

Case Number: 2008-0494

[Redacted] vs. [Redacted]

Hearing Officer: [Redacted]

Illinois State Board of Education
Special Education Services
100 North First Street
Springfield, Illinois 62777

Impartial Due Process Hearing Decision Cover Page

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District Name [Redacted]

Phone: [Redacted]

Superintendent Address Represented by [Redacted]

Parent Name [Redacted]

Phone: [Redacted]

Address Represented by [Redacted]

Date and Timelines

Date of Written Request: 05/12/2008
Date of Pre-hearing Conf: 08/20/2008

Date of Hearing: 10/06/2008 to 10/24/2008 12:00:00 AM
Date of Decision:

Summary of Decision

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Case No. 2008-0494 – Ann Breen-Greco, Hearing Officer
FAPE, Placement
Decision and Order Issued October 31, 2008

The parent requested a due process request seeking reimbursement for payment of the unilateral placement of the student in a private residential facility, asserting that the District denied the Student a FAPE. The Student, who was eligible for services due to an emotional disturbance, was placed in a diagnostic private day school at District expense, with the agreement of the whole IEP team, including parents and parents' attorney. Twenty days later, without contacting the district with any issues or concerns regarding the placement the student was removed and placed at a private facility. The hearing officer found that the district provided the student a FAPE and was not required to reimburse the parents for any expense involved in the private residential placement.

Both parties were represented by legal counsel.

Parent initiated the request.

ILLINOIS STATE BOARD OF EDUCATION
SPECIAL EDUCATION DUE PROCESS HEARING

IN THE MATTER OF

[REDACTED]

v.

[REDACTED]

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-) **ISBE CASE NO. 2008-0494**
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-) **Ann Breen-Greco**
-) Impartial Due Process
-) Hearing Officer

DECISION AND ORDER

This matter is before the undersigned Hearing Officer for a due process hearing concerning the Parents' assertion that the Student requires residential placement. The Hearing Officer has jurisdiction to hear and decide the matter under 105 ILCS 5/14-8.02a, 34 C.F.R. 300.506-509, 23 Ill. Admin. Code 226 Subpart G, and the Individuals with Disabilities Education Act, as amended, 20 U.S.C. 1415 et seq. ("IDEA"). The parties were informed of their rights pursuant to these statutes.

PROCEDURAL BACKGROUND

The request for due process hearing was made by the Parent May 7 and received by the District and ISBE May 12th. The Hearing Officer received the appointment on May 14. On May 15 the Hearing Officer issued a scheduling order and pre hearing notice to set the pre hearing as required by Illinois Administrative Code 226.640(a)d. The Hearing Officer set July 3 for the pre hearing at 12:00 p.m.

In a conference call held May 22, 2008, the parties informed the Hearing Officer that they held a resolution session that day but it was unsuccessful. In response to the Hearing Officer's question about whether the parties also wanted to use mediation, they declined. Parent's attorney asked for an early pre hearing conference and hearing. The District objected. Because of the problem of availability of witnesses during the summer, both school staff and experts, and the fact that the parties wanted three consecutive hearing dates, the parties ultimately agreed to the following hearing dates: September 3, 4, and 5, at 9:00 a.m. The pre hearing was re-scheduled for August 20 at 10:00 a.m.

The pre hearing was held on August 20 by phone. In the August 20 pre hearing conference report the Hearing Officer confirmed that the parties still agreed on the three previously set hearing dates-- September 3, 4, 5--and added September 26, October 6 and 8. Subsequently, in a September 2 order the Hearing Officer confirmed that the parties requested cancellation of the hearing dates for September 3, due to ongoing settlement discussion, and, then September 4, in order to develop a joint hearing packet with the records.

In a September 6 order the Hearing Officer confirmed that the parties requested cancellation of the hearing date for September 5 because they were still obtaining documents and working on stipulations. The hearing commenced on September 26 and continued on October 6 and 8 as agreed. The parties also added two additional dates, October 23 and 24.

On October 24 the parties did closing arguments, by teleconference and with a court reporter, at the request of Parents' attorney and agreement of the District. The parties by agreement also submitted legal authorities to support their respective cases, by email and the hearing was closed on receipt of those submissions. The decision was issued November 1.

ISSUES PRESENTED AND REMEDIES REQUESTED

Parents assert that the Student has been denied a fair, appropriate, public education (FAPE) because the District will not reimburse Parent for the Student's private residential facility. Parents assert that appropriate notice of intent to enroll was provided. The Parents seek retroactive reimbursement and payment for the continued placement.

The District asserts that the least restrictive environment (LRE) in which the Student's IEP can be implemented is not a private residential facility but is the private therapeutic day school, as previously agreed by the Student's IEP team. The District asserts Parent failed to provide notice to the District prior to removal. The District denies that any reimbursement or payment is required.

WITNESSES

██████████ –Licensed clinical professional and Student's primary therapist at ██████████
 ██████████ Yellowstone grade 7 through 12 social sciences teacher and Student's home room teacher;
 ██████████ licensed clinical social worker and Student's therapist; ██████████
 ██████████ licensed clinical social worker who provided therapy for Mother and other family members; ██████████
 ██████████ House, clinical director; ██████████ Father; Mother; ██████████, psychologist/evaluator; Dr.
 ██████████ Psychiatrist/Evaluator; ██████████ Campus Co-Founder and
 Principal; ██████████ teacher; and ██████████, the District's Special Education Director.

STIPULATIONS

The parties entered into stipulations which are attached as Appendix A.

BURDEN OF PROOF

Pursuant to statute, the District has the burden of presenting evidence that the special education needs of the child have been appropriately identified and that the special education program and related services proposed to meet the needs of the Student are adequate, appropriate, and available. Illinois School Code 105 ILCS 5/14-8.02a(g). The Parents, however, have the burden of proof regarding the request for a due process hearing involving a denial of FAPE based on the United States Supreme Court ruling in *Schaffner ex rel. Schaffer v. Weast*, 126 S.Ct. 528, 537 (2005) which was analyzed with respect to the relevant Illinois statute (the Illinois School Code) by the Northern District. *Kerry M v. Manhattan School Dist.*

and the Illinois State Board of Education, U.S. District Court, Northern District of Illinois, IDELR 194 106 LRP 58547 (September 2006).

