[redacted]

ILLINOIS STATE BOARD OF EDUCATION
IMPARTIAL DUE PROCESS HEARING

STUDENT[1],

Student,

Case No: 2026-DP-0017

v.

Janet K. Maxwell-Wickett,
Impartial Hearing Officer

[redacted] SD [redacted],

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 16-year-old, male who is an 11th grade student at a residential facility. He qualifies for special education services under the primary disability category of Autism (AUT) and secondary disability categories of Emotional Disability (ED), Other Health Impairment (OHI), and Specific Learning Disability (SLD). The Student requires specialized instruction in reading and written expression. He requires support in emotional and behavioral regulation; sensory processing; planning and organization; and social skills.

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[1] Personal identification information is provided in Appendix A.

Parent maintains that the District violated the mandates of the IDEA and the Illinois School Code by selecting a site for implementation of the Student's placement for the 2025-2026 school year which denies the Student a free and appropriate public education. (IHO Exhibit #1-2, 11.)

Parent, through legal counsel, filed a due process hearing request on August 9, 2025. (IHO Exhibit #1.) The District timely filed its response to the due process hearing request on August 11, 2025. (IHO Exhibit #2.) The parties participated in mediation on August 20, 2025, however, they were unable to resolve the outstanding issue in this matter. (IHO Exhibit #8, 11.) The Prehearing Conference commenced and was completed on September 8, 2025. (IHO Exhibit #11.)

The original 45-day timeline expired on October 25, 2025. The due process hearing was originally scheduled to occur on October 1, 2025. On September 15, 2025, Parent requested a continuance of the due process hearing date and an extension of the 45-day timeline as counsel was unable to prepare his client for hearing due to a crisis involving the Student. (IHO Exhibit # 14-15.) After initially objecting to the continuance, the District joined in same. (IHO Exhibit # 19, 22.) The joint motion for continuance was granted for good cause shown and the 45-day decision due date was reset to November 21, 2025. (IHO Exhibit # 22.) The Due Process Hearing date was rescheduled by agreement for October 28, 2025. (IHO Exhibit #22.) Parent subsequently filed an additional request to continue this matter.[2] (IHO Exhibit # 23-24.) The District objected to same and the continuance request was denied by this Hearing Officer. (IHO Exhibit # 26-28.)

The Parent opted for a closed hearing. The Due Process Hearing was held on October 28, 2025, via Zoom video conference. Parent was represented by Mr. Marc M. Pekay of the Law

[2] Parent, through legal counsel, filed a second due process complaint notice on October 1, 2025, which this Hearing Officer found to be an amended complaint which did not raise any new issues and which was filed without leave after the expiration of the statutory time period in which an amendment may be filed as a matter of right. (IHO Exhibit # 23-29.)

Offices of Marc M. Pekay. Ms. Courtney Stillman of Himes, Petrarca and Fester Chtd. represented the District. The Parent presented one individual witness. District presented three individual witnesses.[3] Parent did not present any exhibits. The School District presented the following District Exhibits (SD) #1-8, 22-24, which were admitted into evidence. The Hearing Officer's Exhibits were: IHO Exhibits # 1-38. 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 parties stipulated that they agree with the contents of the Student's December 4, 2024, IEP as amended, other than the site for implementation of the Student's placement. (IHO Exhibit # 11.)

ISSUE

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

(a) Whether the District's proposed location for delivery of services, a residential facility, is appropriate and can implement the Student's December 4, 2024, IEP and provide him with a free and appropriate public education (FAPE).

The Parent maintains that the District's proposed location for delivery of services, a residential facility, specifically CCH, is not appropriate as it cannot implement the Student's December 4, 2024, IEP and thus denies the Student a free and appropriate public education (FAPE).

The District maintains that its proposed location for delivery of services, CCH is an appropriate site for implementation of the Student's placement pursuant to his December 4, 2024, IEP and provides him with a free and appropriate public education (FAPE).

The Parent requests the following relief:

[3] Witnesses presented by both parties are identified in Appendix A.

a. Placement of the Student at TA, Parent's chosen residential facility for the duration of the 2025-2026 school year including extended school year (ESY).[4]

STIPULATED FACTS

The parties presented the following stipulations which were accepted by this Hearing Officer on the record at hearing:

1. At the conclusion of a due process hearing held in January 2025, ISBE Hearing Officer Risen ordered the District to "provide the [Student] with prospective therapeutic residential placement for two years beyond the conclusion of the 2024-2025 school year or until such time as the parties mutually agree on a less restrictive placement."

