment data from the October 2007 [REDACTED] evaluation. It also states that the student has difficulty answering and formulating questions but enjoys asking questions where the answer is predictable. Two new objectives were added to the speech/language goal: to complete one word or short phrase sentences to demonstrate understanding, given picture/text choices or word bank; and, to formulate questions to gain information when provided a beginning structure to the question. (SD 162). The writing, math, reading, and spelling goals and objectives remained the same as in the prior IEP. (SD 163-167).

The team added a social work goal. The student's PLOP states that he "struggles with initiating peer interactions while at school. He has been diagnosed with anxiety and depression, according to his mother." The goal is for the student to "use social-awareness and interpersonal skills to establish and maintain positive relationships." The objective, written with increasing frequencies, is for the student to initiate appropriate peer interactions daily, with frequencies increasing from one/day to five/day. (SD 168).

The IEP indicates that the student requires AT, and the specific AT used with the student is included within the body of the IEP. Accommodations are the same as those in the prior IEP. (SD 169). The student's placement is a cross-categorical classroom. (SD 172). The student is to attend ESY for three hours/day for 25 days. (SD 173).

The student's January 2008 progress reports provide information on his progress on all IEP goals. In speech/language therapy, the objectives note that they have been introduced. (PD 88). In math, two objectives have been introduced, and the student showed growth in all other objectives. (PD 89, 90). The writing goal progress report indicates that the student showed growth on two objectives, and two others were introduced. (PD 91). In reading, the student showed growth on four objectives, and a fifth was introduced. (PD 92). The progress report for spelling reports that the student showed growth on one objective, and two others were introduced. (PD 93). A new goal was developed

for social work: to use social awareness and interpersonal skills to establish and maintain positive social relationships. All objectives were being introduced. (PD 94).

On November 26, 2007, the district's Director of Special Education wrote a letter to the parent regarding the student's non-attendance at school. The letter states that the parent disagreed with the decision to place the student in a cross-categorical sixth grade classroom and then reported that the student "suffers from severe school anxiety and refuses to attend [REDACTED]." According to the letter, school staff did not observe such symptoms at school. Rather, school staff saw the student as well adjusted and happy in the classroom. The district offered a psychiatric evaluation at district expense to resolve this issue and set up two possible appointment dates for the evaluation. The letter further states that the parent disagreed with this offer and wanted to have the student's own physician evaluate him. The district reiterated the importance of the student returning to school and agreed to provide tutoring through December 21, 2007, with the expectation that the student would return to school on January 8, 2008. If the student did not return on January 8<sup>th</sup>, the district planned to report the student as truant. (PD 87).

Health/Absence Information in Student's Record, [REDACTED]

The student's record contains several "Certificates To Return To Work/School," noting absences due to respiratory problems including asthma and related symptoms. (SD 67-69). Another doctor's note, dated May 17, 2007, states that while the doctor's exam of the student was unremarkable, the student's "symptoms of shakiness, cold clammy skin & sweating appear to be due to anxiety (student) has about school and his environment. I believe the best regime would be one that acclimates him to school and gets him more comfortable with that environment, thereby lessening his episodes." (SD 70). A doctor's note dated September 29, 2007, states that the student's "mother requests (student) be home schooled at this time due to severe school anxiety and autism. An evaluation by [REDACTED] is currently pending." (SD 72).

On November "06"<sup>4</sup> the nurse made a chart note that states "Note sent home the day of the incident stating "he bumped his cheek @ homeroom. We iced it! He may have bruise." No bruise was present that day. He did not complain of pain." (PD 79). The student's [REDACTED] Medical Card Report indicates that he saw the school nurse on February 7, 2008, when he "(c)ame to school with ½ inch scabbed scratch on right cheek. No s/s infections. (Student) states he does not know how it happened. He was engaging with nurse and answering questions." He also saw the nurse on February 19, 2008, and the note reports "Denies sore throat, aches, ad pain, earache, runny nose, headache. No

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<sup>4</sup> The nurse's note is dated "11/06" and thus it is unclear whether the note is from a date in November 2006 or is from November 6<sup>th</sup> in an unspecified year.

fever. No abd distention or hardness. No pain when sinuses palpated. Smiling. Returned to class." (SD 76).

