



a response from the District providing requested student records and providing the District's response to the DPCN that had a due date of November 17, 2025. The IHO rescheduled the PHC to January 7, 2026.

- 5) On January 6, 2026, in preparation for the PHC, the IHO provided the parties with a document that reflected the IHO's understanding of the proposed issues and requested relief. Additionally, the Parent filed required disclosure documents. The District did not file as required.
- 6) On January 7, 2025, the IHO completed the PHC with the parties and provided the parties with a copy of the PHC Summary/Order that reflected the issues and proposed relief certified for the hearing. The IHO set hearing dates for January 29, February 2, and February 3, 2026.<sup>2</sup>
- 7) On January 12, 2026, the IHO directed the District to submit the missing response to the DPCN, the required PHC disclosures, and to confirm hearing dates by 5pm on January 14, 2026. The District complied with the PHC disclosures and hearing date confirmation the same day.
- 8) On January 15, 2026, the Parent filed a continuance motion to allow the parties to complete the hearing and accordingly requested the extension of the 45-day deadline for a decision.
- 9) On January 16, 2026, the IHO issued the Order of Continuance scheduling the hearing and extending the 45-day deadline to February 18, 2026.
- 10) On January 21, 2026, the IHO notified the District that the District's tardiness filing the required response to the DPCN and failing to provide a witness schedule to the Parent needed immediate correction and set the deadline to file both documents for 5pm on January 22, 2026.
- 11) On January 22, 2026, the District filed the required response to the DPCN and the required witness and document disclosures.
- 12) On January 24, 2026, the Parent requested a postponement of the hearing dates, citing multiple reasons, such as the earlier situation in which the District submitted necessary documents late. The IHO responded that continuing the hearing meant delaying the hearing

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<sup>2</sup> The IHO notes that the PHC Summary/Order reflects that the IHO directed the District to submit the required response to the DPCN and the required PHC disclosures as soon as possible. The District informed the IHO that the recent merger of the District's law firm had created technology issues.

until May of 2026. Both parties agreed the timetable acceptable if the IHO issued the continuance.

- 13) On January 25, 2026, the IHO issued the Order of Continuance and reset hearing dates to May 18-21, 2026, and reset the 45-day deadline to May 30, 2026.
- 14) On January 26, 2026, the IHO communicated via email that the IHO remained concerned regarding the lengthy delay in resolving the issues in the Parent's DPCN. The IHO directed the parties to make every effort to accommodate hearing dates of February 9, 10, and 11, 2026, which recently became available because of a settlement in another DPCN.
- 15) On January 26, 2026, the District expressed concerns about the timeframe due to the attorney for the District's obligations in another case. The IHO directed the parties to make the dates work and provided justification for the demand to move up the hearing dates in the email communication. The IHO then set February 2, 2026, as the new 5-business day deadline and directed the parties to simultaneously submit the proposed witness schedule along with the required disclosures.
- 16) On January 27, 2026, the Parent submitted a six-point request to the District seeking additional disclosures. The District promptly submitted a detailed response and the Parent indicated the response insufficient. The IHO reviewed the communications and issued a directive via email to the parties with the IHO's determinations related to the efficacy of the District's response to the Parent's inquiry.
- 17) On February 2, 2026, the parties submitted the required disclosures for the hearing.
- 18) On February 3, 2026, the Parent sought a subpoena from the IHO for the Parent's independent evaluator.
- 19) On February 4, 2026, the IHO provided the Parent with the signed and dated subpoena. Also, the IHO reworked the witness schedule at the request of the Parent and prepared and submitted a revised subpoena for the Parent's independent evaluator.
- 20) On February 5, 2026, the District submitted a proposed edited schedule of witnesses and the IHO approved the schedule.
- 21) On February 6, 2026, the IHO provided the three Zoom links necessary for the parties to participate in the three scheduled days of hearing.
- 22) On February 12, 2026, the Parent contacted the IHO seeking additional time for filing the written copy of the Parent's closing argument due to an emergency dental condition. The

IHO granted an extension to 5pm on February 16, 2026, for both parties to file a written copy of the closing argument.