2. The Student was discharged from LRC, a residential facility, on May 19, 2025.

3. On May 13, 2025, the District offered the Student either an interim home program or a therapeutic day school until another residential placement was found. Parent requested a therapeutic day school and then requested CAA.

4. The Student began attending CAA on June 3, 2025.

FINDINGS OF FACT

This Hearing Officer did not have the benefit of a transcript with respect to the testimony heard on October 28, 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

[4] Parent requested compensatory education for the time during which the Student was without an educational placement after his release from LRC until the District secured placement at another residential facility. However, Parent did not provide a requested compensatory education package as per this Hearing Officer's Prehearing Report & Order and did not present evidence related to compensatory education at hearing. (IHO Exhibit # 11.) Further, the parties stipulated that the District offered the Student an interim home program or a therapeutic day school until another residential facility could be found. Parent requested the therapeutic day school and the Student was enrolled at CAA and began attending there on June 3, 2025. (SF # 3-4)

considering all the evidence, as well as the arguments of both Parent counsel and District counsel, this Hearing Officer's Findings of Fact are as follows:

1. The Student is a 16-year-old male who is an 11th grade student at a residential facility. He has been attending residential facilities since he was unilaterally placed by Parent on April 1, 2024. (IHO Exhibit # 6; SD # 1.) He qualifies for special education services under the primary disability category of Autism (AUT) and secondary disability categories of Emotional Disability (ED), Other Health Impairment (OHI), and Specific Learning Disability (SLD) pursuant to his December 4, 2024, Individualized Education Program (IEP). (Testimony of Stepfather[5], SPED[6]; SD # 1-3.)

2. The Student has a very kind heart, a great sense of humor, is friendly and polite. He works hard on assignments and tries to be friends with everyone. He is motivated and wants to achieve academic success. (SD #1.)

3. The Student struggles with behavior and has since the age of approximately two years. He cannot tolerate being told "no" and becomes verbally and physically violent and aggressive as a result of same. He struggles with transitions and working with non-preferred staff. His behavior impedes his learning and that of other students. (Testimony of Stepfather; SD #1-3.)

4. The Student has been verbally and physically violent and aggressive with staff at his prior therapeutic day and residential facility locations. He has not been violent and aggressive with other students. (Testimony of Stepfather, SPED; SD #1-3.)

[5] Stepfather has known and resided with the Student since he was three years of age. He spends substantial time with the Student and knows him well. Stepfather does not have educational decision-making authority. However, he and Parent jointly make decisions regarding the Student. (Testimony of Stepfather.)

[6] SPED is the District Special Education Supervisor. She has been employed by the District in that capacity for five years. She holds master's degrees in special education and educational administration and is licensed in the State of Illinois. (Testimony of SPED; SD #22.)

5. The Student requires specialized instruction in reading and written expression. He requires support with emotional and behavioral regulation, sensory processing, planning and organization, and social skills. (Testimony of Stepfather, SPED; SD #1-3.)

6. The parties agree that the Student requires a residential facility as the location for delivery of the special education and related services required by his December 4, 2024, IEP as amended. (Testimony of Stepfather, SPED; SD #1-3.)

7. The Student's December 4, 2024, IEP contains eleven goals addressing academics, functional performance, transition, and extended school year (ESY) services in the following areas of need: English language arts (ELA), written expression, social emotional including behavior and emotional regulation, sensory processing, planning and organizing, and social skills. He requires related services in the areas of occupational therapy, social work, speech language and transportation. (SD # 1-3.)

8. The contents of the Student's December 4, 2024, IEP as amended on May 30, 2025, and July 30, 2025, are undisputed with the exception of the residential facility location for delivery of the Student's special education and related services. (Testimony of Stepfather, SPED; SD #1-3.)

9. The Student does not require Applied Behavior Analysis (ABA) therapy services and same are not required by his December 4, 2024, IEP as amended. This was undisputed at hearing. (SD #1-3.)

10. CCH and TA are both ISBE approved residential facilities. CCH is located in Illinois. TA is located in Utah. (Testimony of Stepfather, SPED, JR[7], AL[8]; SD #1-6.)

