

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

STUDENT¹,

Student,

Case No: 2021-DP-0063

v.

Janet K. Maxwell-Wickett,
Impartial Hearing Officer

██████████ SD ██████,

School District.

FINAL DETERMINATION AND ORDER

JURISDICTION

The undersigned has jurisdiction over this matter pursuant to the Individuals with Disabilities Education Act (IDEA), 20 U.S.C §1400 *et seq.* and the Illinois School Code, 105 ILCS 5/14-8.02a *et seq.*

BACKGROUND

The Student is a 9-year-old, female who is a 4th grade student in a structured special education classroom in a district school. She qualifies for special education services under the disability categories of specific learning disability (SLD) and speech language impairment (SLI) pursuant to an eligibility and IEP meeting held on May 17, 2018. The Student has been eligible for special education services since early childhood, November 2016. However, Parents revoked consent for special education services during the Student's kindergarten and 1st grade school years. The Student exhibits deficits in academic, cognitive, adaptive and emotional functioning

¹ Personal identification information is provided in Appendix A.

in the school setting; a moderate-severe language disorder with significant weaknesses in receptive and expressive language; and fine motor deficits. She requires related services in the areas of speech language, occupational therapy, and social work. The Student is currently attending a structured special education program, Instructional Support Program (ISP), at a district school. This is a self-contained special education classroom designed to support students with moderate to severe disabilities. The program focuses on math, literacy, and life skills support. The Student has inclusion time with general education peers during lunch, recess, music, art, physical education, science, social studies, library, assemblies, and class parties. During her second and third grade school years, the Student attended an Academic Life Skills Program (ALSP) at a district school which is part of the District's special education cooperative.

Parents maintain the following: The Student was denied a free and appropriate public education (FAPE) when she was placed in the District special education cooperative's Academic Life Skills Program (ALSP) for her second and third grade school years, 2018-2019 and 2019-2020. Parents request that compensatory education in the form of retention of the Student in the third grade for an additional school year, 2020-2021, be awarded. (IHO Exhibit #1.)

The Parents filed a due process hearing request on November 13, 2020. (IHO Exhibit #1.) The District filed its response to same on November 23, 2020. (IHO Exhibit #4.) The parties participated in resolution session on December 1, 2020 and in mediation on December 16, 2020. However, they were unable to resolve the outstanding issues. (IHO Exhibit #11.)

The parties jointly requested a continuance of the 45-day deadline on January 11, 2021 to accommodate witness availability and the agreed upon dates for the Due Process Hearing. The requested continuance was granted for good cause shown pursuant to this Hearing Officer's order dated January 11, 2021. (IHO Exhibit #12.) The Prehearing Conference was completed on

January 7, 2021 and the Due Process Hearing was set by agreement for January 26 & 28, 2021.

The decision due date is set for February 16, 2021. (IHO Exhibit #11, 12.)

The Parents opted for a closed hearing. The Due Process Hearing was held on January 26 & 28, 2021. Parents, Mr. [REDACTED] and Mrs. [REDACTED], represented themselves *pro se*. Ms. [REDACTED] and Ms. [REDACTED] of [REDACTED] represented the District. The parties presented their individual witnesses.² The Parents did not present any exhibits and none were admitted into evidence. The District presented the following Exhibits (SD): #1-16 which were admitted into evidence. There were no Joint Exhibits presented. The Hearing Officer's Exhibits were: IHO Exhibits # 1-21. Parents submitted an oral closing statement and written outline thereof. Parents did not provide any caselaw or citations to same to support their position. The District submitted an oral closing statement, a written outline thereof, and provided citations to the case law relied upon.

ISSUES

The issue raised by the Parents, including the relief requested, and the response of the District, present the following issues, defenses and requested relief for determination by this Hearing Officer:

(a) Whether the Student was denied FAPE when she was placed in the District special education cooperative's Academic Life Skills Program for her second and third grade school years.

Parents maintain that the Student was inappropriately placed in the District cooperative's Academic Life Skills Program during her second and third grade school years thus denying her a FAPE.

The District maintains that, at all times in question, the Student was provided a FAPE and that placement in the District cooperative's Academic Life Skills Program for the Student's second and third grade school years was appropriate.

