

therapeutic day schools by September 19, 2014, and (8) the Parents and Student would meet with two therapists for counseling [REDACTED] and counseling would begin when a therapist was chosen.

The therapeutic day schools were determined by the Parents to be either unsuitable for [REDACTED] or unavailable.

Following the Mediation Agreement, a number of attempts were made to hold a Pre-hearing Conference in this matter. However, the attempted Pre-hearing conferences ended up being status conference calls in which the Parents reported that they were talking with attorneys and were considering retaining counsel, and, in addition, time was spent during the calls explaining the pre-hearing and hearing process to the Parents. Extensions of time were granted to allow the Parents more time to prepare and to make a decision as to whether they were going to hire counsel.

In an Order dated November 12, 2014, I granted the Parents leave to file an amended due process hearing complaint. The amended complaint was submitted in the body of an email message dated December 8, 2014. The timelines in the case were not recommenced because in my judgment the issues were not substantially different than the issues previously raised by the Parents, but were just stated more fully and clearly.

The Pre-hearing Conference was held on December 9, 2014. The hearing date was established as February 4, 2015. A Pre-hearing Order was issued on January 2, 2015. On January 21, 2015, I issued an Order following a status conference call that changed the hearing dates to February 11, 13, and 17, based on the availability of the hearing officer, School District's counsel, and the Parents, and taking into consideration school holidays.

On January 29, 2015, following a request by the School District's counsel and my Order of January 21, 2015, the Parents submitted by email message a revised statement of their requested relief.

Prior to the hearing date of February 11, 2015, the Parents failed to meet the 5-day disclosure deadline, which had been established as February 4, 2015. I held a conference call with the parties on February 9, 2015, and gave the Parents until that evening to send their documents and witness list to counsel for the School District and to send their lists to me via fax or email. I also ordered that the hearing would begin on February 13, 2015, instead of February 11, 2015. The Parents made their disclosures on February 9, 2015 as ordered.

The hearing took place at the School District's administrative offices on February 13, 2015 and February 17, 2015. This was a closed hearing. [REDACTED] his Parents and his sister were present during the entire hearing. District representatives were its counsel and the Director of Special Education for the School District. A list of hearing participants and witnesses is provided in Appendix I.

JURISDICTION

This hearing officer has jurisdiction under 20 U.S.C. 1415, 34 C.F.R. 300.507, and 105 ILCS 5/14-8.02a.

ISSUES

1. Does the School District's proposed placement of [REDACTED] in a therapeutic day school offer him a free appropriate public education (FAPE) in the least restrictive environment?
- 2.. Does the IEP developed for [REDACTED] offer a FAPE to address his academic, behavioral and other needs related to his disabilities?
3. Did the Parents establish by a preponderance of the evidence that the School District committed procedural violations and, if so, did such violations impede [REDACTED] right to a FAPE or result in a deprivation of educational benefit?

FINDINGS OF FACT

After considering the evidence and the arguments of the parties, I make the following findings of fact:

1. [REDACTED] is a 17 year-old third-year high school student. He will turn 18 on November 16, 2015.
2. [REDACTED] lives with his parents and two sisters and is a resident of the School District.
3. He is very athletic and enjoys sports, especially ice hockey. (Testimony of [REDACTED] and other witnesses).
4. He is sociable, polite, and a positive presence in the classroom when he is focused and engaged.. (Testimony of [REDACTED] and Dr. [REDACTED]).
5. He wants to continue to play hockey and go to college. (Testimony of [REDACTED])
6. There have been a number of instances in which [REDACTED] has engaged in inappropriate conduct in school, some resulting in short out-of-school suspensions. Some of this behavior has been considered threatening in nature (Testimony of Dr. [REDACTED] [REDACTED]). However, I find that [REDACTED] is not a danger or a threat to himself or others, and that his inappropriate behaviors are a manifestation of his ADHD, and also stem from his frustration over his lack of academic progress. (Testimony of Parents, [REDACTED] [REDACTED] and Dr. [REDACTED]).
7. [REDACTED] has at least average cognitive abilities, and in some areas such as verbal comprehension his abilities are at the high average level. (School District Exhibit #17). He "is a bright and engaging student who has potential to participate productively in his community." (Dr. [REDACTED] School District Exhibit #17, p. 274.).

