

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

Student, by and through her Parents¹

v.

District²

Case No. 2024-0227

Leah Trinkala
Impartial Hearing Officer

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 5/148.02a et.seq.

PROCEDURAL BACKGROUND.

On June 3, 2024, the Petitioners (Parents) filed a due process complaint (Complaint) on behalf of their 19 year old daughter (Student).³ The Student delegated her education rights to the Parents on May 14, 2024.⁴ The Parents filed this Complaint challenging the District's decision to graduate the Student alleging she did not meet the minimum requirements to graduate and contending the District committed procedural violations when the District graduated the Student.⁵ The Parents are not represented by counsel. The District is represented by Brandon Wright and Christine Christensen of Miller, Tracy, Braun, Funk & Miller, Ltd.

On June 6, 2024, the Illinois State Board of Education (ISBE) appointed the undersigned as the Impartial Hearing Officer (IHO) in this case.⁶ On June 7, 2024, the District filed a Notice of Insufficiency and a Motion to Dismiss.⁷ On June 9, 2024, an Interim Order: Sufficiency Determination was issued which found the Complaint to be insufficient and the

¹ Personally identifiable information is found in Appendix A.

² Personally identifiable information is found in Appendix A.

³ IHO Ex. 1.

⁴ IHO Ex. 3 (Motion to Dismiss, Ex. C, footnote 1. SD-48 000339).

⁵ IHO Ex. 1

⁶ IHO Ex. 2.

⁷ IHO Ex. 3.

Parents were granted leave to file an amended complaint by June 17, 2024.⁸ On June 12, 2024, the Parents filed a Response to the Motion to Dismiss.⁹ On June 17, 2024, the Parents filed an amended due process complaint (Amended Complaint).¹⁰

On June 19, 2024, the District filed a Motion to Strike, a Notice of Insufficiency and a Motion to Dismiss regarding the Amended Complaint.¹¹ The Motion to Strike was filed to strike allegations in paragraph 10 of the Amended Complaint which accused the District's Counsel of committing perjury.¹² On June 20, 2024, an Interim Order: Sufficiency Determination was issued which found the Amended Complaint sufficient.¹³ On June 23, 2024, the Parents filed a Response to the Motion to Strike.¹⁴ On July 2, 2024, an Interim Order: Granting District's Motion to Strike was issued which struck the language from paragraph 10 of the Amended Complaint pertaining to perjury allegations.¹⁵

On July 2, 2024, the District requested a continuance of a prehearing Conference and an extension of the 45-day timeline in order to have additional time to prepare for a Prehearing Conference and to obtain a ruling on the Motion to Dismiss.¹⁶ The continuance was granted over the objection of the Mother and the Prehearing Conference was scheduled for July 26, 2024 and the new decision due date was extended to August 31, 2024.¹⁷

On July 15, 2024, an Interim Order: Partial Denial of District's Motion to Dismiss was issued.¹⁸ The undersigned dismissed Issue 6 of the Amended Complaint because the IHO lacks jurisdiction to hear discrimination claims.¹⁹ Issues 3, 8, 9 and 11-20 of the Amended Complaint were dismissed because these issues were previously dismissed with prejudice on May 30, 2024 by IHO Janet Maxwell-Wickett under ISBE Case No.2024-DP-0176.²⁰

On July 26, 2024, the District requested a continuance of the Prehearing Conference in order for a reevaluation to be completed.²¹ The request for a continuance was granted over the objection of the Mother because the Parents were seeking a reevaluation of the Student as a remedy.²² The Prehearing Conference was rescheduled for August 28, 2024 and the 45-day timeline was extended to September 30, 2024.²³

⁸ IHO Ex. 4.

⁹ IHO Ex. 6.

¹⁰ IHO Ex. 8.

¹¹ IHO Ex.9.

¹² IHO Ex. 9.

¹³ IHO Ex. 10

¹⁴ IHO Ex. 12.

¹⁵ IHO Ex. 15.

¹⁶ IHO Ex. 16.

¹⁷ IHO Ex.16.

¹⁸ IHO Ex. 17.

¹⁹ IHO Ex. 17.

²⁰ IHO Ex. 17.

²¹ IHO Ex. 20.

²² IHO Ex. 20.

²³ IHO Ex. 20.

The Prehearing Conference occurred on August 28, 2024.²⁴ Hearing dates were set for January 7 and 9, 2025.²⁵ A Prehearing Report and Order was issued on September 5, 2024.²⁶

On December 19, 2024, the District filed a Motion to Exclude New Witnesses.²⁷ On December 21, 2024, the Parents filed a Response to the Motion to Exclude New Witnesses.²⁸ On December 27, 2024, the Parents elected to withdraw Issues a, c and d of the Prehearing Report and Order without prejudice.²⁹

A Status Conference was held on December 30, 2024 to address the Motion to Exclude New Witnesses.³⁰ The District's Motion to exclude the District's Counsel, Brandon Wright, IHO Janet Maxwell-Wickett and State Investigator Mark Conyer as witnesses was granted because these witnesses would not have relevant testimony to offer at the hearing.³¹ At this Status Conference, a verbal warning was issued to the Mother for engaging in inappropriate conduct by making disparaging remarks towards the District's Counsel and the Mother was warned this conduct was prohibited at the scheduled hearing.³² The parties were required to exchange their 5-day business disclosures, via email, on December 30, 2024. At the time of the Status Conference, the Parents still had not exchanged their disclosures with the District.³³ The Parents were given until the end of the day on December 30, 2024 to email their disclosures to the District.³⁴

On January 2, 2024, the District filed its objection to one of the Parents' witnesses and their documents.³⁵ The hearing took place remotely via the Zoom platform on January 7, 2025 and January 9, 2025 and was an open hearing. Before commencing the hearing, the undersigned addressed the District's written objections to the Parents use of the District's exhibits.³⁶ The District objected to the Parents adopting the District's own exhibits submitted in their 5-day business disclosures; the Parents had not submitted any of their own exhibits. The Mother explained she submitted the District's exhibits to prevent duplicate exhibits from being used at this proceeding. At the Prehearing Conference, the Mother raised concerns that the District would not cooperate with preparing the Joint Exhibit book so the parties were instructed to complete the joint exhibit book by 5 p.m. on December 15, 2024.³⁷ The District's Counsel emailed the Parent on December 9, 2024 to inquire if the Mother had any preliminary exhibits to submit for consideration for the joint exhibit book. The Mother replied on

²⁴ IHO Ex. 24.

²⁵ IHO Ex. 24.

