

Case Number: 2014-0375

Hearing Officer: Michael Risen

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

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Impartial Due Process Hearing Decision Cover Page

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District Name [REDACTED] Phone: 708-755-7010
Superintendent [REDACTED]
Address [REDACTED]
Represented by [REDACTED]

Parent Name [REDACTED] Phone: 708-757-4085
Address [REDACTED]
Represented by [REDACTED]

Date and Timelines

Date of Written Request: 04/1/2014
Date of Pre-hearing Conf: 7/3/2014

Date of Hearing: 7/30/14 and 9/4 and 9/5/24
Date of Decision: 09/18/2014

Summary of Decision

Parent filed multiple complaints alleging eight distinct issues revolving around the District's failure to properly implement the Student's IEP as a transfer student. The District cross-filed a complaint to defend the efficacy of the District's evaluation of the Student. All three DPCNs were combined via IHO order under the Case No. 2014-0375. The District met their burden of proof on the cross-filed complaint and the IHO ruled in favor of the District and denied the Parent's request for an IEE. The preponderance of the evidence supported a ruling in favor of the Parent on Issues (i-v). The IHO ordered the District to conduct an IEP team meeting to develop an IEP that included (among other required components) a personal aide for the Student, speech articulation services, and a research based peer reviewed reading program for the Student. The preponderance of the evidence failed to support the Parent's allegations in Issues (v-viii) as the Parent failed to present any witnesses or documentary evidence in support of those three issues. As a result, the IHO ruled wholly for the District on Issues (v-viii). The IHO also noted for the record that the District presented substantial evidence that supported the District's July of 2014 IEP recommendation that the SPEED Cooperative's PAL program was appropriate for the Student. The IHO also noted for the record that the IHO would have ruled that the July 2014 IEP PAL program placement recommendation was appropriate for the Student had that been one of the issues in the DPCN. Since this was not a specific issue before the IHO, the IHO did not include in the Findings of Fact section any of the substantial evidence presented in support of the PAL program placement. However, the IHO believes it is important that this notation be made part of the record in order to make the most efficient use of the due process proceedings.

ILLINOIS STATE BOARD OF EDUCATION
SPECIAL EDUCATION DUE PROCESS HEARING

IN THE MATTER OF

[REDACTED]

v.

[REDACTED]

)
) **ISBE CASE NO. 2014-0375**
)
) **Michael Risen**
) Impartial Due Process
) Hearing Officer

FINAL DETERMINATION AND ORDER

BACKGROUND

The hearing involved a fifteen (15) year ten (10) month old male student. The Student's most recent IEP identified the Student's disabilities as intellectual disability. In a letter dated March 31, 2014, the Parents (Parent) filed the due process complaint notice (DPCN) for the Student. The ISBE appointed this impartial hearing officer (IHO) on June 20, 2014. The District filed the required response on April 8, 2014.¹ The appointed IHO has jurisdiction to hear and decide this matter under 105 ILCS 5/14-8.02a et seq., 23 Illinois Administrative Code §226,600 et seq., and the Individuals with Disabilities Education Act 20 USC 1400 (IDEA), and 34 CFR §300.507 et seq.

On May 23, 2014, the parties participated in mediation but failed to resolve any of the issues.

On May 28, 2014, the District (District) filed a DPCN to defend the District's evaluation of the Student after the Parent filed a request for an independent educational evaluation.² On May 31, 2014, the previous IHO issued a ruling consolidating the two DPCNs under the Case No. 2014-0375. On June 2, 2014, the Parent filed an amended complaint³ alleging, among other issues, the District failed to meet its Child Find obligations. On June 3, the previous IHO approved the Parent's Motion to consolidate

¹ See IHO exhibit 3.

² See IHO exhibit 23, p. 172.

³ See IHO exhibit 29.

the amended complaint with the two prior complaints filed by the Parent and District and consolidated the three complaints under the DPCN numbered 2014-0375. On June 10, 2014, the District filed the required response to the Parent's DPCN.⁴

On July 2, 2014, the IHO conducted and completed the PHC (PHC).⁵ During the recorded PHC, and memorialized in the PHC summary (which the parties agreed was accurate) that the Parties agreed to extend the 45 day timeline for rendering a decision to allow the filing of post-hearing briefs that were due on September 12, 2014 at 5:00 PM.

The IHO conducted the hearing on July 30, September 4 and 5, 2014. The Parent requested a closed hearing. [REDACTED], represented the District (District) and [REDACTED], represented the Parents (Parent).

The following witnesses testified: the Mother, [REDACTED] Special Education Division Coordinator (Coordinator), [REDACTED] Assistant Principal for Curriculum & Instruction and Assessment(API), [REDACTED] Special Services Guidance Counselor (Counselor), [REDACTED] Director of Student Services (Director), [REDACTED] Occupational Therapist (OT) for the SPEED Cooperative, [REDACTED] District Social Worker (DSW1), [REDACTED] District Speech and Language Pathologist (DSL), [REDACTED] District Social Worker (DSW2), [REDACTED] Physical Therapy Assistant (PTA) for SPEED, [REDACTED] Independent Clinical Psychologist (CP) contracted by the District, [REDACTED] Principal of SPEED Pal Program (Program for Adaptive Learning) (PAL P), [REDACTED] Special Education Teacher (SET1), [REDACTED] Special Education Teacher (SET2). The Mother

⁴ See IHO exhibit 33.

⁵ See IHO exhibit 61.

and [REDACTED] were also briefly recalled to testify as rebuttal witnesses. The IHO had a copy of the transcript when writing the decision.⁶

The Parent did not submit a list of witnesses or any documentary evidence. The District submitted two bound sets of documents numbered "SD1 thru SD 960." The IHO submitted exhibits 1-126 and numbered "ZR HO 1 thru ZR HO 526."

