

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

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STUDENT<sup>1</sup>,

Student,

Case No: 2023-DP-0036

v.

Janet K. Maxwell-Wickett,  
Impartial Hearing Officer

■■■■ CCSD ■■■■,

School District.

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**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, male who is a 3<sup>rd</sup> grade student at a District elementary school. He qualifies for special education services under the disability category of Autism Spectrum Disorder (ASD) pursuant to an IEP and eligibility meeting on May 17, 2022. The Student has been enrolled in the District and has received special education supports and services since early childhood in August 2016. The Student has deficits in reading, math, written expression; emotional, social and behavioral functioning; receptive, expressive, and social pragmatic language; and fine motor coordination.

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<sup>1</sup> Personal identification information is provided in Appendix A.

Parents maintain the following: (1) The District violated the mandates of the IDEA and the Illinois School Code and failed to provide the Student with a free and appropriate public education (FAPE) when it failed to timely conduct a Functional Behavior Assessment (FBA) and develop a Behavior Intervention Plan (BIP) to address the Student's aggressive behaviors and verbal outbursts until March 2022 (FBA) and May 2022 (BIP); (2) The District failed to provide the Student with an appropriate Individualized Education Program (IEP) for the 2022-2023 school year, specifically math instruction, reasonably calculated to enable the Student to make appropriate progress in light of his unique circumstances and receive educational benefit thus denying him a FAPE; (3) The District failed to provide the Student with an appropriate placement for the 2021-2022 and 2022-2023 school years in the least restrictive environment (LRE) thus denying him a FAPE; and (4) The District violated the procedural rights of Parents when it failed to consider the recommendations of Parents' outside Pediatric Neuropsychologist, Dr. C. (IHO Exhibit #1, 11, 21.)

Parents, through legal counsel, filed a due process hearing request on August 19, 2022. (IHO Exhibit #1.) The District filed its response to the due process hearing request on August 29, 2022. (IHO Exhibit #3.) Parents filed an Amended Due Process Complaint Notice on November 18, 2022, and the District filed its response to same on November 28, 2022. (IHO Exhibit #11-12.) The parties participated in mediation on September 20, 2022. (IHO Exhibit #21.) Parents raised the issue of the Student's Stay Put Placement in their original due process complaint notice. Same was determined via this Hearing Officer's Stay Put Placement Order entered September 10, 2022. (IHO Exhibit #7.) The Prehearing Conference was commenced on December 20, 2022, and completed on January 19, 2023. (IHO Exhibit #17, 21.)

The original 45-day timeline expired on November 2, 2022. On October 6, 2022, Parents requested an extension of the 45-day timeline in order to file an Amended due process complaint notice. Said request for an extension was granted for good cause shown pursuant to this Hearing Officer's Order of October 6, 2023. (IHO Exhibit #9.) As a result of the Amended DPCN new issues were raised, the Amended DPCN was accepted as of the date of filing and the 45-day hearing timeline was reset to February 1, 2023. (IHO Exhibit #13.) The parties waived resolution session and further mediation which served to immediately start this Hearing Officer's 45-day timeline. Based upon same, the 45-day timeline was reset to expire on January 19, 2023. On January 11, 2023, the parties submitted an Agreed Joint Motion for Continuance. Same was granted for good cause shown pursuant to this Hearing Officer's Order of January 13, 2023. The 45-day timeline was extended to March 6, 2023. (IHO Exhibit #19-20.) Due Process Hearing dates were set by agreement for May 8-10, 2023.<sup>2</sup> (IHO Exhibit #21.) The parties submitted a Joint Motion to Continue on February 22, 2023, to accommodate those agreed upon dates. The joint request was granted for good cause shown pursuant to this Hearing Officer's Order of February 22, 2023. (IHO Exhibit #24.)

The Parents opted for a closed hearing. The Due Process Hearing was held on May 8-10, 2023. Mr. Brad Dembs, Mr. Matthew Cohen, and Ms. Anna Eisner Seder of Matt Cohen & Associates represented Parents. Ms. Elizabeth Kelly and Ms. Darcy Kriha of Kriha Law LLC represented the District. The Parents presented two individual witness and the remaining witnesses were joint witnesses.<sup>3</sup> The parties presented the following Joint Exhibits (JE) # #1-3, 6, 9, 11-15, 17-25, 29, 31-35, 38-46, 49-51(a) & (b), 53, 56-60, 62, 66, 80, 89, 93-94, 98, 105-109, 117, 119, 121, 131, 134-145, 147 which were admitted into evidence. Parents presented one exhibit which

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<sup>2</sup> As the hearing was completed on May 10, 2023, the decision due date is May 24, 2023.

<sup>3</sup> Witnesses presented by both parties are identified in Appendix A.

was admitted into evidence. The District did not submit any individual exhibits. The Hearing Officer's Exhibits were: IHO Exhibits # 1-36. Both parties submitted oral closing statements, a written outline thereof, and provided citations to any case law relied upon. Stipulated facts were submitted by the parties prior to hearing. (IHO Exhibit #28.)

### ISSUES

The issues 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 the District failed to conduct a Functional Behavior Assessment (FBA) and develop a Behavior Intervention Plan (BIP) to address the Student's aggressive behaviors and verbal outbursts until March 2022 (FBA) and May 2022 (BIP). [Problematic behaviors include screaming, eloping from the classroom, ripping paper, flipping chairs and pushing staff.]

Parents maintain that the Student was denied FAPE as the District did not timely conduct a Functional Behavior Assessment (FBA) and develop of Behavior Intervention Plan (BIP) to address the Student's aggressive behaviors and verbal outbursts.

The District maintains that the Student was provided FAPE as he was provided with behavior support and services while the FBA was conducted and BIP was developed. The Student's May 17, 2021, IEP provided a goal which required data collection relative to his behavioral issues and the behavioral issues were mild at that time. Further, the IEP team continued to progress monitor those behaviors prior to the FBA and BIP.