The student's 2007 Attendance Report indicates that he had an excused absence on August 29, 2007, unexcused absences from August 30, 2007 through September 17, 2007, and was on homebound from September 18, 2007, through December 21, 2007. In 2008, the student had unexcused absences on January 7 and 24, February 4, and March 4. (SD 78).

### Outside Evaluations

#### A. [REDACTED] Assistive Technology Evaluation

[REDACTED] provided an Assistive Technology evaluation of the student on July 18, 2007. The evaluation report indicates that the district and parent articulated very different purposes for the evaluation. The district wanted the evaluation "to assess the student's potential for improved reading comprehension though computer access, to determine methods to improve auditory comprehension, to determine appropriate software to improve writing output and organization as appropriate." (SD 123, 124). The parent, on the other hand, wanted the evaluation because she was "concerned that (the student's) placement in school is not meeting his education needs (and) to determine appropriate technologies to aid (the student) in his academic performance across many areas." The parent expressed concern that the student was not receiving services directly related to autism and that technology was not integrated into his curriculum. (SD 124).

The evaluator's clinical observations include the following: the student's printing was legible, with adequate spacing and sizing; his attention to tasks was appropriate; he interacted well with the evaluators and did not need any sensory strategies to maintain organization throughout the evaluation; he is a verbal communicator and, though initially shy, spoke in complete sentences once he became comfortable; and, he was able to ask questions to obtain information and to demonstrate knowledge through verbalization. (SD 127).

The following recommendations were made: Clicker 5 with word banks, to improve reading comprehension and written expression; Intellitools Classroom Suite, with word banks and word prediction, to increase comprehension and writing skills (SD 128); Word Bar, a word bank program without picture support; Writing with Symbols, a software program for the teacher to make materials to support the student's reading comprehension; and, News-to-You, a symbol and text based newspaper, which is also available in Spanish. The evaluator noted that [REDACTED] was able for training and instruction if needed by either the parent or district staff. (SD 129).

B. [REDACTED] Speech/Language Evaluation

The student received a speech/language evaluation at the [REDACTED] on October 8, 2007. At the time of the evaluation, the student was not attending school because of the parent's concerns about his educational program. On the Peabody Picture Vocabulary Test-III ("PPVT-III"), the student's Standard Score was 56, which is at the 2<sup>nd</sup> percentile. His Standard Score on the Expressive Vocabulary Test ("EVT") was 53, at the 0.1 percentile. (SD 73). The student's pragmatic language was assessed using the Test of Pragmatic Language. He was unable to correctly answer a single question on the test. The evaluator concluded that although the student's language skills are significantly impaired, he is able to communicate his wants and needs. He has a significant pragmatic language disorder. (SD 74). The evaluator recommended that the student be re-enrolled in school and receive school-based speech therapy to address his pragmatic language disorder. (SD 75).

C. [REDACTED] Occupational Therapy Evaluation

The student received an occupational therapy evaluation at the [REDACTED] on September 27, 2007. According to the report, the parent stated that the student was placed in a regular classroom in [REDACTED] and had been experiencing school problems since that placement. The mother told the evaluator that she had taken the student out of school and that "he is feeling better now that he is not going to school." (PD 8). The evaluator found that the student has sensory needs and "seeks out input in the form of movement and deep pressure feedback." She recommended an occupational therapy sensory module, and the student was to be placed on the OT waiting list at the [REDACTED]. (PD 8).

STATUTORY FRAMEWORK

The purpose of the IDEA is to ensure that all children with disabilities receive a free appropriate public education and related service, which must be designed to meet the individual student's unique needs. 20 U.S.C. §1400(d)(1)(A). Children with disabilities must be educated with non-disabled children to the maximum extent appropriate. 20 U.S.C. §1412(a)(5)(A).