CHRONOLOGICAL SUMMARY

The parties stipulated that in April 2007 the Parents provided the Student's elementary school a private evaluation report in which the Student was diagnosed with ADHD and Learning Disorder NOS by Dr. [REDACTED]. The elementary school declined the Parents' request for special services or accommodations for the Student under an IEP or Section 504 plan. Parents, however, did not request a due process hearing at that time. On August 8, 2007, prior to the Student beginning his freshman year at the District, Mother provided the evaluation to the District's Director of Student Services and requested a Section 504 plan. The Director proposed and Mother agreed that the Student's class schedule would be adjusted to include a Guided Study class for additional support; his progress would be monitored; and a meeting would be convened in the first few weeks of the 2007-2008 school year to discuss whether he was eligible for a Section 504 plan.

On August 30, 2007, the Student broke his thumb while playing with the District's soccer team. He continued to attend team practices and games from 3:45 p.m. to 6:00 p.m. every school day and to work out with a District trainer until the last week of October 2007 when he was hospitalized by his Parents.

On September 14 the District convened a Section 504 meeting. The Parents agreed that the Student would drop World History and add a study hall but declined to have him move to regular track, versus accelerated Spanish and math classes. On October 11 Mother requested a case evaluation of the Student and testing for language disability. The Student's grades at the time were: Spanish 2, A+; Freshman English, B; Natural Science, 92.7%; Advanced Algebra, 76% first marking period and 100% second marking period; Physical Education, passing. The District denied the request for evaluation. The parties also stipulated that the Student had no disciplinary record while attending the District school.

The family was in therapy with [REDACTED] who saw the Student on two occasions in September 2007 and referred him to an individual therapist. [REDACTED] provided the Student with individual social work services between October 6, 2007 and April 4, 2008.

On October 24 Father contacted [REDACTED] because of concerns about the Student's behavior. Bradley recommended that the Student be taken to [REDACTED]. The Student was taken to [REDACTED] but he was not admitted. However, he was returned on October 26 and admitted as an inpatient. On October 30 he was discharged as an inpatient at [REDACTED] and admitted on October 31 to the outpatient [REDACTED] Adolescent Partial Hospitalization day program.

In December 2007, the Parents had the Student evaluated by [REDACTED] a neuropsychologist. [REDACTED] diagnosed the Student with Generalized Anxiety Disorder, with obsessive/compulsive characteristics and psychotic features, as well as a Disruptive Behavior Disorder, NOS. On December 14, 2007, the District proposed to conduct an evaluation of the Student to which Parents consented.

On December 20 the Student told [REDACTED] he was not sure he wanted to accompany his Father on a trip to Florida and he argued with his Mother about the trip. [REDACTED] recommended that the Student stay in the partial program until placement. However, Father wanted the Student to go on the trip and the Student was discharged December 21 from the outpatient program to take the trip.

On the recommendation of the District due to concerns regarding the Student's placement and a request made to the District for homebound tutoring, Parents agreed on January 24 to include psycho educational testing by [REDACTED] a psychiatric evaluation by [REDACTED], and a diagnostic placement

of the Student at [REDACTED], a private therapeutic day school. The Student's evaluation included testing and clinical interviews with Parents, therapists, and teachers.

The Student's placement at [REDACTED] began January 29, 2008. He attended for three days and then was absent. On February 11 the Student was admitted to the [REDACTED] and discharged as an in patient from [REDACTED] on February 19. From February 21 to 28 the Student attended the [REDACTED] outpatient partial day school refusal program. On February 29, March 3, 4, and 5 the Student continued the [REDACTED] outpatient partial day school refusal program in the afternoons and attended [REDACTED] in the morning. The Student was discharged from the [REDACTED] school refusal program on March 5 and returned to full time attendance at [REDACTED].

Subsequent to the completion of the evaluation, an IEP meeting was convened on March 12. After review of the evaluations, everyone on the IEP team, including the Parents, their attorney, and their education consultant, were in agreement that the Student's placement should be at [REDACTED] the private therapeutic day school that the Student was attending. The Student continued to attend [REDACTED].

On April 1 the Parents, through legal counsel, provided notice to the District of their intent to unilaterally place the Student at [REDACTED] where the Student was admitted on April 9.

FINDINGS AND ANALYSIS

The District contends that the District's IEP is an individualized program appropriately tailored to address the Student's needs in that the placement in the [REDACTED] therapeutic day program would allow him to be educated in the least restrictive environment (LRE) in his home district. The Parents contend that the District has denied the Student a FAPE by refusing to reimburse them for the Student's private residential placement.

The United States Supreme Court has articulated a two-prong test to determine whether a child has been given a free appropriate public education under the IDEA. *Hendrick Hudson Dist. Bd. of Education v. Rowley*, 458 U.S. 176 (1982). The first prong is whether the school district complied with the procedural requirements of the IDEA. Second, the Hearing Officer must determine whether the IEP was reasonably calculated to enable a child to receive an educational benefit. That determination is based on whether the District's IEP for the Student identified his needs/eligibility and offered services to address those needs as required by statute. In this case, the Parents argue that the Student is being denied a FAPE because the District will not reimburse them for the Student's private residential placement but the District counters that a therapeutic day placement provides a FAPE for the Student in the least restrictive environment. Accordingly, the determination that the Hearing Officer must make is whether the Student's placement is the least restrictive environment that will provide him with a FAPE.

(I) Procedural Requirement

With regard to the first prong, no argument has been advanced that there was a procedural violation in the IEP development that would preclude access to a FAPE for the Student. The Hearing Officer finds that the District has complied with the first prong.

(II) Substantive Component of a Legally Sufficient IEP.

To determine whether the District complied with the second prong—the substantive component of a legally sufficient IEP—the Hearing Officer must find that the District’s IEP for the Student identified his needs/eligibility and offered services to address those needs as required by statute.

(A) There is no contention that the District did not properly evaluate the Student, which resulted in a determination that the Student suffers from anxiety (OHI) and ADHD. The Student has been determined Emotionally Disabled.

Accordingly, the Hearing Officer finds that the District’s IEP for the Student appropriately identified his needs/eligibility.

(B) The issue is whether the District properly determined that the Student requires a therapeutic day placement.

To decide this issue, the Hearing Officer must determine whether the District’s IEP offered services to address his needs as required by statute, in the least restrictive environment that will provide him with a FAPE.

