

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

STUDENT¹,

Student,

Case No: 2025-DP-0103

v.

Janet K. Maxwell-Wickett,
Impartial Hearing Officer

██████ USD ██████

School District.

FINAL DETERMINATION AND ORDER

JURISDICTION

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

BACKGROUND

The Student is a 6-year-old, male kindergarten student at a District elementary school. He qualifies for special education services under the disability category of Speech Language Impairment. The Student has difficulty with articulation, phonological processes and speech sound errors which impact the intelligibility of his speech.

Parents maintain that the District violated the mandates of the IDEA and the Illinois School Code by: (1) failing to create an IEP, at the April 17, 2024, IEP meeting which provided the Student with sufficient speech language service minutes (30 minutes per week) to address his

¹ Personal identification information is provided in Appendix A.

identified articulation deficits and provide him with a free and appropriate public education (FAPE), and (2) failing to implement the Student's April 17, 2024, IEP by providing him with the required speech language service minutes from August 21, 2024, to January 21, 2025, thus denying him a free and appropriate public education (FAPE). (IHO Exhibit #1-2, 18.)

Parents, through legal counsel, filed a due process hearing request on November 13, 2024. (IHO Exhibit #1.) The District filed a due process hearing request on November 18, 2024, in response to Parents' request for an Independent Education Evaluation (IEE). (IHO Exhibit #2.) The District filed its response to the due process hearing request on November 21, 2024. (IHO Exhibit #6.) Parents filed their response to the District's due process hearing request on November 27, 2024. (IHO Exhibit # 8.) The parties participated in resolution session on December 3, 2024, however, they were unable to resolve the outstanding issues in this matter. (IHO Exhibit #5, 18.) The Prehearing Conference commenced and was completed on January 29, 2025. (IHO Exhibit #18.) During the Prehearing Conference, Parents, through counsel, orally withdrew the Parents' IEE request. District counsel provided a written request to withdraw its due process hearing request via email after the conclusion of the Prehearing Conference. This IHO issued an Order of Withdrawal related to same. The parties advised that the District and Parents agreed to a re-evaluation of the Student. (IHO Exhibit # 18.)

The original 45-day timeline expired on January 27, 2025. However, the parties initially waived resolution session on November 21, 2024, which immediately started the 45-day hearing timeline and same was reset to January 6, 2025. On December 4, 2024, the parties jointly requested an extension of the timeline in order to convene a second resolution session (which subsequently did not occur). The joint motion for continuance was granted and the 45-day timeline extended to January 31, 2025. (IHO Exhibit # 10.) The parties filed a second Joint Motion to Continue on

January 15, 2025, to accommodate the requested and mutually convenient Prehearing Conference date. Same was granted for good cause shown pursuant to this Hearing Officer's Order of January 16, 2025, and the 45-day timeline was reset to March 28, 2025. (IHO Exhibit # 11-13.) After the conclusion of the due process hearing on March 20, 2025, the parties filed a third joint motion for continuance to provide the statutory time for this Hearing Officer to render her written determination in this matter. The requested continuance was granted for good cause shown and the 45-day decision due date was reset to April 11, 2025. (IHO Exhibit # 44.) Due Process Hearing date was set by agreement for March 20, 2025. (IHO Exhibit #18.)

The Parents opted for a closed hearing. The Due Process Hearing was held on March 20, 2025, via Zoom video conference. Mr. Thomas E. Kennedy of Kennedy Hunt, P.C. represented Parents. Ms. Frasier Satterly of Hodges Loizzi Eisenhammer Rodick & Kohn represented the District. The Parents presented three individual witnesses. The District presented one individual witness. One joint witness was presented.² Parents presented the following Parent Exhibits (PE) # B, D which were admitted into evidence. The School District presented the following District Exhibits (SD) # A-E, Q-R which were admitted into evidence. The parties presented the following Joint Exhibit (JE) # B, I-L which were admitted into evidence. The Hearing Officer's Exhibits were: IHO Exhibits # 1-44. Both parties submitted oral closing statements and a written outline thereof and provided citations to any case law relied upon. At the Prehearing Conference and on the record at hearing, the District stipulated that it did not provide the Student with the speech language service minutes required by his April 17, 2024, IEP from August 21, 2024, to January 21, 2025, due to lack of a lack of speech language service providers on staff. (IHO Exhibit #18.)