Parents request the following relief:

² Witnesses presented by both parties are identified in Appendix A.

- a. Order the District to provide compensatory education in the form of retaining the Student in the third grade for an additional year in her current ISP, structured classroom program.

FINDINGS OF FACT

This Hearing Officer did not have the benefit of a transcript with respect to the testimony heard when writing this decision. Therefore, the following is based upon this Hearing Officer's personal notes and recollection. This Hearing Officer carefully considered the testimony of all witnesses presented and all documents introduced and admitted into evidence, whether or not specifically referred to or cited, when making her final determination. After considering all the evidence, as well as the arguments of both District counsel and Parents, this Hearing Officer's Findings of Fact are as follows:

1. The Student is a 9-year-old female who is currently a 4th grade student at a District school in the Instructional Support Program (ISP). She qualifies for special education services under the disability categories of specific learning disability (SLD) and speech language impairment (SLI) pursuant to eligibility and IEP meetings on May 17, 2018, May 10, 2019, and May 11, 2020. (Testimony of SED³, OT⁴, SPED1⁵, SPED2⁶, PSY⁷; SD # 1-3, 5, 7-8.)

³ SED is the District Special Education Director. She has been so employed for the past 10 years. She holds a Bachelor of Science Degree, Master of Education Degree in School Psychology. She holds General Administrative and Director of Special Education Endorsements and is licensed in the State of Illinois. (Testimony of SED; SD #16, p. 226.)

⁴ OT is an Occupational Therapist with the District. She holds a Bachelor of Science Degree in Occupational Therapy. She has been employed by the North DuPage Special Education Cooperative (NDSEC) for the past 11 years and is licensed as a school OT by the Illinois State Board of Education (ISBE). (Testimony of OT; SD #16, p. 235.)

⁵ SPED1 is a special education teacher licensed in the State of Illinois. She holds a Bachelor's Degree in Education and a Master's Degree in Educational Leadership. She is employed by the North DuPage Special Education Cooperative (NDSEC) in the Academic Life Skills Program (ALSP) and has been so employed for the last 19 years. (Testimony of SPED1; SD #16, p. 224.)

⁶ SPED2 is the Student's current special education teacher. She has been a special education teacher for more than two years with the District. She holds a Bachelor of Science Degree in Education and an LBS1 credential. She is licensed to teach in the State of Illinois by ISBE. (Testimony of SPED2; SD #16, p. 227-228.)

⁷ PSY is the school psychologist and has been employed in that capacity for 9 years. She has been employed by the District for four years. She holds a Bachelor's Degree in English – Secondary Education, a Master's Degree in

2. She exhibits difficulties in reading fluency, reading comprehension, written expression, listening comprehension, oral expression, math concepts and application, speech/communication, fine motor skills, and functional performance. The Student requires related services in the areas of speech language, occupational therapy, and social work. (Testimony of SED, OT, SPED1, SPED2, PSY; SD #1-3, 5, 7-8.)
3. The Student attends the Instructional Support Program (ISP) which is a self-contained special education program. However, she participates with general education peers during lunch, recess, music, art, physical education, science, social studies, library, assemblies, and class parties. (Testimony of GE⁸, SED, SPED1, SPED2; SD #1-3, 5, 7-8.)
4. The Student has been enrolled in and regularly attending a District school since pre-kindergarten. (Testimony of SED, PSY, OT; SD # 1-3, 5, 7-8.)
5. Parents revoked consent for special education services for the Student during the second half of her kindergarten school year and her entire 1st grade school year. (Testimony of SED, OT, SPED1, PSY; SD# 9-11.)
6. An evaluation for special education services was undertaken at the end of the Student's first grade school year when the Student's teacher indicated that she was discrepant from her peers in literacy and self-help skills. (Testimony of PSY; SD #8.)
7. The Student has a full scale IQ of 80 which is in the low average range and indicates that academic tasks are more challenging for her than for her peers. She requires repetition and

School Psychology, an Ed.S. in School Psychology. She has completed coursework to obtain her BCBA credential. She holds an Illinois type 73 license. (Testimony of PSY; SD #16, p. 230-231.)