At the March 12 IEP, the District’s evaluators recommended a therapeutic day placement and everyone on the IEP team, including Parents, Parents’ attorney, Parents’ education consultant, and the Northwest social worker, agreed that the Student should continue at the therapeutic day placement.

Evaluations of the Student

The Parents had two evaluations done prior to the District’s. The Parents initial private evaluation was done by [REDACTED] on March 20, 2007. He found that the Student had ADD and Learning Disorder NOS. The other private evaluator, [REDACTED], October 2007, found that the Student had Generalized Anxiety Disorder with obsessive/compulsive characteristics and psychotic features particularly when experiencing high level of stress and exhibits associated social difficulties. Jt Ex 386. The concerns with coping are consistent with Disruptive Behavior Disorder, NOS.

The District’s evaluation was conducted by [REDACTED], a licensed clinical psychologist with extensive experience in both testing and evaluation of adolescents and [REDACTED] a psychiatrist, who has a practice in child and adolescent psychiatry.

[REDACTED] evaluation included clinical interviews of the Student and Parents and comprehensive testing. Jt Ex 508-527. When she first met with the Parents and the Student in February, the Student was not yet designated eligible for special education services. When she spoke with the Parents, they were discussing residential placement for the Student. Prior to the evaluation she reviewed, at the request of the Parents, the psychological evaluations conducted by [REDACTED] (Jt Ex 83) and [REDACTED] (Jt Ex 379) and the [REDACTED] records (Jt Ex 416).

[REDACTED] clinical impressions were as follows: there were (1) “tremendous family issues”, (2)

variations in the Student's presentation in previous testing and interviews; (3) the "real difficulties (for the Student) started recently." She found that the Student was "anxious, with maladaptive beliefs about himself and his world."

Her impression of "family issues" stemmed from the Parents' description of problems getting the Student up and to school and also differences of opinion between the Parents about the right interventions. Mother was more concerned about the Student's mood and emotional issues and Father was focusing on behaviors and felt the Student needed a theoretical "swift kick in the butt" to get him out of the house. [REDACTED] had the impression that the Student was running the show, with everyone "spinning around him", while he "dug in his heels" and Parents had no solid idea how to approach this.

[REDACTED] also noted "lots of variations in the Student's presentation" regarding his cognitive function and performance, with differences in the [REDACTED] and [REDACTED] evaluations and the [REDACTED] records. [REDACTED] testified that there were a number of reasons to account for differences in test results. The Student reported to her that he changed what he did in testing, i.e., he said if he did poorly on testing with [REDACTED] he would get more help. Medication can also impact test results.

[REDACTED] reviewed the Student's cognitive ability tests in the elementary school records. Those reflected results in the high to high average range through elementary school. [REDACTED] tested him in the very superior range, 99th percentile, higher than seen in other tests or [REDACTED]. The Explore test summary sheet demonstrated that on standardized testing the Student scored in the average to high range in math. Jt Ex 212. His grade report from October 11, 2007, showed a lot of variability. Jt Ex 218. He was doing extremely well in science but not math, which was one of his strongest areas. He had a C in accelerated Spanish and advanced algebra accelerated. The test scores and grades were consistent with Parents reports of difficulties.

[REDACTED] impression that the "real difficulties started recently" was based on the Parents relaying to her that they first became concerned in middle school. The Student was going "downhill" in eighth grade. He had problems in organization and management skills, which, [REDACTED] noted, were common in children with attention issues. Parents expressed concerns about the Student's anxiety level.

In her clinical interview with the Student, he was "eager" to discuss what was going on with him. He talked about his hospitalizations. His initial hospitalization was at [REDACTED] in October 2007. Then he was at the [REDACTED] school refusal program. He said he just wanted to take a break from school for a while and "things got blown out of proportion" and it "scared" him. He seemed confused about why he was having these hospitalizations and said it was a "bad prank." Jt Ex 516.

The Student placed the blame on the District which he felt had not met his needs and had not seen his struggling, so he "raised the flag"—and did things to make people take notice. He felt other students were looking at him, which was becoming intolerable. While [REDACTED] testified that school reports do not confirm his perceptions regarding other students, she testified that the teachers did not see his struggles. The Student reported having friends but said he does not read social cues, which, according to [REDACTED] is not something a child would say. She found nothing to reveal he did not read social cues. The tests administered show he is very social and outgoing. Jt Ex 517.

[REDACTED] also talked with [REDACTED] the family therapist, and [REDACTED] the Student's therapist. According to [REDACTED] first encountered the Parents when they brought the Student in for preventive work prior to going to high school, although they had no reason to think there were problems. [REDACTED] mainly worked with the Parents. [REDACTED] told [REDACTED] she felt that the Student went downhill since she first met him. [REDACTED] talked of family issues and described the Student

as the "identified patient."

██████████ testified that in a family constellation each family member has a role and if there are family problems and one family member becomes "sick" that family member is identified as the patient. ██████████ relayed to ██████████ that the Parents were not on same page and that the Father was often away from home, so that Mother was in the role of a single mother. ██████████ also told ██████████ that when Father returned things got worse as the family situation shifted. ██████████ found the Student has anxiety disorder and depressive symptoms, but no mood or thought disorder.

Mother relayed to ██████████ that she felt the Parents had lost control and felt they needed to get the Student out of the home and to get him away from the family—to a residential facility. ██████████ noted that the Student is a difficult child and with the Parents not on the same page this can be a problem. Parents did their "absolute best" trying to get him to school.

██████████ also talked with ██████████ in March 2008. What he told ██████████ about the Student is consistent with ██████████ observations. The Student is anxious and there are significant family problems. The Student started seeing ██████████ about academic issues. But ██████████ felt that the Student was angry with his Parents, particularly his Father. When the Father came back to the home, the Student felt he did not understand the Student and was too hard on him. ██████████ thought the medications were also a problem and the Student got worse after the ██████████ hospitalization--going downhill, in terms of ability to organize his thoughts.

██████████ reviewed ██████████ records. The Student was seen by a psychiatrist, ██████████ at ██████████. The Student was on "a lot of Provigil," a stimulant and also on Seraquil, which causes cognitive blunting, making it hard for the Student to focus and get coherent thoughts out; it is a sedating medication whereas provigil can increase anxiety. The Student was also on an anti depressant medication. ██████████ noted that in the Student's case the medications were not helping him, i.e., his odd behaviors, agitation, and high anxiety level can be associated with medications. He is not taking medication at ██████████ and she noted he could have been "weaned off medications here."