(b) Whether for the 2022-2023 school year, the District provided the Student with appropriate IEPs, specifically math instruction, reasonably calculated to enable the Student to make progress appropriate in light of his unique circumstances and receive educational benefit and thus provided him with a free and appropriate public education (FAPE).

Parents maintain that during the 2022-2023 school year, the Student required specialized instruction in mathematics (i.e. pull out math instruction provided by a special education teacher) which was not provided and thus denied FAPE.

The District maintains that at all times in question, the Student was provided with appropriate math instruction reasonably calculated to enable the Student to make progress appropriate in light of his unique circumstances and receive educational benefit and thus provided his with a free and appropriate public education (FAPE). Further, it is the

District's position that the Student's behavioral difficulties interfere with his ability to receive math instruction not that specialized math instruction is required in order to provide FAPE.

(c) Whether for the 2021-2022 and 2022-2023 school years, the District provided the Student with an appropriate placement in which to receive a free and appropriate public education (FAPE) in the least restrictive environment (LRE).

Parents maintain that the Student requires placement in the general education setting for science, social studies, lunch, recess, and specials with pull out resource instruction in reading, writing, language arts and math, pull out related services in social work, occupational therapy and speech language therapy, and behavioral supports via the Student's BIP. Parents maintain that the Student's current placement in the general education elementary school is appropriate and provides the Student with a free and appropriate public education in the least restrictive environment.

The District maintains that the Student requires placement in its self-contained special education [REDACTED] Program with access to general education peers during lunch, recess, and specials or placement in a therapeutic day school (TDS) setting in order to receive a FAPE. The [REDACTED] Program is a self-contained special education classroom in which a behavioral points system is used to allow students to earn points and privileges for appropriate behaviors. Parents maintain that the behavioral point system utilized is not appropriate for this Student. The District maintains that the point system would be modified for the Student based upon the recommendations of Parents' outside evaluator, Dr. Chin.

(d) Whether the District violated the procedural rights of Parents when it failed to consider the recommendations of Parents' outside Pediatric Neuropsychologist, Dr. Esther Chin.

Parents maintain that the District failed to consider the recommendations of Dr. Chin when the IEP team recommended placement of the Student in the [REDACTED] Program as the [REDACTED] Program is a poor fit for the Student and would most likely result in a negative response from the Student.

The District maintains that it considered the recommendations of Dr. Chin. It is the District's position that Dr. Chin's evaluation supports are more restrictive setting than general education for the Student. Further, Dr. Chin's recommendations would be used to modify the [REDACTED] Program's behavioral point system to meet the Student's needs.

Parents request the following relief:

- a. Order the District to place the Student in the general education classroom at his current District elementary school and amend his May 2022 IEP to reflect same including the addition of pull out specialized instruction in math and a full-time dedicated 1 to 1 aide;

- b. Order the District to fund a private functional behavioral assessment (FBA) and development of a Behavior Intervention Plan (BIP) by an independent Board Certified Behavior Analyst (BCBA) selected by Parents, specifically their private BCBA, ES;
- c. Order compensatory education in the form of twenty (20) hours of academic tutoring in math.

### **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' counsel, this Hearing Officer's Findings of Fact are as follows:

1. The Student is a 9-year old male who is currently a 3<sup>rd</sup> grade student at a District elementary school. He qualifies for special education and related services under the disability category of Autism Spectrum Disorder (ASD) pursuant to an eligibility and IEP meeting held on May 17, 2022. He has been eligible for special education and related services since early childhood and has attended in the District since August 2016. (Stipulated Facts #1-5; IHO Exhibit #28; JE #14.)
2. From September 19, 2022, through the date of hearing, the Student attended his home general education elementary school, DPES, pursuant to this Hearing Officer's Stay Put Placement Order of September 10, 2022. (Stipulated Facts #9-11; IHO Exhibit #28.)
3. The Student's August 18, 2022, IEP identifies his placement to be in the [REDACTED] Program, housed in the District elementary school, TOES. (Stipulated Fact #7' IHO Exhibit #28; JE #20.)
4. Pursuant to this Hearing Officer's Stay Put Placement Order and additional accommodations provided by the District at Parents' request, the Student is currently receiving

the following special education and related services: (a) 60 minutes per week of Speech/Language services; (b) 60 minutes per week of Social Work services; (c) 30 minutes per week of Occupational Therapy; (d) 225 minutes per week in special education foundational Language Arts/Reading; (e) 225 minutes per week in resource Language Arts/Reading; (f) 1:1 aide support in the general education classroom, specials. lunch, and recess. (Stipulated Fact #12; IHO Exhibit #28.)

5. Following an IEP meeting on March 15, 2023, to discuss math placement, the District offered to provide the Student with 20 minutes per day of small group resource support in math. The resource support takes place during the last 20 minutes of math instructional time when general education peers are doing independent math work. This was offered to Parents on March 16, 2023, and was implemented starting April 10, 2023. (Stipulated Fact #16; IHO Exhibit #28.)

6. The District did not provide the Student with social work serviced indicated in his IEP from October 14, 2021, through November 18, 2021, as a result of the social worker being on leave. The Student resumed social work services for the school year on December 2, 2021. The missed minutes were made up through compensatory social work services provided to the Student during extended school year (ESY) 2022. (Stipulated Fact #14; IHO Exhibit #28; Testimony of SW<sup>4</sup>.)

7. The Student has a diagnosis of Autism Spectrum Disorder (ASD) with accompanying intellectual and language impairments (requiring Level 1 Support for Social Communication Impairment and Level 2 Substantial Support for Restricted Interests/Repetitive Behaviors). He has mildly impaired intellectual functioning. He also has a diagnosis of Other Specified Anxiety

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<sup>4</sup> SW is the School Social Worker. She has been so employed by the District since 2015. She holds bachelor's and master's degrees in social work and is a licensed school social worker in the State of Illinois. She has provided social work services to the Student since the beginning of 1<sup>st</sup> grade. (Testimony of SW; JE #138.)

