

constituting 32 pages of documents. No witness addressed any of the parent's submitted documents, and thus, the IHO removed the documents from the hearing record.

ISSUES AND REQUESTED RELIEF

- 3) The single issue certified for the hearing during the PHC included the following:
Whether the District's evaluation including supplemental assessments that comprised a review of records, a classroom observation, a Functional Behavior Assessment or FBA, and the Conners-4 rating scales constituted an appropriate evaluation of the Student. The petitioner requested the IHO declare relief in the form of an order from the IHO that denies the Parent's requested IEEs at public expense and that the IHO declares appropriate the District's supplementary assessments as delineated in the issue statement.

FINDINGS OF FACT

- 4) On January 14, 2025, the Student's elementary district, ██████ Elementary District # ██████ completed the Student's three-year reevaluation.³ The IEP team reviewed the results of the school's review of records, completed a classroom observation, completed the Autism Spectrum Rating Scales (ASRS), and the Behavior Rating Inventory of Executive Function-Second Edition (Brief-2).⁴ The ASRS revealed total scores from the Parent's completion of the assessment of 71 or Very Elevated. The total scores revealed from the Teacher completion of the assessment resulted in a 61 or Slightly Elevated.⁵ The Brief-2 results for Executive Functioning completed by the Parent revealed scores for behavioral, emotional, cognitive, and global executive functioning of 86, 87, 80, and 80 respectively. Each score identified as Clinically Significant. However, the two teachers who completed the Brief-2 reflected scores for the same categories on average as 63, 47, 54, and 55 respectively. The score of 63 reflects a Mildly Elevated score, while the other three teacher results reflect an overall score of Average.⁶ Additional results from the Brief-2 in the areas of impulse control, self-monitoring, think flexibly, control emotions, initiate tasks and working memory revealed parent scores all in the Clinically Elevated category. Teacher scores for the same areas on the Brief-2 reflected two scores of mildly

³ See SD p. 001 and testimony of Assistant Superintendent and the Program Coordinator. The IHO notes that the Program Coordinator attended the January 14, 2024, IEP team meeting as the liaison for District #205.

⁴ See SD p. 012 and testimony of the Program Coordinator.

⁵ See SD p. 014 and testimony of the Program Coordinator.

⁶ See SD p. 017 and testimony of the Program Coordinator.

elevated for impulse control and self-monitoring, and a score of Average for all other categories.⁷ As part of the record review, the [REDACTED] IEP team reviewed the most recent cognitive functioning for the Student completed in November of 2019 by an outside clinical psychologist. The Student's standard scores for all sub tests ranged from a low of 102 to a high of 109, all scores reflected the Student's cognitive functioning in the average range.⁸ The [REDACTED] IEP team assessments also reflect the team reviewed data relative to a speech and language evaluation of the Student. The overall results for the Student's social developmental score reflected a score of 99 which is in the middle of the average range.⁹ The assessment data also included an assessment of the Student's motor abilities completed by the Occupational Therapist (OT) over four days in December of 2024. The IEP team reviewed the results which indicated the Student receives consultative OT services.¹⁰ Further, the IEP team reviewed the results of the *Beery-Buktenica Developmental Test of Visual Motor Integration and subtests* (VMI). All standard scores reflected results in the Average range.¹¹ Additionally, the [REDACTED] IEP team reviewed assessment results from the Behavior Assessment System for Children (BASC-3). The assessment measures the Student's performance against 21 measurement criteria. The Student's results reflect average range scores in 18 of the 21 measured areas. The areas of Attention Problems, Hyperactivity, and Inattention/Hyperactivity resulted in scores in the At Risk range.¹² The overall result of the assessments caused the IEP team to conclude the Student met the eligibility criteria for Other Health Impaired (OHI).¹³

- 5) On January 22, 2025, the Student's elementary district, [REDACTED] Elementary District # [REDACTED] conducted the Student's annual review and secondary transition IEP team meeting. Staff members from the District attended.¹⁴

⁷ See SD p. 018 and testimony of Assistant Superintendent.