██████████ testified that the Student was very able to set up things so they would come out the way he wanted them to do. "When he decided he needed to get out of school he used the acne cream" to cause a rash. ██████████ testified that she does not like the word "manipulative" and instead defined him as "not an easy kid."

██████████ the psychiatrist, also saw the Student and Parents as part of the evaluation and interviewed ██████████ and ██████████. She testified that the Student already had several months of problems with anxiety, school refusal, hospitalizations and multiple medications. The Student could get frustrated with himself but ██████████ did not see him as homicidal, enough to kill. Her impressions and diagnosis show the Student has Axis I - anxiety disorder. Jt Ex 536. She noted that ██████████ and ██████████ also diagnosed him with ADHD but she found no bipolar or severe pathology.

██████████ testified that the changes from school to hospitalizations created a lack of consistency which made it difficult for the Student to make educational progress. The situation was complicated by his being on all the medications and she felt it important for his well being to return to ██████████. She testified that children with school refusal issues should be with the family while dealing with school refusal. Family therapy cannot be effectively done by teleconference or when a child is a thousand miles away from parents.

██████████ testified that ██████████ of ██████████ told her that the Student's behaviors—resistant,

oppositional, negativity--were personality/character style. He believed the Student set the bar high for himself and that was part of what was distressing him. [REDACTED] found that the Student had unrealistic expectations for himself. The Student also felt that school was "hard and unfair" and he refused to go to school. [REDACTED] felt that the Student externalized blame rather than using internal problem solving. [REDACTED] noted that the Student had trouble taking responsibility and had limited insight into his problems. With respect to [REDACTED] finding of psychotic features, Dr. [REDACTED] disagreed but agreed that the Student has a complex clinical situation. Like [REDACTED] [REDACTED] found that the Student began to talk faster and was idiosyncratic in some speech in her interview with him. He was "disorganized around anxiety" and grandiose but this, according to Dr. [REDACTED] was part of his coping style when he is anxious but is not part of a bipolar or more serious illness.

Her review also included the records on medications. She had concerns that the medication had an adverse effect on the Student.

Recommendations

Following the evaluation, [REDACTED] recommended that the Student be made eligible for special education services, based on anxiety (Other Health Impaired) and ADHD. [REDACTED] recommended that the Student needed a more restrictive environment than the regular education setting and a place to work with the family because of the family issues. [REDACTED] believes [REDACTED] is excellent and the director, [REDACTED], "really knows what he is doing."

Prior to her testimony, [REDACTED] also reviewed [REDACTED] records and determined that [REDACTED] was not the place to address the Student's issues. [REDACTED] did not recommend residential placement because she felt there was such a strong family component in what was going on with him educationally which could not be dealt with from a distance. [REDACTED] does not believe that family therapy can be conducted effectively when a person is away; the child needs to be in the family to address issues as they arise. [REDACTED] testified that she would have recommended residential placement for the Student if warranted.

[REDACTED] commended a school program that provides therapeutic intervention; small classroom with opportunity for staff intervention; a family component that works with Parents to develop skills to support school function and attendance; and medication to reduce anxiety and help with attention and focus. She concurred in the recommendation that the Student remain at [REDACTED]. She noted that for the few days the Student was at [REDACTED] the [REDACTED]s Principal, [REDACTED] had an optimistic impression of some movement forward.

In [REDACTED] evaluation he recommended that the Student be classified as ED and that he be placed in an education setting with a high level of structure, where ongoing therapeutic intervention is available; a smaller individualized, longer-term setting; cognitive behavioral intervention plan; and accommodations in school. He recommended that the Student and Parents need to continue with the family therapist but that the Student required an individual therapist until a placement can be made.

[REDACTED] made several recommendations for accommodations at school; consultation of the Student's pediatrician regarding the use of medication to improve attention skills and decrease distractibility; and individual counseling for the Student.

March 12, 2008, IEP

After a review of the District's evaluation, an IEP was convened on March 12, 2008. The team attending the meeting was as follows: the District Director of Special Education; [REDACTED], Ph.D.; [REDACTED], counselor at [REDACTED] Child and Adolescent Psychiatrist [REDACTED] NCSP/education consultant for the Parents; Mother; Father (by phone); [REDACTED] Student's private therapist (by phone); [REDACTED] the Student's homeroom teacher, [REDACTED] [REDACTED] the co founder and Principal of [REDACTED] science teacher; [REDACTED], social worker at [REDACTED], social worker at [REDACTED] Dr. [REDACTED] counselor for the Student, [REDACTED] (by phone); District's attorney, [REDACTED] and Parents' attorney, [REDACTED] Jt Ex 508.

The Student at the time was a freshman at [REDACTED] as in the high school program. [REDACTED] the therapists do individual, group, and family work. [REDACTED] Principal, described [REDACTED] as a highly structured academic, clinical, behavioral program, in a reclaiming environment, with positive intervention, adults present from the time the bus arrives (transportation is provided by the school), a behavior management system based on the Circle of Courage--a positive behavioral reclaiming philosophy, structured as a teaching tool. The therapy is designed with each family. If the family is seeing an outside therapist, then there is a liaison with the outside therapist. [REDACTED] holds a monthly parent group, with free dinner and child care provided. [REDACTED] discussed at the IEP that children with school refusal issues are not a single unit but a unit which includes family and school. The [REDACTED] teacher's report was presented which showed he had been participating in school work. The Student had achieved some grades of 80s and 90s. Jt Ex 540

The IEP team developed goals and objectives to correspond to performance levels and discussed placement. There was discussion about the Student staying at South to get a better diagnostic sense and give him a level of consistency that had been lacking based on his school interruptions with hospitalizations. The two District evaluators recommended placement at the [REDACTED] therapeutic day school. Also supporting the [REDACTED] campus placement was [REDACTED], of [REDACTED] (On March 5, 2008, [REDACTED], and Mother had met at the Student's discharge meeting at [REDACTED] noted that the Student told him that [REDACTED] is going well and he volunteered to be a leader in a student group. Skiba also noted as a significant factor that [REDACTED] offers family therapy).