Once a district determines that a student is IDEA eligible, it must develop an IEP for the student. The IEP must contain the student's present level of academic achievement and functional performance, including a statement of how the student's disability affects her involvement and progress in the general curriculum; a statement of measurable annual goals; and, a description of how the student's progress on annual goals will be measured. 20 U.S.C. §1414(d)(A)(i)(I)-(III). The IEP also must contain "a statement of the special education and related services and supplementary aids and services, based on peer-reviewed research" that the district will provide to the student, as well as program modifications or supports. 20 U.S.C. § 1414(d)(1)(A)(IV). A

A two part test is used to determine whether a district has provided a student with a free appropriate public education: first, the district must comply with the IDEA's statutory procedures; second, it must develop an IEP that is reasonably calculated to enable the student to benefit from the special education and related services. *Bd. of Educ. v. Rowley*, 458 U.S. 176 (1982) ("Rowley"). To comply with *Rowley's* first prong, the student's IEP must contain his present levels of academic achievement and functional performance, measurable annual goals, and a description of how the student's progress on annual goals will be measured. 20 U.S.C. §1414(d)(A)(i)-(iii). The majority of the PLOPs provide the required information. While some of the goals could be more individualized to this particular student, the objectives are clearly formulated for the student's ability level. The IEP also contains the required statement of special education and related services that the district will provide to the student. 20 U.S.C. § 1414(d)(1)(A)(iv). The student's IEPs have been updated on an annual basis. 20 U.S.C. §1414(d)(4)(A)(i).

*A. Does the placement and program provided in the student's current IEP provide him with a free appropriate public education in the least restrictive environment?*

#### CONCLUSIONS OF LAW

A child with a disability must be reevaluated at least once every three years, unless the parent and district agree that a reevaluation is unnecessary. 20 U.S.C. § 1414(a)(2)(B)(ii). A district must obtain informed parental consent before conducting a reevaluation of a student. 20 U.S.C. §1414(c)(3); 34 C.F.R. §300.300(c)(1)(i). If a parent refuses to consent to the reevaluation, the district may file for due process. 34 C.F.R. § 300.300(c)(1)(ii).

The IEP team must consider whether the student requires assistive technology ("AT") devices and services when it develops the student's IEP. 20 U.S.C. § 1414(d)(3)(B)(v). An assistive technology device is "any item, piece of equipment, or product system... that is used to increase, maintain, or improve functional capabilities of a child with a disability." 20 U.S.C. §1401(1)(A). Assistive technology service is "any service that directly assists a child with a disability in the selection, acquisition or use of an assistive technology device," including evaluating a student to determine if AT is needed and training or technical assistance for the student and the student's family and professionals who provide services to the student, if appropriate. 20 U.S.C. §1401 (2)(A), (E), (F). The school district must furnish AT devices prescribed in a student's IEP. 23 Ill. Adm. Code § 226.750 (a)(1).

student's IEP must be reviewed at least annually and revised as appropriate to address any lack of expected progress toward annual goals and in the general curriculum. 20 U.S.C. §1414(d)(4)(A).

As to procedural rights, the parent attended each IEP meeting and had legal representation at both the March and November 2007 IEP meetings. Although the November 2007 IEP does not contain the page with information as to procedural safeguards, both the March 2007 and the 2006 IEP indicate that the parent was given a notice of procedural safeguards. There has been no allegation that the parent did not receive timely notice of the meetings or notification of her procedural safeguards.

The district is required to reevaluate the student if it determines that the student's educational or related service needs warrant a reevaluation. 20 U.S.C. §1414(a)(2)(A)(i). The district complied with this requirement in 2006, when it reevaluated the student because of significant discrepancies in the student's nonverbal reasoning on assessments done prior to the student's enrollment in District 99. It was this reevaluation that led to student's current educational placement. [REDACTED], a special education program supervisor, testified that the district had been concerned about the discrepancy in the student's scores because it wanted to ensure that the student's educational placement was appropriate. In 2006, the student was in a cognitive disabilities classroom and doing better than the other students in the class.

The district also has integrated necessary AT into the student's curriculum. Although listing specific AT separately within the IEP would provide a concise statement of AT used with the student, a careful review of the IEPs does show that the district has consistently used AT as part of the student's curriculum. Word banks, story strips, pictures, and Boardmaker are some of the AT devices used with the student. Additionally, the district arranged for [REDACTED] to assess the student for AT needs and the [REDACTED] testified that the district has incorporated [REDACTED] AT recommendations into the student's program. Based on the above evidence, the hearing officer finds that the district has complied with the IDEA's statutory procedures.