ISSUES

During the recorded PHC, the IHO and the parties discussed and clarified the following issues and proposed remedies: Did the District deny the Student a free appropriate public education (FAPE) by:

- i. Failing to implement the Student's transfer IEP from his previous District upon enrollment in the District;
- ii. Failing to adopt the IEP of the former school after being informed by the Parents of their satisfaction with the IEP as developed by District [REDACTED]
- iii. Failing to conduct an IEP team meeting to adopt the Student's current IEP as presented to the District by the Parents?
- iv. Failing to provide the Student with any specialized educational services after the Student enrolled;
- v. Failing to provide the Student with an appropriate IEP that includes:
 1. Appropriate goals and objectives addressing each of the Student's identified disabilities;
 2. An identified placement for the Student;
 3. A personal aide for the Student;
 4. An appropriate researched based methodology of instruction in reading for the Student;
 5. Parental participation;
 6. Identification of the Student as a Student with autism;
 7. Failing to evaluate the Student in all areas of the disabilities;
 8. Including all required participants, in particular, the speech and language pathologist.
- vi. Predetermining the Student's placement;
- vii. Failing to evaluate the Student in all areas of his disability;
- viii. Failing to provide the Student with an appropriate ESY placement during the summer of 2014.
- ix. Is the District's evaluation of the Student completed by [REDACTED]

⁶ Transcript references are listed in the footnotes as a "T" followed by a number 1, 2, or 3 indicating Day 1, 2 or 3 of the hearing (e.g., "T1 p. 15" would be transcript of day 1 on page 15). The IHO notes that the transcript provided for Day 2 of the hearing was somewhat incomplete in that the transcript included numerous instances of unreadable words included in the translation [e.g., see T2 p. 56 where the translation includes words like: "/PWROPB" and "TPHEUBGS."]

PhD., appropriate both in nature and degree?

PROPOSED REMEDIES

- ii. Should the Parent meet their burden of proof at the hearing, the Parent seeks the following as requested relief:
 - a. If the Parent meets their burden of proof at hearing, order the District to:
 - i. Conduct an IEP team meeting and Order the IEP team to develop a new IEP that includes:
 1. A personal aide for the Student;
 2. Speech goals that specifically address the Student's articulation deficits;
 3. A research based, peer reviewed reading program that provides reading instruction for the Student a minimum of 45 minutes per day;
 4. ESY at either [REDACTED] or [REDACTED] that provides a summer long, full day program;
 5. Order compensatory education for denial of FAPE since August 13, 2013 (Parent must specify the nature and degree of compensatory education requested).
 - b. If the District meets their burden of proof at the hearing on the single issue of the Parent's requested IEE, deny the Parent's request for an IEE.

FINDINGS OF FACT

All of the considered testimony and reviewed documents were the testimony of witnesses and documents presented by the District. The Parent failed to submit a witness list or documentary evidence by the close of the 5 business day deadline. After a review of the evidence presented at hearing, as well as the arguments of both parties, the IHO made these Findings of Fact:

- 1) On July 31, 2013, the Parent brought the Student and the Student's sister to the High School's regularly scheduled registration for the upcoming school year.⁷ The Parent

⁷ See T1 pp. 17-22. The IHO found this portion of the Coordinator's testimony to be less than candid and therefore not credible. The witness had documentary evidence that should have stimulated her memory. The witness appeared to have selective memory loss and her testimony deemed not credible whenever the Parent queried her about key facts related to the Student's registration. The witness either pled ignorance about the registration process or the witness indicated the witness could not remember basic facts about her interactions with the Student and Parent [e.g., could not remember if Student accompanied Parent to registration, could not remember if Parent came to school to register the Student and the Student's sister], the witness (a school district administrator) claimed she had no knowledge of the school's registration procedures. The Parent testified the elementary district provided her contact information for [REDACTED]. The Parent called the District and was told to register her children on July 30, 2013 and the Parent testified she attempted to do so as instructed on the day for freshman enrollment as given to the Parent during her phone call to the District. (See T2 pp. 7-8). It is also important to note that the Parent testified that the District promptly registered the Student's sister such that the sister started school on time the first day of school (See T2 p.12).

provided the Coordinator with a copy of the Student's April 22, 2013 IEP from the Student's previous school district and the Coordinator made a copy.⁸ The District registered the Student's sister during the scheduled registration process but only copied the Student's last agreed to IEP from the previous district.⁹ The Director agreed that the registration material provided by the Parent for the Student's sister should have been sufficient to also enroll the Student when the Parent presented the District with the Student's IEP.¹⁰ The Director also agreed that the District did not contact the Parent and suggest that there was information missing that was necessary to conclude the enrollment of the Student.¹¹

- 2) On August 1, 2013, the Coordinator indicated in an email to the Director: "Based on what I have read, [REDACTED] Program at [REDACTED] (K) can meet his needs."¹² The Director indicated in a response email that "[REDACTED]" told the Parent "to register him at district and it seems she didn't."¹³ In a response email, the Coordinator indicated: "I talked to her today and I shared with her based on the information in the IEP, the academic instruction and related services provided at [REDACTED] (sic), the [REDACTED] Program at [REDACTED] Cooperative is appropriate to meet his needs. I told her she would need to register at [REDACTED] district office located on 10th street, and she will need to register him at [REDACTED] also."¹⁴

⁸ See p. 352 and T1 p. 60.

⁹ See T1 p. 95.

¹⁰ See T1 p. 96.

¹¹ *Id.*

¹² See p. P352. [REDACTED] program stands for [REDACTED]

¹³ *Id.*

¹⁴ *Id.* The IHO notes this email content is inconsistent with the Coordinator's testimony. When questioned by the Parent if the Coordinator had told the Parent she would need to register at the [REDACTED] program, the Coordinator testified she had not. It was not clear why the District allowed the Student's sister to register on July 31, 2013 but the District did not allow the Student to register, but rather required the Student to register at the District office and the [REDACTED] program. The Coordinator also testified that the District's policy on transfer students with IEPs requires that the counselor review the IEP and then the counselor schedules an intake IEP meeting. The Coordinator further testified the District did not follow this policy for the Student because the Student was not registered at the District office and the Cooperative which the District requires by policy per the Coordinator's testimony. See T pp.27-29.