The District's Special Education Director testified that at the IEP he was initially not in agreement with the therapeutic day placement because the Student had not been designated as special education previously and that three steps on the special education continuum were being skipped. Jt Ex 553. However, the [REDACTED] placement was the consensus of the rest of the IEP team, including parents and their private providers and attorney. The District agreed to [REDACTED] because the Student was doing fairly well there as of the day of the IEP meeting. The team noted the importance of the Student staying in one place. [REDACTED] was asked to extend the diagnostic period to the end of the school year in June. [REDACTED] volunteered that there were other day school options for the Student and did not feel it was compelling for the Student to return to [REDACTED] but emphasized the Student should be in placement for three months get some benefit. The District then recommended placement at [REDACTED] and offered to work with Parents on other therapeutic day options and reconvene the IEP before the end of school.

The Parents withdrew the Student from [REDACTED] without contacting [REDACTED] the District to apprise them of problems or ask for additional services/options which had been offered because they had pre determined that the Student was going to a residential placement.

Subsequent to the IEP meeting and without contacting the District or ██████████ regarding issues or asking to discuss other options, the Parents' attorney sent a letter to the Superintendent on April 1, 2008, stating that the Student cannot receive an appropriate education outside residential placement. Jt Ex 584.

The Student had begun the therapeutic diagnostic placement at ██████████ on January 28. However, on February 8, the District's attorney communicated with the Parents' attorney that although reportedly the Student had a good start he was not attending. The Parents had not returned numerous calls from ██████████ including from the therapist and ██████████ was concerned about the lack of cooperation. The Parents' attorney replied to the District's attorney that she thought the Parents assumed the attorney communicated with the District about his absence. Jt Ex 461. Even though the attorney takes responsibility for the lack of communication, the fact remains that there was no communication from the Parents when the Student was taken from ██████████ and placed at ██████████

At that time, the District also offered as an option ██████████ because it can go into the home and work with parents to get a non-attending student to school. Jt Ex 461. The Parents did not avail themselves of that option. Instead, the Parents took the Student out of ██████████ and on February 11 the Student was admitted to the Youth Mental Health Unit of ██████████. He was discharged as an in patient from ██████████ on February 19. From February 21 to 28 the Student attended the ██████████ outpatient partial day school refusal program. On February 29, March 3, 4, and 5 the Student continued the ██████████ outpatient partial day school refusal program in the afternoons and attended South Campus in the morning. The Student was discharged from the ██████████ school refusal program on March 5 and returned to full time attendance at ██████████

██████████ testified that South is based on a program that requires time to build a relationship with a student, as the student begins to spin wheels, and then identify strengths and areas of improvement. The Student, however, had only three days before an interruption for a school refusal program. Jt Ex 579. ██████████ believed the Student was off to a good start, participating in the program better than most high school age high anxiety students might. Staff at ██████████ relayed to ██████████ that the Student was completing his work.

When the Student returned after the school refusal program, according to ██████████, it was like starting over. The day after the IEP, March 13, Mother reported he refused to attend, but he returned March 14 and was in school through March 19. On March 14, the Student made statements to South personnel that he would not be around much longer because he was going to a residential placement—either ██████████ or ██████████. He was highly anxious and did not participate in the program. ██████████ testified that his decline in performance was related to his belief he was not staying there. The Student said it did not make sense to go to class because he would not be staying. Then on March 20 school was interrupted by the spring break. The Student returned on March 31 and it was his last week.

The Student's ██████████ report card, ending before the March 19 spring break, showed grades of one A, two Bs, C, D, and one F. ██████████ testified that he had the ability to benefit from the program, even though the number of interruptions required starting over each time he returned. When the Student returned after the spring break on March 31, there was a decline in scores. Jt Ex 593. ██████████ learned from the Student that his Parents heard of an available bed at ██████████. The Parents did not communicate this information to ██████████ or the District or at this time ask for the additional options the District had offered.

In fact, discussions about residential placement had begun in 2007. Mother testified that she talked with ██████████ and ██████████ about boarding school. On December 6, 2007, Mother told ██████████ that they may be looking at boarding school. In an email dated January 14, 2008, Parents told the District's

Director of Student Services they were notifying the District that there was a strong probability that the Student would be going to a Boarding/Therapeutic school. In an email dated January 16 Mother noted that "a therapeutic day school may be all right temporarily...but we have been advised ... that (he) needs a therapeutic boarding school." In an email to [REDACTED], dated January 24, 2008, Mother detailed the meeting she and Father had with their attorney [REDACTED], and [REDACTED]. She noted that therapeutic day school might be "an interim step" and listed "residential placements: [REDACTED] and [REDACTED]." [REDACTED] testified that in a session on February 28, 2008, Mother stated she wanted a residential placement for the Student but Father wanted him to try [REDACTED]. [REDACTED] testified that he believed the Parents tried to keep the Student at home but the Student was "unwilling" to work with them.

Parents visited a number of schools but found [REDACTED] preferable. Mother told [REDACTED] that all outside experts recommended private placement but she testified that [REDACTED] in the March 5 discharge meeting at [REDACTED] recommended that the Student stay at [REDACTED]. It was [REDACTED] impression that the Parents did not really know much about other options and [REDACTED] discussed therapeutic day placement. Mother was more interested in residential but Father wanted to keep him at home.

The whole IEP team, including the Parents and their attorney, were in agreement with the placement at [REDACTED]. The Parents, however, did not work with the staff at [REDACTED] either before or after the IEP meeting to get assistance with the Student's school refusal. Once the Parents learned that a bed was available at [REDACTED] the decision was made. The Student was aware of that decision and discussed it at [REDACTED].

No improper motive or fault is assigned to Parents for their decision. They were in an extremely difficult situation and may have thought they had no other recourse, despite the discussions at the IEP regarding other options.

[REDACTED] testified that he did not believe the Student would derive benefit from [REDACTED]. He did not see the Student's issues at a level of intensity where residential placement was needed. The District provided transportation to the Student and although some days Mother drove him in the last few days he was coming on school transportation. [REDACTED] believed the Parents made an effort to get the Student to school and participated in family therapy and clearly were "very distraught" about where he was at in his life. Their putting him in [REDACTED] was based on desire to help and placement at [REDACTED] was based on a desire to have him at home and be helpful. [REDACTED] described the Parents as fine people but believed they were "too deep into thinking about residential placement" to consider another option. [REDACTED] did not believe [REDACTED] needed to send people into the home and did not offer this service because the Student was attending school.