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

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's April 17, 2024, IEP provided him with sufficient speech language service minutes (30 minutes per week) to address his identified articulation deficits and thus provided him with a free and appropriate public education (FAPE).

The Parents maintain that the speech language service minutes provided in the Student's April 17, 2024, IEP are insufficient to meet his identified articulation needs.

The District maintains that the speech language service minutes provided in the April 17, 2024, IEP are sufficient to meet the Student's identified articulation needs.

(b) Whether the District implemented the Student's April 17, 2024, IEP, by providing him with the required speech language related service minutes from August 21, 2024, to January 21, 2025, and thus provided the Student with FAPE.

The Parents maintain that the District failed to provide the Student with speech language related serviced minutes as required by his April 17, 2024, IEP from August 21, 2024, to January 21, 2025, thus denying the Student a FAPE.

The District concedes that it did not provide the Student with the required speech language service minutes during the time period in question, approximately 630 minutes (10.5 hours) as it did not have any speech language service providers on staff during that period and thus denied the Student a FAPE.

The Parents request the following relief:

- a. Order compensatory education in the form of 1,260 minutes (21 hours) of speech language therapy services.

STIPULATED FACTS

The parties stipulated, through legal counsel, to the following facts on the record at the commencement of the due process hearing on March 20, 2025:

1. Parents stipulate as follows: The Student's initial Individualized Education Program (IEP) dated May 15, 2023, was appropriate, including the speech language service minutes, and Parents do not dispute any of the contents of same. (Stipulation of Parent on the record at hearing March 20, 2025.)

2. Parents stipulate as follows: The Student's April 17, 2024, IEP was appropriate at the time it was written and the speech language related services minutes contained therein are appropriate. (Stipulation of Parent on the record at hearing March 20, 2025.)

3. District stipulates as follows: The District did not provide the Student with the speech language related service minutes in his April 17, 2024, IEP (thirty (30) minutes per week) from August 21, 2024, to January 21, 2025 (21 weeks). (Stipulation of District on the record at hearing March 20, 2025.)

FINDINGS OF FACT

This Hearing Officer did not have the benefit of a transcript with respect to the testimony heard on March 20, 2025, 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 Parents' counsel and District counsel, this Hearing Officer's Findings of Fact are as follows:

1. The Student is a 6-year-old male who is a kindergarten student at a District elementary school. He qualifies for special education and related services under the disability category of Speech Language Impairment (I) pursuant to an initial eligibility determination on May 1, 2023,

and his May 15, 2023, Individualized Education Program (IEP). (Testimony of Parent, GE³, SLP⁴, DSPED⁵; JE # B.)

2. The Student struggles with articulation, phonological processes, and speech sound errors which impact the intelligibility of his speech. (Testimony of Parent, SLP, GE; JE #B.)

3. During the 2023-2024 school year, the Student received the speech language related service minutes to which he was entitled per his May 15, 2023, IEP. The Student made progress related to his speech language goals. There is no dispute between the parties related to the Student's May 15, 2023, IEP or to the District's implementation of same. (Testimony of Parent; SF #1; JE #B.)

4. For the 2024-2025 school year, the Student's April 17, 2024, IEP provides that the Student receive thirty (30) minutes per week of speech language related services outside of the general education classroom. (Testimony of SLP, GE; JE #B.)

5. The Student's April 17, 2024, IEP was appropriate at the time it was developed, including the provision of speech language related service minutes to the Student. (Testimony of Parent; SF #2.)

6. The District conceded and stipulated that it did not provide the Student with the speech language related service minutes required by his April 17, 2024, IEP from August 21, 2024, to January 21, 2025. (SF# 3.) The Student was not provided with thirty (30) minutes per week of speech language services for a duration of twenty-one (21) weeks. In total, the Student did not

³ GE is the Student's general education kindergarten teacher. She has been employed as a teacher for 25 years and has been employed by the District for 26 years. The Student has been in her general education kindergarten class since August 2024. (Testimony of GE.)