⁸ GE was the Student's 2nd grade general education teacher. She has been employed by the District in that capacity for six years and is currently teaching 1st grade. She holds a Bachelor of Science Degree in Elementary Education and a Master's Degree in Educational Technology and Curriculum. She is licensed to teach in the State of Illinois. (Testimony of GE; SD #16, p. 229.)

practice in order to gain skills. She has deficits in working memory, processing speed, verbal comprehension, and visual spatial concepts. (Testimony of PSY; SD #8.)

8. Academic testing revealed deficits in reading – letter and word recognition, phonological processing, nonsense word decoding; math – concepts and application and computation; and writing – written expression and spelling. Math is a relative strength for the Student with writing being her weakest area. The results of the Student’s academic testing are commensurate with her cognitive profile. (Testimony of PSY; SD #8.)

9. The Student has extremely low/low adaptive skills in all domain areas: Conceptual Domain – behaviors needed to communicate with others, apply academic tasks and manage and accomplish tasks; Social Domain – behaviors needed to engage in interpersonal interactions, act with social responsibility, and use leisure time appropriately; Practical Domain – behaviors needed to address personal and health needs, take care of home, classroom and work settings and function in a community. She requires explicit instruction in all areas – making friends, asking questions, speaking to peers. She has difficulty taking initiative, following others without having to ask, asking for help based upon a given result. She has difficulty getting materials ready, transitioning between activities, asking for help, being able to listen to and follow directions. (Testimony of PSY; SD #8.)

10. The Student requires explicit instruction in life skills, is significantly below peers in reading, writing and math. She is capable of learning and making progress but at a much slower rate than her peers. She needs more repetition and practice to learn and retain skills. She has difficulty socializing, functionally communicating in and out of class, being a leader. She has difficulty with study skills and executive functioning skills. The Student is capable of learning but requires interventions beyond the scope of general education. (Testimony of PSY; SD #8.)

11. The Student has deficits in fine motor integration, fine motor precision, manual dexterity, eye-hand coordination and copying. (Testimony OT; SD #8.)

12. The Student has a moderate-severe language disorder which impacts her ability to communicate effectively. She has significant weaknesses in receptive and expressive language. Challenges for this Student include understanding basic concepts, following directions, grammar, formulating and recalling sentences/questions and listening comprehension. Articulation skills were moderate-severely delayed. (Testimony of SED, GE, SPED1; SD #8.)

13. The Student was placed in the Academic Life Skills Program (ALSP) for her second and third grade school years based upon the results of cognitive, academic, behavioral, occupational therapy, and speech language assessments. (Testimony of SED, OT, GE, SPED1, PSY; SD #5-7.)

14. Parents agreed with the IEP team placement recommendations at the May 17, 2018 and May 10, 2019 IEP meetings placing the Student in the Academic Life Skills Program (ALSP). Father toured the ALSP program prior to the Student attending in second grade. (Testimony of SED, PSY, SPED1, GE1.) This testimony was uncontroverted by Parents at hearing. (Testimony of Mother.)

15. At the time the Student was placed in the Academic Life Skills Program, the IEP team considered and rejected several other placement options. The IEP team considered and rejected the Language and Social Skills Opportunity (LASSO) Program. That program is a structured special education program designed to meet the needs of students with traits of autism who are academically performing at close to grade level but have language and social skill deficits. Placement in the LASSO Program was not appropriate for the Student as, at the time she entered

second grade, the Student was academically functioning one to two grade levels below her peers in reading, writing and math. (Testimony of SED, SPED1, OT, GE; SD #5-7.)

16. The Student's 2018-2019 and 2019-2020 IEPs reflect goals targeted to address the Student's identified needs in the following areas: reading, writing, mathematics, occupational therapy, speech language and social work. (Testimony of SPED1, SED, OT; SD #5-7.)

17. The Student either met or made appropriate progress toward achieving all of her academic, occupational therapy, speech language, social work goals for her second and third grade school years. (Testimony of SPED1, SPED2, OT, SED; SD #4, 6, 12-15.) This testimony was uncontroverted by Parents at hearing. (Testimony of Mother.)