- 3) On August 21, 2013, twenty days later, the Coordinator contacted the Parent via phone and left a voice mail regarding program visitations at [REDACTED].¹⁵
- 4) On August 22, 2013, the Coordinator talked with the Parent and learned the Parent was waiting for a call from the [REDACTED] program staff. The Coordinator indicated that she left a message with the [REDACTED] principal to set up a tour for the Parent.¹⁶
- 5) On August 30, 2013, the Parent called the Coordinator seeking help scheduling a tour of [REDACTED]. The Coordinator scheduled the tour for September 6, 2013.¹⁷
- 6) On or about September 6, 2013, the Parent contacted the Coordinator and the Parent indicated that the Parent toured the [REDACTED] program and the Parent did not believe the [REDACTED] program could meet the Student's needs. The Coordinator agreed the Parent's concerns were not enough academics, not enough reading instruction, and the class size was too large.¹⁸ The Parent then attended a meeting with her husband and a school counselor. The Parent attended the meeting with the belief that arrangements had been made for the District to implement the Student's last IEP placement at [REDACTED] [REDACTED] Therapeutic Day School. The Parent learned the District did not intend to provide the [REDACTED] placement but rather wanted the Parents to tour two programs at [REDACTED] High School.¹⁹
- 7) On September 9, 2013, the District conducted a placement IEP for the Student.²⁰ The Coordinator agreed the District did not send out the required 10 day notice and did not have all required participants in attendance at the IEP placement meeting. Those attending included the Coordinator, the Parent, social worker, and the teacher from

¹⁵ See p. P. 354 and T1 p. 37-38.

¹⁶ See p. P357 and T1 p. 40.

¹⁷ See T1 p. 45.

¹⁸ See T1 p. 47.

¹⁹ See T2 pp. 21-23.

²⁰ See p. 359. Also see T1 p. 103.

the classroom toured by the Parents. The Coordinator acknowledged that the IEP team did not include a speech and language pathologist or an occupational therapist.²¹

8) On October 7, 2014, the Parent emailed the Superintendent of Schools. In the email, the Parent introduced herself and informed the Superintendent that the Student had an IEP for a placement at [REDACTED] Therapeutic Day School from his previous district. The Parent further described how she shared the IEP with the Coordinator, visited schools as directed by the administration, went to a “sit down” with the administration in September and shared the Parent’s concerns at that time. The Parent then complained in the email that the Parents had “made several attempts to find out what is going on with [the Student’s] education and haven’t heard back from anyone from district [REDACTED]. At this time [the Student] isn’t in school and is losing (sic) progression.”²² The Superintendent responded via email with a thanks for the contact and that “Dr. [REDACTED] Director of Student Services will give you a call.”²³ The Coordinator emailed the Superintendent to inform the Superintendent she had called the Parent “to schedule an IEP meeting for the purpose of continuing a discussion from the 9/10/13 IEP meeting.”²⁴ The Parent also sought the services of an advocate at this time.²⁵

9) On October 8, 2013, the District received the Parent’s advocate information but recorded the information as “Received parent attorney information.”²⁶ The

²¹ *Id.* Also see T1 p. 50. Additionally, the Parent provided uncontradicted testimony that she asked about registering the Student during this meeting and the District responded that they “we would get to it.” (See T2 p. 45).

²² See p. 362, T1 p. 66.

²³ *Id.*

²⁴ *Id.*, The IHO notes that the 9/10/13 IEP meeting referenced in the Coordinator’s email must have been the 9/9/13 email documented in the records as there was no evidence submitted of a 9/10/13 IEP meeting or referenced in any of the testimony.

²⁵ See T2 p. 26.

²⁶ See p. 361 of T1 p. 67.

Coordinator acknowledged that since her first contact with the Parent the Student did not receive services from the District up to this point in time.²⁷

10) On December 5, 2013, the Counselor and Social Worker met with the Parent and provided the Parent with the information needed to complete the Student's registration.²⁸ The District created an IEP team notice to be sent to the Parent regarding a scheduled IEP team meeting for December 16, 2013. The appointed district administrator did not sign the notice.²⁹

11) On December 6, 2013, the Coordinator received an email from a district secretary indicated the Parent failed to show up to register the Student and that the secretary did not send out an IEP team notice due to the Parent's failure to register the Student as planned.³⁰

12) On December 13, 2013, [a Friday afternoon] the Parent sent an email to the Coordinator asking about the IEP meeting agreed to for December 16, 2013.³¹

13) On December 16, 2013, the Coordinator responded and indicated the Parent needed to register the Student at [REDACTED] High School before the IEP team meeting could be conducted.³²

14) On December 17, 2013, the Student District officially registered the Student.³³

²⁷ See T1 p. 55 and T2 p. 28.

²⁸ See p. 365A and T1 p. 175-176.

²⁹ See p. 388a and T1 p. 71.

³⁰ See T1 p. 177.

³¹ See p. 372 and T1 pp. 68-69.

³² *Id.*

³³ See T1 p. 112. Also, the Parent provided uncontradicted testimony that the District held up the Student's registration due to a missing shot and the need for a utility bill to prove registration [despite the fact the District already registered the Student's sister]. Parent's uncontradicted testimony also indicated that the Parent informed the District the Student's doctor indicated his physical in July of 2013 was complete and his shots up to date. Parent's uncontradicted testimony indicated the District did not require any further action on her part regarding the missing shot information and the Parent provided the requested utility bill in January 2014. Once registered the District did not provide any services for the Student (See T2 pp. 31-34).

- 15) On December 20, 2013, the Coordinator informed the Director that the Coordinator left a voice mail for the Parent that the Coordinator would be out of the office until January 6, 2014 and included in the email dates and times for an IEP meeting.³⁴
- 16) On December 30, 2013, the Parent emailed the Coordinator stating: I been waiting patiently on getting a date for my son ... to get enrolled for the second time. I have provided everything that was need to register him again. Here we are going into another year and still haven't resolved this matter, is there someone else that I need to speak to?³⁵
- 17) On January 8, 2014, the Parent sent a follow-up email to the Coordinator and referenced her December 16, 2013 email and noted that to date she had not heard back from the District.³⁶
- 18) On January 9, 2014, the Coordinator responded with 5 possible dates beginning with January 13, 2014 and ending with January 23, 2014. The Coordinator directed the Parent to respond back to the Coordinator's secretary with the Parent's choice. There was not any mention of the registration issue in the email.³⁷ The Parent responded promptly and selected January 21, 2014 and asked the District to send a notice to her advocate as well.³⁸ The District prepared a 10 day notice of an IEP scheduled for January 21, 2014. Again, the appointed district administrator did not sign the notice.³⁹
- 19) On January 16, 2014, the Parent emailed the Coordinator with a message that she had a concern regarding the District's attorney attending the IEP meeting. The Parent asked that the IEP meeting be rescheduled to January 23, 2014 to allow the Parent's

³⁴ See p. 374 and T1 p. 69.

³⁵ See p. 375 and T1 p. 70.

³⁶ See p. 377 and T1 p.70.