⁴ SLP is a speech language pathologist. She has worked with the Student weekly since January 21, 2025, providing speech language services remotely. She has worked as a speech language pathologist in and with Illinois schools since 2014. She holds a Masters' Degree in Speech Language Pathology and is licensed in the State of Illinois. (Testimony of SLP; SD# C-D.)

⁵ DSPED is the District Interim Director of Special Education and has been so employed since July 2024. She has worked in education for the past 31 years as a school psychologist and Director of Special Education. She holds a Professional Educator's License in Illinois with a Director of Special Education endorsement. (Testimony of DSPED; SD# A-B.)

receive six hundred thirty (630) minutes of speech language related services minutes outside of the general education setting as required by his IEP. (Testimony of DSPED, GE, Parent; JE #B, K-L.)

7. The Student did not receive the required speech language service minutes due to a staffing shortage of Speech Language Pathologists in the District. In December 2024, the District contracted with an outside speech language therapy service provider. (Testimony of DSPE, GE; SD #E, Q-R.)

8. The Student began receiving speech language related services on January 21, 2025, virtually in a small group setting (the Student and one peer) outside of the general education setting. (Testimony of DSPED, SLP.)

9. The Student is currently receiving sixty minutes per week of speech language related services virtually outside of the general education setting (twenty minute sessions, three times per week). (Testimony of DSPED, SLP.)

10. The Student comes to his speech language sessions willingly, ready to work, able to follow directions, kind to his peer, and always trying to help as much as he can. His attendance is excellent and he is attentive and works hard. (Testimony of SLP.)

11. The Student is making progress toward his April 17, 2024, IEP speech language goals. He has met three of the goal benchmarks and is progressing toward meeting all of his goal benchmarks by the end of the 2024-2025 school year. He has met all expressive language benchmarks and is making progress on articulation benchmarks. (Testimony of SLP.)

12. Based upon his current performance and rate of progress, the Student requires sixty minutes per week of speech language service minutes for the remainder of the 2024-2025 school year (three (3) sessions per week of twenty (20) minutes each outside of the general education classroom) to

achieve his IEP speech language goal and to compensate him for the missed speech language services minutes from August 21, 2024 to January 21, 2025. (Testimony of SLP.)

13. The Student is making progress in his kindergarten classroom. He struggles with /k/ and /th/ sounds however, his kindergarten teacher is able to understand him. She is satisfied with the /l/ sound he makes and he is able to speak in sentences as long as five words or more which is average for a kindergartener. He is making expected progress on his foundational skills and English language arts (ELA) skills. (Testimony of GE; JE # J.)

14. On occasion, the Student shuts down in class when he believes that he cannot accomplish a task. However, he has been able to work through these difficulties and these events are not related to his speech language skills. In his general education classroom, the Student can articulate his thoughts and feelings clearly and will ask for help if needed. (Testimony of GE.)

15. The Student has not regressed in his kindergarten classroom or with SLP during the delivery of speech language services since same resumed on January 21, 2025. (Testimony of GE, SLP.)

16. The Student requires a total of six hundred thirty (630) minutes (10.5 hours) of speech language related services minutes outside of the general education setting as required by his IEP to compensate him for the missed speech language therapy services from August 21, 2024, through January 21, 2025, when his speech language services resumed. (Testimony of SLP.)

17. The District will provide the Student with sixty (60) minutes per week of speech language related service minutes from January 21, 2025, through the end of the 2024-2025 school year (an additional six hundred thirty (630) minutes (10.5 hours) of speech language related services minutes outside of the general education setting) to compensate the Student for the missed service minutes during the August 21, 2024, to January 21, 2025, time period. (Testimony of DSPED.)

18. The hourly rate for private speech language therapy providers in the area where the Student resides is between \$150.00 to \$175.00 per hour. (Testimony of Parent.) This was undisputed by the District during the hearing.

19. Parents and District agreed to a reevaluation of the Student which is currently in process. (IHO Exhibit #18.)

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 decision-making process regarding the provision of a FAPE to the parent's child or caused a deprivation of educational benefit. 20 U.S.C. §1415(f)(3)(E); 34 C.F.R. §300.513(a); *Rowley* at 206-207. In the instant case, Parents' due process complaint notice does not allege any procedural violations of the IDEA.