- 23) On February 16, 2026, the parties filed the required written copy of the parties' respective closing arguments.

### **ISSUES AND REQUESTED RELIEF**

- 24) The two issues certified for the hearing during the PHC included the following: Whether the District denied the Student a Free Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE) when:
- 25) The Student's IEP team on or about September 10, 2025, recommended the termination of the Student's specialized education and related services in favor of a new 504 plan;
- 26) The Student's IEP team, on or about September 10, 202 failed to correctly identify the Student's primary eligibility as specific learning disability (SLD), with a secondary eligibility of other health impaired (OHI) and failed to address the Student's demonstrated anxiety issues.
- 27) Should the Parent meet the Parent's burden of persuasion at the hearing, the Parent seeks an order from the IHO that directs the District to: The relief certified for the hearing during the PHC included the following: Should the Parent meet the Parent's burden of persuasion at the hearing, the Parent seeks an order from the IHO that directs the District to:
- a. Reconvene the IEP team and develop an IEP for the Student that provides a placement for the Student in a co-taught classroom with specialized instruction provided by a certified special education teacher.
  - b. Identify the Student's eligibility category as Specific Learning Disability (SLD) and a secondary eligibility as Other Health Impaired (OHI).

### **FINDINGS OF FACT**

#### **After considering all the evidence, as well as the arguments of both counsels, this Hearing Officer's Findings of Fact are as follows:<sup>3</sup>**

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<sup>3</sup> The IHO notes that some of the Parent's electronically submitted documents presented as either turned 90 degrees or even 180 degrees, thereby causing the review of the document challenging, and in the instance of P 15, p 3, not reviewable. Additionally, the Parent submitted documents and testimony completed by the Tutor employed by the District as part of a compensatory education plan agreed to by the parties prior to the due process complaint. Part of the documentary evidence submitted included formal assessments like the GORT-5 and TOWL. The IHO notes that the Tutor testified that the Tutor worked with the Student one-to-one for 36 sessions. The Tutor also testified that the Tutor did not share any of the notes or data with the District or the IEP team. The IHO admitted into evidence the formal assessment results and related data (including results from the Gray Oral Reading Test, Fifth Edition (GORT-5), Test of written Language (TOWL), and any accompanying notes or interpretative data submitted by the Parent. The Parent disclosed the admitted evidence to the District at least five business days prior to the commencement of the hearing, satisfying the disclosure requirements of 34 C.F.R. §300.512(a)(3) (prohibiting introduction of

28) On January 30, 2025, the District conducted an IEP team meeting to complete the Student's annual review. Present Levels of Academic Achievement and Functional Performance (PLAAFP) revealed the Student's MAP scores ranged from a low of the 14<sup>th</sup> percentile in spelling to a high of the 63<sup>rd</sup> percentile in sentence composition<sup>4</sup> The Parent expressed concerns that the Student's then co-taught classroom failed to include a certified special education teacher and instead consisted of a paraprofessional. The District then offered and implemented compensatory education with the Parent's agreement and provided one-to-one instruction after school for the Student delivered by the Assistant Superintendent, a certified special education teacher.<sup>5</sup> Further, the IEP team recommended the Student's dismissal from direct speech and language services from the speech and language pathologist (SLP) due to the Student's average to above average scores as reflected on the Clinical Evaluation of Language Fundamentals 5<sup>th</sup> edition Matalinguistics (CELF-5 Meta). Scores reflected the Student performed in the above range on Making Inferences and Conversational Skills, and in the average range in Multiple Meaning, Figurative Language, and Meta-Pragmatics Index Score.<sup>6</sup> Further, the evaluation revealed the Student demonstrated improvement in all obtained scores when compared to previous evaluation and presented expressive and receptive language skills considered age appropriate.<sup>7</sup> The Student's social-emotional status information reflected the District noted a lack of concerns in the area. The Student presents