⁸ See SD p. 020 and testimony of Assistant Superintendent.

⁹ See SD pp. 021-022 and testimony of the Program Coordinator.

¹⁰ See SD p. 029 and testimony of the Program Coordinator.

¹¹ See SD p. 030 and testimony of the Program Coordinator.

¹² See SD p. 036 and testimony of the Program Coordinator.

¹³ See testimony of the Program Coordinator. The IHO notes that the School Psychologist with 34 years of experience testified that the assessments completed by the [REDACTED] school district constituted a comprehensive, in-depth review that produced relevant information to enable the IEP team to develop an appropriate program and reflect the programs and services in the IEP for the Student.

¹⁴ See SD p. 038 and testimony of Assistant Superintendent.

- 6) On January 30, 2025, at the request of the Parent via an email inquiry, the [REDACTED] elementary district provided the parent with a further detailed breakdown of the assessments completed and the results of those assessments.¹⁵
- 7) On April 27, 2025, an impartial hearing officer identified the Student's operative Stay-Put IEP as January 22, 2025.¹⁶
- 8) On June 2, 2025, the Parent emailed the District seeking an IEP team meeting for the Student.¹⁷
- 9) On June 12, 2025, the District responded via email to the Parent's request for an IEP team meeting, explaining that high school staff did not work during the summer and that once the District received the Student's records from the elementary district and identified the appropriate high school IEP team members and promised to "reach out again when I have a tentative date and time for a meeting."¹⁸
- 10) On July 22, 2025, the District provided the Parent with the Notice of Conference that scheduled the requested IEP team meeting for August 6, 2025, which occurred prior to the start of the 2025-26 school year.¹⁹
- 11) On August 1, 2025, the District received the Student's elementary school records.²⁰
- 12) On August 6, 2025, the District conducted an IEP team meeting for the Student and the Parent attended and participated. The IEP team adopted the IEP developed by the Student's elementary school district and addressed parental concerns.²¹ The IEP team also reviewed independent evaluations of the Student completed by [REDACTED], MD,²² and [REDACTED], Psy. D., clinical psychologist.²³ The IEP team also included time in the Student's IEP for services from the District's school psychologist to assist with the Student's executive functioning deficits.²⁴ One result of the IEP team meeting included the Parent signing authorization for the additional testing recommended by the

¹⁵ See SD pp. 069-071 and testimony of Program Coordinator.

¹⁶ See SD p. 090 and testimony of Assistant Superintendent.

¹⁷ See SD p. 098-099 and testimony of Assistant Superintendent.

¹⁸ See SD pp. 101-102 and testimony of Assistant Superintendent.

¹⁹ See SD p. 103 and testimony of Assistant Superintendent.

²⁰ See testimony of Assistant Superintendent and the Program Coordinator.

²¹ See SD pp. 105-133.

²² See SD p. 441 and testimony of Assistant Superintendent, Program Coordinator, and School Psychologist.

²³ See SD p. 442 and testimony of Assistant Superintendent, Program Coordinator and School Psychologist.

²⁴ See SD p. 129 and testimony of Assistant Superintendent and the School Psychologist.

IEP team and the Parent waived the 10-day waiting period. The Parent agreed with the recommended assessments at the IEP team meeting.²⁵

13) On September 3, 2025, the District completed a classroom observation of the Student that produced results consistent with the assessments reflected in the [REDACTED] elementary reevaluation.²⁶

14) On September 8, 2025, the Student's teachers, including the teachers for computer science, biology, English, mathematics, physical education (PE), Spanish 2, American Sign Language, the Student, and the Parent completed the Conners4 – 4th Edition. The Conners4, among other areas, focuses on measurement of the Student's attention deficit hyperactivity disorder (ADHD) tendencies.²⁷ Overall results from the seven teacher assessments reflected mostly in the average range with some concerns related to Inattention/Executive Functioning and Schoolwork which reflected elevated and slightly elevated scores from two of the seven teachers. All other areas measured by the teacher assessments reflected little concern due to scores in the average range.²⁸ The IEP team reviewed all results from the assessments.²⁹