²⁶ IHO Ex. 24.

²⁷ IHO Ex. 28.

²⁸ IHO Ex. 29.

²⁹ IHO Ex. 30 & 34.

³⁰ IHO Ex. 34.

³¹ IHO Ex. 34.

³² IHO Ex. 34.

³³ IHO Ex. 34.

³⁴ IHO Ex. 34.

³⁵ IHO Ex. 32. The Parent withdraw this witness at the hearing on January 7, 2024.

³⁶ IHO Ex. 28.

³⁷ See, IHO Ex. 24.

December 11, 2024 that she did not have any additional exhibits to include in the joint exhibit book and would submit her own exhibit book. The Mother was denied submission of the District's exhibits as own exhibits. The Mother had been informed in the Prehearing Report and Order issued on September 5, 2024 of the requirements for the 5-day business disclosures and the language was in bold.³⁸ Additionally, the Mother had been provided with additional time to provide her own exhibits by the end of the day on December 30, 2024 and failed to do so.

At this hearing, the parties called three joint witnesses and the Mother called one primary witness. The Mother did not testify at the hearing and the Father was not present at the hearing.³⁹ Admitted into the record were District's Exhibits SD 1 through SD 5, SD 11, SD 12, SD 34 through SD 39, SD 41 through SD 44, SD 46 through SD 48, SD 50, SD 53 and SD 63 and Joint Exhibit JD-6.

On January 10, 2025, via mail and email, the District submitted their written closing statements and supporting case law.⁴⁰ The Mother submitted her written closing statement, via email, on January 11, 2025.⁴¹ The decision of the IHO is due within ten business days of the conclusion of the hearing.⁴² As such, the IHO did not have the benefit of a transcript. This decision is based on the IHO's copious personal notes and recollection of the testimony provided at the hearing. In rendering this decision, the IHO considered all the documents admitted into evidence, the testimony of the witnesses, the parties' closing arguments, the parties' suggested case law, as well as the IHO's own independent research. This decision was issued within ten business days as required by Illinois law.⁴³

ISSUE AND REQUESTED REMEDIES.

The issue to be determined is as follows:

- a. Whether the District's decision to graduate the Student was inappropriate because the Student did not obtain 21 credits to graduate with a regular diploma because the Student only had 15.063 credits and thus was denied a FAPE?⁴⁴

The Parents' remedies are as follows:

- a. Rescind the Student's high school diploma.⁴⁵

³⁸ See, IHO Ex. 24.

³⁹ Personally identifiable information is found in Appendix A. The Father did not participate in these proceedings and was not present at the hearing.

⁴⁰ IHO Ex. 38.

⁴¹ IHO Ex. 39.

⁴² 105 ILCS 5/14-8.02a(g55)(5).

⁴³ 105 ILCS 5/14-8.02a(g55)(5).

⁴⁴ IHO Ex. 24, 30 & 34.

⁴⁵ IHO Ex 24.

- b. Order the District to fund the Student's expenses for the credit recovery of six credits for the Student to graduate with a regular high school diploma.⁴⁶
- c. Provide reimbursement to the Parents in the amount of \$11,016 for remedial writing services paid to [REDACTED] of [REDACTED] and \$7,000 for remedial reading services paid to [REDACTED].⁴⁷
- d. Order the District to fund or provide a driver rehabilitation program for the Student.⁴⁸
- e. Order the District to conduct a full evaluation of the Student in all areas of suspected disability and order an IEE if the Parents disagree with the evaluation.⁴⁹
- f. Order the District to hold an IEP meeting to review the full evaluation, to determine eligibility and to develop a transition plan and an IEP for the Student.⁵⁰
- g. Any other relief the IHO deems just and proper.⁵¹

The District's remedy is as follows:

- a. Find the District complied with the IDEA in all regards.⁵²

FINDINGS OF FACT.

To the extent that a Finding of Fact adopts one version of a matter on which there is conflicting evidence, the evidence adopted has been determined to be more credible than the conflicting evidence. After considering and reviewing all the evidence as well as the arguments of the parties, the IHO's Findings of Fact are as follows:⁵³

⁴⁶ IHO Ex 24.

⁴⁷ IHO Ex 24.

⁴⁸ IHO Ex 24.

⁴⁹ IHO Ex 24.

⁵⁰ IHO Ex 24.

⁵¹ IHO Ex 24.

⁵² IHO Ex 24.

⁵³ All the evidence admitted into evidence was reviewed in this case, however, the Findings of Fact only include the exhibits which support the Findings of Fact in this case.

A. STUDENT'S PLACEMENT FOR HIGH SCHOOL.

1. The Student is currently nineteen years old.⁵⁴ The Student is eligible for special education and related services under the primary eligibility category of Other Health Impairment.⁵⁵ The Student had a diagnosis of Autism from a private evaluation report dated April 10, 2019.⁵⁶ The Student had a previous diagnosis of Autism, ADHD, and a Specific Learning Disability with impairment in reading and math from a private evaluation of May 31, 2017.⁵⁷
2. The Student was in the 9th grade for the 2019-2020 school year and in the 10th grade for the 2020-2021 school year. For 9th grade and part of 10th grade, the Student attended B High School and was in the general education setting for 80% or more of the day.⁵⁸ The Student received learning strategies three times a week for math and reading outside the general education classroom for 75 minutes weekly and 50 minutes weekly respectively.⁵⁹ The Student received related services for occupational therapy for 30 minutes per week, speech language therapy for 90 minutes individually monthly and 30 minutes of group speech/language therapy weekly.⁶⁰ The Student's anticipated date of high school graduation was May 30, 2023.⁶¹
3. Due to a disagreement between the parties regarding the special education and related services being provided to the Student, the parties entered into a Settlement Agreement on February 23, 2021 which changed the Student's placement in the middle of the 2020-2021 school year.⁶² The Student became a parentally placed private school student during the 10th grade.⁶³ Under the Settlement Agreement, the Parents agreed to enroll the Student in a private school, G Private School.⁶⁴ The Student was placed in all general education classes at G Private School.⁶⁵ This agreement covered the remainder of the 2020-2021 school year including ESY and for the 2021-2022 school year.⁶⁶ The District agreed to pay the tuition and fees at G Private School for \$8,000 per school year prorated for the remainder of the 2020-2021 school and no more than \$9,000 for the

⁵⁴ IHO Ex. 1.

⁵⁵ SD-2, 000034.

⁵⁶ SD-2 000039.

⁵⁷ SD-2 000039.

⁵⁸ SD-2, 000065. SD-63 000399.