8. [REDACTED] has severe learning disabilities and ADHD. (See, e.g., District's Exhibit #14, p. 197, and the testimony of the Parents, Dr. [REDACTED], and several teachers including [REDACTED] and [REDACTED]). He became aware of his reading problems around the 5th grade. (Testimony of [REDACTED]. According to his mother, [REDACTED] was having learning difficulties in the first grade and an IEP was written. He was in regular classes until the 6th grade.
9. His learning disabilities have a significant impact on his ability to read, and to do mathematical calculations. (Testimony of [REDACTED] and [REDACTED]). His working memory is also significantly impaired. (School District Exhibit #17; testimony of Dr. [REDACTED].
10. His reading comprehension is about at the 3rd grade level and has regressed somewhat since the end of the 2013-14 school year. (Testimony of Ms. [REDACTED]). His reading comprehension abilities are significantly delayed because of fluency and decoding problems. (Testimony of Ms. [REDACTED]). His reading deficiencies interfere with his ability to successfully participate in general education courses. (Testimony of [REDACTED] and [REDACTED]).
11. [REDACTED] ADHD affects his study skills, attention, and his ability to make appropriate behavioral choices (School District's Exhibit 18, p. 287).
12. [REDACTED] also has a history of sports-related concussions starting in the 7th grade. He is under the care of a neurologist and has had medical restrictions on his participation in sports and physical education. (Parents' Exhibits pp. 2-7.)
13. [REDACTED] tardiness and poor attendance, particularly early in the school day, have contributed greatly to his lack of academic progress. (School District Exhibit #21; testimony of [REDACTED] and others). For example, he dropped a first period Geography class during the second semester of his sophomore year because he missed 66 out of 87 days. (Testimony of [REDACTED]).
14. This student has made minimal educational progress during high school. Three months from the end of his third year he has earned only 9.5 of 22 credit hours required for graduation. (School District Exhibit #19). In two years he has earned three Bs and one of those was in physical education. He has three Cs and the rest of his grades are Ds and Fs. Two of his 9.5 credit hours were earned by passing tutorial classes (a credited study period) that were graded on a pass-fail basis. (School District Exhibit #19.).
15. All of [REDACTED] classes except for physical education have been modified for students with learning disabilities. He has also been in the "[REDACTED]" program for students with behavioral issues.
16. During the entire 2014-15 school year, [REDACTED] has been receiving non-credit tutoring after school at [REDACTED] in reading and in math. The math tutor went on maternity leave and the math tutoring ended on January 5, 2015. The math tutor offered to continue, but was available in the early evening when [REDACTED] had another commitment. (Testimony of [REDACTED] and [REDACTED]).
17. Ms. [REDACTED] is his reading instructor. Ms. [REDACTED] has had [REDACTED] as a student in her literacy classes and seems to have an excellent understanding of his reading abilities and learning style. She is also familiar with accommodations and modifications for students with reading disabilities and has utilized some of the

- educational software and other assistive technology for students with reading disabilities. (Testimony of Ms. [REDACTED]).
18. The 2014-15 tutoring program was part of the Mediation Agreement. After the Parents were unable to identify a therapeutic day school that they believed to be appropriate or available for [REDACTED] the non-credit tutoring service was not discontinued.
 19. The School District has not conducted an assistive technology evaluation to determine the devices, programs, materials and strategies that would be appropriate to meet [REDACTED] educational needs. (Testimony of Ms. [REDACTED]). There have been classroom modifications and accommodations for [REDACTED] such as untimed tests, the reading of tests, the opportunity to tape class sessions, and other strategies designed to address his ADHD. In addition, various programs and strategies have been utilized by Ms. [REDACTED] and Ms. [REDACTED] in their classes to address or compensate for his reading disabilities, and he used a calculator in Mr. [REDACTED] math classes. [REDACTED] has a strong attachment to his cell phone, which has been a problem in his classes and with some teachers. However, Ms. [REDACTED] utilized a teaching methodology that allowed the students to answer questions by texting with cell phones. Ms. [REDACTED] a former classroom aide, testified that she volunteered some of her time to work one-on-one with [REDACTED] and he benefited from her assistance. However, there has not been a systemic and coordinated utilization of assistive technology for [REDACTED] based on a comprehensive assistive technology evaluation.
 20. The transition plan for [REDACTED] consists of the following: (a) The February 4, 2014 IEP pages 206-207 (School District Exhibit #14) refers to academic assistance and accommodations through a tutorial teacher, transition and social work services, enrollment in a consumer education class and access to a guidance counselor to provide assistance in course selection and access to college and career resource center; (b) The May 30, 2014, IEP (School District Exhibit #15) p. 240 is titled "Secondary Transition" and refers to "Age-Appropriate Transition Assessments". Page 240 shows certain assessments conducted by staff from [REDACTED] and [REDACTED], the special education cooperative serving the School District, in 2013 and 2014. The listed assessments include Parent/Student interviews, Aviator Assessment, grades and teacher comments, Standardized Assessments PLAN, and a Parent/Student survey. The listed outcomes on p. 240 address employment ("join the army and become a ranger, investigate interests in becoming a fireman or welder,) post-secondary education (through the military, trade school or two-year college setting), post-secondary training (investigate two trade school or apprenticeship programs in areas of interest), and independent living (will live independently and be responsible for daily adult tasks (finances, health, transportation, etc.)). Also listed is a proposed course schedule for his four years of high school. There was no testimony about the transition plan or assessment except a brief reference to page 240 by Ms. [REDACTED]. There is no transition assessment report in the record. The transition plan lacks baseline information about [REDACTED] current levels of performance in the outcome areas and does not have measurable goals and benchmarks.