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undisclosed evidence) and 34 C.F.R. §300.512(b) (requiring disclosure of evaluations and recommendations based thereon at least five business days before the hearing), as well as 105 ILCS 5/14-8.02a(g-50). However, because these formal assessments and their results were not provided to the District or IEP team during the IEP development or revision process, the IHO has considered this factor in determining the weight the IHO accords to the evidence when evaluating whether the District denied a FAPE based on information reasonably available to the District at the relevant IEP times (*See Andrew F. v. Douglas County School District* RE-1, 580 U.S. 386 (2017); *Rowley v. Hendrick Hudson Central School District*, 458 U.S. 176 (1982)). The assessments are given appropriate evidentiary weight for prospective remedies and future programming needs but do not retroactively impose liability on the District for failing to address needs or recommendations that were not reasonably known to it prior to disclosure. Further, the Parent presented testimony from the Parent's Consultant and asserted the Consultant qualified as an expert witness on the diagnosis of Specific Learning Disability (SLD). While the witness demonstrated general knowledge of SLD and the discrepancy model, the Consultant was unaware of or did not address Illinois' mandatory requirement under 23 ILL. Admin. Code §226.130 to utilize a process based on the child's response to scientific, research-based interventions (RtI/MTSS) and that the IEP team utilize the data generated through the RtI process as part of the evaluation procedures for suspected SLD. Severe discrepancy between intellectual ability and achievement is neither required nor sufficient alone for eligibility in Illinois (see ISBE Guidance on SLD Eligibility within an RtI framework). Thus, while the Consultant demonstrated general knowledge of SLD and the discrepancy model, the Consultant's testimony lacked reliability and the IHO accorded limited weight with respect to Illinois eligibility determinations. The Consultant also testified that the Consultant did not receive all relevant data points necessary to draw definitive conclusions. Reliance solely on the discrepancy model without reference to RtI/MTSS data renders the Consultant's opinion incomplete and unreliable under applicable State law, diminishing its probative value in assessing the District's compliance with IDEA and Illinois criteria for SLD identification.

<sup>4</sup> Parent Exhibit 4, p. 6 and Parent.

<sup>5</sup> Parent and the Assistant Superintendent.

<sup>6</sup> P 3 p. 45 and SPL.

<sup>7</sup> P 3 p. 46 and SPL.

as a student who communicates with the Student's teachers and peers, is kind, has a good relationship with others, works hard and is a good communicator.<sup>8</sup> Results from the district data revealed no behavior issues at school and no demonstrated adverse impact on the Student's learning. Parent results revealed concerns in the areas of written expression and ability to maintain friendships. The District decided to include the Student in a social skills group to address the Parent's concern relative to the Student's friendship making skills.<sup>9</sup>

- 29) On February 11, 2025, the District conducted an IEP domains meeting. The meeting adjourned due to a lack of sufficient data to complete the meeting and the parties agreed to reschedule the meeting.<sup>10</sup>
- 30) On April 16, 2026, the District conducted an IEP team meeting to review data collected after the February of 2025 domains meeting.<sup>11</sup> Evidence revealed the Student's social emotional evaluation results that included the completion of an informal observation of the Student, Behavior Assessment for Children 3<sup>rd</sup> edition (BASC-3) completed by the parent and the Student's teachers, and the Child Autism Rating Scales – Second Edition – High Functioning Version (CARS-2-HF). Evidence further demonstrated that the Student “appears to exhibit more symptoms of Executive Functioning issues within the home than she does in the school setting. While this may be frustrating at home, it does indicate that the Student is able to regulate emotion, behavior, and cognitions within the school setting.”<sup>12</sup> Additionally, progress monitoring from AIMSweb the scores on the Total Words Written (TWW) revealed the Student demonstrated over a four week period results that ranged between the average and above average on the standardized assessment. Progress monitoring on Words Spelled Correctly (WSC) and Correct Writing Sequences (CWS) the data again reflected scores within the average to above average ranges. The Student's results on the WIAT 4 – Wechsler Individual Achievement Test 4<sup>th</sup> edition, reflected percentile results in Word Reading, Reading Comprehension, Essay

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<sup>8</sup> P 3 p. 10 and Social Worker (SW).