The substantive prong of *Rowley* requires the district to develop an IEP for the student that is reasonably calculated to enable him to benefit from his special education and related services. The student must receive more than a nominal benefit from specialized instruction and related services. *T.H. v. Bd. of Educ. of Palatine Comm. Consol. Sch. Dist.*, 55 F. Supp. 830 (N.D. Ill. 1999). A student's intellectual potential must be taken into account in determining whether the IEPs were reasonably calculated to provide educational benefit. *Ridgewood v. N.E.*, 172 F. 3d 238 (3d Cir. 1999); *Kevin T. v. Elmhurst Comm. Sch. Dist. No. 205*, 36 IDELR 153 (N.D. Ill. 2002) ("Kevin T."). The parent contends that the student has made little to no progress during his time in [REDACTED].

The district's Director of Special Education, [REDACTED] testified that she was confused by the student's [REDACTED] IEP when he transferred into [REDACTED] because of contradictory information in the IEP regarding the student's ability levels. Additionally, the parent had told her that the student had autism, but the

IEP indicated that his primary disability was learning disability. To resolve these contradictions, the district placed the student in a cognitive disabilities classroom as a "diagnostic" placement, which would allow the district to ascertain the student's ability level. Ms. testified that the student adjusted well and presented no behavior problems. Following reports from the classroom teacher that the student was not motivated by the classroom activities and needed a more challenging program, Ms. testified that the district moved the student to his current cross-categorical program. It is apparent from this testimony that the district has been closely monitoring the student since his enrollment in the district to determine his academic and functional capabilities.

The student's current special education teacher, testified regarding the student's progress in his current placement. has a master's degree in special education and behavior disorders and is certified to teach special education and physical education. She has been with for five years. testified that her classroom currently has 11 students, including the student in this matter. Two of the students have autism, one is a high functioning cognitively disabled student, and the others have learning disabilities. There is a program assistant in the classroom.

testified that the student is the best speller in the class and also does well in phonics. He needs individual help in when new math concepts are introduced, and he also has difficulty with word problems. To accommodate these needs, sits with the student during math instruction to provide the instruction he requires. He is able to read numbers very well but has difficulty subtracting numbers with regrouping. He uses a calculator for some of his math work. The student uses computer programs for reading and writing. In reading, he works with Reading 180, a program for reading, comprehension and spelling. He uses Clicker 5 for writing and is able to do this program on his own. stated that this program is similar to that recommended by.

also testified that standardized assessments show that the student has made progress. She testified that the student's achievement scores increased between 2006 and 2007 as follows: in 2006, on the WRAT-3, the student received Standard Scores of 89 in reading, 92 in spelling, and 60 in math; and, in 2007 on the WRAT-4, his standard scores were reading 99, spelling 99, and math 88. She also testified that the WRAT-4 measures reading sentence comprehension, on which the student received a standard score of 77.

While the student sometimes has a hard time starting his work, testified that he is able to begin working when she provides encouragement. She stated that he thrives on positive behavioral interventions. She testified that the student has shown no signs of anxiety in class. She reported that last year he had trouble getting on to the bus in the morning but was okay once the bus pulled away from his home.

As to homework, [REDACTED] testified that she assigns homework daily and tries to give the student work that he can do on his own. On cross-examination, the parent asked several questions regarding homework. The parent questioned the amount of homework given, as well as the difficulty, stating that it has taken her five hours to get the student to complete his homework. [REDACTED] answered that if the student will not do his homework, the parent should not make him and let the school handle it. The parent also expressed concern about the accuracy of homework assignments, stating that a planet had been omitted on a recent assignment on the solar system. [REDACTED] explained that Pluto had been omitted because it had recently been found not to be a planet.

[REDACTED] also testified that the student's social skills are impacted by his autism. She reported that this year the student is making an effort to socialize with his classmates and reaches out to everyone. He watches others play games and "seems to be trying" to interact.