21. In regard to placement, the School District is recommending a therapeutic day school placement. I find that an educational placement that serves a cross-categorical group of students that includes students with significant behavioral or emotional disorders would be inappropriate for [REDACTED]. His primary disabilities are severe learning disabilities and ADHD. His behavioral indiscretions are manifestations of his ADHD and his frustration due to a history of very poor academic progress. He needs behavioral supports and counseling, but he also needs a low distraction learning environment. He would benefit from some opportunities to be educated with non-disabled peers who are successful in school. On the other hand, he needs intensive instructional support, modifications and accommodations. There is little detail in the record about any of the therapeutic day schools offered to the Parents. However, Dr. [REDACTED] who is part of the private school placement team, testified that the populations of the recommended therapeutic day schools are mixed and include some students with behavioral or emotional disorders. I find that those schools are inappropriate for [REDACTED]. There were two schools mentioned by Dr. [REDACTED] and Ms. [REDACTED] as serving mainly students with learning disabilities, [REDACTED] and [REDACTED]. According to [REDACTED], the Parents recommended [REDACTED] to the School District. Dr. [REDACTED] testified that when she checked with [REDACTED] it was not available. [REDACTED] is in [REDACTED], about a 50-60 minute commute, and its availability has not been explored. (Testimony of Dr. [REDACTED] and Ms. [REDACTED]).
22. The Parents made several allegations concerning procedural violations. For example, they alleged that the School District failed to ensure that all of [REDACTED] teachers were informed of the accommodations and modifications in his IEP. Testimony was offered by Mr. [REDACTED], [REDACTED]'s former case manager, that he and a previous case manager emailed the accommodations page of the IEP to all of the teachers, placed copies in the teachers' mailboxes and informed the teachers of how they could access the full IEP. The teachers who testified stated that they were made aware of the IEP accommodations for [REDACTED]. I find that the School District met its responsibility to inform teachers of [REDACTED] IEP accommodations.

The Parents also claimed that they did not participate in the May 30, 2014, IEP meeting because the School District failed to establish a mutually convenient time and date for the meeting. The record shows that there was a meaningful and substantial attempt on the part of the [REDACTED] supervisor in the [REDACTED] special education department, to arrange a mutually convenient date and time for the meeting with the Parents by phone and e-mail. (Testimony of [REDACTED] [REDACTED] School District Exhibit #33). Accordingly, I find that the School District did not violate the Parents' rights with respect to the scheduling of the May 30, 2014, IEP meeting.

Other procedural issues mentioned by the Parents were either unsubstantiated by the evidence, unrelated to special education and related services for [REDACTED] or inconsequential with respect to the provision of FAPE and the issue of placement. Accordingly, those matters are not factors in deciding this matter.

CONCLUSIONS OF LAW

Standard of Proof

The standard of proof in impartial special education due process hearings under IDEA is preponderance of the evidence. 20 U.S.C. 1415(i)(2)(C)(iii). Under this standard, the party seeking relief must establish that the fact sought to be proved is more probable than not.

Free Appropriate Public Education

A local educational agency is responsible for providing a student with a disability a free, appropriate public education (FAPE). 20 U.S.C. 1412(a)(1), 1413(a)(1). A FAPE consists of specialized instruction and related services that are individually designed to provide educational benefit to the student with a disability. *Board of Education of the Hendrick Hudson Central School District v. Rowley*, 458 U.S. 176, 102 S.Ct. 3034(1982). To offer FAPE the student's IEP "must respond to all significant facets of the student's disability, both academic and behavioral". *Alex R. ex rel. Beth R. v. Forrestville Valley Community Unit School District No. 221*, 375 F.3d 603 (7th Cir. 2004).