⁵⁹ SD-2 000065.

⁶⁰ SD-2 000065.

⁶¹ SD-2, 000034. Testimony of Assistant Superintendent.

⁶² SD-12 000176 & 000181.

⁶³ SD-63 000399.

⁶⁴ SD-12 000177.

⁶⁵ SD-63 000399.

⁶⁶ SD 12-000177.

2021-2022 school year.⁶⁷ The District was required to provide the Student with related services for speech/language and occupational therapy.⁶⁸ The District also agreed to provide a total up to \$2,500 per school year for the 2020-2021 and 2021-2022 school years prorated for the 2020-2021 school year to be used for extra-curricular, recreational and transition activities.⁶⁹ The District agreed the Student would participate in the District's Driver's Education Program during the summer of 2021 and the fee was waived.⁷⁰ The Student would receive ESY services. The agreement provided for the District to provide a total of up to \$250.00 per week for up to six weeks for ESY for outside math and reading services for the summer 2021.⁷¹ The Student was provided with an Individual Service Plan (ISP) per the Settlement Agreement instead of an IEP.⁷²

4. In February 2022, the Mother, via email, inquired about changing the Student's placement from G Private School to being homeschooled due to Covid-19.⁷³ On February 15, 2022, the Mother emailed the Assistant Superintendent and G Private School about withdrawing the Student in order to be homeschooled.⁷⁴ The Mother wanted the Student to continue meeting with the writing and reading specialist because the Student was doing really well.⁷⁵ On February 16, 2022, the Assistant Superintendent explained if the Mother decided to homeschool the Student the District would like to provide the other components of the agreement so the Student would not lose those services.⁷⁶
5. As part of the change, the Mother, pleased with the private writing and reading instruction being received, requested additional funds be provided during the homeschooling for these courses.⁷⁷ On March 14, 2022, the Mother requested that the Parents cover the cost of Occupational Therapy and Speech privately and use the funds from the tuition to fund math and writing instead because the \$250 only covers reading from an actual therapist.⁷⁸ The Mother indicated that the writing teacher is amazing because she provides explicit writing instruction and actually breaks down the

⁶⁷ SD-12 000177.

⁶⁸ SD-12 000178.

⁶⁹ SD-12 00178 – 000179.

⁷⁰ SD-12 000179.

⁷¹ SD-12 000179

⁷² SD-5 000113.

⁷³ SD-34 000216

⁷⁴ SD-34 000216. Testimony of Assistant Superintendent.

⁷⁵ SD-34 000216.

⁷⁶ SD-34 000216.

⁷⁷ SD-35 000218.

⁷⁸ SD-35 000218

processes.⁷⁹ The reading teacher not only covers her reading and spelling deficits but also goes over things like contract reading.⁸⁰

6. On March 15, 2022, the Assistant Superintendent provided a draft agreement to the Mother.⁸¹ The Mother approved the agreement on April 20, 2022; however, the Mother had not signed the agreement yet.⁸² The Assistant Superintendent agreed to continue providing the services to the Student even though the agreement had not been signed yet.⁸³
7. The Settlement Agreement was signed by the parties on July 20, 2022 which changed the Student's placement for the remainder of the 2021-2022 school year of 11th grade and for the 2022-2023 school year.⁸⁴ The Student would now be homeschooled by the Parent, would be considered a parentally-placed private school student and would receive another ISP.⁸⁵ Under this agreement, the District would provide a total of up to \$250.00 per week for each week of the regular school year for outside reading services, math services and writing services respectively.⁸⁶ The District was required to provide a total of up to \$250.00 per week for up to six weeks for ESY for outside reading, math and writing services respectively.⁸⁷ The Parent was responsible for locating, hiring and retaining these service providers.⁸⁸ The District was required to provide a total of up to \$2,500.00 per school for the 2021-2022 and 2022-2023 school years, prorated for the remainder of the 2021-2022 school year which can be used for extra-curricular, recreational and transition activities.⁸⁹
8. Under the new Settlement Agreement, the parties were required to hold an IEP meeting on or before May 31, 2023 to determine services for future school years unless the parties mutually agree to extend the agreement.⁹⁰

B. MAY 4, 2023 IEP MEETING.

9. In March 2023, via email, the Mother expressed interest in extending the settlement agreement or holding an IEP meeting.⁹¹ The Assistant Superintendent informed the

⁷⁹ SD-35 000218

⁸⁰ SD-35 000218.

⁸¹ SD-36 000222. Testimony of Assistant Superintendent.

⁸² SD-36 000224.

⁸³ Testimony of Assistant Superintendent.

⁸⁴ SD39 000283 and 000286.

⁸⁵ SD-39 000283.

⁸⁶ SD-39 000283.

⁸⁷ SD-39 000283.

⁸⁸ SD-39 000283.

⁸⁹ SD-39 000284.

⁹⁰ SD-39 000283.

⁹¹ Testimony of Assistant Superintendent. SD-44 0002 97.

Mother it was her understanding this is the Student's senior year so she would be graduating.⁹² The Assistant Superintendent requested a reevaluation of the Student on April 3, 2023 to assist with the determination of whether the Student is eligible for graduation.⁹³ A Notification of Conference was issued on April 17, 2023 for a May 4, 2024 IEP meeting.⁹⁴ The Notification stated the purpose of the conference was to review existing data, review the most recent reevaluation and review the anticipated date of graduation.⁹⁵

10. The IEP meeting occurred on May 4, 2023.⁹⁶ Present at the IEP meeting, were the Mother, the Assistant Superintendent, the School Psychologist, the Speech Pathologist, a regular ed teacher, an occupational therapist and a coordinator.⁹⁷ The Mother called the Student to obtain permission for the meeting to move forward without the Student since the Student had turned 18.⁹⁸ The District had conducted a reevaluation of the Student in the domain areas of academic achievement, functional performance, cognitive functioning, communication status, health, hearing/vision, motor abilities, and social/emotional status by reviewing the Student's records.⁹⁹ The District determined no additional formal testing was necessary.¹⁰⁰ Based upon a review of the records, the IEP team determined the Student was still a Student with a disability and eligible for special education and services.¹⁰¹ The Assistant Superintendent explained the Mother did not request an evaluation and the IEP team did not feel standardized testing would offer new information because the Student had been evaluated several times and a thorough records review was completed.¹⁰² An IEP was not developed since the Student was still under the Settlement Agreement and the Student would be graduated at the end of the school year.¹⁰³
11. The IEP team determined the Student met the requirements to graduate. The Mother did not agree with the decision to graduate the Student.¹⁰⁴ The IEP team determined the Student was on track to graduate with her peers and had been in the general ed setting at B High School and G Private School.¹⁰⁵ The Student had a 2.78 grade point average at

⁹² Testimony of Assistant Superintendent.