Disorder. His anxiety results in functional impacts and goes beyond what is expected for children with ASD. Increased academic and social demands over time are likely to exacerbate his anxiety resulting in emotional and behavioral dysregulation, including maladaptive reactions to alleviate anxiety related to completing task demands and avoid negative evaluation from others. (Testimony of Dr. C<sup>5</sup>; JE #1, 18, 19.)

8. During the 2021-2022 school year, the Student struggled with aggressive behaviors and verbal outbursts beginning in approximately September 2022. The school team began implementing Tier II and Tier III strategies in an attempt to address the Student's problematic behaviors which included hitting, kicking, pinching, scratching, grabbing, screaming, eloping from the classroom and building, and kicking shoes off and aiming them at adults. (Testimony of SW, SV<sup>6</sup>, FS<sup>7</sup>, JM<sup>8</sup>, DSS<sup>9</sup>; JE #119, 121, 131, 134.)

9. The team began collecting behavior data and attempted to implement various behavior management strategies including a check in/check out system to provide feedback on behavior throughout the day; token or reward system; visual schedule; implemented breaks throughout the day; provided a preferred activity with an adult to assist with transitions after recess before going back to class. The school team attempted to collaborate with Parents regarding these strategies. However, Parents disagreed with several of the strategies and those strategies were immediately

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<sup>5</sup> Dr. C is a Pediatric Neuropsychologist. She is licensed in the State of Illinois and has been a practicing neuropsychologist since 2013. (Testimony of Dr. C; JE #135.)

<sup>6</sup> SV is the Student's general education teacher. She is licensed in the State of Illinois and has been employed by the District as a 3<sup>rd</sup> grade general education teacher for 10 years. (Testimony of SV; JE #143.)

<sup>7</sup> FS is the Student's special education teacher. She holds a bachelor's degree in psychology and a master's degree in special education. She has been employed by the District since 2008 and has worked with the Student since 1<sup>st</sup> grade. (Testimony of FS; JE #140.)

<sup>8</sup> JM was employed by the District as a Behavior Specialist from August 2017 to February 2023 when she relocated out of state. She holds an LSB1 license in Illinois and was a self-contained ASD teacher for five years. (Testimony of JM; JE #136.)

<sup>9</sup> DSS is the District Director of Special Services. She holds bachelor's and master's degrees in school psychology and a doctorate in Educational Leadership. She holds Illinois Professional Educator Licenses in School Psychology, Special Education Administration, and a Superintendent endorsement. (Testimony of DSS; JE #142.)

revised or terminated by the District team when Parents disagreed. (Testimony of SD, JM, DSS, Parent; JE # 119, 121, 131, 134.)

10. The Student's aggressive behaviors escalated in late January/early February 2022. The school team continued to increase the supports provided to the Student and sought consent for a Functional Behavior Assessment (FBA) with classroom observations on March 21, 2022. (Testimony of JM, SW, DSS; JE #13, 60.)

11. Parent conceded at hearing that the Student's behaviors were manageable until late January/early February 2022. The Student's problematic behaviors and dysregulation occur across all settings including school and home. (Testimony of Parent; JE #60.)

12. The Student's first crisis prevention intervention occurred on April 14, 2022, at which time the FBA was in process. The ten crisis intervention incidents documented occurred between April 14 and May 19, 2022, when the FBA and Behavior Intervention Plan (BIP) were in process of development. (Testimony of JM, SW; JE #15, 134.)

13. When the Student's problematic behaviors began to occur, the District responded. It implemented a series of appropriate, increasing behavioral supports. When those supports did not effectively manage the Student's behaviors, the school team sought consent for an FBA and a BIP. The behavioral specialist and other staff members collected behavior data; attempted strategies based upon the information obtained; monitored the effectiveness of those strategies and revised same. The school team implemented such strategies as a token board, visuals, asking for help, social work sessions, and individualized stories while the FBA and BIP were being developed and finalized. (Testimony of SW, JM, DSS; JE #117, 119, 121, 131, 134.)

14. The Behavior Intervention Plan (BIP) incorporated the recommendations of Dr. C including building rapport with the Student; talking about his interests; using music notes for the

token board (as the Student likes music); visual schedule reviewed with him daily; teacher directed choices; cool down spaces inside the classroom, outside the classroom, and down the hall; daily picture and word schedule; frequent praise; permission to make mistakes; social stories. (Testimony of Dr. C, JM, SW; JE #18.)

15. The Behavior Intervention Plan (BIP) was finalized on May 17, 2022, although the school team was implementing certain aspects of it prior to the May 2022 meeting. (Testimony of JM, SW, DSS; JE #13, 15.)

16. No testimony or documentary evidence was introduced at hearing to support Parents' contention that the FBA and BIP were not timely conducted and developed. (Testimony of JM, SW, DSS, BCBA<sup>10</sup>; JE #13, 15, 98.)

17. At the end of the 2021-2022 school year, the Student's second grade year, the Student was performing solidly in the average range in math and was meeting grade level expectations. (Testimony of FS, DSS; JE #6, 9, 13-14.)

18. The District recommended placement for the 2022-2023 school year in the self-contained special education classroom in which the Student would have received small group math instruction in a highly structured environment which would assist with functional and behavioral concerns that impact math skill development. Parents disagreed with this placement. (Testimony of Parent, DSS; JE #14, 20, 38, 42.)

19. The Student's STAR math scores during the current, 3<sup>rd</sup> grade year, declined in spring 2023. Following an IEP meeting on March 15, 2023, to discuss math placement, the District offered to provide 20 minutes per day of small group resource support in math. This was

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<sup>10</sup> BCBA is the Parents' private Board Certified Behavior Analyst. She has been so credentialed since 2014. (Testimony of BCBA; JE #141.)

implemented starting on April 10, 2023. (Testimony of FS, SV, DSS; Stipulated Fact #16; IHO Exhibit #28; JE #34, 39-42.)

20. No testimony or documentary evidence was presented at hearing to support Parents' contention that the District failed to provide the Student with appropriate instruction in mathematics during the 2022-2023 school year. (Testimony of Dr. C, FS, SV, DSS; JE #6, 9, 13-14, 18, 34, 39-42.)