<sup>9</sup> P 7 pp. 16-19 and SW.

<sup>10</sup> Parent, Junior High School Psychologist and Assistant Superintendent

<sup>11</sup> P 7. The IHO notes that the Parent submitted testimony from an Advocate and special education assistant director from another school district who attended the IEP team meeting and submitted the Advocate's opinion on data reviewed during the IEP team meeting. The IHO determined the testimony of the Parent's Advocate lacked reliability. Much of the consultant's testimony reflected a lack of specific knowledge. For example, in response to a review of the Student's school work, the consultant testified: “Um, also, I can't remember which ones, but it might have been this one, um and I would need clarification on this, but, the Majority of these, it was my understanding that these were completed one-to-one with (Assistant Superintendent).” Qualifiers like this occurred often enough during the testimony, that the IHO determined that any facts derived from the Advocate's testimony lacked reliability.

<sup>12</sup> P. 7 p. 14 and SW.

Composition, Reading, and Written Expression in the average range. Spelling percentile data reflected scores below the average. Scores from the administration of the BRIEF 2 – Behavior Inventory of Executive Functioning 2<sup>nd</sup> edition revealed T-scores all in the average range on the teacher rating scores. Conversely, several areas from the BRIEF 2 survey completed by the Student and the Parent revealed T-scores mostly in the mildly elevated to significantly elevated range. The differences between the teachers’ assessments and the Parent and Student were like<sup>13</sup>those noted on the BASC-3.<sup>14</sup> Additionally, trend data demonstrated positive progression from the Northwest Evaluation Association (NWEA) with scores beginning in the fall of 2023 and ending in the fall of 2025 depicted positive academic growth over the referenced timeline.<sup>15</sup>

31) On September 10, 2025, the District conducted an IEP team meeting and considered the Independent Educational Evaluation (IEE) completed at public expense.<sup>16</sup> The IEE revealed a cognitive score derived from the Wechsler Intelligent Scale for Children, 5<sup>th</sup> edition (WISC-5), of a Full Scale IQ (FSIQ) of 81 which “was low.”<sup>17</sup> The IEE included results from the NEPSY-II, a Developmental Neuropsychological Assessment, that revealed the Student possessed average language comprehension, “relatively strong skills”<sup>18</sup> relative to the Student’s accuracy related to content and spatial location of designs and a score in the average range on skills related to Narrative Memory.<sup>19</sup> The IEE also included results from the Kaufman Test of Educational Achievement, 3<sup>rd</sup> edition, (KTEA-3). The Academic Skills Battery composite score of 80 “was commensurate with [the Student’s] level of cognitive ability.”<sup>20</sup> The IEE concluded that the Student’s “overall profile was commensurate with [the Student’s] intellectual ability.”<sup>21</sup> The IEP team considered the results of the IEE and the IEP team’s overall conclusion determined the Student no longer required specialized instruction and related services, but rather the appropriate plan for moving forward included the development of a 504 plan with accommodations and modifications<sup>22</sup> The IEP team relied on the District’s multiple data points, as well as, the

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<sup>13</sup> P 7 pp. 10-18 and Jr. High School Psychologist. Also, the IHO notes the School Psychologist expressed preference of securing data from the WIATT -4 over the KTEA -3 due to the WIATT 4 presents with a more robust scoring system and age-appropriate prompts.

<sup>14</sup> P 7 pp. 10-18 and Jr. High School Psychologist.

<sup>15</sup> P 21 p. 33 and Jr. High Psychologist.

<sup>16</sup> P 8 and SPL, HS Psychologist, and Assistant Superintendent.

<sup>17</sup> P 10 p. 2 and Independent Evaluator.

<sup>18</sup> P 10 p. 3.

<sup>19</sup> Id.