18. By the end of her second grade school year, May 10, 2019, the Student had made significant gains in her reading ability as well as gains in speech language, occupational therapy, and social work. The Student was engaged socially with peers so much so that she was not eating at lunchtime as she was so busy speaking to her peers. (Testimony of SED; SD #5.) Father shared that Parents were very happy with the Student's progress and that, while it had been a hard decision to agree to the Student's placement in the Academic Life Skills Program, Parents were very pleased with the results. (Testimony of SED; SD #5.) This testimony was uncontroverted by Parents at hearing. (Testimony of SED, Mother.)

19. By the end of the Student's third grade school year, May 11, 2020, the Student had made significant academic, communication, and social skills gains. As a result of those gains, placement in the Instructional Support Program (ISP) for fourth grade was appropriate. The ISP classroom requires stronger academic skills. (Testimony of SED, SPED1, SPED2, OT; SD # 2-4, 6.)

20. There are six students in the ISP program currently, for the 2020-2021 school year. The students are in the 3rd through 5th grades. Students participate in academic classes, social emotional work, writing, mathematics, science and social studies. They enjoy read aloud time at the end of the day. The students benefit from inclusion time with general education peers throughout the day. (Testimony of SPED2.)

21. The Student benefits from repetition and consistent practice with skills. Based upon her test scores, she was performing at a 2nd-3rd grade level in reading and math at the time she entered fourth grade. She has progressed in math and reading during the current school year learning concepts related to time in math and has progressed in comprehension, decoding skills, and processing skills in reading. The Student likes to interact with her peers and converses with her classmates. The Student receives academic instruction at her current identified level based upon her abilities and is interacting with students of her same age in her current classroom. (Testimony of SPED2, SED.)

22. Retention in third grade is not appropriate for this Student based upon the application of two research-based data point measures and IEP team consideration. (Testimony of SED, SPED1, SPED2, PSY; SD# 1.)

23. Retention in the third grade would not assist the Student in making additional academic progress and would have a negative impact on her confidence and social emotional functioning. (Testimony of SED, SPED1, SPED2; SD #1.)

24. The Student is in the realm of a fourth grader from a social emotional perspective. She is comfortable and happy with her fourth grade peers and interacts with them. She is currently in a self-contained 3rd through 5th grade classroom and her academic instruction is designed to

educate her at her ability level in reading, writing and mathematics. (Testimony of SED, SPED2, SPED1, OT; SD# 1.)

25. Retention in third grade is not appropriate for this Student. The testimony at hearing was credible, consistent, and overwhelming on this point from SED, OT, SPED1, SPED2. Parents did not present any evidence at hearing to support their contention to the contrary. (Testimony of SED, OT, SPED1, SPED2, Mother; SD #1.)

26. No testimony or documentary evidence was presented by Parents at hearing related to compensatory education claims. (Testimony of Mother.)

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the arguments of Parents' counsel and District counsel, as well as this Hearing Officer's own legal research, the Conclusions of Law of this Hearing Officer are as follows:

Free Appropriate Public Education (FAPE)

The Individuals with Disabilities Education Act ("IDEA") guarantees children with disabilities the right to a free, appropriate, public education ("FAPE"). 20 U.S.C. §1412(a)(1). In order to determine whether a school district has provided a FAPE requires the determination of whether the school district complied with the procedural and substantive requirements of IDEA. *Board of Education of the Hendrick Hudson Central School District, Westchester County et. al. v. Rowley*, 458 U.S. 176, 206, 102 S.Ct. 3034 (1982). As recently clarified by the United States Supreme Court, under the Individuals with Disabilities Education Improvement Act ("IDEA"), a school satisfies its substantive obligation to provide a free appropriate public education by offering a child "an IEP reasonably calculated to enable a child to make progress in

light of the child's circumstances." *Andrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist.*, No. 15-827, 137 S.Ct. 988 (U.S. Mar. 22, 2017.)

In matters alleging a procedural violation, the hearing officer may find that a student did not receive a FAPE only if the procedural inadequacy impeded the student's right to a FAPE, 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 caused a deprivation of educational benefit. 20 U.S.C. §1415(f)(3)(E); 34 C.F.R. §300.513(a); *Rowley* at 206-207. In the instant case, Parents do not allege any procedural violations of the IDEA.