⁹³ SD-46 000314.

⁹⁴ SD-47 000304.

⁹⁵ SD 47 000304.

⁹⁶ SD-47 000304.

⁹⁷ SD-47 000312.

⁹⁸ Testimony of Assistant Superintendent. SD-47 000312.

⁹⁹ SD-47 000316 through 000326.

¹⁰⁰ SD-47 000316 through 000326

¹⁰¹ Testimony of Assistant Superintendent.

¹⁰² Testimony of Assistant Superintendent.

¹⁰³ Testimony of Assistant Superintendent.

¹⁰⁴ Testimony of Assistant Superintendent.

¹⁰⁵ Testimony of Assistant Superintendent.

B High School when the Student was in all gen ed classes.¹⁰⁶ The Assistant Superintendent explained the Student had fulfilled the requirements to graduate.¹⁰⁷ The Speech Therapist had no concerns about the Student graduating because the Student was attending a Junior College according to the Mother; speech/language is not a prerequisite for the Student to graduate.¹⁰⁸ The School Psychologist did not have concerns with the Student graduating based upon a review of the Student's strengths and weaknesses and the records review.¹⁰⁹ The Student will be able to do well with accommodated support for the transition to a post-secondary education and was already taking a class at a local community college.¹¹⁰

12. The Student earned more than the 21 credits required to graduate. The Student earned a total of 23.063 credits which was over the minimum requirement of 21 credits required to graduate.¹¹¹ The Student earned 15.063 from B High School and G Private School.¹¹² The IEP Team credited the Student with 8 credits while being homeschooled in the areas of reading, writing, math and recreation/transition.¹¹³ The IEP team determined the Student would have received at a minimum a reading, writing, math and a recreation/transition class each semester homeschooled per the services in the placement agreement.¹¹⁴ The Assistant Superintendent believed the Student earned more than 8 credits based upon the receipts received for reimbursement and the conversations with the Mother; the Assistant Superintendent believed the Mother took the Student's education seriously.¹¹⁵

13. The District credited the Student with 2.0 credits in Math based upon the submitted receipts received for reimbursement by the Parents.¹¹⁶ Mathnasium O'Fallon was reimbursed for monthly services provided from April 2, 2021 through June 2021.¹¹⁷ The Father was reimbursed for providing a total of 34 hours of Math tutoring to the Student from August 2021 through December 2021.¹¹⁸ The District also reimbursed Teachers as Tutors for providing 15.25 sessions of Math tutoring services from August 2022 through January 2023.¹¹⁹

¹⁰⁶ SD-47 000309

¹⁰⁷ Testimony of Assistant Superintendent.

¹⁰⁸ Testimony of Speech Pathologist.

¹⁰⁹ Testimony of Speech Pathologist.

¹¹⁰ Testimony of School Psychologist.

¹¹¹ Testimony of Assistant Superintendent. See SD -53 000370.

¹¹² Testimony of Assistant Superintendent. JD-6, 000035

¹¹³ Testimony of Assistant Superintendent. See SD-53 000368 & 000369.

¹¹⁴ Testimony of Assistant Superintendent. SD-47 000313.

¹¹⁵ Testimony of Assistant Superintendent.

¹¹⁶ Testimony of Assistant Superintendent.

¹¹⁷ SD-5, 000082-000084.

¹¹⁸ SD-11 000134, 000138, 000140, 000146, 000150, & 000154.

¹¹⁹ SD-38 000237, 000254, 000247, 000258, 000259,

14. The District credited the Student with 2.0 credits in Reading based upon the submitted receipts received by the Parents.¹²⁰ The District reimbursed Ravina Reading Services for a total of 141 reading sessions provided from March 2021 through May 2023.¹²¹ The District also reimbursed the Parents for technology purchased to assist the Student with her Reading - a Pen Text to Speech Reader 2-OCR Scanning Device for Reading, Literacy and Learning/Assistive Tool for Dyslexia & Learning Differences.¹²²

15. The District credited the Student with 2.0 credits in Writing based upon the submitted receipts.¹²³ The District reimbursed Phil Rockrohr, a writing instructor at Northshore Writing, for providing the Student with a total of 89 writing sessions (45 minutes each) from December 2021 through May 2023.¹²⁴

16. The District credited the Student with 2.0 credits for Recreation and Transition Services based upon the submitted receipts.¹²⁵ The District provided reimbursement for transition services rendered in June 2021, July 2021 and September 2022 through January 2023.¹²⁶ The District reimbursed the Parents for equipment used for Recreation and Transition which included an adaptive bike, a sewing machine, a laptop, and an apple watch with a fitness monitor.¹²⁷ The District also paid for the Student to attend several events which include an Anime Conference in April 2021, a Royal Rumble wrestling event in January 2022 and another wrestling event in 2022.¹²⁸ The District also paid for dance classes in May 2021 and August 2021; for a bowling league in February 2022, and for sewing classes in March and April 2022.¹²⁹ The District reimbursed the Parents for mileage to take the Student to 22 dance classes in November 2021, an Art Field Trip on March 3, 2022 and March 11, 2022, mileage for Independent Shopping on March 15, 2022 and March 31, 2022, mileage for daily living/transition for September and October 2022 and for mileage to take the Student to a bowling league from January through May 2023.¹³⁰

¹²⁰ Testimony of Assistant Superintendent.

¹²¹ SD-3 000081, 000082, 000095. SD-11 000126, 000127, 000137, 000142, 000143, 000151, 000156, 000160, 000165 & 000169. SD-38 00232, 000234, 000236, 000241, 000245, 000249, 000250, 000260, 000270-000272, & 000281.

¹²² SD-38 000266.

¹²³ Testimony of Assistant Superintendent.

¹²⁴ SD-38 000231, 000228, 000235, 000242, 000244, 000251, 000252, 000261, 00028, 000273, 000274 & 000275. SD-42 000290.

¹²⁵ Testimony of Assistant Superintendent.

¹²⁶ SD-11 00125, 000128 & 00129. SD-38 000246, 000247, 000257 & 000258.

¹²⁷ SD-3 000066, 000092-000094. SD-11 000128, 000129, 000134, 000136, 000159, 000163, 000167 & 000173. SD-38 000229. SD38 000256 and 000266.