21. Parents engaged private ABA therapy services in their home commencing in August 2022. During the 2022-2023 school year, Parents removed the Student from school two afternoons per week so he could receive private ABA therapy services in his home. The Student also began medication to assist with attention and focus. Parents and the Student's physician are working toward medication to address his anxiety but current medications do not specifically target anxiety. (Testimony of Parent, BCBA.)

22. For the 2022-2023 school year, the school team limited their demands of the Student because when demands are imposed, he becomes uncomfortable and dysregulated at school. At the beginning of the school year, the Student would be defiant if he did not get his way. He would become upset, verbally yell, would take pencils and bang them, run into corners, kick walls, pull down posters, climb on counters, immediately leave the room at the bell. As the demands have decreased so have the Student's behavioral outbursts. (Testimony of FS, SV, SW, JM, DSS.)

23. The Student's current general education environment has been manipulated by the school team in order to provide behavioral success to the Student. Demands have been significantly reduced. Competitive games, which heighten the Student's anxiety, have been revised or eliminated to ensure his success. His general education teacher has changed the way her class

lines up for transitions in order to prevent the Student from becoming dysregulated. His general education teacher also cuts short lessons for her class in social studies and science as the Student will just stop and leave the room if a lesson goes over the scheduled time. (Testimony of SV.)

24. The Student is not an active learner in the classroom; he does not engage or interact with peers or most adults; he needs to be prompted by his paraprofessional to provide a response to most demands; he has a tendency to become argumentative. The Student is withdrawn and is not engaged in the environment or in his education. He is disengaged from peers, staff, and classroom activities. He is not comfortable making mistakes. He is 100% dependent upon his paraprofessional aide and requires her prompting for all tasks and activities. (Testimony of FS, SW, DP<sup>11</sup>, SV, DSS, JM; JE #107.)

25. The Student functions in the borderline cognitive range. He is currently functioning in the lowest 1<sup>st</sup> through 3<sup>rd</sup> percentiles in all academic subjects. (Testimony of Dr. C, FS, SV, DSS; JE #1, 2, 14, 18, 20, 28.)

26. The Student has not made adequate progress academically, functionally or socially in his current general education environment. Manipulations to the Student's environment have reduced his dysregulated behaviors, those modifications are not sustainable long term and have resulted in the Student being prompt dependent. (Testimony of SV, FS, SW, DSS, JM, DP; JE #24, 29-30, 33-34, 39-42.)

27. The Student's current general education placement is not appropriate as he is not able to make appropriate and sustainable progress behaviorally, academically, socially or functionally.

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<sup>11</sup> DP is employed by the District as a Behavior Specialist. She has been employed by the District since 2012. She holds a bachelor's degree in applied psychology and a master's degree in special education. She is licensed in the State of Illinois and holds an LBS1 endorsement. She also holds a NBPTS Master Teacher Certification. She has worked with the Student since kindergarten. (Testimony of DP; JE #139.)

He is non-functional and is not participating or interacting within this environment. (Testimony of SV, FS, SW, DSS, JM, DP; JE #24, 29-30, 33-34, 39-42.)

28. The IEP team recommended placement in the District's ██████ Program, or alternatively in a private therapeutic day school, in May 2022 and August 2022. The ██████ Program supports students with social emotional and behavioral needs. It is a consistent, highly structured setting in which instruction is provided by special education teachers. Special education instruction in reading, writing, and math interventions are provided in an individual or small group setting. Transitions are reduced. Students receive occupational therapy, speech language, social work, and behavioral related services as both pull out and push in services. The program is housed in a District elementary school building and students have access to general education peers for specials, lunch and recess. The program functions on a point system in which students can earn or lose points based upon expected behavior in the classroom and school building.

██████ Program students increase mainstream opportunities as their earned points increase. The program has been successful for students who struggle with attention, self-regulation, and understanding the intensity of emotions. Student in the program generally do not have one to one aides but can be supported by paraprofessionals when they attend lunch, recess, specials, or transition to be with general education peers. (Testimony of LC<sup>12</sup>, DSS, SW, JM; JE #14, 20, 38, 145.)

29. The ██████ Program's point system is not appropriate for this Student due to his Specified Anxiety Disorder. The point system would trigger the Student's anxiety and he would perseverate on the points and be unavailable for learning. (Testimony of Parent, BCBA.)

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<sup>12</sup> LC is the District Special Education Program Coordinator and Bilingual School Psychologist. She has been employed by the District since 2015 and is licensed in the State of Illinois. She completed the cognitive evaluation of the Student during the 2021-2022 school year. (Testimony of LC; JE #137.)

30. The District offered to modify the point system in the [REDACTED] Program, in accordance with Dr. C's recommendation, in order allow the Student to only earn points, not lose them, due to his anxiety related to same. (Testimony of LC, DSS, SW, JM, BCBA, Dr. C; JE #14, 20, 38, 145.)

31. Parents are vehemently opposed to the Student's placement in the District's [REDACTED] Program and have made these feelings known to the Student. Parent characterized the program as a "juvenile detention center." (Testimony of Parent, DSS, SW, BCBA, LC; JE #14, 20, 38, 107.)

32. The Student requires: a small, highly structured setting which provides the ability to address behavioral issues in real time; consistent and predictable environment; structured environment in which the Student can accept limits and feedback and learn that it is acceptable to lose control because you can gain control back; setting with fewer peers and a reduced number of transitions. He also requires specialized multi-sensory researched-based academic instruction in reading, written expression and mathematics and related services in social work, occupational therapy and speech language. He requires behavioral supports including a Behavior Intervention Plan (BIP). This can be achieved in a therapeutic day school setting. (Testimony of Parent, BCBA, Dr. C, SW, DSS, DP, SV, JM; JE #14-15, 18-19, 20, 38-42.)