³⁷ *Id.*

³⁸ See p. 378 and T1 p. 70.

³⁹ See p. 388b and T1 p. 71.

attorney to attend as well.⁴⁰ In an email exchange between the Director and the Coordinator, the District confirmed the change of meeting as requested by the Parent.⁴¹

20) On April 1, 2014, the District conducted a second IEP team meeting to review the Student's April 22, 2013 IEP from the previous District and to review the proposed placement of the Student at [REDACTED] Therapeutic Day School.⁴²

21) On April 23, 2014, the District conducted another IEP team meeting to complete the domain meeting for the Student. During the IEP team meeting, the District set up home bound instruction for the Student to be conducted one hour each day at [REDACTED] High School.⁴³ The District also provided OT services during this time.⁴⁴ The District did not provide the Student with transportation and the Parent had to transport the Student.⁴⁵ The District provided transportation for ESY 2014.⁴⁶

22) On April 29, 2014, the Occupational Therapist conducted an evaluation of the Student.⁴⁷ The OT concluded the Student required OT services that included movement breaks and IPAD activities. The OT report recommended the OT services focus on the Student's visual motor integration skills, manual dexterity and bilateral coordination skills.⁴⁸

⁴⁰ See p. 379 and T1 p. 70.

⁴¹ See p. 388f and T1 pp. 71-2.

⁴² See pp. 390-391 and T1 p. 72. The Director acknowledged that the District failed to provide services to the Student from the date of registration in December to the April 1, 2014 IEP meeting [See T1 p. 113].

⁴³ See T1 p. 72-73.

⁴⁴ See T1. P. 58.

⁴⁵ See T2 pp. 37-38. The Parent continued to provide homebound transportation for the Student during the progression of the DPCN See T2 pp. 38-39.

⁴⁶ See T2 p. 46).

⁴⁷ See pp. 678-683.

⁴⁸ See t T2 pp. 61-63.

23) On May 2, 2014, the District completed a PT assessment conducted by the District's PTA.⁴⁹ The OT recommended adaptive PE for the Student but did not recommend direct OT services.⁵⁰

24) On May 20, 2014, the Parent had Dr. [REDACTED] complete an IEE for the Student.⁵¹

25) On May 21, 2014, the District contracted with a CP to conduct a full psychological assessment of the Student.⁵² The CP completed the assessment of the Student consistent with the domain meeting conducted on April 23, 2014.⁵³ The CP completed the Wechsler Intelligence Scale for Children IV (WISC IV) and determined the Student had a Verbal Comprehension score of 47, Perceptual Reasoning of 45, Working Memory of 50, Processing Speed of 50 and a full scale intelligence quotient of 40 (FSIQ).⁵⁴ The CP also completed the Wechsler Individual Achievement Test III (WIAT) and determined the Student scored a <40⁵⁵ in six of the 8 subtests and scored a 69 in Receptive Vocabulary and a 59 in Expressive Vocabulary.⁵⁶ The CP also completed the Adaptive Behavior Assessment II (ABA II) and determined the Student scored a composite in the .1 (one tenth) percentile. The Parent and a teacher completed the ABA II and the CP determined the Student's adaptive behaviors were the same at home and school.⁵⁷ As a result of the low FSIQ and low Adaptive Behavior score the CP indicated the Student's diagnosis as intellectual disability (ID). The Diagnostic and Statistical Manual V (DSM V) used

⁴⁹ See pp. 640-643. The IHO notes that the assessment is marked draft. The OT testified the assessment served as the final OT assessment and the stamp of "draft" on the document pages was not accurate.

⁵⁰ *Id.*

⁵¹ See p. 759 and T2 p. 145.

⁵² The IHO notes that at the time of the assessment, the CP did not know the Student had just completed an IEE the day before [See T2 p. 145].

⁵³ See testimony of Dr. [REDACTED] at T3 p. 122. See the report on pp. 647-657. The IHO also notes that the IHO found the testimony of Dr. [REDACTED] to be informed and credible.

⁵⁴ See p. 649 and testimony of Dr. [REDACTED] at T2 p. 126-127.

⁵⁵ <40 indicates the Student scored so low that a precise measure cannot be achieved but certainly performed below a pre-kindergarten level on the six subtests including Pseudoword Decoding, Word Reading, Reading Comprehension, Math Problem Solving, Numerical Operations and Essay Composition.

⁵⁶ See p. 653.

⁵⁷ See CP testimony at T2 pp. 129-130 and p. 654.

to determine whether a student has an ID requires that the student demonstrate low scores on the WISC IV and the ABA II.⁵⁸ The CP also conducted an assessment for attention deficit hyperactivity disorder (ADHD) and completed the Gilliam Attention Deficit Hyperactivity Disorder Test (GADHD). The Parent and a teacher also complete this assessment. The Student's indicators on the GADHD were different at home than when the Student participated in the school setting. The CP concluded that the ADHD symptoms displayed by the Student were more consistent with the Student's low intellectual functioning and severe memory deficits than with ADHD.⁵⁹ Finally, the CP conducted a review of the Student's records to complete an assessment for Autism. The CP noted that a previous assessment completed by the Children's Hospital and Health System in Wisconsin reflected a belief that the Student's autistic behaviors were more associated with the Student's intellectual functioning and the report concluded that with his level of cognitive functioning these would not be unusual behaviors and they would not cause them to think that this was a person with autism."⁶⁰

26) On July 21, 2014, the District conducted an IEP team meeting and reviewed the psychological assessment completed by the CP. The IEP Team also reviewed Dr.

⁵⁸ *Id.* The IHO notes that the CP also pointed to an IEE completed by Dr. [REDACTED] on p. 759-762 that included the WISC IV and resulted in a FSIQ of 40. Additionally, the CP discussed that the June 2, 2011 IEP from Elim also reviewed a psychological report that indicated a FSIQ of 40 (see p. 157).

⁵⁹ See T2 p. 131.

⁶⁰ See T2 p. 133 and pp. 95-98. Testimony revealed the District agreed to make a secondary eligibility determination of autism at the request of the Parents but staff who testified did not believe the Student was a student with autism.

██████████'s IEE, the Parent's independent evaluator.⁶¹ The IEE completed by Dr.