The district's speech/language pathologist, [REDACTED], testified regarding her work with the student. [REDACTED] has a master's degree in speech/language pathology and has worked for 14 years as a speech/language pathologist. She has worked with the student since he was in fifth grade. Currently, she works with him twice a week in a small group setting. The student uses assistive technology, including word banks, Intellitools Classroom Suite, and Writing with Symbols. [REDACTED] testified that these programs help motivate the student. Since January 2008, [REDACTED] also uses a newspaper program with pictures. The pictures help the student comprehend the material he is reading. [REDACTED] testified that some of the student's IEP objectives have been continued because he has not mastered them. His current IEP also has some new, more specific objectives.

As to the parent's request that the district use PECS and Boardmaker with the student, [REDACTED] testified that the student would not benefit from these two programs, which she said would limit him and "he would be very frustrated" by such limitation. She explained that these programs are not for students who can speak in sentences and that the [REDACTED] recommendation for these two programs was made five years ago. [REDACTED] described the student as "very verbal." Additionally, [REDACTED] testified that the district's computer programs have picture-making capability that is similar to Boardmaker.

[REDACTED] testified regarding the tutoring she provided the student in the Fall 2007, when he was on homebound. She worked with him at the public library three days a week for a total of four hours. She said that the student struggled with his work during these tutoring times. He did not want to start working and difficulty staying on task. [REDACTED] testified that these behaviors were different from the student's behavior at school. She testified that she had never seen the student exhibit similar behaviors at school. She thought that the student did not understand the tutoring situation and "why his life had changed so much." She

also stated that the tutoring, which took place after school, was different from the student's usual routine of schoolwork during the school day. [REDACTED] testified that she has not seen these behaviors now that the student is back in school.

[REDACTED] also testified regarding the [REDACTED] 2007 speech/language evaluation of the student. [REDACTED] testified that the [REDACTED] results are very different from her observations of the student. She testified that the student does use sentences to communicate. However, he often refuses to answer direct questions, which on an evaluation would then result in a low score. She reported that the student reveals what he knows in discussions and through probing his responses, not in responding to direct questions. [REDACTED] testified that in her experience, the student "is not a student who scores in the 2<sup>nd</sup> percentile."

The district's social worker, [REDACTED], testified regarding her work with the student. [REDACTED] has a master's degree in social work, a post-master's certificate, and is a licensed clinical social worker. She has been with the district for three years. She currently works with the student once a week for 30 minutes in a small group setting.

[REDACTED] testified that she focuses on social interaction skills in her work with the student. She testified that the student was very excited about a recent group session in which the students played board games together and drew a large body on a piece of paper by tracing parts of each student. He has a difficult time initiating verbal interactions and needs prompting with his peer relationships. She described him as a verbal child. He often asks her questions about what she is wearing. For example, one day she wore a shirt to work with a federal air marshal badge on it. The student pointed to badge and she explained what an air marshal does.

District personnel testified regarding the effect of the student's absences, particularly last semester, on his academic and social progress. The classroom teacher testified that the student was unable to begin work on his fall IEP goals until he returned to school in January 2008. The social worker testified that his absences impacted his progress in the development of social interaction skills. [REDACTED] testified that when the student first came back to school in January 2008, he would try to bend the other students' hands backwards. He no longer engages in this behavior.

District personnel also testified regarding the parent's request that the student be placed in a private therapeutic school. [REDACTED] testified that the student could be harmed socially by a private therapeutic school placement. She testified that the student is not a behavior problem at school and needs to be around other students who can show him positive ways to interact. [REDACTED] stated that the student enjoys school and that she sees him smiling, laughing, and having fun at school. She stated that he does not seem anxious at school. The Director of Special Education testified that the student's abilities are above those of

student's at [REDACTED], which she stated serves low functioning students with autism and severe behavioral issues.

[REDACTED] the school nurse, testified regarding her contacts with the student. [REDACTED] is a registered nurse and a certified school nurse. She was employed by the [REDACTED] prior to her current job at [REDACTED]. She has worked as a school nurse with the district for four years. [REDACTED] testified that the student has never asked her for medical assistance. The student's medical card is a computer-generated record of her contacts with the student. An aide escorts the student to the nurse's office. [REDACTED] testified that she sent a note home with the student, describing the lunchroom incident in which he bumped himself, because he cannot always explain what has happened. The note was sent to ensure that the information was conveyed to the parent. Although the parent alleged that the district had not supervised the student sufficiently and that he had numerous injuries at school, there was no reliable evidence to support these allegations.