[7] JR is the principal of the school affiliated with CCH. She has been so employed for the past twelve (12) years. She holds a master's degree in school psychology. (Testimony of JR; SD #24.)

[8] AL is the Admissions Coordinator at CCH. She has been so employed for the past eleven (11) years. She holds a master's degree in public health. (Testimony of AL; SD #23.)

11. CCH is ISBE approved to serve students with the disability categories of AUT, ED, OHI, and SLD – which are all of the Student's disability categories. (Testimony of SPED, JR, AL; SD #1-8.)

12. CCH is affiliated with the Urbana, Illinois school district and CCH students may attend classes in that district if appropriate per the individual student's IEP to start the transition process back to a general education environment. (Testimony of SPED, JR.)

13. All CCH staff in both the school and residential settings are trained in therapeutic crisis intervention (TCI) which utilizes a trauma informed model. (Testimony of JR, AL.)

14. CCH expects family visitation with the student at least once per month to emphasize family connection and engagement so students can generalize skills learned at the residential facility into the family and home environment with the goal of students moving to a less restrictive environment over time in accordance with each student's individual needs. CCH provides six months of support to the student and family after the student transitions home. This consists of weekly check-ins and monthly in-person visits to the student and family. (Testimony of SPED, JR, AL; SD #8.)

15. Parent and Stepfather actively participated in all IEP meetings during the time period at issue. Parent and Stepfather met with SPED, attended Zoom meetings with potential residential facilities including TA and CCH, and toured CCH in person. (Testimony of Stepfather, SPED, AL, JR; SD #1-3).

16. TA has 185.5 student attendance days per year. (Testimony of SPED; SD #6.)

17. CCH has 206 student attendance days per year. (Testimony of SPED; SD #5.)

18. CCH can implement the Student's December 4, 2024, IEP as amended. CCH can implement all of the Student's eleven IEP goals and provide the related services required by his

IEP. CCH can also implement the transition plan contained within the IEP. CCH is able to conduct a functional behavior assessment (FBA) and create and implement a Behavior Intervention Plan (BIP) as per the parties' agreement in the Student's December 4, 2024, IEP as amended. (Testimony of SPED, JR, AL; SD # 1-8.)

19. While not required by the Student's IEP, CCH can accommodate the provision of both in person and virtual psychiatric services should the Student require same. (Testimony of SPED, JR, AL.)

20. Students are supervised at all times, 24 hours per day, 7 days per week at CCH. (Testimony of SPED, AL, JR.)

21. Access by students to personal electronic devices is controlled and supervised – with said devices kept in a locked area. While not required by the Student's IEP, access to electronic devices for students with screen addictions can be controlled and accommodated. (Testimony of SPED; AL.)

22. The Student's placement at CCH was approved by ISBE for a start date of August 18, 2025. The Student can enroll at CCH immediately. (Testimony of SPED; SD #4.)

23. The District began looking for a new residential facility that could meet the Student's needs prior to his discharge from LRC on May 19, 2025. (Testimony of SPED; SD # 2.)

24. The Student attended CAA, the parties' agreed interim therapeutic day school until August 15, 2025. During his time at CAA, the Student made progress toward his IEP goals. (SD #3.)

25. The Student is currently attending TA based upon Parent's unilateral placement of him at same on or about September 13, 2025. (Testimony of Stepfather.)

CONCLUSIONS OF LAW

Based upon the above Stipulated Facts and Findings of Fact, the arguments of Parent's 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, Parent's 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 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 (internalcitation 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 Cityof 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. ElmhurstCommunity 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).

Under the IDEA, the School District has an obligation to educate the 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 (7th Cir. 2007); *Beth B. v. Van Clay*, 282 F.3d 493 (7th 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; 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 education classroom cannot be achieved with the use of supplementary aides and services. 20 U.S.C.A. §1412 (a)(5)(A); 34 C.F.R. §300.114 (a)(2)(ii). Further, educators "have the power to provide handicapped children with an education they consider more appropriate than that proposed by the parents." *Lachman v. Illinois State Bd. of Educ.,* 852 F.2d 290, 297 (7th Cir. 1988).