██████████ included a FSIQ of 40 and this corroborated the Dr. ██████████'s results.⁶²

CONCLUSIONS OF LAW

27) Based upon the above Findings of Fact, the arguments of counsel, as well as this Hearing Officer's own legal research, this section includes the Conclusions of Law as it relates to the issues identified. The First four issues are interrelated and are so interconnected by the facts in the case that the IHO decided to deal with all four issues as a related group:

- i. "Failing to implement the Student's transfer IEP from his previous District upon enrollment in the District;
- ii. Failing to adopt the IEP of the former school after being informed by the Parents of their satisfaction with the IEP as developed by District #151'
- iii. Failing to conduct an IEP team meeting to adopt the Student's current IEP as presented to the District by the Parents?"
- iv. Failing to provide the Student with any specialized educational services after the Student enrolled."

A. The Parent alleges that the District failed to officially register the Student after the Parent presented the Student for registration during the District's designated date for freshman registration. The Parent alleges that the Parent also registered the Student's sister on the same day and that the registration material accepted for the sister should also have been sufficient for registration for the Student. Further the Parent alleges that the District received the Student's IEP from the Student's former district when the Parent presented the IEP to the District's Coordinator and

⁶¹ See T2 p. 159-160 and the IEP beginning on p. 951. The IHO notes that the Parent did not call the independent evaluator, Dr. ██████████, as a witness. The Parent disclosed the witness as a potential witness at the PHC but then failed to disclose as Dr. ██████████ as a witness by the 5 business day deadline and did not call Dr. ██████████ as a witness during the scheduled three days of the hearing.

⁶² See p. 762 and T2 p. 148. [The IHO notes that the CP's testimony includes the CP agreed that the Student's severe memory deficit made absence from school or special education services "very harmful." The CP responded yes when asked: "So not only would it be harmful for him to be out of school during the summer, but a delay from August to even January of not getting services would be harmful, wouldn't it?" (See T2 p. 165).

the Coordinator made a copy of the IEP upon presentation. Thus the Parent alleges the District failed to either implement the Student's transfer IEP, failed to adopt that IEP when the Parent informed the District that the Parent approved the IEP developed by the Student's previous District, that the District failed to conduct an IEP team meeting to adopt the Student's transfer IEP as presented to the District by the Parent when the Parent registered the Student, and that the District failed to timely provide the Student with comparable services during the interim period when the District and Parent were wrangling over enrollment and other disagreements.

B. The District argues the blame for any delays is solely the responsibility of the Parent. The District alleges that the Parent had a fixed purpose and "lost interest in registration and in the IEP process." The District further argues that the Parent failed to enroll the Student until December 2013 and subsequently cancelled IEP team meetings in an effort to force the District to agree to the Parent's preferred placement at [REDACTED]. Indeed, courts have ruled that when parents engage in obstructionist or non-cooperative behaviors the parent may end up forfeiting the parent's claims.⁶³

C. Neither the IDEA nor the Part B regulations address a district's obligation to provide services to a student who transfers over the summer. However, the ED has noted that each district must have an IEP in place for each resident student with a disability at the start of the school year. As such, districts must have a way of determining whether students who move during the summer have disabilities under the IDEA and, if so, ensuring that those students have IEPs in place at the

⁶³ See *Patricia P. v. Bd. Of Educ. Of Oak Park and River Forest #200*, 31 IDELR 211 (7th Cir. 2000); See Also *J.J. v. Dist of Columbia*, 56 IDELR 93 (D.D.C. 2011)., and *Los Angeles Unified Sch. Dist.*, 48 IDELR 231 (SEA CA 2007).

start of the school year.⁶⁴ Federal regulations also require districts to take “reasonable” steps to *promptly* [emphasis added] obtain the child’s records...⁶⁵

D. However, Illinois regulations are specific regarding students with an IEP who transfer during the summer between school districts. The Illinois regulations include:

- a. Once the receiving district receives a copy of the student’s IEP either before or at the time of enrollment, the district may adopt the IEP as presented without a meeting if the parents indicate their satisfaction with the transfer IEP, or the district determines the transfer IEP is appropriate and can be implemented as written. Illinois regulations do not differ between students transferring during an academic year and students transferring over the summer.⁶⁶
- b. If the district does not adopt the IEP, the district must send the parent a notice within 10 days of the student’s enrollment that stipulates the proposed IEP meeting date; additionally, the district must provide the student with comparable services while the IEP is under development.⁶⁷
- c. In no case shall a child be allowed to remain without services during this interim.⁶⁸
- d. Illinois regulations also require “The new district shall request the student’s records from the sending district or school by the end of the next business day after the date of enrollment.”⁶⁹ Further, OSEP has indicated that the transferring and receiving districts and the SEA have an ongoing

⁶⁴ 71 Fed. Reg. 46,682 (2006).

⁶⁵ See 20 US 1414(d)(2)(C)

⁶⁶ See 23 IL Admin Code, §226.50(a)(1)(A).

⁶⁷ *Id.*,(B).

⁶⁸ *Id.*,(2)(A).

⁶⁹ See IL Admin Code §225.50(a)(2)(B).

obligation under Part B of the IDEA to ensure timely transmission of records so the student continues to receive FAPE.⁷⁰

e. Finally, in matters alleging procedural violations as argued by the Parent, a hearing officer may find that a child did not receive a FAPE only if the procedural violations:

- i. Impeded the child's right to a FAPE;
- ii. Significantly impeded the parent's opportunity to participate in the decision-making process regarding the provision of a FAPE to the parent's child; or
- iii. Caused a deprivation of educational benefit.⁷¹

E) The crux of the four alleged procedural violations listed in the Parent's issues (i)-(iv) rests with the answer to the questions of when the Student enrolled, which party has the responsibility to effect the enrollment of the Student, what obligations the District had to provide for the Student's enrollment and what obligations the Parent had to enable the District to effectively implement the enrollment of the Student in a timely fashion. The Parent presented uncontradicted evidence that the Parent attempted enrollment on July 31, 2013 during the District's designated time to enroll freshman students.⁷² The Parent and District agree that the Parent enrolled the Student's sister on July 31, 2013 and presented the Student for enrollment utilizing the same personal information as presented for the Student's sister.⁷³ In addition, the Parent and District agree that the Parent presented, and the District made a copy, of the Student's transfer IEP from the Student's

⁷⁰ See *Letter to Anonymous*, 25 IDELR 525 (OSEP 1996)

⁷¹ See 20 U.S.C. § 1415(f)(3)(E); 34 C.F.R. § 300.513(a)(2).