After the District received the due process request on May 7 it convened a resolution on May 22. (Jt Ex 30-31). At the session were Parents' attorney, [REDACTED], Mother, representative of [REDACTED] and the District's Director of Special Education who took notes. Mother reported that the Student was not doing well at [REDACTED] could not get him into the regular school program and he was in a self contained program, refusing to participate in any class but math. The Director of Special Education testified that lots of options had been offered. Other students at the District who are in school refusal cannot even do school work but the Student did at [REDACTED]. The Director noted the option of sending a social worker to the home and additional time with intervention. Mother was not receptive and stated she just wanted the Student out of the home. After the Director wrote the resolution session notes, Parent's attorney contacted him and told him to take that statement out of the notes.

The District's Special Education Director also reviewed records from [REDACTED]

██████████ and ██████████. Nothing led him to believe the Student needed residential placement. The Student had made diagnostic improvement at ██████████ and was completing his work. The Director testified that after dealing with numerous students in this situation he did not find that the Student fit the profile of a residential requirement. The District denied Parents' request for reimbursement.

The evidence supports a finding that the Parents withdrew the Student from the therapeutic day placement without apprising the District of problems or requesting additional support or other options which had been offered to them and had pre-determined that they would put him in residential placement.

The Student's difficulties were exacerbated by multiple factors—his personality/characteristics; a lack of coherent process of education placement/therapy; family issues; and inappropriate medication-- which cannot be attributed to the Student's education environment.

The Student's personality/characteristics

██████████ testified that ██████████ of ██████████ told her that the Student's behaviors—resistant, oppositional, negativity--were personality/character style. ██████████ found that the Student has a complex clinical situation. ██████████ testified that the Student was very able to set up things so they would come out the way he wanted them to and defined him as "as not an easy kid." The Parents' private evaluator, ██████████, found that the Student has obsessive/compulsive characteristics. The findings of ██████████, ██████████, and ██████████ confirm the Student's complexity.

Issues with therapy

██████████ testified there was not a coherent process of therapy and that it was "hard" for the Student "with so many therapists." Initially the Student was seen by the family therapist, ██████████ who recommended individual therapy. He then had individual therapy with ██████████ from October 6, 2007, to April 4, 2008. On October 24 the Student was admitted to ██████████. At ██████████ the Student was seen by a psychiatrist, ██████████, who diagnosed him with Major Depressive disorder, recurrent, and placed him on medication. According to the parties' stipulations he also received services in the ██████████ day program from three social workers, ██████████, ██████████, and ██████████. After he began his diagnostic placement at ██████████ Campus, he was taken out and placed as an in patient at ██████████ and then as an out patient in the school refusal program. At ██████████ was diagnosed with Major Depressive Disorder, without psychotic features; ADHD, by history; and Anxiety Disorder, NOS. In the school refusal program he received services from ██████████, psychiatrist; ██████████ physician; and ██████████, social worker. On March 5 he returned to ██████████. Then from ██████████ was taken to ██████████ for residential placement on April 9.

The number of hospitalizations and therapists clearly created a climate which had an adverse effect on the Student and his ability to have a coherent program for addressing his issues.

Family Issues

Many witnesses testified that Parents did their best under difficult circumstances. The Hearing Officer agrees that no inappropriate motive can be attributed to the Parents. However, a review of the family's history reflects complex issues within the family which negatively impacted the Student. Several factors are notable: the Student was angry and resentful of the Parents; Father hit the Student; there

were differences between Parents regarding punishment and selecting a placement; Parents did not follow the recommendations of the District and professionals involved in the Student's care; Parents did not contact the District or [REDACTED] regarding additional options when the Student refused to go to School.

[REDACTED] in her evaluation noted family turmoil. [REDACTED] testified that both [REDACTED] the family's evaluator, and [REDACTED] from [REDACTED] felt that family conflict was contributing to the Student's issues. His Parents were pushing him, he felt, to do things he did not want to do or could not succeed at. The Student talked with [REDACTED] and [REDACTED] of how angry he could get with Father but did not hit him despite the fact that Father hit him. He wanted to hit him back but did not. The Student told [REDACTED] that "he said stuff like killing his Parents when he is angry but never had the intent." Mother testified that Student "grabbed" her on a number of occasions when she tried to approach him but [REDACTED] testified that the Parents never told her that the Student had threatened harm to them or others. [REDACTED] and the evaluators noted differences between Mother and Father on how to respond to Student's behavior, including how to respond with punishment and selecting a placement. In an eleven-page letter dated December 15 that he wrote to the Student (but did not give him although he gave it to a number of other people) Father acknowledged hitting the Student but wrote that Mother has placed a ban on hitting the Student. It Ex 1212. [REDACTED]s and [REDACTED] agreed things got worse when Father returned in the Fall of 2007 after a change in his company situation decreased his traveling on business.

Father testified that he never brought his business home. However, in the eleven page letter he wrote that the family business of 25 years, the [REDACTED] was "crashing." He detailed issues regarding the "Chinese minority partners...trying to bring the company down" and stated he had "brutal yelling sessions with [REDACTED]" He testified that [REDACTED] who is on their family business advisory board, recommended [REDACTED] as a therapist. Although Father testified that his frustration with the Student had nothing to do with family business, Father's letter reveals that even family members told Father that his issues were having a negative effect on his son. Father testified that for freshman year, they tried to get support and had [REDACTED] arranged for tutoring. Before marriage he had therapy and testified that "my whole family is therapy environment" and "agreed that the first child for high school would have therapy."

Although the Parents followed some recommendations, there were times when Parents did not follow the recommendations of the District and professionals involved in the Student's care. Initially when changes were recommended by the District on September 14, 2007, in his schedule they did not agree to removing him from accelerated track back to regular track, after he broke his thumb in soccer and could not take school notes. It is noted that Father testified that the Student has done well in [REDACTED] in non accelerated classes. Father also testified that he would not let the Student quit soccer although the Student wanted to and the District recommended it because it was daily practice and the Student did not get home until 7:00 pm., curtailing time for his homework. Father also took him out of [REDACTED] against the [REDACTED] recommendation not to do so. It was [REDACTED] opinion that if the Student was impaired enough to need treatment then he should not have been taken out for a family vacation. Additionally, she testified that taking the Student home from [REDACTED] to work on a holocaust project with Father was not following [REDACTED] recommendation of home visits every three months. It would give the Student, according to [REDACTED] the message that the rules do not apply to him and is "counter productive."

While it is recognized that all families have difficulties and this was a particularly hard time for the Parents, nonetheless the testimony of the professionals leads to a finding that the family situation was a significant part of the problem.