15) On September 30, 2025, the IEP team completed a Functional Behavior Assessment (FBA) of the Student and utilized the results to develop a Behavior Intervention Plan (BIP) for the Student.³⁰ The Parent participated in the discussion and development of the FBA and BIP, although expressed disagreement to parts of the discussion.³¹ The IEP team utilized the assessment results from the [REDACTED] elementary IEP dated 1/14/25, the assessments completed by the District and the input from the Parent and the Student.³²

16) On October 1, 2025, the Parent submitted a written request for IEEs at public expense in the areas of behavior, executive functioning, ADHD, DMDD, and autism.³³

²⁵ See SD pp. 134-137 and testimony of the Program Coordinator.

²⁶ See SD p. 138 and testimony of the School Psychologist.

²⁷ See SD pp. 139-406 and testimony of the School Psychologist.

²⁸ See SD pp. 248-249 and testimony of the School Psychologist. The IHO notes the School Psychologist testified that the Parent's results on the Conners4 were markedly higher than the seven teachers who completed the assessment, and the Home elementary assessments reflected this same discrepancy.

²⁹ See SD pp. 443-446 and testimony of the School Psychologist.

³⁰ See SD pp. 289-295 and testimony of the Program Coordinator.

³¹ See SD pp. 445-46 and testimony of the Program Coordinator.

³² See testimony of the School Psychologist.

³³ See SD p. 447 and testimony of Assistant Superintendent.

17) On October 2, 2025, the District responded to the Parent's request for an IEE via email with attachments that included the District's IEE Procedures and Criteria.³⁴

DISTRICT'S CLOSING ARGUMENT

18) The District asserts that it has met its burden of proof by a preponderance of the evidence that its evaluation of the Student, consisting of supplemental assessments (review of records, classroom observation, Functional Behavior Assessment (FBA), and Conners-4 rating scales), was appropriate under the Individuals with Disabilities Education Act (IDEA) and relevant regulations. The District emphasizes that the Student's prior comprehensive triennial reevaluation by ██████ Elementary District # ██████ on January 14, 2025, precludes additional reevaluations in non-agreed areas within one year unless mutually agreed, per 34 C.F.R. § 300.303(b). The supplemental assessments were conducted with parental consent on August 6, 2025, and reviewed at an IEP meeting on October 1, 2025, where the Parent participated. The District highlights that the Conners-4 is a technically sound, standardized tool administered by qualified personnel, complying with 20 U.S.C. § 1414(b)(2)(C) and 34 C.F.R. § 300.304(b)(3), and that the FBA meets the definition under 23 Ill. Admin. Code § 226.75, incorporating multiple data sources. The District notes the Parent presented no contrary evidence, witnesses, or testimony at the hearing. Citing cases like *B.G. v. Bd. of Educ. of City of Chicago*, 901 F.3d 903 (7th Cir. 2018), and *Great Valley School District*, 114 LRP 49527 (SEA PA 2014), the District argues parental disagreement does not entitle the Parent to IEEs at public expense. The District requests an order denying the Parent's IEE requests and declaring its evaluation appropriate.

PARENT'S CLOSING ARGUMENT

19) The Parent argues that the District failed to meet its burden to prove its supplemental assessments constituted an appropriate evaluation under IDEA, entitling the Parent to IEEs at public expense in areas including executive functioning, ADHD, DMDD/emotional-behavioral regulation, and autism-related features, per 34 C.F.R. § 300.502(b). The Parent contends the assessments were insufficient, relying on limited tools similar to early-year Conners-4 ratings (collected under novelty conditions with validity issues, including a rushed student self-report and missing paternal input), a non-

³⁴ See SD pp. 454-468 and testimony of Assistant Superintendent.