Under the Illinois School Code, in a special education due process hearing the school district is required to present evidence that the special education needs of the student have been appropriately identified and that the program and related services proposed to meet the needs of the student are adequate, appropriate and available. 105 ILCS 5/14-8.02a(g-55).

In this case the preponderance of the evidence shows that the School District has not provided and is not currently proposing to provide a FAPE to [REDACTED]. The School District's evaluations and independent assessments obtained by the Parents have appropriately identified [REDACTED] disabilities. However, despite having average to high average intelligence, this student's poor grades and lack of academic progress are substantially attributable to inappropriate educational and related services. The School District has implemented some accommodations and modifications of course material and instructional methods. Some teachers such as Ms. [REDACTED] and Ms. [REDACTED] have had some success with [REDACTED] using assistive technology. They have also provided behavioral interventions, some positive and some punitive in nature. They have tried, unsuccessfully, to address his tardiness and attendance problems.

The impact of [REDACTED] disabilities on his academic progress has not been addressed appropriately. He clearly requires more intensive academic interventions, including a one-one aide, and systemic and consistent modifications, accommodations and supports in each class. He requires a case manager or IEP team coordinator who has expertise in learning disabilities, particularly reading disabilities, and who has knowledge and

understanding of the types of instructional aids and assistive technology services and devices available to assist [REDACTED] so that he can learn subject matter commensurate with his abilities. [REDACTED] and [REDACTED] of the [REDACTED] staff, or someone with comparable qualifications and experience, would be qualified to serve in the role of case manager for [REDACTED]

He also needs to continue to receive individualized reading and math instruction in an effort to remediate his deficits in those areas as much as possible.

He continues to need accommodations for his ADHD that take into consideration his reading disability. These should continue to include reading tests to him, untimed tests, the use of auditory instruction and materials, organizational aids and supports, preferential seating, and, as mentioned, his own aide. As I noted on the hearing record, [REDACTED] sat quietly and calmly through sixteen hours of hearing over a period of two days taking notes without becoming agitated, anxious, fidgety or distracted. This was an indication to me that when he is interested and engaged he has the ability to attend and stay focused.

A behavioral intervention plan should be part of [REDACTED] IEP, but it should focus more on positive supports and cognitive therapy or counseling rather than punitive consequences. A more appropriate program of academic instruction and intensive interventions to address his learning disabilities will hopefully address some of his inappropriate behaviors including tardiness and unexcused absences.

A FAPE for [REDACTED] should be implemented through an IEP that is an appropriate and individualized transition plan. 34 C.F.R. 300.43; 105 ILCS 5/14-8.03. At age 17 his post-secondary transition plan should be a priority. The transition plan must address academic and functional achievement. 105 ILCS 5/14-8.03(a). The School District's current transition plan lacks specific measurable goals and benchmarks, is not based upon a comprehensive transition assessment, and does not include a blue print showing how [REDACTED] will complete his high school credit requirements and graduate. 20 U.S.C. 1414(d)((1)(A)(II) and (III).

This school year the School District has provided 4 hours a week of non-credit tutoring in reading and math to [REDACTED]. The math tutoring ended on January 5, 2015. I realize that this was part of an interim Mediation Agreement, but once it was clear that the Parents were not going to be able to identify a therapeutic day school to which they would send [REDACTED] and that [REDACTED] would attend, a for-credit in-school program should have been provided for [REDACTED]

Placement

The School District is required to educate students with disabilities, to the maximum extent appropriate, with children who are not disabled, and to use special classes, separate schooling or remove them from the regular educational environment only when the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. 20

U.S.C. 1412(a)(5)(A). There is no formal test to apply in determining whether the School District has met this least restrictive environment (LRE) requirement. Each student's situation is unique. Beth B. v. Van Clay, 282 F.3d 493(7th Cir. 2002).

In this case, [REDACTED] has a significant reading impairment that impedes his educational progress. He does have average and in some areas high average intelligence. He has a tendency to get behind in his school work to the point where catching up is unlikely. The School District has proposed a therapeutic day school placement. However, the record lacks sufficient information about any of the therapeutic day schools suggested to the Parents that would allow me to make an informed decision as to the appropriateness of any of the schools. As my findings state, I do not believe it would be appropriate for [REDACTED] to attend a school that has a lot of distractions or one that is not focused on students with severe learning disabilities and the teaching methodologies, aids and supports they need to succeed. The record fails to show that a therapeutic day school for students with learning disabilities is available for [REDACTED] at this time.