Medications

The evidence reflects that [REDACTED] and [REDACTED] all believed that the Student's medications were having a negative effect on him. [REDACTED] who has worked extensively with children with anxiety and on psychopharmacology (Jt Ex 1131-[REDACTED] CV) testified that the Student's pediatrician, [REDACTED] at the end of the Student's eighth grade and into the Student's freshman year, tried attention deficit medication recommended through testing with [REDACTED] but it was not successful. They were all stimulant medication and might affect a child with anxiety by either allowing a child to focus or can increase anxiety. In [REDACTED] opinion, the medication increased the Student's anxiety.

[REDACTED] testified that as part of the evaluation she reviewed the Student's medication sheet/history which showed three stimulant medications that aggravated anxiety symptoms. Risperdal is an anti psychotic and major tranquilizer and could make someone lethargic. [REDACTED] testified that there is no indication that the Student is psychotic. The Student was also on Seraquil, another anti psychotic, with similar effects to Risperdal. The other medication was Provigil, for narcolepsy and for ADHD, with side effects of dizziness and mood changes. The usual dose is 100-200 but the Student was given 600, which is very high. The Student was on three sleep aids which can contribute to drowsiness and morning hangover. [REDACTED] testified that the Student was having difficulty getting up, which is a side effect from medication. 418-450. The Student's outpatient medical records showed that his prescriptions were called in to Dominic's from [REDACTED], the Student's treating psychiatrist at [REDACTED]

[REDACTED] expressed concern about the medications prescribed by [REDACTED] for the Student while he was at [REDACTED] felt strongly that the medications were having a negative impact because he saw deterioration in the Student's functioning, noting when he appeared lethargic. [REDACTED] testified that when the Student was discharged from [REDACTED] and changed psychiatrists and medication he saw some improvement but he was back to "baseline" in October. [REDACTED] also testified about concerns regarding the medication." Mother testified that Parents switched from [REDACTED] because of the medication. The Student was falling asleep and unable to wake up.

The evidence clearly supports a finding that the medication had a negative effect on the Student.

The Parents did not meet the ten-day requirement for notice to the District of a unilateral placement; nonetheless, even if they had, the District has provided evidence that it offered the Student a FAPE.

The Parents' attorney notified the District of the placement on April 1 and the Student was placed on April 9. This does not meet the notice requirement of ten business days prior to removal of the Student. However, it is important that the focus of any case be on the needs of a particular student involved. Interpreting regulations on notice in such a way as to bar reimbursement would be the "absurd result" that the Second Circuit reviewed and cautioned against. *Frank G. v. Board of Education of Hyde Park*, 46 IDELR 33 (2d Cir. 2006), cert. denied (U.S. 10/15/07) (No. 06-580). No fair interpretation of the law or circumstances could allow a result where the notice requirement could circumvent the essential purpose of IDEA to provide a fair, appropriate public education to eligible students. "All that is required of parents who have received an IEP for their child is that they provide the appropriate public agency with reasonable notice that they plan to 'reject' the placement proposed by the public agency to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a private school at public expense." *Frank G.* In the instant case,

however, the notice issue is not the dispositive factor because the Hearing Officer has made a finding that the therapeutic day placement, based on the agreement of the whole IEP team, is the appropriate placement for the Student.

The District has met its burden: the therapeutic day school placement is the least restrictive (LRE) for the Student

IDEA mandates that a student be educated in the least restrictive environment. 20 USCS Sec. 1412(5). In determining the educational placement of a child with a disability a public agency must ensure that the placement decision is made in conformity with the LRE requirements. 34 CFR 300.116. In this case, the evaluators recommended that the Student be placed in a therapeutic day school. Everyone on the IEP team agreed, including Parents, Parent's attorney, Student's individual therapist, Parents education consultant, and the social worker who worked with the Student at the [REDACTED] school refusal program. No one on the team held the opinion that the therapeutic day school would not be the appropriate placement and the more restrictive place, a residential placement, was required.

A district must identify a student's needs in light of the disabilities and utilize instruction and related services to meet those needs. *School Committee of the Town of Burlington, Mass. V. Department of Education of Mass.*, 471 U.S. 359, 368, 105 St. Ct. 1996 2002 (1985). In the instant case, Parents have attempted to show that the District's IEP would not have provided the Student with educational benefits by showing that he has made progress at [REDACTED]. The fact that [REDACTED] testimony and records reflect that the Student has made some progress is not evidence that the Student requires a residential placement. Additionally, the Student had difficulty at [REDACTED]. Testimony of [REDACTED] personnel and those who reviewed the records reflect that the Student initially refused to participate in the regular education class and was in a self contained class. It took two months for him to begin regular education class.

The issue, however, "is whether the District's proposed placement was appropriate, 'not whether another placement would also be appropriate, or even better for that matter.'" *Edwin K. v. Jackson*, 2002 WL 1433722*14 (N.D. IL 2002), quoting *Heather S. v. State of Wis.* 125 F.3d 1045, 1057 (7th Cir. 1997); *Be B. v. Van Clay*, 2001 WL 1095026,*5 (N.D. IL 2001) affirmed by *Beth B. v. Van Clay*, 282 F.3d 493 (7th Cir. 2002) ("[t]hat an alternative placement may also confer benefits does not negate the appropriateness the district's placement."). In *Edwin*, the school district's IEP recommended and the *Edwin* Court agreed that the district's high school program was able to address that student's needs and was reasonably calculated to enable him to receive educational benefits. *Edwin* at 14. The parents wanted him placed in a private facility. However, the Court noted that the school district is required to provide an appropriate, not the best possible, education. But it also noted that, "This is not to say that the (the district's) school is not the best possible education." *Edwin* at 15. The court must defer to trained educators and not substitute its own judgment of sound educational policy, citing *Bd. Of Educ. of Community Consol. Sch. Distri. 1* 928 F.2d at 715 (quoting *Rowley*, 458 U.S. at 206). *Edwin* at 15.

In reviewing a school district's offer of special education and related services, "[f]ederal courts must defer to the judgment of education experts who craft and review a child's IEP, so long as the child receives some educational benefit and is educated alongside his non-disabled classmates to the maximum extent possible." *School District of Wisconsin Dells v. Z.S.*, 2002 WL 1396524*5 (7th Cir. 2002) (citing *Gill v. Columbia 93 School District*, 217 F.3d 1027, 1038 (8th Cir. 2000)). The "critical issue in a due process hearing is whether the school administrators were reasonable in their calculations. *School District of Wisconsin Dells v. Z.S.* 295 F.3d 671 (7th Cir.2002)(citing *Rowley*, 458 U.S. at 206-07, 102 S.Ct. 3034).