Therefore, the inquiry turns to the District's substantive obligations. "An IEP is not a form document. It is constructed only after careful consideration of the child's present levels of achievement, disability, and potential for growth. See *Andrew F.*, 137 S. Ct. 988, 999. The 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 Cmty. Unit Sch. Dist. No. 221*, 375 F.3d 603, 613 (7th Cir. 2004) (citing *CJN v. Minneapolis Pub. Schs.*, 323 F.3d 630, 642 (8th Cir. 2003)). The child's circumstances are described by such information and drive the educational planning.

The IDEA provides a specific framework for Individualized Education Programs (IEPs), composition of the IEP team, and development of the IEP among other things. See 34 C.F.R. §§300.320-300.325. Under IDEA, an IEP must include "(1) a statement of the child's present levels of academic and functional performance, including how the child's disability affects the child's involvement and progress in the general education curriculum" and "(2)(i) [a] statement of measurable annual goals, including academic and functional goals designed to (A) Meet the child's needs that result from the child's disability to enable the child to be involved in and make progress in the general education curriculum." 34 C.F.R. 300.320(a). "[A]n IEP is reasonably

calculated to confer educational benefit when it is ‘likely to produce progress, not regression or trivial educational advancement.’” *Alex R. ex rel. Beth R. v. Forrestville Valley Cmty. Unit Sch. Dist. No. 221*, 375 F.3d 603, 615 (7th Cir. 2004.) [T]he progress contemplated by the IEP must be appropriate in light of the child’s circumstances. . . . The instruction offered must be ‘*specially designed*’ to meet a child’s ‘*unique needs*’ through an *individualized* education program.” *Andrew F.*, 137 S.Ct. 988. The IEP is to provide a statement of the “special education and related services and supplementary aids and services . . . to be provided to the child.” 34 C.F.R. 300.320(a)(4).

The IDEA does not require states to develop IEPs that “maximize the potential of handicapped children.” *Rowley at 3042*. The statute guarantees an “appropriate” education, “not one that provides everything that might be thought desirable by loving parents.” *Tucker v. Bay Shore Union Free Sch. Dist.*, 8873 F.2d at 567; *see also Carlisle Area School v. Scott P.*, 62 F.3d at 533-34. “The primary responsibility for formulating the education to be accorded a handicapped child, and for choosing the educational method most suitable to the child’s needs, was left by the IDEA to state and local educational agencies in cooperation with the parents or guardians of the child.” *Rowley at 207*. Educators “have the power to provide handicapped children with an education they consider more appropriate than that proposed by the parents.” *Lachman v. Illinois State Bd. of Educ.*, 852 F.2d 290, 297.

Parents argue that the Student was denied a free and appropriate public education (FAPE) when she was placed in the Academic Life Skills Program (ALSP) rather than in a structured special education program for her second and third grade school years. The testimony and documentary evidence presented at hearing illustrate that this argument is without merit. The Student’s unique educational needs were identified as early as pre-kindergarten and a

comprehensive evaluation for special education services was undertaken and an eligibility and IEP meeting convened on May 17, 2018. (FF #5-6.) Based upon the data obtained from the 2018 evaluations, the Student's educational needs were identified. The Student has cognitive, academic, and adaptive skill deficits. (FF #7-10.) She has fine motor and language deficits. (FF#11-12.) She is capable of learning but does so at a slower pace than peers and requires repetition and practice beyond that of general education peers to master and retain skills. (FF#10.)

IEPs were created and implemented to meet the Student's identified educational needs. The Student's IEPs dated May 17, 2018 and May 10, 2019 contain goals for the Student in the areas of reading, writing, mathematics, occupational therapy, speech language, and social emotional functioning. (FF# 16.) The goals were derived based upon the Student's present levels of performance. Related services in the areas of need were provided including speech language, occupational therapy, and social work services. The Student's progress toward her goals was tracked regularly by OT, SPED1 and SPED2, and other service providers. (FF# 16-17.) The Student either met or made appropriate progress toward meeting all of her IEP goals. (FF# 17.) This is uncontroverted by Parents. (FF# 17.)