33. During the 2022-2023 school year, the District attempted to work collaboratively with Parents to meet the Student's needs and scheduled monthly meetings to foster collaboration. However, Parents were resistant to the school team's thoughts, proposals and recommendations and the monthly meetings have not been productive. There has been a significant break down in the relationship between the District and Parents. (Testimony of Parent, BCBA, FS, SV, SW, JM, DP, DSS; JE #38-42.)

34. The testimony of FS, SW, DP, SV, DSS, and JM was uncontroverted by Parents at hearing. (Testimony of FS, SW, SV, DP, DSS, JM, Dr. C, BCBA, Parent.)
35. The District considered the recommendations of the Parents' outside Pediatric Neuropsychologist, Dr. C. This was uncontroverted by Parents at hearing. (Testimony of Dr. C, SW, JM, DSS; JE #1, 18, 20.)
36. Dr. C's recommendations for social work services in order to support the Student's practice of appropriate social and self-advocacy skills were incorporated by SW and the IEP team into the social works goals contained within the August 18, 2022, IEP. (Testimony of SW; JE #18, 20, 24, 29.)
37. Dr. C's recommendations related to the Student's Behavior Intervention Plan (BIP) were considered and discussed by the IEP team and were incorporated into the BIP including music notes for a token board; a visual schedule reviewed daily for any changes; teacher directed choices; various cool down spaces in the classroom and building from which the Student could choose; and focus on positive praise among others. (Testimony of SW, JM; JE #15, 18, 20.)
38. The IEP team delayed its placement recommendation for the Student in the [REDACTED] Program in response to Dr. C's recommendations. Further, the District incorporated into the Student's IEP provision of specialized instruction in language arts (reading and written expression), a reading fluency goal, and the provision of a 1:1 paraprofessional aide to the Student in response to Dr. C's recommendations. (Testimony of Dr. C, SW, JM, DSS; JE #18, 20, 29.)
39. Reduction of demands due to the Student's low frustration tolerance and dysregulation due to his anxiety and rigidity were also recommended by Dr. C and implemented by the school team. (Testimony of Dr. C, FS, SV, SW, JM, DSS; JE #18.)

40. Dr. C's neuropsychological evaluation and re-evaluation did not contain specific placement recommendations for the Student other than an "inclusive learning environment as much as possible." Dr. C recommended that an on-going discussion between the family and school be maintained in order to determine the most appropriate educational placement for the Student "(e.g., a general education classroom with extra academic support and services/accommodations vs. an instructional placement vs. a therapeutic school specialized in ASD)." (Testimony of Dr. C; JE #18-19.)

41. The cost for individual math tutoring is \$50 to \$100 per hour. (Testimony of Parent.)

### **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). 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 decisions-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' due process complaint notice alleges one procedural violation of the IDEA, specifically failure to consider the recommendations of Parents' outside pediatric neuropsychologist Dr. C, further discussed below.

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." *Endrew F. ex rel. Joseph F. v. Douglas Cty. Sch. Dist.*, No. 15-827, 137 S.Ct. 988 (U.S. Mar. 22, 2017.) "[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 (7<sup>th</sup> 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." *Endrew 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 IEP is the "centerpiece" of the IDEA. The IEP is constructed only after careful consideration of the child's present levels of performance of achievement, disability, and potential for growth. For a child not integrated in the regular education classroom, a child's IEP may not need to aim for grade level advancement if that is not a reasonable prospect for the child. *Endrew F. v. Douglas County Sch. Dis. Re-1*, 375 S. Ct. 988, 69 IDELR 174 (US 2017). The child's program, however, "must be appropriately ambitious in light of the circumstances, just as advancement from grade to grade is appropriately ambitious for most children in the regular

classroom.” *Id.* The goals can differ; however, the goals should provide the child with the chance to “meet challenging objectives.” The IEP must also aim to enable the child to make progress. The Supreme Court explained that an IEP which provides for merely more than de minimis progress from year to year “can hardly be said to have offered an education at all.” *Endrew F. v. Douglas County Sch. Dis. Re-1*, 375 S. Ct. 988, 69 IDELR 174 (US 2017). Any review of an IEP must appreciate that the question is whether the IEP is reasonable, not whether the court regards it as ideal. *Id.*, at 206–207, 102 S.Ct. 3034.

The IDEA does not require states to develop IEPs that “maximize the potential of handicapped children.” *Board of Educ. v. Rowley*, 458 U.S. at 189, 102 S.Ct. at 3042. What the statute guarantees is an “appropriate” education, “not one that provides everything that might be thought desirable by loving parents.” *Tucker v. Bay Shore Union Free Sch. Dist.*, 873 F.2d at 567 (*internal citation omitted*); see *Carlisle Area School v. Scott P.*, 62 F.3d at 533–34 (school districts “need not provide the optimal level of services, or even a level that would confer additional benefits, since the IEP required by IDEA represents only a ‘basic floor of opportunity’” (*quoting Board of Education v. Rowley*, 458 U.S. at 201, 102 S.Ct. at 3048)).

A school district is not required to provide a student with the “best conceivable” individualized education program, but only an IEP that is reasonably calculated to enable the student to receive educational benefits. *Alex R. v. Forrestville Valley Community Unit School District #221*, 375 F.3d 603,616 (7th Cir. 2004), *cert. denied*, 125 S.Ct. 628 (2004). Local school districts are not required to be guarantors of educational progress but are required to develop IEPs that are reasonably calculated to allow for progress. When determining whether a student has benefited from an educational program, the courts look, at least in part, to whether the student is making progress toward the goals included in the student’s IEP. *County of San Diego v. California*

*Special Education Hearing Office*, 93 F.3d 1458(9th Cir. 1996). See also *Brad K. v. Board of Education of City of Chicago, Chicago Public School District #299*, 787 F.Supp.2d 734, 738 (N.D. Ill. 2011), quoting *Jaccari J. v. Board of Education of City of Chicago, District No. 299*, 690 F.Supp.2d 687, 702 (N.D. Ill. 2010) (factors to consider when determining whether an IEP is reasonably calculated to provide educational benefits “include: ‘(1) the child’s potential; (2) whether his IEPs were tailored to his unique needs; (3) whether his IEPs provided access to specialized services; (4) whether they addressed disability-related acts; and (5) whether the child achieved progress during the relevant time period’”). Goals, short-term objectives, and descriptions of present levels of the student’s performance should reflect the student’s progress, or, if there is a lack of progress, the school district should consider adjusting the program to provide a different configuration or amount of services or a different placement to make it more likely that the IEP will confer educational benefit. See *Kevin T. v. Elmhurst Community School Dist. No. 205*, No. 01 C 0005, 2002 WL 433061 (N.D. Ill. Mar. 20, 2002).