¹²⁸ SD-3 000092. SD-38 000229, 000238 and 000243.

¹²⁹ SD-3 86. SD-11 000125, 000134, 000162, 000163, & 000167.

¹³⁰ SD-11 000149 & 000168. SD-38 000239. SD-38 000264, 000276 & 000279

17. The Student met the core course requirements to graduate. The Student had two years of Science.¹³¹ The Student earned 1.0 credits for two semesters of Biology at B High School for the 2019-2020 school year; earned 0.5 credits for Biology 2 at B High School; 0.25 credits for Biology 2 at G Private School for the 2020-2021 school year; and 0.25 credits for Biological Science at G Private School for the 2021-2022 school year.¹³² The Student had one year of the elective Spanish and received 1.0 credit from B High School for Spanish 1-2 for the 2019-2022 school year.¹³³ The Student met the requirements of Social Studies for two years which included US history/American Government for one year and one semester of civics. The Student earned 0.5 credits for Civics/Government at B High School for the 2020-2021 school year; 0.25 credits for Civics/Government; 0.25 credits for World History a G Private School for the 2020-2021 school year; 0.50 credits for US History and 0.50 credits for Civics Lecture at G Private School for the 2021-2022 school year.¹³⁴ The Student met the three year requirement for math which includes Algebra 1 and one which includes geometry content. The Student earned 1.0 credit for Algebra 1 at B High School for the 2019-2020 school year; 0.50 credits for Geometry at B High School for the 2020-2021 school year; 0.50 credits for Geometry at G Private School for the 2020-2021 school year; and 2.0 credits for Math while being homeschooled.¹³⁵ The Student had four years of English which included two years of writing intensive courses. The Student earned 1.0 credit for English 1-2 at B High School for the 2019-2020 school year; 0.50 credits for English 3 -4 at B High School for the 2020-2021 school year; .025 credits for English-304, 0.50 credits for World Literature for the 2020-2021 school year at G Private School and 2 credits for Reading and 2 credits for Composition while being homeschooled.¹³⁶
18. The Mother failed to submit any data for the IEP team to consider from the services the private providers provided to the Student while being homeschooled. The Assistant Superintendent requested the Mother to provide data from the private providers several times and the Mother did not provide any documentation.¹³⁷ Prior to holding an IEP meeting, the Assistant Superintendent requested the Mother to provide the classes the Student has taken while being homeschool and any grades she has received.¹³⁸ The Mother confirmed, via email, that she will obtain data from the staff and gather data from their classes.¹³⁹ On May 2, 2023, the Assistant Superintendent indicated, “most of the information from present levels will come from the conversation during the IEP

¹³¹ JD-6 000036.

¹³² SD-53 000366-000368 & JD-6 000036.

¹³³ SD-53 000366-000368 & JD-6 000036.

¹³⁴ SD-53 000366-000368 & JD-6 000036.

¹³⁵ SD-53 000366-000368 & JD-6 000036.

¹³⁶ SD-53 000366-000368 & JD-6 000036.

¹³⁷ Testimony of Assistant Superintendent.

¹³⁸ Testimony of Assistant Superintendent. SD-44 000297.

¹³⁹ SD-44 000297.

meeting.”¹⁴⁰ The Mother also did not give the District permission to speak to staff at G Private School and the Mother did not want the District involved in the Mother’s selection of service providers.¹⁴¹

19. The Student was not administered Illinois’s final accountability assessment prior to her graduation from the District.¹⁴²
20. The record is devoid of any evidence that the Student did not earn the minimum credits assessed while being homeschooled. The Mother did not testify at this proceeding, did not call any of the Student’s private service providers, and did not produce any documentation that the Student did not earn the eight credits while being homeschooled.

C. REVALUATION OF THE STUDENT.

21. A reevaluation of the Student was conducted in July 2024 following a State Complaint to determine the Student’s current levels of functioning.¹⁴³ The Student’s current language and social communication skills were reevaluated by the District on July 22, 2024 and July 24, 2024. The Speech Pathologist administered the Comprehensive Assessment of Spoken Language–2nd Ed. (CASL-2) to the Student and the Social Language Development Test–Adolescent: Normative Update (SLD-A-NU).¹⁴⁴ On the SLD-A-NU, the Student had a standard score of 92 on the Social Language Development Index which was an increase from 68 in 2020.¹⁴⁵ This score indicated the Student had average social language skills when compared to a 17 year 11 month old child.¹⁴⁶ On the CASL-2, the Student was below average on the general language ability index, receptive language index, expressive language index; however, the scores had increased from 2020.¹⁴⁷ The Student scored an 86 on the supralinguistic index which was average and previously scored 75 in 2020 which was below average.¹⁴⁸ The Student scored a 62 on the syntactic index which was deficient.¹⁴⁹
22. The Student’s fine motor skills and handwriting were assessed in July 2024. The Print Tool, a printing evaluation that assesses capital letters, lowercase letter and number writing skills was used to assess the Student along with a demographic section of a job

¹⁴⁰ SD-46 000301.

¹⁴¹ Testimony of Assistant Superintendent.

¹⁴² Testimony of Special Ed Director.

¹⁴³ Testimony of School Psychologist & SD-63 000430.

¹⁴⁴ SD-63 000435-000439.

¹⁴⁵ SD-63 000439,

¹⁴⁶ SD-63 000439.

¹⁴⁷ SD-63 000439.

¹⁴⁸ SD-63 000437.

¹⁴⁹ SD-63 000437.

application and observations.¹⁵⁰ The Student's printing on the job application and legible signature showed adequate and age appropriate handwriting skills and showed the Student had mastered the components of handwriting.¹⁵¹

23. The School Psychologist conducted a psychoeducational examination of the Student.¹⁵² The case study included a Student interview and a review of the Student's academic history in July 2024. The Woodcock Johnson, 4th Ed., Tests of Achievement (WJ-IV-ACH) was administered to assess the Student's reading, writing and math.¹⁵³ The Renaissance STAR Reading and Math assessments were administered.¹⁵⁴ The Student also completed a self-survey assessment to assess the Student's career and the Student's workplace employability skills.¹⁵⁵ The Student's executive functioning and attention was evaluated by administering the Brown Executive Functioning/Attention Scales, a Self-Report and a Parent Report completed by the Mother.¹⁵⁶ The School Psychologist concluded the current testing and the prior testing showed similar patterns of strengths and weaknesses for the Student.¹⁵⁷ The Student had academic strength in written expression and academic deficits in the areas of phonetic reading, reading comprehension, math reasoning, math computation and spelling.¹⁵⁸ The Student did not report any concerns with her overall executive functioning or social/emotional functioning.¹⁵⁹ For the transition survey, the student rated herself as proficient in the areas of collaboration, communication, diversity competence, ethical practices, professionalism, thinking and innovation.¹⁶⁰
24. The Reevaluation did not change the IEP team's prior determination that the Student had a disability and was eligible for special education and services. The IEP meeting was held on August 13, 2024 to review the reevaluation results.¹⁶¹ Present at this meeting were the Student, the Mother, the Speech Pathologist, a gen ed teacher, a special ed teacher, the Director of Special Ed and the School Psychologist.¹⁶² Based upon the results of the reevaluation, the Student was still found eligible for special education services under the primary category of Other Health Impairment and the secondary category of Autism.¹⁶³ The IEP team found the Student was not eligible for an IEP or

¹⁵⁰ SD-63 000400 & 415.