Accordingly, the least restrictive appropriate educational placement option for [REDACTED] at this time is [REDACTED]. He should be placed in special education classes with students primarily with learning disabilities and with minimal distractions. He should not be placed into the [REDACTED] program, which serves students with behavioral problems. To improve his self-esteem and attitude toward school (and hopefully his attendance) he should be given the opportunity to take at least one academic course in the regular education curriculum, in addition to physical education, with all of the instructional supports he needs to address his learning disabilities and ADHD. He should be given the opportunity to participate in school activities, including sports, if his grades are sufficient and he obtains the necessary medical clearance.

Compensatory Education

An award of compensatory services is an equitable remedy that may be awarded to students and parents under IDEA. Minor T.G. v. Midland School Dist., 848 F. Supp.2^d 902(C.D. Ill. 2012). The Seventh Circuit has not established an analytical approach for determining an award of compensatory services under IDEA. However, our District Courts have adopted a qualitative rather than a quantitative approach to an award of compensatory services, following Reid v. District of Columbia, 401 F.3d 516(D.C. Cir. 2005). See, e.g., Petrina W. v. Chicago Public School Dist. 299, 2009 WL 5066651(N.D. Ill. 2009); and Minor T.G.

The quantitative analysis uses a rote formula for determining compensatory services awards based upon the period of time the student is denied a FAPE. Mary T. v. School Dist. of Philadelphia, 575 F.3d 235(3rd Cir. 2009). The qualitative approach favored by Reid and followed in Petrina W. and Minor T.G. emphasizes a flexible approach that focuses on the individual needs of the student rather than a mechanical calculation of hours.

[REDACTED] is very far behind in his academic work and has poor grades. His program for 2014-15 has been exclusively tutoring for no credit. He has a lot of ground to make up. He

also needs a significant amount of reading and math remediation. Accordingly, I am ordering specific compensatory services as described in my Order. I am also ordering two evaluations that have not been done to date I find to be necessary and appropriate for determining some of the services and supports [REDACTED] will need going forward.

ORDER

It is hereby ordered as follows:

1. [REDACTED] shall be placed in [REDACTED] within 5 days of the receipt of this Order.
2. Upon his return to [REDACTED] the School District shall immediately conduct an evaluation of [REDACTED] present levels of academic achievement in order to determine base line levels for the purpose of developing measurable individualized goals and benchmarks in academic areas and to identify where he stands in comparison to the general education curriculum for his grade and age. The evaluation of present academic achievement levels shall be completed and shared with the IEP team, including the Parents and [REDACTED] prior to the IEP meeting described in #3.
3. An IEP meeting shall be convened within 10 school days after the date this Order is received to revise his IEP based upon the evaluation of [REDACTED] present levels of academic achievement and other relevant information. The revised IEP for [REDACTED] shall include the following:
 - (a) A schedule that includes for-credit academic classes at [REDACTED] for students with learning disabilities;
 - (b) Individualized instruction in accordance with the goals and benchmarks developed based upon his present levels of academic achievement;
 - (c) The designation of an [REDACTED] case manager with training, knowledge and experience in reading disabilities who has some understanding of and experience in the use of assistive programs, devices and services for students with severe reading disabilities, such as Ms. [REDACTED] or Ms. [REDACTED] or another teacher with these qualifications;
 - (d) Accommodations and modifications to address his disabilities that include preferential seating and minimization of distractions, untimed tests, a distraction-free environment for taking tests; reading tests to him; extra time to turn in assignments; using primarily auditory learning and materials such as recorded books; the use of a calculator for math, and of other assistive technology with which he has had some success in the past;
 - (e) the continuation of individual school social work services of a minimum of 50 minutes per week to address behavioral and emotional needs and school attendance problems,
 - (f) a behavioral management plan that focuses more on individualized and positive behavioral supports and interventions rather than on punitive consequences;
 - (g) a daily check-in, check-out system with either the school social worker or the IEP case manager;

- (h) placement and participation (subject to medical clearance) in regular physical education;
- (i) the opportunity to select one regular education elective class for the remainder of the current school year, and consideration for adding another mainstream classroom at the beginning of the 2015-16 school year;
- (j) consideration, with the input of [REDACTED] his Parents, the IEP case manager, the school social worker and other appropriate staff, of ways to make him feel positive about himself and the high school by giving him opportunities to use his leadership skills in appropriate and helpful ways at the school;
- (k) Weekly written, verbal or email progress reports by the IEP case manager to the Parents.