The testimony and documentary evidence presented is clear and uncontroverted. The Student requires a residential facility placement – both parties agree on this point. (SF #1; FF # 1-6.) The Student's December 4, 2024, IEP, as amended, provides the Student with a free and appropriate public education (FAPE). (FF # 1-7.) The only issue in dispute is the location for delivery of services to the Student.

Parent and Stepfather were full participants in all IEP meetings and worked closely with SPED as she sought to identify potential, available residential facilities appropriate to meet the Student's needs. Parent and Stepfather were full participants in all Zoom meetings and virtual and in person tours of potential residential facilities. (FF # 15.) CCH is a residential facility in Illinois

affiliated with an Illinois school district. CCH is an ISBE approved residential facility – approved to serve students with the disability categories of Autism, Emotional Disability, Other Health Impairment, and Specific Learning Disability, all the Student's disability categories. (FF # 10-12.) CCH can implement the Student's eleven IEP goals and provide the related services required by his December 4, 2024, IEP, as amended. CCH can also implement his transition plan, contained with his IEP. CCH can conduct a Functional Behavior Assessment (FBA) and create and implement a Behavior Intervention Plan (BIP) as per the Student's IEP. (FF # 17-18.) The partnership between CCH and the local Illinois school district ensures the Student can meet Illinois graduation requirements. The curriculum used is based upon Illinois State standards accommodated for student needs. All staff are trained in therapeutic crisis intervention (TCI). Further, students can integrate into the local Illinois school district, when appropriate, taking one to two classes as the student begins the transition process back to a general education environment. (FF # 12-13.)

CCH expects family visitation with the student at least once per month to emphasize family connection and engagement so students can generalize skills learned at the residential facility into the family and home environment with the goal of students moving to a less restrictive environment over time in accordance with each student's individual needs. CCH provides six months of support to the student and family after the student transitions home. This consists of weekly check-ins and monthly in-person visits to the student and family. (FF # 14.) While Stepfather expressed concern over home visits for the Student beginning too soon after enrollment, the testimony introduced at hearing did not support this claim. CCH expects family visitation at least once per month – however, the location and duration of the visitation is tailored to meet the needs of each individual student. (FF 14.)

Stepfather and Parent raised concerns with psychiatric treatment for the Student being available virtually only at CCH. Psychiatric services are not contained within the Student's IEP. However, CCH can accommodate both virtual and in person psychiatric services should a student require same. (FF # 19.) Stepfather also raised concerns with CCH being too restrictive; the Student having too much individual, unstructured time; and access to personal electronic devices when the Student has an addiction to same. The parties all agree that the Student requires a locked residential facility. (FF # 6.) Stepfather took issue with the furniture in student dorm rooms at CCH being bolted down. However, the furniture is bolted down to prevent students from barricading themselves in their individual door rooms with the intent of self-harm. The uncontroverted testimony at hearing was that the Student had in fact barricaded himself in his dorm room at a prior residential facility. Further, the concern with too much unstructured time is not supported by the testimony at hearing. Students are supervised at all times, 24 hours per day, 7 days per week at CCH and are provided with one hour per day of individual quite time from 8:00 – 9:00 p.m. during the regular school year and two hours of individual quiet time from 1:00 – 2:00 p.m. and from 6:00 – 7:00 p.m. during the summer months. The purpose of the individual time is so students can learn to self-regulate and self-sooth. (FF #20.) Access to personal electronic devices is controlled and supervised with the devices kept in a locked area. While not required by the Student's IEP, access to electronic devices for students with screen addictions can be controlled and accommodated. (FF # 21.) No testimony or documentary evidence was presented to support Stepfather's contention that the Student has a screen addiction.

Testimony and documentary evidence presented at hearing was clear and uncontroverted, CCH can implement the Student's IEP, provide related services, address Parent concerns (although same are not part of the Student's IEP) and can provide the Student with a free and appropriate

public education (FAPE). Parent's assertions to the contrary are without merit. The District provided the Student with a FAPE when it selected and offered enrollment to the Student and Parent at a residential facility, specifically CCH.