¹⁵¹ SD-63 000400.

¹⁵² Testimony of School Psychologist.

¹⁵³ SD-63 000422-000425,

¹⁵⁴ SD-63 000400.

¹⁵⁵ SD-63 000424-000425.

¹⁵⁶ SD-63 000421-000430.

¹⁵⁷ SD-63 000430-000431.

¹⁵⁸ SD-63 000430-000431.

¹⁵⁹ SD-63 000430-000431.

¹⁶⁰ SD-63 000430-000431.

¹⁶¹ SD-63 000396.

¹⁶² SD-63 000397.

¹⁶³ SD-63 000402 -000403.

services because the Student had earned the credits to graduate and was participating in post-secondary education at SWIC (Southwestern Illinois College), a junior college.¹⁶⁴ During the evaluation, the Student reported she is taking classes at SWIC which included Math and American Sign Language.¹⁶⁵

25. The IEP team reaffirmed the decision that the Student had met the requirements to graduate by earning the required credits and was ready for the transition to post-secondary education and for the workplace.¹⁶⁶ The Speech Pathologist had no concerns with the Student pertaining to her post-secondary goals.¹⁶⁷ The Speech Pathologist explained the test scores on the speech/language assessments are only one piece of the Student and must look at the Student as a whole.¹⁶⁸ The Student had increased her language skills and her social communication skills since her last evaluation.¹⁶⁹
26. The Student has transitioned to post-secondary education and possesses the skills to access her education and the work force which includes independent functioning and self-advocacy. The Student had learned how to use compensatory strategies to help her adapt to the below average skills.¹⁷⁰ During the testing with the Speech Pathologist, the Student had asked independently for repetition of test items when the Student did not understand and requested additional time to answer questions when needed.¹⁷¹ The School Psychologist explained the evaluation results support the IEP team's decision that the Student is ready to transition to the work place and the Student has been able to make a transition to a local community college.¹⁷² During the testing, the Student advocated for herself by requesting a break, called her Mother to bring lunch and has independent functioning skills.¹⁷³ The Student had informed the School Psychologist that she had wanted to be a wrestler but after conducting some research and watching a documentary realized this was not a career goal.¹⁷⁴ The School Psychologist indicated the results show the Student had good knowledge to organize her personal finances but her financial skills were lower but were age appropriate.¹⁷⁵

¹⁶⁴ SD-63 000402 & 000421.

¹⁶⁵ SD-63 000421.

¹⁶⁶ SD-63 000404.

¹⁶⁷ Testimony of Speech Pathologist.

¹⁶⁸ Testimony of Speech Pathologist.

¹⁶⁹ Testimony of Speech Pathologist.

¹⁷⁰ Testimony of Speech Pathologist.

¹⁷¹ Testimony of Speech Pathologist.

¹⁷² Testimony of School Psychologist.

¹⁷³ Testimony of School Psychologist.

¹⁷⁴ Testimony of School Psychologist.

¹⁷⁵ Testimony of School Psychologist.

27. The reevaluation recommended that the Student receive additional accommodations from her junior college to assist with her post-secondary goals.¹⁷⁶ The School Psychologist also recommended the Student apply for additional resources and services through the Department of Rehabilitation Service which is a free service for people with disabilities.¹⁷⁷

CONCLUSIONS OF LAW AND DISCUSSION OF THE ISSUE

A. Whether the District’s decision to graduate the Student was inappropriate because the Student did not obtain 21 credits to graduate with a regular diploma because the Student only had 15.063 credits and thus was denied a FAPE?¹⁷⁸

Based on the above Findings of Fact, the parties’ closing statements, and this IHO’s own legal research, the Conclusions of Law are as follows:

A school district must provide children with disabilities with a free appropriate public education (“FAPE”) and to the “maximum extent appropriate with nondisabled children.¹⁷⁹” Children with disabilities shall only be removed from the regular educational environment “when the nature or the severity of the disability is such that the education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.¹⁸⁰ IDEA creates a strong preference in favor of mainstreaming handicapped children by educating them in the least restrictive environment.¹⁸¹ Regular classes, however, may not be the least restrictive environment for every child who possesses a disability.¹⁸²

The test is twofold. The first determination is whether the State complied with the procedures set forth in the Act.¹⁸³ The second determination is whether the individualized educational program developed through the Act’s procedures is reasonably calculated to enable the child to receive educational benefits.¹⁸⁴ The Supreme Court in *Endrew F. v. Douglas County School District* further clarified the standard previously provided in the Rowley case, and requires the school district to “offer an IEP reasonably calculated to enable the child to make progress appropriate in light of the child’s circumstances” in order to meet the substantive obligations under the IDEA.¹⁸⁵ A placement decision is to be based on the IEP and

¹⁷⁶ SD-63 000431.

¹⁷⁷ SD-63 000431. Testimony of School Psychologist.

¹⁷⁸ IHO Ex. 24, 30 & 34.

¹⁷⁹ *Beth B. v Van Clay*, 282 F.2d 493 (7th Cir.2002). See also, 20 U.S.C. § 1412(a)(1) and 1412(a)(5).

¹⁸⁰ 20 U.S. C §1412(a)(5).

¹⁸¹ *S. v. Reedsburg School District* 302 F. Supp. 2d 959 (W.D. Wis. 2003).

¹⁸² *Questions and Answers on Endrew F. v. Douglas County School District Re-1*, 71 IDELR 68 (U. S. Dept. of Education, Dec. 2017).

¹⁸³ *Bd. of Education v. Rowley* 458 US 176, 206-207, See also, *Beth B. v Van Clay* 282 F.2d 493 (7th Cir.2002).