compliant FBA lacking structured data and initially misattributing behaviors, and no comprehensive evaluations in suspected disability areas like executive functioning or emotional regulation, violating 34 C.F.R. § 300.304(c). The Parent disputes reliance on the [REDACTED] reevaluation, noting lack of access to underlying data, raw scores, or protocols, and no team-based review at Lockport, impairing meaningful participation under 34 C.F.R. §§ 300.306 and 300.613. The Parent asserts the one-year reevaluation limit (34 C.F.R. § 300.303(b)) does not bar assessments for emerging high-school needs. Procedural issues, such as denial of records, removal of supports without Prior Written Notice. The Parent rested on the written record without calling witnesses or cross-examining, as no IDEA requirement mandates verbal participation. The Parent requests an order granting IEEs at public expense, records correction, and interim supports tied to evaluation failures.

CONCLUSIONS OF LAW

- 20) In a due process hearing under IDEA, the party seeking relief—in this case, the District, which initiated the complaint to deny the Parent's request for IEEs at public expense—bears the burden of proof by a preponderance of the evidence.³⁵ The District has met this burden, as its uncontradicted testimonial and documentary evidence demonstrates that its supplemental assessments constituted an appropriate evaluation of the Student.
- 21) A school district must ensure that evaluations and reevaluations are sufficiently comprehensive to identify all a child's special education and related services needs, using a variety of technically sound assessment tools and strategies administered by trained personnel.³⁶ Assessments must provide relevant information to assist in determining the child's educational needs.³⁷
- 22) A reevaluation may not occur more than once a year unless the parent and district agree otherwise.³⁸ Here, the Student's comprehensive triennial reevaluation by [REDACTED] Elementary District # [REDACTED] on January 14, 2025, was reviewed and supplemented by the District with parental consent on August 6, 2025. The supplemental assessments (review

³⁵ See *Schaffer ex rel. Schaffer v. Weast*, 546 U.S. 49, 62 (2005).

³⁶ See 20 U.S.C. § 1414(b)(2)-(3); 34 C.F.R. § 300.304(b)-(c); 23 Ill. Admin. Code § 226.120.

³⁷ See 34 C.F.R. § 300.304(c)(7).

³⁸ See 34 C.F.R. § 300.303(b).

of records, classroom observation, FBA, and Conners-4 rating scales) were appropriately limited to agreed-upon areas and complied with the one-year limitation, as they addressed emerging high-school concerns without duplicating the recent comprehensive reevaluation.

- 23) The District's Conners-4 rating scales, completed by seven teachers, the Parent, and the Student, are a standardized, validated, and reliable tool for assessing ADHD-related behaviors, including inattention/executive functioning, hyperactivity, impulsivity, emotional dysregulation, schoolwork, and peer interactions. The assessments were administered by an experienced and qualified school psychologist, meeting the requirements for school psychological services.³⁹ The tool's technical soundness aligns with the requirements of the IDEA and its regulations.⁴⁰
- 24) The District's FBA, developed collaboratively by qualified personnel (including a licensed school psychologist, school social worker, and special education teacher), included an operational definition of target behaviors, antecedents, consequences, environmental variables, and a hypothesis of behavioral function, fully complying with the identified requirements.⁴¹ No specific standardized FBA tool is required under federal or state law, and professionals with appropriate training may conduct FBAs.⁴²
- 25) A parent is entitled to an IEE at public expense only if the district's evaluation is inappropriate.⁴³ If the district proves the appropriateness of the District's evaluation by a preponderance of the evidence, the parent is not entitled to an IEE at public expense.⁴⁴ Parental disagreement with methodology or conclusions does not render an evaluation inappropriate, nor does it confer a right to a "second opinion" at public expense.⁴⁵ Evaluations are held to a standard of reasonableness, not perfection, and need only be reasonably calculated to inform educational planning.⁴⁶ The District's supplemental

³⁹ See 34 C.F.R. § 300.34(c)(10) and 105 ILCS 5/14-1.09.1.