Site for Implementation of the Placement

Courts addressing the question have overwhelmingly determined that a change in location of services, on its own, is not a fundamental change in the educational program and therefore, not a change in education placement under the IDEA. *See, e.g., T.Y. v. New York City Dept. of Educ.,* 584 F.3d 412, 419-20 (2d Cir. 2009); *A.W. ex rel. Wilson v. Fairfax Cnty. Sch. Bd.,* 372 F.3d 674, 682 (4th Cir. 2004); *White v. Ascension Parish Bd.,* 343 F.3d 373, 379 (5th Cir. 2003); *D.K.,* 983 F. Supp. 2d at 145 (D.D.C. 2013); *James v. District of Columbia,* 949 F. Supp. 2d 134, 137-38 (D.D.C. 2013); *Johnson v. District of Columbia,* 839 F. Supp. 2d 173, 178 (D.D.C. 2012); *Laster v. District of Columbia,* 394 F. Supp. 2d 60, 64-65 (D.D.C. 2005); *Spilsbury v. District of Columbia,* 307 F. Supp. 2d 22, 26-27 (D.D.C. 2004). When a parent is challenging the location of a placement, proof that the district's choice of location cannot appropriately implement the IEP must be shown. *T.Y. v. New York City Dept. of Educ.,* 584 F.3d 412, 419-20 (2d Cir. 2009); *Brad K. v. Bd. Of Educ. of the City of Chicago*, 787 F.Supp.2d 734, 739-740 (N.D. Ill. 2001).

The Student's December 4, 2024, IEP as amended, provides for implementation in a residential facility, and both parties agree that the Student requires such a placement. (SF # 1; FF # 6.) The Student was discharged from a previous residential facility, LRC, on May 19, 2025. (SF # 2.) Prior to this discharge, the District began looking for another residential facility that could meet the Student's needs. (FF # 23.) Three residential facilities were identified as potential

options, two of which were CCH and TA.[9] CCH was ultimately offered to the Student and his Parent for a start date of August 18, 2025. (FF #22.) Parent argues that the District predetermined the location for delivery of services when it offered CCH in violation of the mandates of the IDEA and the Illinois School Code. However, Parent misunderstands the law on this point. An alleged violation of the IDEA based upon "predetermination" by the District relates to the placement itself, not the location for delivery of services. It is well-settled that selection of the location for delivery of services is an administrative decision that is well within the purview of the District. Although parents may have input into facility selection, it is ultimately the District's obligation to locate a facility which can implement the student's IEP and provide a free and appropriate public education. Further, parents do not have veto power over the District's selection of a facility. *See Deer Valley Unified School District v. L.P. ex rel. Schripsema*, 942 F.Supp.2d 880 (D AZ 2013)(parent has a right to participate in creating the IEP but has no procedural right to chose the physical school to implement the IEP); *A.V. v. Lemon Grove School District*, 2017 WL 733424 (S.D. CA 2017)(selection of facility to implement the IEP is an administrative decision).

Educators "have the power to provide handicapped children with an education they consider more appropriate than that proposed by the parents." *Lachman v. Illinois State Bd. of Educ.,* 852 F.2d 290, 297 (7th Cir. 1988). It is within the District's discretion to select the location for delivery of the Student's special education instruction and related services. The Illinois School Code provides that the District **must** consider and refer students to in-state facility options when same are available and can meet the student's needs and implement the IEP. *See 105 ILCS 5/14-7.02(c)*. In the instant matter, the District's selection of CCH as the location for delivery of the Student's special education and related services was appropriate. The testimony and documentary

[9] The third potential residential facility was not appropriate for the Student and both parties agreed with that determination. (Testimony of Stepfather, SPED; SD #3.)

evidence presented at hearing was undisputed. CCH services students with this Student's disability categories; is able to implement the Student's IEP including academic instruction, related services, and a transition plan; can conduct a Functional Behavior Assessment (FBA) and create and implement a Behavior Intervention Plan (BIP). CCH can provide the Student with a free and appropriate public education (FAPE). (FF #5-8, 10-14, 17-22.) It is the finding of this Hearing Officer that the District met is obligation to provide the Student with a free and appropriate public education when it offered enrollment at CCH to the Student and Parent.