¹⁸⁴ *Bd. of Education v. Rowley* 458 US 176, 206-207.

¹⁸⁵ *Endrew F. v. Douglas County School District RE-1*, 375 S. Ct. 988 (2017)

is to be determined annually.¹⁸⁶ The placement decision is to be made “by a group of persons, including the parents, and other persons knowledgeable about the child, the meaning of the evaluation data and the placement options.”¹⁸⁷

The requirement of a school district to confer FAPE does not apply to parentally placed private school students. OSEP guidance explained that if a determination is made through the child find process that a child has a disability and needs special education and related services and a “parent makes clear his or her intent to keep the child enrolled in the private elementary or secondary school located in that LEA, then the LEA where the child resides is not required to make FAPE available to the child.”¹⁸⁸ Moreover, the school district where the parent resides is not required to develop an IEP for the child.¹⁸⁹ Federal Regulation 34 CFR § 300.137(a) provides: “No parentally-placed private school child with a disability has the individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.”¹⁹⁰ A service plan must be developed and implemented for a parentally-placed private school child with a disability who has been designated by the school district in which the private school is located to receive special education and related services.¹⁹¹ The amount of services in a service plan are typically less than the services provided in an IEP.¹⁹² ISBE’s guidance document provides that a child with an individualized service plan (ISP) has no individual right to special education and related services and the plan does not establish expected or appropriate progress and does not entitle a child to a certain amount of progress.¹⁹³ ISBE has declared home schools are to be considered private schools.¹⁹⁴

Under IDEA regulation, 34 CFR § 300.102(a)(3)(iii), graduation from high school with a regular high school diploma constitutes a change in placement which requires prior written notice. OSEP guidance explains a school district should conduct a review of the child’s IEP at the appropriate time before graduation to determine whether the child meets graduation requirements.¹⁹⁵ The Northern District Court of Illinois in *Kevin T. v. Elmhurst Community School District No. 205*, 36 IDELR 153, (N.D. Ill. 2002), the Court found the school district improperly graduated the child based upon the accumulation of required credits and not based on the child’s progress on his IEP goals and objections. The Court found the school district did not assess whether the child make any progress on or completed his IEP goals and objectives

¹⁸⁶ 34 C.F. R. § 300.116(b).

¹⁸⁷ 34 C.F.R § 300.116(a)

¹⁸⁸ Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools, 80 IDELR 197 (OSEP Feb. 28, 2022).

¹⁸⁹ *Letter to Wayne*, 73 IDELR 263 (OSEP 2019).

¹⁹⁰ 34 CFR § 300.117(a)

¹⁹¹ 34 C.F. R. § 300.132(b)

¹⁹² Illinois State Bd. of Education Special Education Department, *Guidance Document: Nonpublic Proportionate Share Services*, (May 2023).

¹⁹³ Illinois State Bd. of Education Special Education Department, *Guidance Document: Nonpublic Proportionate Share Services*, (May 2023).

¹⁹⁴ Illinois State Bd. of Education Special Education Department, *Guidance Document: Nonpublic Proportionate Share Services*, (May 2023).

¹⁹⁵ *Letter to Anonymous*, 22 IDELR 456 (OSEP 1994).

and thus inappropriately graduated the child.¹⁹⁶ OSEP also recommends that the IEP team consider whether the goals and objectives in the IEP will be completed.¹⁹⁷ Under regulation, 34 CFR 300.305(e)(2), an evaluation is not required before terminating the a child’s eligibility due to graduation from a secondary school with a regular diploma.

Under the IDEA, parents do have a right to bring forth a due process complaint to challenge whether the graduation was appropriate.¹⁹⁸ OSEP guidance provides that parents also have access to due process hearing procedures when the student’s placement is changed due to graduation.¹⁹⁹ If a due process hearing is requested, an impartial hearing officer would determine whether the decision to graduate the child was appropriate.²⁰⁰ An impartial hearing officer and a state review officer have authority to render factual findings relating to whether a child has met the stated graduation requirements. Moreover, parents have a right to bring a cause of action against a school district for failing to provide post-graduate transition services.²⁰¹

The IDEA does not establish requirements for a student to graduate.²⁰² School districts must look to state and local law in order to make the determination to graduate a student.²⁰³ Under Section 226.50(c)(3) of the Illinois Administrative Code (Code)., a child with a disability who has fulfilled the minimum State graduation requirements set forth under Section 27-22 of the School Code (105 ILCS 5/27-22) shall be eligible for a regular high school diploma.²⁰⁴

The School Code Section 27-22 requires a child, as a prerequisite, to receiving a high school diploma, in addition to other course requirements, to successfully complete all of the following courses:

- (1) Four years of language arts.
- (2) Two years of writing intensive courses one of which may be English or any other subject. When applicable, writing-intensive courses may be counted towards the fulfillment of other graduation requirements;
- (3) Three years of mathematics, one of which must be Algebra I and one which includes geometry content;
- (4) Two years of science;
- (5) Two years of social studies of which one year must be US history or a combination of US history and American government and one semester of civics.

¹⁹⁶ *Kevin T. v. Elmhurst Community School District No. 205* (N. D. ILL 2002).

¹⁹⁷ Letter to Richards, 17 IDELR 288 (OSEP and Rehabilitative Services 1990).

¹⁹⁸ *Andrew B. v. Bd. of Ed. of CHSD 99*, 46 IDELR 245 (N.D II, 2006); *Letter to Anonymous*, 22 IDELR 456 (OSEP 1994)

¹⁹⁹ See, Letter to Richards, 17 IDELR 288 (OSEP 1990).

²⁰⁰ Letter to Anonymous, 22 IDELR 456 (OSEP 1994).

²⁰¹ *Tacoma School District*, 64 IDELR 28 (WSEA 2014).

²⁰² See, 71 Fed. Reg. 46,576 & 46,577 (2006).

²⁰³ See, *Cranston School District* 114 LRP 38615 (RISEA 2014).

²⁰⁴ 23 Ill Admin. Code Section 226.50(c)(3).