⁴⁰ See 20 U.S.C. § 1414(b)(2)(C) and 34 C.F.R. § 300.304(b)(3).

⁴¹ See 23 Ill. Admin. Code § 226.75.

⁴² See Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA's Discipline Provisions, OSERS (July 19, 2022); Using Functional Behavioral Assessments to Create Supportive Learning Environments, OSERS (2024).

⁴³ See 34 C.F.R. § 300.502(b).

⁴⁴ See *B.G. v. Bd. of Educ. of the City of Chicago*, 901 F.3d 903, 909 (7th Cir. 2018).

⁴⁵ See *Great Valley Sch. Dist.*, 114 LRP 49527 (SEA PA 2014).

⁴⁶ See *Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 458 U.S. 176, 206-07 (1982); *Robert B. v. W. Chester Area Sch. Dist.*, 44 IDELR 123 (E.D. Pa. 2005).

assessments met this standard, incorporating multiple data sources and informing the IEP team's decisions.

26) The Parent's reliance on the written record alone, without calling witnesses, testifying, or cross-examining District witnesses, does not undermine the District's evidence. During the hearing, the Parent confirmed to the IHO that she did not intend to verbally participate in any way, including by offering testimony or questioning witnesses. While IDEA does not require verbal participation, the lack of contradictory evidence leaves the District's uncontroverted testimony and exhibits as the preponderance of the evidence.⁴⁷

27) The Parent's concerns regarding access to underlying [REDACTED] reevaluation data do not render the District's supplemental evaluation inappropriate, as the District reviewed and built upon the recent comprehensive reevaluation with parental participation at IEP meetings. Disagreements over data access or prior evaluations do not entitle the Parent to IEEs where the District's actions complied with evaluation standards.⁴⁸

28) FINAL ORDER

Based on the foregoing Conclusions of Law and the Findings of Fact, it is hereby ORDERED that: The IHO declares as appropriate under the IDEA and applicable regulations and the rules and regulations of the State of Illinois the District's evaluation, including the supplemental assessments (review of records, classroom observation, Functional Behavior Assessment, and Conners-4 rating scales).

1. The IHO DENIES the Parent's request for Independent Educational Evaluations at public expense in the areas of behavior (including FBA), executive functioning, ADHD, DMDD/emotional-behavioral regulation.
2. The IHO grants no further relief.

⁴⁷ See *Schaffer*, 546 U.S. at 62 (burden on party seeking relief); *Fulton Cnty. Sch. Dist.*, 115 LRP 51672 (SEA GA 2015) (focus on procedural compliance and objective evidence).

⁴⁸ See *DeMerchant v. Springfield Sch. Dist.*, 48 IDELR 181 (D. Vt. 2007); *J.S. v. Shoreline Sch. Dist.*, 220 F. Supp. 2d 1175, 1185 (W.D. Wash. 2002).

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 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- 8.02(a)(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.

This Final Determination and Order is issued on December 12, 2025.


Impartial Hearing Officer

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the IHO sent a true and correct copy of the Impartial Hearing Officer's Final Determination and Order via PDF file and electronic mail only and directed to:

Ms. Teri Engler , Esq.
ECB&S LLC

[REDACTED]

And

Mr. Daniel and Ms. Julie Wisniewski
Parents

[REDACTED]

And

Mr. Andy Eulass, Esq., Due Process
Coordinator
@: aeulass@isbe.net

On December 12, 2025

/s/D. Michael Risen
D. MICHAEL RISEN, PH.D.

[REDACTED]

APPENDIX A – PERSONALLY, IDENTIFIABLE INFORMATION

[REDACTED] v. [REDACTED]

ISBE Case No. 2026-DP-0052

Students Name	[REDACTED]
Date of Birth	[REDACTED]
Attending School	[REDACTED] High School
Parent's Name	[REDACTED]
Parent's Name	[REDACTED]
Assistant Superintendent	[REDACTED]
Program Coordinator	[REDACTED]
School Psychologist	[REDACTED]
School Social Worker	[REDACTED]