The Seventh Circuit has ruled that under the *Rowley* standard, an “IEP passes muster provided that it is . . . ‘likely to produce progress, not regression or trivial educational advancement.’” *Alex R.*, *supra*, 375 F.3d at 615, quoting *Cypress-Fairbanks Independent School District v. Michael F.*, 118 F.3d 245,248 (5th Cir. 1997). See also *Richard Paul E. v. Plainfield Community Consolidated School District 202*, No. 07 C 6911, 2009 WL 995459 at \*17 (N.D. Ill. Apr. 9, 2009) (finding school district did not violate child’s rights under IDEA when IEP was reasonably calculated to provide him with educational benefits by addressing his behavioral and learning disabilities). Indeed, the Seventh Circuit has opined that the “critical issue [is] whether the school administrators were unreasonable” when making placement and service determinations. *School District of Wisconsin Dells v. Z.S.*, 295 F.3d 671, 676 (7th Cir. 2002) (finding that one-

month delay in figuring out what to do with student after he had to be removed from school was reasonable).

In the instant matter, Parents allege that the District denied the Student a free and appropriate public education (FAPE) when it failed to conduct a Functional Behavior Assessment (FBA) and develop a Behavior Intervention Plan (BIP) to address the Student's aggressive behaviors and verbal outbursts until March 2022 (FBA) and May 2022 (BIP). The testimony and documentary evidence introduced at hearing reveal the following. During the 2021-2022 school year, the Student struggled with aggressive behaviors and verbal outbursts beginning in approximately September 2021. The school team began implementing Tier II and Tier III strategies in an attempt to address the Student's problematic behaviors which included hitting, kicking, pinching, scratching, grabbing, screaming, eloping from the classroom and building, and kicking shoes off and aiming them at adults. (FF #8.) The team began collecting behavior data and attempted to implement various behavior management strategies. Further, the school team sought collaboration with the Parents to manage the Student's behavior and revised or terminated behavior supports based upon Parents' input. (FF #9.) The Student's aggressive behaviors escalated in late January/early February 2022. The school team continued to increase behavioral supports for the Student and sought consent for an FBA on March 21, 2022. (FF #10.) Parent conceded at hearing the Student's behaviors seemed manageable until late January/early February 2022 and the Student's crisis prevention interventions occurred during the period in which the FBA and BIP were in process of development. (FF #11-12.) When the Student's problematic behaviors began to occur, the District responded. It implemented a series of appropriate, increasing behavioral supports. When those supports did not effectively manage the Student's behaviors, the school team sought consent for an FBA and a BIP. The behavioral specialist and

other staff members collected behavior data; attempted strategies based upon the information obtained; monitored the effectiveness of those strategies and revised same. (FF #13.) The Behavior Intervention Plan (BIP) was finalized on May 17, 2022, although the school team was implementing certain aspects of same prior to the May 2022 meeting. Further, the BIP incorporated the recommendations of the Parents outside pediatric neuropsychologist. (FF #14-16.) No testimony of documentary evidence was presented at hearing to support Parents' contention that the FBA and BIP were not timely conducted and developed. (FF #16.) Therefore, based upon the uncontroverted testimony and documentary evidence introduced at hearing, it is the finding of this Hearing Officer that the District timely and appropriately conducted an FBA and BIP in March 2022 and May 2022, respectively, to address the Student's aggressive behaviors and verbal outbursts. Parents' assertions to the contrary are without merit.

Parents next allege that during the 2022-2023 school year, the District failed to provide the Student with appropriate IEPs, specifically math instruction, reasonably calculated to enable him to make appropriate progress in light of his unique circumstances and receive educational benefit and a FAPE. The testimony and documentary evidence introduced at hearing illustrates the following. At the end of the 2021-2022 school year, the Student's second grade year, the Student was performing solidly in the average range in math and was meeting grade level expectations. (FF #17.) At that time, there was no basis for the District to believe that the Student needed specialized instruction in math. Further, the District recommended placement in the [REDACTED] Program, a self-contained special education classroom in which the Student would have received small group math instruction in a highly structured environment to assist with his functional and behavioral concerns that impact math skill development. Parents disagreed and filed for due process. (FF #18.) The Student's Stay Put Placement was invoked which did not provide for

specialized instruction in math. (FF #2-4.) When STAR math data revealed a decline in the Student's math scores in Spring 2023, the District offered to provide 20 minutes per day of small group resource support in math. Same was implemented on April 10, 2023. (FF #5, 19.) This was uncontroverted by Parents at hearing. Further, no testimony or documentary evidence was presented at hearing to support Parents' contention that the District failed to provide the Student with appropriate instruction in mathematics during the 2022-2023 school year. (FF #20.)

Therefore, based upon the uncontroverted testimony and documentary evidence introduced at hearing, it is the finding of this Hearing Officer that the District provided the Student will appropriate math instruction during the 2022-2023 school year and thus provided him with a free and appropriate public education (FAPE). Parents' claims to the contrary are without merit.