“A particular IEP need only be reasonably calculated to enable the child to receive educational benefits. *Dells*.

More recently, the Seventh Circuit has, in determining a student's IEP accorded with IDEA, supported the lower court's conclusion that a hearing officer substituted her judgment for that of the school administrator instead of merely implementing the IDEA. The hearing officer ruled against the district and ordered additional services. The court decided that the district had not acted unreasonably in developing and implementing the child's IEP. *Alex R. v. Forrestville Valley Community Unit School District*, 375 F.3d 603, Seventh Circuit, July 15, 2004. The Hearing Officer in the instant case finds, based on all the evidence, that the District has acted reasonably and met its burden.

IDEA, in relevant part, provides that the obligation of a state to offer a free appropriate education "does not require a local educational agency to pay for the cost of education ... of a child with a disability at a private school or facility if that agency made a free appropriate public education available to the child and the parents elected to place the child in such private school or facility. § 1412(a)(10)(C)(i). However, pursuant to 34 C.F.R.300.148, "if the parents of a child with a disability ... enroll the child in a private school, elementary school, or secondary school without the consent of a referral by the public agency, a court or a hearing officer may require the agency to reimburse the parents for the cost of that entirely if a court or hearing officer finds that the agency had not made FAPE available to the child in a timely manner prior to that enrollment and that the private placement is appropriate." "If a parent can show both that the IEP was inappropriate, and that the private placement was appropriate, she is entitled to reimbursement despite acting unilaterally. See *Town of Burlington v. Department of Ed. of Massachusetts*, 471 U.S. 359, 372- 73 (1996)." *Board of Education of Arlington Heights v. Illinois State Board of Education*. 35 IDEL 6, 101 LRP 131. (In a recent case involving unilateral placement at the same residential facility, Yellowstone, this Hearing Officer found that a district had not made a FAPE available, the IEP was inappropriate, the private placement was appropriate and accordingly the parents were entitled to reimbursement despite acting unilaterally. *Warren Township* 108 LRP 38284 (SEA IL 2007))

Reimbursement, however, can be reduced or denied if at the most recent IEP meeting that parents attended prior to the removal of the child from the school, the parents did not inform the school district they were rejecting the placement proposal by the public agency to provide FAPE to their child, including stating their concerns and their intention to enroll their child in a private school at public expense. 34 C.F.R.300.148. In this case, the Parents agreed with the proposed placement at the IEP but 20 days later gave notice of their intent to unilaterally place the Student in a private residential school.

The Parents unilaterally placed their child in [REDACTED] which is their right. However, in *Gill v. Columbia 93 School District*, 217 F.3d 1027 (8th Cir. 2000), the Court noted that "Parents who unilaterally decide to spend money on private education do so at the risk that they will not receive reimbursement for the cost," quoting *Fort Zumwalt Sch. Dist. V. Clynes*, 119 F.3d at 611-12. *Gill* at 1037. Parents are not entitled to reimbursement for the cost of a private education for a disabled student unless the school district has not offered a free appropriate public education and the private placement is appropriate.

This Hearing Officer has found that the Student's IEP developed by education experts will provide him educational benefit and accordingly no reimbursement to Parent for the private placement is required. Parents are not entitled to reimbursement for the cost of a private education for a disabled student unless the school district has not offered a free appropriate public education and the private placement is appropriate.

In the instant case, the District has offered an appropriate placement in the therapeutic day school, which

is a less restrictive environment than the residential placement. The Hearing Officer recognizes that the Parents did what they believed was best under very difficult circumstances and nothing in this decision implies an inappropriate motive on the part of the Parents. However, the Hearing Officer must determine the matter based on evidence to comport with the law regarding the District's responsibility. The evidence supports a determination that the District has met its burden in proving that the placement provides educational benefit to the Student in the least restrictive environment.

Parents have the burden of proof with respect to the request involving a denial of FAPE. The evidence supports a finding that the Parents have not met their burden of proof.

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CONCLUSIONS OF LAW

Based on the evidence, the Hearing Officer makes the following conclusions of law:

- I. The Hearing Officer may consider only those issues identified for this hearing pursuant to Sec. 14-8.02a of The School Code. 105 ILCS 5/14.
- II. The District's IEP was reasonably calculated to enable the Student to receive an educational benefit. *Hendrick Hudson Dist. Bd. of Education v. Rowley*, 458 U.S. 176 (1982).
- III. The District's eligibility and placement determination accorded with statutory guidelines. 223 Ill Admin. Code 226.130,160,190,240.
- IV. The private therapeutic day program meets the criteria for the Least Restrictive Environment for the Student. 20 U.S.C. Sec. 1412(a)(5)(A); 34 CFR 300.116.

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ORDER

The District is in compliance and Parents request for relief is denied.

RIGHT TO REQUEST CLARIFICATION: Either Party may request clarification of this decision by submitting a written request for such clarification to the 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. A copy of the request shall be mailed to the other parties and to the Illinois State Board of Education. The right to request such a 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.

FINALITY OF DECISION: This decision shall be binding upon the parties unless a civil action is commenced.

RIGHT TO FILE CIVIL ACTION: 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 105 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 was mailed to the party.

This Decision and Order entered November 1, 2008.

Ann Breen-Greco, Impartial Hearing Officer

**ILLINOIS STATE BOARD OF EDUCATION
IMPARTIAL DUE PROCESS HEARING**

[Redacted]

Student

vs.

Case No. 2008-0494

[Redacted]

School District

ANN BREEN-GRECO, Hearing Officer

CERTIFICATE AND AFFIDAVIT OF DELIVERY BY MAIL

The undersigned Hearing Officer certifies that she served copies of the aforesaid Decision and Order upon Parents and District, through counsel, and the Illinois State Board of Education at their stated addresses, through the United States Postal Service at Chicago, IL, by certified mail before 5:00 p.m. on November 1, 2008:

[Redacted]

[Redacted]

email

Due Process Coordinator
Illinois State Board of Education
100 North First Street
Springfield, IL 62777-0001

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Due Process Hearing Officer
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