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 (7th Cir. 2004.) [T]he progress contemplated by the IEP must be appropriate in light of the child’s circumstances. . . . The instruction offered must be ‘specially designed’ to meet a child’s ‘unique needs’ through an *individualized* education program.” *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 into 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.” *Andrew 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).

The testimony and documentary evidence presented is clear and uncontroverted. The parties stipulated on the record at hearing that the Student's initial IEP dated May 15, 2023, was not at issue and provided the Student with a free and appropriate public education including appropriate speech language goals and service minutes. Further, the Student made progress toward those goals during the 2023-2024 school year. (SF # 1; FF # 1-3.) The Student's April 17, 2024, IEP was appropriate at the time it was written and provided the Student with appropriate speech language service minutes outside of the general education classroom. (SF #2; FF #4-5.) The District conceded at the Prehearing Conference and on the record at hearing that it did not provide the Student with any speech language related service minutes from August 21, 2024, through January 21, 2025. (SF #3; FF #6-8.) This resulted in a loss of 630 minutes (or 10.5 hours) of speech language related service minutes outside of the general education classroom. (FF #6.) This resulted in a denial of FAPE to the Student.

While Parent asserts that the Student's April 17, 2024, IEP has now become inappropriate and he requires an additional thirty (30) minutes per week of speech language service minutes (above the sixty (60) minutes per week currently provided by the District) due to school reluctance and emotional difficulties resulting from the denial of speech language services, this assertion is not supported by the testimony and documentary evidence introduced at hearing. GE, the Student's general education kindergarten teacher, credibly testified that the Student has made tremendous progress in her class this year. While the Student struggles with the articulation of certain sounds, she can understand him. He can articulate his thoughts and feelings clearly and will ask for help if needed. Further, while there are times at which he shuts down, believing that he cannot accomplish a task, he is able to work through those difficulties and the events are not necessarily related to his speech. GE related that the Student has the job of phone answerer for

her classroom – a job he loves and capably performs. (FF # 13-15.) SLP provides speech language services to the Student remotely, three times per week. She credibly testified that the Student is making significant progress toward his speech language goals and benchmarks. He has met three of the five goal benchmarks and is on track to meet his speech language goal by the end of the 2024-2025 school year. The Student comes to his speech language sessions willingly, ready to work, able to follow directions, kind to his peer, and always trying to help as much as he can. His attendance at those sessions is excellent and he is attentive and hardworking. (FF # 8-12.) The Student does not show any signs of regression in his progress in either his general education classroom or in his speech language sessions. (FF #15.) While the Student may be displaying occasional school reluctance or emotional difficulties, there was no evidence presented to indicate that same was interfering with his ability to receive an education and a FAPE. The Student is attending school, making expected progress in his kindergarten classroom, and meeting his IEP speech language goal benchmarks and is on track to meet his IEP speech language goal by the end of the 2024-2025 school year.

While Parents' witness, Dr. A⁶, recommended that the Student receive an additional thirty minutes per week of speech language services (ninety (90) minutes per week total) inside the general education classroom in order to generalize his skills, her testimony was unpersuasive. There was no evidence that the Student was having difficulty communicating with GE or his peers in his general education classroom. GE's testimony was to the contrary; she did not have difficulty understanding or communicating with the Student. (FF #14.) While Dr. A is an appropriately credentialed speech language pathologist, she performed a records review and a thirty-minute

⁶ Dr. A is an Assistant Professor of Special Education and Associate Department Chair, Department of Educator Preparation & Leadership, at the University of Missouri. She is a speech language pathologist and holds Certification from the American Speech – Language – Hearing Association (ASHA). (Testimony of Dr. A; PE # D.)

Zoom interview with the Student. She did not observe the Student in either an educational or clinical setting, did not complete a formal evaluation of him, and did not provide services to him. Further, she has not provided speech language services in K-12 schools or to K-12 students since 2013. She is currently employed as an assistant professor and department chair in a university setting and her research focuses on social language in the workplace for students with autism. Based upon the above, this Hearing Officer finds the testimony of SLP and GE, both of whom work directly with the Student on a frequent basis, to be persuasive.

Based upon the above findings and the testimony and documentary evidence introduced at hearing, it is the finding of this Hearing Officer that the Student's April 17, 2024, IEP is appropriate and provides the required level of speech language related service minutes to enable the Student to make progress toward his IEP speech language goal.