#### **Least Restrictive Environment (LRE)**

Under IDEA, the School District has an obligation to educate a student to the greatest extent appropriate with his nondisabled peers. 20 U.S.C.A. 1412(a)(5)(A); *Board of Education of Township District No. 211 v. Ross*, 486 F.3d 267, 277 (7<sup>th</sup> Cir. 2007); *Beth B. v. Van Clay*, 282 F.3d 493 (7<sup>th</sup> Cir. 2002). The Illinois School Code and implementing regulations also require that to the maximum extent appropriate a child with a disability must be educated in the least restrictive environment with children who are not disabled. 105 ILCS 5/10-22.41; 23 Ill. Admin. Code 226.240. Removal from the regular education classroom of a child with a disability should only occur when education in the regular classroom cannot be achieved with the use of supplementary aids and services. 20 U.S.C.A 1412(a)(5)(A); 34 C.F.R. 300.114(a)(2)(ii). The Seventh Circuit has declined to adopt any sort of multi-factor test for assessing whether a child must remain in a regular school. *Ross supra*. See also *Beth B., supra*. "The ultimate question is whether the education in the conventional school was satisfactory, and, if not, whether reasonable measures

would have made it so. *Id.* The District may change a student's placement to a more restrictive setting or maintain that placement if the student would not make adequate progress in the less restrictive placement. *Ross citing Beth B. v. Van Clay*, 282 F.3d 493, 499 (7<sup>th</sup> Cir. 2002). Courts have consistently held that progress must be more than minimal. *Polk v. Central Susquehanna Intermediate Unit 16*, IDERL 130 (3<sup>rd</sup> Cir. 1988). When a student is unable to benefit by being with nondisabled peers, has not made sufficient social emotional progress and requires a smaller classroom with trained personnel allowing for more rapid interventions, Illinois courts have upheld a school district's recommendation and continued placement in a therapeutic setting. *Hiawatha School District No. 426*, 58 IDELR 269 (Feb. 27, 2012).

Parents contend that for the 2021-2022 and 2022-2023 school years, the District failed to provide the Student with an appropriate placement in which to receive a free and appropriate public education (FAPE) in the least restrictive environment (LRE). Parents maintain that the Student's current Stay Put placement, with the addition of specialized instruction in mathematics, is the placement which provides the Student a FAPE in the LRE. However, the overwhelming testimony and documentary evidence introduced at hearing does not support Parents' position.

At the end of the Student's second grade, 2021-2022, school year, the IEP team recommended placement of the Student in the [REDACTED] Program or alternatively in a private therapeutic day school. Due to his aggressive behaviors and verbal outburst, the Student was unable to make progress in the general education setting. This placement recommendation was revisited and reconfirmed by the IEP team in August 2022. Parents subsequently filed requesting a due process hearing and the Student has remained in his general education placement for the majority of the 2022-2023 school year. (FF #2-4, 28.) However, the testimony and documentary evidence presented at hearing overwhelmingly supports the conclusion that the general education

environment is not the appropriate setting for this Student. While the Student's aggressive behaviors and verbal outbursts have diminished, his general education environment has been significantly manipulated to ensure his behavioral success. Demands have been significantly reduced or eliminated. His general education teacher, SV, changed the management of her classroom to accommodate the Student including revising the way her class lines up to leave the room for transitions, modifying or eliminating competitive games, and cutting academic instruction for the general education students in order to prevent the Student from becoming dysregulated. (FF #22-23.) Despite this, the Student is not an active learner in the classroom. He does not engage or interact with peers or most adults. He has a tendency to become argumentative. He requires paraprofessional support and multiple prompts, by his paraprofessional, in order to accomplish any task. He is withdrawn and is not engaged in the environment or in his education. He is not comfortable making mistakes. (FF #24.) Parents contend that the Student's aggressive behaviors have diminished thus making the general education environment appropriate. The Student's behaviors have diminished, most likely due to a multitude of factors: frequent, consistent ABA therapy in the home; medication; implementation of a Behavior Intervention Plan; minimal demands in the classroom and school environment; support of a 1:1 paraprofessional aide; and a significantly manipulated general education environment designed to ensure behavioral success. (FF #21-27.) However, the current significantly manipulated general education environment is not sustainable. The student is not making appropriate and sustainable progress behaviorally, academically, socially or functionally. He is not participating or interacting within his environment. (FF #26-27.) The District has an obligation to provide the Student with a FAPE. This is not it – the IDEA simply requires more. *De minimis* progress is not acceptable. See *Andrew F.*

The Student requires: a small, highly structured setting which provides the ability to address behavioral issues in real time; consistent and predictable environment; structured environment in which the Student can accept limits and feedback and learn that it is acceptable to lose control because you can gain control back; setting with fewer peers and a reduced number of transitions. He also requires specialized multi-sensory researched-based academic instruction in reading, written expression and mathematics and related services in social work, occupational therapy and speech language. He requires behavioral supports including a Behavior Intervention Plan (BIP). (FF #32.) These requirements can be met in a therapeutic day school setting. (FF #32.) While there was much discussion during the course of this case, and at hearing, of the District's ██████ Program, a self-contained special education setting which allows for access and interaction with general education peers, that setting is simply not an appropriate placement for the Student. (FF #28-31.) While the District attempted to collaborate with Parents, offering to modify the ██████ Programs' point system based upon Dr. C's recommendations in order meet the Student's needs, staff have encountered significant resistance. Only the general education environment, and no other, is acceptable to Parents. (FF #33.) It is clear that Parents are vehemently opposed to the Student's placement in the ██████ Program with Parent characterizing it as a "juvenile detention center" at hearing. Further, it is apparent from the overwhelming testimony of District witnesses at hearing that the Student is aware of Parent's feelings. (FF #31.) It is also apparent to this Hearing Officer that there are many kind, caring, concerned District educators<sup>13</sup> who are also highly educated, licensed, experienced, and who have worked diligently with the Student for a substantial period of time to meet his needs. Based upon their education, training, experience and frequent contact with the Student, this Hearing Officer finds their

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<sup>13</sup> DSS, FS, SV, SW, JM, DP, LC are the educators referred to above.

respective testimony to be credible, overwhelmingly persuasive, and uncontroverted by Parents in this matter.