⁷² See *Supra* Note 7.

⁷³ See *Supra* Notes 7-9.

most recent annual review completed in April of 2013 by the Student's former district.⁷⁴ After receiving the Student's transfer IEP (though not for 20 days), the District made arrangements for the Parent to visit programs provided by the SPEED cooperative that the District's Coordinator deemed appropriate for the Student.⁷⁵ The Parent's efforts to visit the recommended programs were further delayed due to communication issues caused by the SPEED program principal's delay in responding to the Parent with available dates for visitation.⁷⁶ The Parent's tour of the recommended programs occurred 30 days after presenting the Student's IEP to the District.⁷⁷ Further, the District presented evidence and testimony that the District conducted an IEP meeting for the purpose of determining the Student's placement in September of 2013, although the District failed to send out the required 10 day notice or have all of the required participants present for the IEP meeting.⁷⁸ Instead of either adopting the Student's transfer IEP or providing comparable services for the Student while creating a new IEP for the Student, the District offered the Parents a tour of two programs at ██████████ High School that the District Coordinator recommended for the Student.⁷⁹ The Parents toured the programs that day and expressed their lack of satisfaction for the proposed placements.⁸⁰ The District made no contact with the Parent for approximately 30 days when the Parent emailed the Superintendent seeking his assistance in early October.⁸¹ It was also at this time that the Parent sought the services of an advocate.⁸² At this point, 69 days had transpired since the Parent first attempted enrollment for the Student and presented the District with the Student's IEP from his former District. The Student's sister attended school from the

⁷⁴ See *Supra* Note 8.

⁷⁵ See *Supra* Notes 15-17.

⁷⁶ See *Supra* Note 16.

⁷⁷ See *Supra* Note 18.

⁷⁸ See *Supra* Notes 20-21.

⁷⁹ See *Supra* Note 19.

⁸⁰ See *Supra* Note 18.

⁸¹ See *Supra* Note 8.

⁸² See *Supra* Note 25.

first day of the year, the Student had yet to receive services of any type, and the District had neither adopted the transfer IEP or developed a new IEP. After the October contact, the evidence indicates the District had no further contact with the Parent until early December and then by mid-December, 104 days after the Student first presented for enrollment and the Parent provided the District with the Student's IEP, the District officially enrolled in the Student.⁸³ Once officially enrolled, the District took another 23 days before sending the Parent a 10 day notice for an IEP team meeting on January 9, 2014 to be held on January 16, 2014.⁸⁴ While the evidence is clear that the Parent caused that IEP team meeting to be cancelled, the damage had already been done in terms of the District's failure to meet its obligations under the IDEA and Illinois regulations.⁸⁵ Additionally, the Parent possesses a 10th grade education and had been trying diligently for several months to secure enrollment and services for the Student.⁸⁶ As a result, the Parent sought legal assistance and the January IEP cancellation by the Parent was due to a request from the Parent's attorney's office.⁸⁷ After the cancelled January IEP meeting, the District allowed another 75 days to pass before conducting the Student's IEP team meeting on April 1, 2014, fully eight months after the Student first presented for enrollment and provided the Student's IEP to the District.⁸⁸ The Parent testified the Parent made every effort to enroll the Student on July 30, 2013 and the District offered no explanation as to why the Student was not enrolled when first presented for enrollment on July 30, 2013.⁸⁹ Further, it is disingenuous for the District to argue that the Parent shoulders the blame for the delay in services because the Parent allegedly failed to enroll

⁸³ See *Supra* Notes 29-33.

⁸⁴ See *Supra* Notes 34-39.

⁸⁵ See *Supra* Note 42.

⁸⁶ See T3 p. 83.

⁸⁷ See *Supra* Note 40.

⁸⁸ See *Supra* Note 41-42.

⁸⁹ See *Supra* Note 7.

the Student. The District cannot just brush off or deflect the District's obligations to enroll the Student in a timely manner.⁹⁰ The Parent presented the Student on July 30, 2013. The Parent provided the District with the Student's IEP on that same day. The District copied the IEP and scheduled program visits for the Parent. Once the Student presented for enrollment, Illinois and Federal regulations are clear that the District bears the responsibility to secure all necessary records from the previous district that are necessary for enrollment and provision of special education services.⁹¹ Further, based upon the actions of the District, the Parent had every right to believe the Student had been enrolled in the District on July 30, 2013. The Student's sister began classes on time, the District offered programs for the Parent to tour and conducted what the District itself referred to as an IEP placement meeting in early September (both in testimony and emails). The Parent provided uncontradicted testimony that the District never told her why the Student was not registered on registration day in July 2013 and provided uncontradicted testimony that the information the District maintained was missing for finalizing enrollment was in fact not actually required.⁹² Federal regulations require the District to *promptly* [emphasis added] take reasonable steps to secure the Student's records. Illinois regulations are even more clear and require districts to seek a transferring student's records by the close of the next business day after the student enrolls. Thus, Illinois regulations require that the District contact the previous district for the student's records by July 31, 2013. The District failed the Student on so many levels. The District failed to assist the Parent and Student with the enrollment process when the Parent presented the Student for enrollment on the date and time specified for freshmen students to enroll. The District enrolled the Student's sister but indicated without

⁹⁰ See *Supra* Notes 67-69.

⁹¹ *Id.*

⁹² See *Supra* Note 33.

explanation that the Parent had to return and register at the District office and then also enroll at the ██████ program. At the very least, this suggests the District may have predetermined the Student's placement at the ██████ program without the benefit of an IEP team review of the presented IEP. Certainly the District failed to follow the expectations of the IDEA and Illinois regulations when the Student presented for enrollment on July 30, 2013 and it took the District until December 17, 2013 to officially enroll the Student. During the interim, the District failed the Student by not adopting either the existing IEP or providing the Student with comparable services during the first semester. On this point, Illinois regulations are very clear: "In no case shall a child be allowed to remain without services during this interim."⁹³ The Parent provided sufficient evidence that the District failed to meet this requirement for the eight months that transpired between the enrollment attempt on July 30, 2013 and the first completed IEP team meeting on April 1, 2014. It was not until the April 23, 2014 IEP team meeting that the District finally provided homebound services to the Student.⁹⁴ The homebound services did not begin until the final month of the school year. For all of these reasons, the IHO rules that the Parent met their burden of proof on issues (i.-iv.) and rules wholly for the Parent on these four procedural violations. Further, the IHO rules that failing to follow these procedural requirements denied the Student a FAPE since the procedural violations resulted in no services for the Student for eight months after the Parent first provided the District with the Student's transfer IEP. As a result the District clearly impeded the Student's right to a FAPE and failed to provide the Student with any opportunity for educational benefit.