4. The School District shall provide a one-on-one aide for [REDACTED] commencing upon the implementation of the revised IEP under #3 of this Order. The aide's responsibilities will be stated in his IEP and will include assistance in staying focused and on-task in class, helping him to understand course material, working with him individually and in study hall so that he is organized and prepared for classes and stays current with his class assignments and homework, using repetition and other instructional methods and devices as provided in the IEP and under the supervision of the IEP case manager, and working cooperatively with the Parents, social worker, teachers and IEP manager. The aide will not be used to do [REDACTED] school work for him or to "shadow" or oversee [REDACTED] during the entire school day such as between classes or during lunch, except to the extent it is deemed necessary for behavioral reasons.
5. The School District will ensure that all teachers and other personnel involved in providing educational and related services to [REDACTED] shall be informed by his IEP case manager of the IEP services he is to receive. His accommodations, modifications, individualized instructional strategies and supports shall be provided systemically and consistently in each class and throughout his school day.
6. After [REDACTED] returns to [REDACTED] and before his revised IEP and class schedule is implemented, he will be allowed to participate in a Literacy class, a remedial math class, regular physical education if he has medical clearance, and a study hall period. He will also continue to receive individual tutoring in reading comprehension/literacy and math (see #7). A less than full school day is permissible until the revised IEP is in place.
7. As compensatory educational services, the School District will provide 4 hours of individual tutoring to [REDACTED] each week at LHS or at another mutually agreed upon location. The tutoring shall include reading comprehension/literacy for 2 hours per week and math for 2 hours per week unless the parties agree on a different allocation of the 4 hours. The tutoring will be provided through the end of the 2014-15 school year, for 8 weeks in the summer, and throughout the 2015-16 school year. A mutually agreeable schedule will be worked out between the

School District, the tutors, [REDACTED] and his Parents. These services shall be provided in the revised IEP.

8. [REDACTED] shall be provided extended school year services this coming summer that will include the opportunity to enroll in for-credit summer courses and/or to complete the work necessary to earn credits in the classes he will be placed in following the revision of his IEP under #3. His IEP will be implemented in the provision of extended school year services. These services shall be provided in the revised IEP.
9. Within 30 days from the date this Order is received, the School District shall schedule an independent assistive technology evaluation for [REDACTED] at the expense of the School District to assess and recommendations regarding the appropriateness and availability of assistive technology devices, programs and services to address [REDACTED] specific learning disabilities, ADHD and post-secondary transition needs.
10. Within 30 days from the date this Order is received, the School District shall schedule an independent post-secondary transition skills assessment for [REDACTED] that will include an evaluation of his academic, vocational, employment, post-secondary education, community living and independent living skills in relation to his ability to make a successful transition after high school. Upon the completion of the assistive technology and post-secondary transition evaluations, an IEP team meeting shall be convened to consider the findings and recommendations and any changes to the IEP/Transition Plan.

The Parents and the School District are strongly encouraged to work cooperatively to ensure [REDACTED] educational success. If his attendance, tardiness and failure to complete assignments continue to interfere with his educational progress, even with the implementation of this Order, I urge the parties to work together to determine appropriate interventions and strategies and, if necessary, to consider other placement options consistent with this Order.

Pursuant to 105 ILCS 5/14-8.02a(h), the District shall (a) submit evidence of compliance with Items #1-8 of this Order to the Illinois State Board of Education no later than 45 days after the date of receipt of this Order, and (b) submit evidence of compliance with Items #9 and #10 of this Order to the Illinois State Board of Education within 60 days of the date of receipt of the Order.

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

to the Illinois State Board of Education, Program Compliance Division, 100 North First Street, Springfield, Illinois 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's determination may bring a civil action in any State court of competent jurisdiction or in a District Court of the United 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.

DATE: February 26, 2015

[REDACTED]

Philip C. Milsk, Hearing Officer

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

FAX: [REDACTED]

[REDACTED]

CERTIFICATE OF SERVICE

I, Philip C. Milsk, Impartial Hearing Officer in the above-captioned matter, hereby certify that I served a true and correct copy of the foregoing Final Decision and Order upon the following persons by certified mail in accordance with section 14-8.02a(h) of the Illinois School Code on February 27, 2015:

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Andy Eulass
Illinois State Board of Education
Division of Special Education
100 N. First Street
Springfield, IL 62777-0001

[REDACTED]
[REDACTED]
[REDACTED]

Philip C. Milsk