The IEP team considered placing the Student in a structured special education program, the LASSO program, for both her second and third grade school years. However, based upon her academic functioning, she was too far below grade level to benefit from that program and the team rejected placement in same. (FF #14-15.) The Student was placed in the ALSPP program as that program was designed to meet her specific educational needs. (FF# 15-17.) Parents did not object to the Student's placement in the Academic Life Skills Program (ALSPP) at either of the May 17, 2018 or May 10, 2019 IEP meetings and Father toured the program prior to the

Student entering same in the Fall of 2018. (FF# 14.) At the May 10, 2019 IEP meeting, Father shared that while it had been a difficult decision to place the Student in the ALSP program, Parents were very happy with the progress she had achieved. (FF #18.) This was uncontroverted by Parents at hearing. (FF #14, 18.)

By the end of her third grade school year, in May 2020, the Student had made significant academic, communication, and social skills gains. As a result of that progress, the IEP team determined that placement in the Instructional Support Program (ISP), a structured special education program, was appropriate commencing at the start of the Student's fourth grade school year, 2020-2021. (FF #18-19.) Parents do not dispute the appropriateness of the current placement and the Student continues to make educational progress in that setting. (FF #20-21.)

The IEP must include certain information: present levels of performance; measurable annual goals, including academic and functional goals; the goals must meet the child's needs and allow her to progress; it must confer educational benefit; the progress contemplated must be appropriate in light of the child's circumstances. The instruction offered must be '*specially designed*' to meet a child's '*unique needs*' through an *individualized* education program. See *Andrew F.* The testimony and documentary evidence presented at hearing was overwhelming and undisputed by Parents. The Student's 2018-2019 and 2019-2020 IEPs and placement in the ALSP program were *specially designed* to meet the Student's *unique needs* through an *individualized* program. That program allowed the Student to make the necessary progress to transition to a structured special education program, the ISP program, for her current, fourth grade school year. (FF#19.) Based upon same, this Hearing Officer finds that at all times in question, the District provided the Student with IEPs and an educational placement reasonably

calculated to enable the Student to make progress in light of her circumstances and has thus met its obligation to provide the Student with a FAPE.

Parents argue that the Student should be retained in the third grade for an additional school year, the 2020-2021 school year, to allow her to “catch up” to her general education peers and be prepared for fourth grade. However, this contention is without merit. The administrative record is devoid of any testimony or documentary evidence presented by Parents to support this contention. (FF # 21-26.) The Student currently attends an Instructional Support Program (ISP) program which provides academic instruction, social emotional supports and speech language and occupational therapy related services. Her educational programming is differentiated academic instruction designed to meet her needs based upon her intellectual ability and her language delays which affect her academic skills and ability to retain information. (FF #20-21.) The District IEP team considered Parents’ request for retention. However, after consideration and application of research-based measures, the IEP team determined that retention is not appropriate. (FF #22.) From a social emotional perspective, the Student performs within the realm of a fourth grader. She is a happy student who enjoys socializing and interacting with her peers. (FF #24.) Retaining her in the third grade for an additional school year would not assist her in making academic progress and would have a negative impact on her social emotional functioning. (FF #23.) The testimony on this point was overwhelming and uncontroverted by Parents at hearing. (FF #25-26.) It is the finding of this Hearing Office that retention of the Student in the third grade is inappropriate and Parents’ requested relief for same is hereby denied.

It is the finding of this Hearing Officer that, at all times in question, the District provided the Student with a free and appropriate public education (FAPE) and Parents’ requested

compensatory education, in the form of retention of the Student in the third grade for the current school year is not appropriate and is hereby denied.

CONCLUSION

Based upon the Findings of Fact and Conclusions of Law, it is the determination of this Hearing Officer that, at all times in question, the District provided the Student with a FAPE. Parents' assertions to the contrary are unsupported by the evidence and Parents' requested relief is hereby denied.

ORDER

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

Parents' requested relief is denied and the complaint is dismissed with prejudice.

NOTICE OF RIGHT TO REQUEST CLARIFICATION

Pursuant to 105 ILSC 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 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.

Dated: February 10, 2021

/s/: Janet K. Maxwell-Wickett

Janet K. Maxwell-Wickett,
Impartial Hearing Officer

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