The Seventh Circuit has determined that parental hostility toward a placement can be considered by a hearing officer. *Bd. of Ed. v. Brozer*, 18 IDELR 43; 938 F.2d 712 (7<sup>th</sup> Cir. 1991). Based upon the testimony of Parent and all District witness at hearing, it is the finding of this Hearing Officer that Parents' vehement opposition to placement of the Student in the [REDACTED] Program, and the Student's knowledge of same, has "poisoned" the placement in the Student's mind. Therefore, placement in same is not appropriate as it is doomed to failure; said program cannot provide the Student with an IEP and placement reasonably calculated to enable the Student to achieve educational benefit and a FAPE. In order to meet the Student's unique educational needs and to provide him with an IEP and placement reasonably calculated to enable him to make progress, the Student requires a therapeutic day school setting.

#### **IEP Team Consideration of Parents' Outside Evaluation**

Parents contend that the District failed to consider the evaluation of Parents' outside Pediatric Neuropsychologist, Dr. C. The IDEA's implementing regulations state that "[a]s part of an initial evaluation (if appropriate) and as part of any reevaluation ... the IEP Team ... must (1) [r]eview existing evaluation data on the child, including (i) [e]valuations and information provided by the parents of the child ..." 34 C.F.R. §300.305(a). The regulations also state that the review may be conducted "without a meeting." 34 C.F.R. §300.305(b). The testimony and documentary evidence introduced at hearing was overwhelming on this point as follows.

Multiple District witnesses testified at hearing to having reviewed the outside pediatric neuropsychological evaluation report of Dr. C. The testimony and documentary evidence presented at hearing is clear, Parents' outside evaluation reports were reviewed and considered by

the IEP team members on several occasions. Dr. C's recommendations for social work services and goals were incorporated by SW and the IEP team into the August 18, 2022, IEP. (FF #36.) Recommendations of Dr. C were incorporated into the Student's Behavior Intervention Plan (BIP). (FF #37.) The IEP team agreed to delay its placement recommendation for the Student in the [REDACTED] Program based upon Dr. C's recommendation. Further, the team incorporated specialized instruction in language arts (reading and written expression), a reading fluency goal, the provision of a 1:1 paraprofessional aide, and reduced demands in response to Dr. C's recommendations. (FF #38-39.) The District's proposed modifications to the [REDACTED] Program's point system were based upon Dr. C's recommendations. (FF #29.) At hearing Dr. C could not articulate any of her recommendations that were not considered by the team. Parents appear to assert that the District failed to consider Dr. C's recommendations when it recommended the [REDACTED] Program. However, Dr. C' evaluation report did not make specific placement recommendations. (FF #40.) The document produced by Parents at hearing alleging same was not provided to the IEP team prior to hearing and during her testimony Dr. C did not make a specific placement recommendation. (FF #40; See JE #32.) Further, there is no requirement that the IEP team incorporate, or even accept, the recommendations of outside providers. Based upon the testimony and documentary evidence introduced at hearing, it is clear that the IEP team at all times in question carefully considered the recommendations of Dr. C and incorporated most, if not all, of same. (FF# 35-40.) This evidence was undisputed by Parents at hearing. Therefore, it is the finding of this Hearing Officer that Parents' claims to the contrary are without merit.

### **Compensatory Education**

“Compensatory services are well-established as a remedy under the IDEA.” *Jaccari J. v. Board of Educ. of City of Chicag, Dist No. 299*, 690 F.Supp.2d 687, 707 (N.D. Ill. 2010).

Compensatory education is an equitable remedy that “should aim to place disabled children in the same position they would have occupied but for the school district’s violation of the IDEA.” *Reid v. District of Columbia*, 401 F.3d 516, 522 (D.C. Cir. 2005). A hearing officer has the authority to award compensatory education. *ZJ v. Bd. of Educ. of Chi.*, 344 F. Supp. 3d 988, 1002 (N.D. Ill. 2018). The testimony and documentary evidence introduced at hearing reflects that the District, at all times in question, provided the Student with a FAPE. Therefore, Parents are not entitled to a compensatory education award.

### **CONCLUSION**

Based upon the Findings of Fact and Conclusions of Law, the District, at all times in question, provided the Student with a FAPE. Parents’ requested relief is denied in its entirety.

### **ORDER**

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

- a. The District is hereby Ordered to place the Student in a private therapeutic day school with specialized instruction in reading, writing, mathematics, and related services in social work, speech language, and occupational therapy and behavioral supports in accordance with his Behavior Intervention Plan (BIP) dated May 17, 2022, including special transportation and extended school year (ESY) services.
- b. Parents are hereby Order to cooperate with the District to transition the Student to the placement including signing consent forms, touring facilities, making the Student available, and enrolling the Student in a private therapeutic day school.

In accordance with 105 ILCS 5/14-8.02a(h), within **45** calendar days of receipt of this Order, the school district must submit proof of compliance to:

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

**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: May 17, 2023

[Redacted]

/s/ Janet K. Maxwell-Wickett  
Janet K. Maxwell-Wickett,  
Impartial Hearing Officer

[Redacted]  
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**APPENDIX A**

██████████ v. ██████ CCSD ██████  
Case No: 2023-DP-0036

Student	██████████
Attending School	██████████ Elementary School (DPES)
District School	██████████ Elementary School (DPES)
Student’s Parents/Petitioners	██████████ & ██████████ Parent refers to Mother who testified at hearing.
<b>Parent Witnesses:</b>	
Neuropsychologist	Dr. Esther Chin (Dr. C)
Private BCBA	Emily Smedlund (BCBA)
<b>Joint Witnesses:</b>	
Special Education Teacher	██████████ (FS)
General Education Teacher	██████████ (SV)
School Social Worker	██████████ (SW)
Behavior Specialist	██████████ (JM)
Behavior Specialist	██████████ (DP)
██████████ Program Coordinator	██████████ (LC)
Director of Special Services	██████████ (DSS)
<b>Schools:</b>	
██████████ Elementary School (TOES)	██████████ Program (BP) – Self-contained special education program classroom