28) Issue (v.) states: "Failing to provide the Student with an appropriate IEP that

⁹³ See *Supra* Note 68.

⁹⁴ See *Supra* Note 43.

includes:

1. Appropriate goals and objectives addressing each of the Student's identified disabilities;
 2. An identified placement for the Student;
 3. A personal aide for the Student;
 4. An appropriate researched based methodology of instruction in reading for the Student;
 5. Parental participation;
 6. Identification of the Student as a Student with autism;
 7. Failing to evaluate the Student in all areas of the disabilities;
 8. Including all required participants, in particular, the speech and language pathologist."
- A) The purpose of the IDEA is to provide a "cooperative process" between parents and schools, and a central component of this collaboration is the IEP process.⁹⁵

The IEP is the cornerstone of the IDEA that sets forth the FAPE that is offered to a child with a disability who is eligible to receive special education and related services under the IDEA.⁹⁶ The failure of an IEP to address a child's educational needs will likely result in a denial of FAPE.⁹⁷ As described by the U.S. Supreme Court, the IEP is a comprehensive statement of the educational needs of a child with a disability and the specially designed instruction and related services a district will employ to meet those needs.⁹⁸ The IDEA defines an IEP as "a written statement for each child with a disability that is developed, reviewed, and revised in a meeting in accordance with 34 CFR 300.320 through 34 CFR 300.324."⁹⁹ Among other requirements, an IEP must include a statement of the child's current educational performance, articulate measurable educational goals,

⁹⁵ *Schaffer v. Weast*, 44 IDELR 150 (U.S. 2005).

⁹⁶ See 34 §CFR 300.17.

⁹⁷ See *Forest Grove Sch. Dist. v. T. A.*, 52 IDELR 151 (U.S. 2009).

⁹⁸ *Burlington Sch. Comm. v. Massachusetts Dept. of Educ.*, 556 IDELR 389 (U.S. 1985).

⁹⁹ See §34 CFR 300.22.

and specify the nature of the special services that the district will provide.¹⁰⁰ A district's obligation to provide FAPE to a student with a disability is satisfied when the district provides the student with the personalized educational program necessary to allow the child to derive an educational benefit from that instruction. In other words, the FAPE requirement of the IDEA demands *access* to educational opportunity only, not the specific *achievement* of educational results.¹⁰¹ The IDEA does not require that an IEP document conform to any specific length or format as long as the IEP meets the content requirements of 34 CFR 300.320. An IEP must include:¹⁰²

1. A statement of the child's present levels of academic achievement.
2. A statement of measurable annual goals, including academic and functional goals.
3. A description of how the child's progress toward meeting the annual goals will be measured.
4. A statement of the special education and related services and supplementary aids and services to be provided to the child.
5. An explanation of the extent, if any, to which the child will not participate with nondisabled children in the regular class and in the extracurricular or other nonacademic activities.
6. A statement of any individual appropriate accommodations that are necessary to measure the academic achievement and functional performance of the child on state- and districtwide assessments.
7. The projected date for the beginning of the services and modifications along

¹⁰⁰ See §34 CFR 300.22 ; and 34 CFR 300.320 (a).

¹⁰¹ See *Board of Educ. of the Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 553 IDELR 656 (U.S. 1982).

¹⁰² See 34 CFR §300.320

with the anticipated frequency, location, and duration of those services and modifications.

8. Appropriate, measurable postsecondary goals and the services needed to reach those goals.
9. Not later than one year before the child reaches the age of majority under state law, a statement that the child has been informed of the child's rights under the IDEA with regard to the rights of the child in reaching the age of majority.

The District did not complete an IEP until April 1, 2014. While the completed IEP met the foregoing requirements, the completion of the IEP came a eight months after the Student presented for enrollment and provided the District with a copy of the Student's transfer IEP. As discussed in section (27) herein, the District's efforts were too late to meet the procedural requirements prescribed by the IDEA, Illinois Statutes, and the Court. The Court in *Rowley* provided a two prong test for determining when a District provides a child a FAPE. First, did the District follow the rules of the IDEA, State statutes and regulations, and second, did the District provide the child with an IEP that was reasonably calculated to provide educational benefit.¹⁰³ When making the determination of a FAPE, the IHO must first look to prong one of the *Rowley* test, and as described in section (27) of this decision, the District failed the first prong on every level. As a result, the IHO rules for the Parent on Issue (v.) and determines the Parent met their burden of proof that the District failed to provide the Student with an appropriate IEP.

- 29) Issues (vi-viii) included: Predetermining the Student's placement; Failing to evaluate the Student in all areas of his disability; and Failing to provide the Student

¹⁰³ See *Supra* Note 70.

with an appropriate ESY placement during the summer of 2014. The Parent failed to present any evidence or elicit any testimony that addressed these three issues. As a result, the IHO rules that the Parent failed to meet their burden of proof and rules in favor of the District on Issues (vi – viii).

30) The burden of proof for the final issue belongs to the District. The District cross-filed a DPCN to defend the efficacy of the evaluation that the District completed for the Student. The issue read: Is the District's evaluation of the Student completed by Alan Long, PhD., appropriate both in nature and degree?

A) The IDEA defines "evaluation" to mean the procedures used to determine whether a child has a disability and the nature and extent of the child's need for special education and related services. Those procedures must comport with the requirements set forth at 34 CFR §300.304 through 34 CFR §300.311 and 34 CFR §300.15. An evaluation under the IDEA serves two purposes: identifying students who need specialized instruction and related services because of an IDEA-eligible disability; and helping IEP teams to identify the special education and related services the student requires.¹⁰⁴ The IDEA distinguishes between initial, or pre-placement evaluations and reevaluations of students who already are receiving special education and related services under the IDEA.¹⁰⁵ The former refers to the first evaluation, while the latter refers to the follow-up or repeat evaluations that occur throughout the course of the student's educational career. The evaluation conducted by the District should meet the requirements of the IDEA's definition of a reevaluation. The key components required by the IDEA when students are evaluated include:

¹⁰⁴ See 71 Fed. Reg. 46548 (2006).