The hearing officer finds the testimony of the district's witnesses credible. Each witness was able to describe her work with the student in a comprehensive and forthright manner. Each witness appeared committed to the student's education, although quite frustrated by the parent's contentions that the district is not meeting the student's needs.

The hearing officer also notes for the record that after the speech therapist testified, she sat with the student throughout the remainder of the hearing, working with him at a computer. The undersigned observed the student animatedly talking to and interacting with the [REDACTED]. During a break, the hearing officer walked close to where they were sitting and asked the student a question about the computer game he was playing. The student did not respond. When [REDACTED] repeated the question in a different way, the student immediately responded. This informal observation underscores the testimony presented regarding the student's selective communication, lack of response to direct questions, and need for consistency.

The testimony presented at hearing and the documents entered into evidence, which corroborate this testimony, show that the student has made academic progress in, and thus benefited from, his educational program. Standardized assessments show that the student has made significant gains in reading, spelling, and math. These scores are all significantly higher than those the student received on the Woodcock Mini Achievement test, given by the [REDACTED] in 2005, wherein all the student's scores were at the first percentile. In 2005, the [REDACTED] reported that the student was functioning at the end of the first grade level. His current WRAT scores reveal a grade equivalency of 4.0 in spelling, math, and reading sentence comprehension, and a grade equivalency of 5.1 in word reading. His IEP reflects this progress through new objectives and higher expectations.

In addition to educational progress, a preponderance of the evidence shows that the student has made progress both in his speech/language skills and social skills. Both related services providers described the student's verbal abilities and efforts to relate to others. He now speaks in sentences and asks questions, is beginning to interact with his peers, and is able to make choices. These are signs of significant progress. Reliable evidence was also presented that the student's absence for one semester had a detrimental impact on his progress, both socially and academically.

The parent has introduced several documents from outside providers – a [REDACTED] speech/language evaluation and a physician's note reporting severe school anxiety – apparently to counter the district's assertions that the student has progressed. No evidence was introduced showing that any of these outside providers contacted the school regarding the student's academic, social, or emotional progress in school. No evidence was introduced that any of these providers observed the student at school. Introduced in this kind of vacuum, this evidence does not show what the parent purports.

As to the parent's allegation that the number of children in the student's current classroom makes the placement inappropriate, there is no legal basis for this argument. The student's cross-categorical placement is considered an instructional placement.<sup>5</sup> An instructional class that serves children with different disabilities must have a maximum enrollment of ten students. 23 Ill. Adm. Code § 226.731(b)(4). The district may increase the enrollment in an instructional class by a maximum of five students if a full-time, noncertified assistant is provided. 23 Ill. Adm. Code § 226.731(b)(7). The classroom teacher testified that there are 11 students in the classroom and that she has program assistant. The program assistant is indicated on the student's IEP as an aide. The current classroom size is well within that set out in the Illinois regulations.

Finally, as to the parent's requested remedies as stated in her due process request and closing statement, the hearing officer finds that these requests are already integrated into the student's educational program. As mentioned just above, his class size complies with Illinois law. The student has preferential seating for math, the one academic area in which preferential seating is noted as a required accommodation. Various AT devices, which include both computer based programs and low-tech devices, are currently being used by the student, and teachers testified that they do use the [REDACTED] recommendations with the student. The parent requested speech/language therapy and social work services, both of which the student is receiving weekly per his IEP. Finally, the parent's requested accommodations are incorporated into the student's IEP.

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<sup>5</sup> A student is in an instructional class setting if the student is receiving special education instruction for 50% or more of the school day. 23 Ill. Adm. Code § 226.731(b)

The district has shown, by a preponderance of evidence, that it has provided the student with a free appropriate public education in the least restrictive environment.