(6) One year selected from art, music, world languages (may include American Sign Language) or career and technical education (CTE).²⁰⁵

Section 1.30 of the Code, which is not referenced under Section 226.50(c)(3) of the Code, requires each child to complete the State's final accountability assessment at the highest grade or level assessed.²⁰⁶

The continued need for academic and other services after graduation from high school does not preclude children from being graduated because many children are not ready to meet the challenges of adulthood. In *Avon Bd. of Education*, 74 IDELR 181 (CSEA 2019), "the law simply does not require that students be "ready" when they graduate from high school and lose eligibility for special education and related services."²⁰⁷ A school district is not obligated to provide special education services for a child's ongoing transition services once a child meets the graduation requirements.²⁰⁸ Under Federal Regulation 34 CFR § 300.102(3)(i), school districts are not required to provide a FAPE to students who have graduated with a regular diploma.²⁰⁹

In the instant case, the Parents have not raised any procedural violations under the IDEA. In her closing argument, the Mother argued the District had committed several procedural violations; however, the Parents failed to testify at this proceeding and failed to elicit any testimony that the District had committed any procedural violations.²¹⁰ Moreover, the Parents have failed to prove the District committed a substantive violation under the IDEA by graduating the Student in May 2023. The District has proven the decision to graduate the Student in May 2023 was appropriate. The Findings of Fact unequivocally demonstrate that the Student had earned more than the minimum number of credits required to graduate.²¹¹ The Student had obtained 23.056 credits which exceeded the minimum requirement of 21 credits required to graduate in the District.²¹² Additionally, the Student fulfilled the minimum Illinois graduation requirements for a student with a disability under the School Code by completing four years of language art, two years of writing intensive courses, three years of mathematics with one course in Algebra 1 and one with geometry content, one elective in a world language, two years of science and two years of social studies with one semester of civics and one year of U.S. history and American government.²¹³ The Student was not administered the Illinois' final accountability assessment; however, the School Code Section 27-22 did not list this as a

²⁰⁵ 105 ILCS 5/27-22(e)(1)-(e)(6).

²⁰⁶ 23 Ill Admin. Code Section 1.30(a)(4).

²⁰⁷ See also, *Chris Tindell v. Evansville-Vanderburgh School Corp.*, 57 IDELR 71 (U.S.S.D.2011)

²⁰⁸ See, *Harvard Public School*, 79 IDELR 296 (MSEA 2021).

²⁰⁹ 34 CFR § 300.102(3)(i).

²¹⁰ The Assistant Superintendent had testified the Mother was aware the Student was on track to graduate but did not indicate notice was provided one year in advance of the Student's graduation. The failure to provide advance notice of the high school graduation one year in advance had been previously dismissed with prejudice by IHO Maxwell-Wickett.

²¹¹ FOF 12.

²¹² FOF 12.

²¹³ FOF 13- 17.

requirement.²¹⁴ This requirement falls under School Code Section 1.30. The Northern District of Illinois in the *Kevin T* case, required the IEP team to review a student's progress on the IEP goals and objections when determining if a student is eligible for graduation. This is not required in this case because the Findings of Facts show the Student has not had an IEP since February 2021.²¹⁵ Since February 2021, the Student has been receiving services under an ISP and not an IEP.²¹⁶ Since the Student had an ISP and not an IEP the Student had no individual right to special education and related services and was not entitled to a certain amount of progress. The District had provided the Student with related services while the Student was at G Private School; however, the Parents in the July 2022 Settlement Agreement did not want the District to fund any related services while the Student was being homeschooled.²¹⁷

The Parents failed to present any evidence or testimony to show the District's decision to graduate the Student was not appropriate under the IDEA or to show that the Student did not meet the requirements to graduate. The Mother disagreed with 8 credits being allocated to Math, Writing, Reading and Recreation/transition while the Student was being homeschooled ;however, the Mother was afforded an the opportunity to provide documentation to the IEP team to refute this allocation and failed to do so.²¹⁸ The Parent was afforded another opportunity at this hearing to present evidence and to call the private service providers to demonstrate the Student had not earned these credits and again failed to provide any evidence to support her position.²¹⁹ The Findings of Fact show the Mother had sole control of the selection of the private service providers under the July 2022 Settlement Agreement and also had not allowed the District to contact any staff at the G Private School.²²⁰

The IEP team conducted a reevaluation of the Student in July 2024, a year after the Student had graduated, which confirmed the decision to graduate the Student was appropriate.²²¹ The IEP team again found the Student met the requirements to graduate, had already transitioned to a post-secondary education, and possessed the skills to access her secondary education which included using compensatory strategies to help the Student adapt to her below average skills, the ability to advocate for herself and to function independently.²²² The testing results also established the Student had increased her language skills and her communication skills since her last evaluation and had mastered the components of handwriting.²²³ Under the IDEA, once the Student graduated with a regular diploma the District was no longer obligated to provide transition services. The District explained the Student is not foreclosed from seeking transition services from her junior college or other

²¹⁴ FOF 19.

²¹⁵ FOF 3 & 7.

²¹⁶ FOF 3 & 7.

²¹⁷ FOF 3 & 5.

²¹⁸ FOF 18.

²¹⁹ FOF 20.

²²⁰ FOF 7 & 18.

²²¹ FOF 25.

²²² FOF 25 & 26.

²²³ FOF 21 & 22.

public service agencies.²²⁴ Based upon the foregoing, the Parent has failed to prove the graduation of the Student was not appropriate under the IDEA.

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

1. The Parents' claim and requested relief are hereby denied.

NOTICE OF RIGHT TO REQUEST CLARIFICATION

Pursuant to 105 ILCS 5/14-8.02a(h), either party may request clarification of this decision by submitting a written request to the Hearing Officer within five (5) days of receipt of the decision. The request for clarification must specify the portions of the decision for which clarification is sought. A copy of the request must 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: January 23, 2025

Leah Trinkala
Impartial Hearing Officer

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

²²⁴ FOF 27.

APPENDIX A

[REDACTED] v. [REDACTED] HSD [REDACTED]

ISBE Case No. 2024-DP-0227

Child/Student	[REDACTED]
Location of the Hearing	Remote Hearing
Parent/Parents/Mother/Father	[REDACTED]
B High School	[REDACTED] High School - West
G Private School	[REDACTED]
Speech Pathologist	[REDACTED]
Assistant Superintendent	[REDACTED]
Director of Special Ed	[REDACTED]
School Psychologist	[REDACTED]

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the Final Decision and Order was sent to the District through its respective counsel identified below and to ISBE by UPS (signature required) and electronic mail and a true and correct copy of the Final Decision and Order was mailed to the Parents by UPS (signature required) and directed to:

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

[REDACTED]

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

and

Mr. Andy Eulass
Due Process Coordinator

Illinois State Board of Education
100 N. First Street
Springfield, IL 62777-0001
Email: aeulass@isbe.net

On January 23, 2025

Leah M. Trinkala
Impartial Hearing Officer

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