¹⁰⁵ See 34 CFR §300.301 and 34 CFR §300.303,

- a. The district must examine whether the child continues to have such a disability, and the educational needs of the child.
- b. A district must also examine whether the child continues to need special education and related services.
- c. A district must examine whether any additions or modifications to the special education and related services are needed to enable the child to meet the measurable annual goals set out in the IEP of the child and to participate, as appropriate, in the general education curriculum.¹⁰⁶

B. The District completed a full case study evaluation of the Student by Dr. [REDACTED] [REDACTED] Ph.D. on May 21, 2014. The evaluation determined the Student continued to be eligible for special education services as a student with an intellectual disability. The District determined the Student continues to require special education and related services and reviewed the evaluation at the IEP meeting on July 21, 2014 and developed measurable goals and objectives based upon the results of the evaluation completed by Dr. [REDACTED]. Dr. [REDACTED] provided test results from the WISC IV, WIAT III, ABA II, and GADHD.¹⁰⁷ The evaluation also included a review of previous evaluations completed for the Student and a review of the IEE the Parent had completed.¹⁰⁸ This comparison of evaluations of the Student revealed findings similar to the evaluation completed by Dr. [REDACTED].¹⁰⁹ As a result, the IHO rules that the District's evaluation as completed by Dr. [REDACTED] met the requirements of the IDEA and therefore the District met their burden of proof on this issue. The IHO rules in favor of the District on Issue ix.

ORDER

Based upon the above Findings of Fact and Conclusions of Law, it is hereby ordered:

The IHO rules that the preponderance of the evidence supported a ruling in favor of the

¹⁰⁶ See 34 CFR §300.305 (a)(2)(i)(B); 34 CFR §300.305 (a)(2)(iii)(B); and 34 CFR §300.305 (a)(2)(iii)(iv).

¹⁰⁷ For a more detailed discussion of the evaluation and test results, see section 25 of this decision.

¹⁰⁸ See *Supra* Notes 58-61.

¹⁰⁹ *Id.* [The IHO notes this comparison of results also corroborated the findings of Dr. Long.

Parent on Issues i-v. The Parent failed to meet their burden of proof on Issues vi-vii. The District met their burden of proof on Issue ix. As a result of the Parent prevailing on Issues i-iv, the IHO orders the following relief:

1. By October 22, 2014, the District is ordered to conduct an IEP team meeting and develop a new IEP for the Student. In addition to including the IDEA requirements normally required for an IEP,¹¹⁰ the District must also include:
 - a. A provision for a personal aide for the Student for the remainder of the 2014-15 school year;
 - b. Speech goals that specifically address the Student's identified articulation deficits;
 - c. A research based peer reviewed reading program that provides reading instruction for the Student a minimum of 45 minutes per day.
2. By 5:00 PM on October 23, 2014, the District must provide a copy of the new IEP [including the provisions listed in (1)(a-c) above] to:

Mr. Andy Eulass, Due Process Coordinator
ISBE, Due Process
100 N. First Street
Springfield, IL 62777

The District may file a digital copy with Mr. Eulass at aeulass@isbe.net. The District should then follow up with a paper copy of the new IEP.

3. While the Parent did not seek any form of relief related to placement of the Student, other than for ESY of 2014, placement was a definite area of disagreement that was very evident in the testimony during the hearing. The Parent's Issue (v) alleged the District predetermined placement but the Parent failed to meet their burden of proof on the predetermination issue. Since the Parent failed to meet their burden of proof, the IHO has no authority to issue an order relative to placement and therefore leaves the placement determination up to the IEP team that must meet by October 22, 2014 and develop an IEP for the Student that will implement Order #1 above.¹¹¹

¹¹⁰ See *Supra* Note 102.

¹¹¹ The IHO notes for the record that the District presented substantial evidence that supported the District's July of 2014 IEP recommendation that the ██████████ Cooperative's ██████████ program was appropriate for the Student. The IHO also notes for the record that the IHO would have ruled that the July 2014 IEP PAL

4. The Parent also sought compensatory education as a remedy. During the July 2, 2014 recorded PHC, the IHO directed the Parent to submit to the District and the IHO details of the requested compensatory education. As noted in an August 1, 2014 ruling,¹¹² the Parent failed to comply with both the PHC summary directive from the IHO, the agreed to 5 business day disclosure, and the Parent failed to provide any response to the IHO's July 23, 2014 inquiry regarding compensatory education. Thus, the Parent's request for compensatory education as a form of relief at the conclusion of the hearing was stricken. Had the Parent complied with the directives and responded to the IHO's inquiry, the IHO would have awarded compensatory education as a result of the Parent prevailing on half of the issues in the DPCN.

NOTICE OF RIGHT TO REQUEST CLARIFICATION

Pursuant to 105 ILCS 5/14-8.02a(h) either party may request clarification of this decision by submitting a written request to the Hearing Officer within five (5) days of receipt of the 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 all other parties and the Illinois State Board of Education, Program Compliance Division, 100 North First Street, Springfield, IL 62777. The right to request 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.

NOTICE OF RIGHT TO APPEAL

This is the final administrative decision in this matter. Pursuant to 105 ILCS 5/14-8.02a(i), any party aggrieved by this Hearing Officer Determination may bring a civil action in any state court of competent jurisdiction or in a District Court of the United

program placement recommendation was appropriate for the Student had that been one of the issues in the DPCN. Since this was not a specific issue before the IHO, the IHO did not include in the Findings of Fact section any of the substantial evidence presented in support of the PAL program placement. However, the IHO believes it is important that this notation be made part of the record in order to make the most efficient use of the due process proceedings.

¹¹² See IHO Exhibit 108.

States without regard to the amount in controversy within one hundred and twenty (120) days from the date the decision is mailed to the party.

IT IS SO ORDERED:

Dated: September 18, 2014

/s/ D. Michael Risen

Impartial Hearing Officer
222 E Surrey Lane, East Peoria, IL 61611
mikerisen@msn.com
309-694-4864 phone 309-694-2995 Fax

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the Final Determination and Order was sent via electronic mail as an attached PDF file, and 1st class USPS, certified mail, return receipt, and directed to:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
@: [REDACTED]

And

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
@: [REDACTED]

And

Mr. Andrew Eulass, Esq., Due Process Coordinator
@: aeulass@isbe.net

On September 18, 2014

/s/ D. Michael Risen

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