*B. May the district proceed with a three-year reevaluation of the student despite lack of parental consent?*

The student has received numerous evaluations throughout his young academic career. All have supported a diagnosis of autism. When confronted with evaluations that reported inconsistent findings as to the student's intellectual functioning, the district conducted limited testing to assess the student in this area so that it could determine an appropriate educational program. Current school personnel question the validity of a recent outside speech/language assessment, which they believe shows the student functioning at a significantly lower level than is observed in the school setting. It is clearly the district's position that this student's autism affects his performance on standardized language based assessments and that his daily functioning is at a much higher level than that shown on standardized assessments. Recently, when the parent presented claims that the student has severe school anxiety, the district offered to provide a psychiatric evaluation at district expense. It is apparent that the district takes it duty to evaluate the student seriously and uses evaluations to help determine the student's placement.

The IDEA requires reevaluation of a student at least every three years, unless the district and parent agree otherwise. 20 U.S.C § 1414(a)(2)(B)(ii). This student will be transitioning to junior high school next year. His three-year reevaluation will be due in the fall. There are sound educational reasons to evaluate the student this school year, while he is with staff who are familiar to him and with whom he is comfortable. It is apparent from past evaluations that the nature of the student's disability makes him difficult to assess through standardized measures. His daily functioning level on verbal tasks is significantly higher than it appears on some standardized instruments. Additionally, a reevaluation at this point would provide information that would be useful in determining the student's junior high school placement.

This student, like many students with autism, has demonstrated difficulty with change and transitions. The transition to junior high school is likely to be difficult for him. An appropriate placement is essential to helping ease that transition and to ensuring that the student will continue to make progress educationally and socially. The district may proceed with its three-year reevaluation.

IT IS ORDERED THAT:

1. The student's current educational placement and related services provide him a free appropriate public education in the least restrictive environment.
2. The district may provide with its three-year reevaluation of the student. The reevaluation shall include an occupational therapy assessment as two outside evaluations have recommended that the student receive OT services. The district shall also conduct other evaluations that it considers appropriate for the reevaluation.

**ORDER**

Within forty-five (45) days of receipt of this Order, [REDACTED] shall submit proof of compliance to:

Illinois State Board of Education  
Program Compliance Division  
100 North First Street  
Springfield, Illinois 62777-0001

**RIGHT TO REQUEST CLARIFICATION**

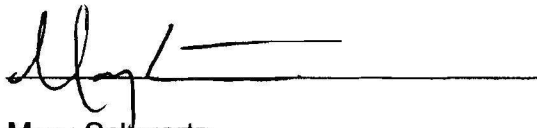
Either party may request clarification of this decision by submitting a written request for such clarification to the undersigned-hearing officer within five (5) days of receipt of this decision. The request for clarification shall specify the portions of the decision for which clarification is sought, and a copy of the request shall be mailed to the other party(ies) and the Illinois State Board of Education. After a decision is issued, the hearing officer may not make substantive changes to the decision. The right to request such clarification does not permit a party to request reconsideration of the decision itself, and the hearing officer is not authorized to entertain a request for reconsideration.

**RIGHT TO FILE CIVIL ACTION**

This decision is binding on the parties unless a civil action is timely commenced. Any party to this hearing aggrieved by this final decision has the right to commence a civil action with respect to the issues presented in the

hearing. Pursuant to ILCS 5/14-8.02a(i), that civil action shall be brought in any court of competent jurisdiction within 120 days after a copy of this decision is mailed to the parties.

ISSUED: March 25, 2008

A handwritten signature in black ink, appearing to read 'Mary Schwartz', is written over a solid horizontal line.

Mary Schwartz  
Due Process Hearing Officer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Decision and Order was placed in the U.S. mail at Chicago, Illinois, with first class postage prepaid and directed to:

[REDACTED]  
[REDACTED]  
3 [REDACTED]  
[REDACTED]  
[REDACTED]

Mr. Andrew Eulass  
Due Process Coordinator  
Illinois State Board of Education  
100 North First Street  
Springfield, Illinois 6277-0001

before 6:00 p.m. on March 25, 2008.

  
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Mary Schwartz  
Due Process Hearing Officer  
6116 S. University Avenue, 2N  
Chicago, Illinois 60637  
773.684.3035 (voice & facsimile)  
708.912.0755 (cellular)  
maryschwartz@gmail.com