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 Student requires an additional thirty (30) minutes per week of speech language related service minutes (beyond the thirty (30) minutes provided in his April 17, 2024, IEP) for the remainder of the 2024-2025 school year in order to make progress toward and achieve his speech language goal. (FF #12.) SLP credibly testified to the Student's current level of performance and

his rate of progress. The Student is making progress toward his April 17, 2024, IEP speech language goal. He has met three of the five goal benchmarks and is progressing toward meeting all of his goal benchmarks by the end of the 2024-2025 school year. He has met all expressive language benchmarks and is making progress on the two articulation benchmarks. (FF # 11.) Based upon his current performance and rate of progress, the Student requires sixty minutes per week of speech language service minutes for the remainder of the 2024-2025 school year (three (3) sessions per week of twenty (20) minutes each outside of the general education classroom) to achieve his IEP speech language goal and to compensate him for the missed speech language services minutes from August 21, 2024 to January 21, 2025. (FF # 12.) In total, the Student requires six hundred thirty (630) minutes (10.5 hours) of speech language related services minutes outside of the general education setting as required by his IEP to restore him to the place he would have been but for the District's denial of FAPE. (FF #16.) Based upon her education, credentials, experience delivering speech language therapy services to Illinois K-12 students and her credible testimony at hearing, this Hearing Officer finds the testimony of SLP to be persuasive on this point. The Student requires an additional thirty (30) minutes per week, beyond the thirty (30) minutes required by his April 17, 2024, IEP, for the duration of twenty-one (21) weeks, for a total of six hundred thirty (630) additional minutes, to restore him to the place he would have been but for the District's denial of FAPE and failure to provide those service minutes.

While Parents and their witness, Dr. A, argue that the Student requires additional minutes (ninety minutes per week in total for the duration of the 2024-2025 school year), this Hearing Officer finds that level of service would go beyond what is required to provide the Student with a FAPE. Parents argue that the District's offer to compensate the Student for the six hundred thirty (630) missed service minutes by doubling his weekly minutes from January 21, 2025, through the

end of the current school year is inadequate and follows the quantitative approach versus the qualitative approach to compensatory education required in the Seventh Circuit. This Hearing Officer finds that argument unpersuasive. SLP credibly testified to the Student's current level of functioning, progress toward his speech language IEP goal, and service minutes required to continue progress to achieve that goal. Further, Parents' witness, Dr. A, agreed with SLP during testimony that the District's offer of six hundred and thirty (630) additional minutes of speech language service, designed to make up for the missed service minutes, could be a qualitative approach to compensating the Student.

Based upon the testimony and documentary evidence presented at hearing, the Student requires six hundred thirty (630) minutes of speech language service minutes to compensate him for the missed minutes from August 21, 2024, through January 21, 2025. Same will restore the Student to the position he would have occupied but for the District's failure to provide same.

CONCLUSION

Based upon the Findings of Fact and Conclusions of Law, the Student requires sixty (60) minutes per week⁷ of speech language related service minutes from January 21, 2025, through the end of the 2024-2025 school year (an additional six hundred thirty (630) minutes (10.5 hours) of speech language related services minutes outside of the general education setting) to compensate him for the missed service minutes during the August 21, 2024 through January 21, 2025, time period.

⁷ Thirty (30) minutes per week as required by the April 17, 2024, IEP and an additional thirty (30) minutes per week of compensatory speech language related service minutes. Total compensatory education speech language minutes are six hundred thirty (630) to compensate for twenty-one (21) weeks of missed minutes at thirty (30) minutes per week.

Parent's request to provide speech language service minutes beyond that amount is hereby denied.

ORDER

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

The District shall continue to provide to the Student sixty (60) minutes per week of speech language related service minutes from January 21, 2025, through the end of the 2024-2025 school year. Total compensatory service minutes to be provided to the Student by the end of the 2024-2025 school year are six hundred thirty (630). (To compensate for 21 weeks of missed services at 30 minutes per week).

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: April 1, 2025



/s/ Janet K. Maxwell-Wickett

Janet K. Maxwell-Wickett,
Impartial Hearing Officer

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