Parent, in her attempt to amend her due process complaint notice (DPCN) without leave to file same, attempted to recast this matter as a tuition reimbursement case – after Parent chose to unilaterally place the Student at TA. (FF #25.) However, such an analysis is unnecessary and results in the same determination. First, IHO Risen, at the conclusion of a due process hearing held in January 2025, ordered the District to provide the Student with a prospective residential placement for two years beyond the conclusion of the 2024-2025 school year. (SF #1.) IHO Risen's order remains undisturbed and the parties agree that the Student requires a residential facility. (FF #1-6.) Second, the tuition reimbursement analysis begins with a denial of a free and appropriate public education (FAPE) by the District. *See 34 C.F.R. §300.148(c); Burlington v. Department of Education of Massachusetts,* 471 U.S. 359 (1985); *Florence County School District Four v. Carter,* 510 U.S. 7 (1993). As indicated, the testimony and documentary evidence introduced as hearing is clear and uncontroverted. The District provided the Student with a free and appropriate public education. His December 4, 2025, IEP, as amended, identifies his disability related academic, related service, behavior, and transition needs. The contents of the IEP are undisputed (FF #7-9) and provide the Student with a free and appropriate public education (FAPE). CCH, the District's offered location for delivery of services is appropriate, can implement the

Student's IEP and enroll him immediately, and provides him with a free and appropriate public education (FAPE). (FF #1-14, 17-22.) It is the finding of this Hearing Officer that the District provided the Student with a free and appropriate public education (FAPE). In the absence of a FAPE denial, the District is not required to reimburse Parent for her unilateral placement of the Student at Parent's chosen location of TA.

Parent initially requested compensatory education related to the time between the Student's discharge from LRC to the time the District offered enrollment at an alternate residential facility, CCH. Parent was provided multiple opportunities[10] to present a requested compensatory education package and did not do so. Further, no testimony or documentary evidence was introduced at hearing to support such a claim. The evidence presented at hearing reflects discharge of the Student from LRC on May 19, 2025. (SF #2.) Prior to the Student's discharge, the District began the search for an alternate residential facility and on May 13, 2025, the District offered the Student either an interim home program or a therapeutic day school until another residential placement could be found. Parent requested the therapeutic day school, specifically, CAA. (SF #3; FF #23.) The Student began attending CAA on June 3, 2025, and attended there until August 15, 2025, making progress toward his IEP goals during that period. (SF #4; FF #24.) The District offered CCH, a residential facility placement to the Student on August 18, 2025. (FF # 22.) Based upon the testimony and documentary evidence presented at hearing, the District provided the Student with a FAPE during its search for an alternate residential facility. The Student attended a therapeutic day school, by agreement of the parties, where he progressed toward his IEP goals. Based upon the above, the Student is not entitled to compensatory education.

[10] See IHO Exhibits # 11-22, 28.

CONCLUSION

Based upon the Findings of Fact and Conclusions of Law, the Student requires a residential facility setting which can implement his December 4, 2024, IEP as amended. The District offered placement at CCH which is an appropriate residential facility which can meet his identified needs, implement his IEP, and provide him with a free and appropriate public education (FAPE).

Parent's allegation to the contrary is without merit and Parent's requested relief related to same is hereby denied in its entirety. As no denial of a free and appropriate public education (FAPE) is found, the District is not required to reimburse Parent for the unilateral placement of the Student at TA.

ORDER

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

The District is permitted to move forward with placement of the Student at CCH, a residential facility, which stands ready, willing, and able to implement the Student's December 4, 2024, IEP as amended.

Parent is hereby ordered to cooperate with same including participating in required intake meetings and signing all documents necessary to enroll the Student at CCH.

Parent's requested relief, for a finding that CCH is not an appropriate residential facility that can provide the Student with a free and appropriate public education (FAPE), is hereby denied in its entirety.

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: November 7, 2025

[redacted]
Janet K. Maxwell-Wickett,
Impartial Hearing Officer
[redacted]

APPENDIX A

[redacted] v. [redacted] SD [redacted]
Case No: 2026-DP-0017

Student	[redacted]
Attending School	[redacted] Academy (TA)
District School	[redacted] High School
Student's Parent/Petitioner	[redacted]
Stepfather	[redacted]
Parent Witnesses:	
Stepfather	[redacted] (Stepfather)
District Witnesses:	
Principal, [redacted] School/ [redacted]	[redacted] (JR)
Intake/Admissions Coordinator, [redacted] Home	[redacted] (AL)
Special Education Supervisor, [redacted] SD [redacted]	[redacted] (SPED)
Schools:	
Residential Facility	[redacted] School (CCH)
Prior Serving Residential Facility	[redacted] (LRC)
Interim Therapeutic Day School	[redacted] (CAA)