<sup>20</sup> Id.

<sup>21</sup> Id. p. 4.

<sup>22</sup> HS School Psychologist, 9<sup>th</sup> grade ELA teacher, 9<sup>th</sup> grade special education teacher, and the Assistant Superintendent .

consideration of the IEE and the teacher reported information that the Student presents as a student performing in the average range in the Student's regular classrooms.<sup>23</sup> Overall, the District considered multiple data points in determining the Student no longer qualified for specialized instruction and related services. The data considered included results from AIMSweb progress monitoring, MAP scores, EasyCBM scores, the IEE results, and the WIAT-4. The overall results demonstrated the Student scored below the 10<sup>th</sup> percentile on the Standardized Achievement Score and Standardized State-Wide Assessments but in the average range on the Curriculum Based Assessment and data from the Response to Intervention (RtI). Further, the IEP team concluded the Student's Educational Progress reflected scores inconsistent with progressing at a significantly lower rate than expected and the intensity of intervention provided to the Student did not negatively impact the Student's rate of progress. The data revealed a lack of significantly discrepant progress nor were the Student's instructional needs significantly different from the Student's peers in general education, thereby demonstrating a lack of adverse effect on the Student's educational performance in one or more areas.<sup>24</sup> The IEP team acknowledged the Student presented with specific areas of need and recommended the development of a 504 plan with appropriate modifications and accommodations.<sup>25</sup>

### **PARENT'S CLOSING ARGUMENT**

32) The Parent and Student assert that they have met their burden of persuasion under the Individuals with Disabilities Education Act (IDEA) and Illinois law to demonstrate the Student's eligibility for special education services, primarily under Specific Learning Disability (SLD) with a secondary category of Other Health Impairment (OHI) to address socialization, attention, and anxiety needs. The Parent relies on expert evidence, including the Independent Educational Evaluation (IEE) by Dr. Melissa Fisher Paoni, Ph.D., conducted at District expense in the summer of 2025, using instruments like the WISC-V, NEPSY-II subtests, and KTEA-3. Dr. Paoni found the Student's overall profile average but identified significant delays in reading decoding and written expression, recommending an IEP for learning disabilities, attention, and anxiety. The District offered minimal criticism, with only

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<sup>23</sup> HS Psychologist, Social Worker, and Assistant Superintendent.

<sup>24</sup> P 8 pp. 68-78 and HS School Psychologist.

<sup>25</sup> Assistant Superintendent.

the school psychologist preferring the WIAT over the KTEA for high school students. Additional support includes testimony and a report from the Student's Tutor., who provided 1:1 ESY tutoring from July 2025 to January 2026, documenting growth in reading and writing but persistent difficulties in contextual fluency, inferential comprehension, spelling, logical sentences, and sentence combining (via TOWL-4). This aligns with the Independent Evaluator's findings and the Parent's observations as a licensed speech-language pathologist. The Parent's Advocate, a special education administrator, testified that AIMSweb and MAP are inappropriate for SLD determinations, serving only as general progress measures. Beverley Johns, a learning disabilities specialist, reviewed writing samples and opined they were at a 4th-grade level. Step Up to Writing samples from 1:1 learning sessions with the Assistant Superintendent in March-April 2025 demonstrate severe writing deficits. The Parent highlighted social-emotional issues, confirmed by the 9<sup>th</sup> grade Res. The Parent criticizes the District for failing to implement Multi-Tiered System of Supports (MTSS) with fidelity or collect/share scientific intervention data, over relying on flawed standardized tests (e.g., disregarding low WIAT spelling score at 14th percentile), and having IEP team members at the September 10, 2025, meeting with limited knowledge of the Student (e.g., Social Worker, HS Psychologist, 9<sup>th</sup> grade Resource Room Teacher). The Parent contrasts the District's vague intervention evidence with the Tutor's detailed reporting. The Parent requests: (1) An IEP with SLD as primary and OHI as secondary; (2) Individualized strategies in co-teaching and resource for reading, written expression, and math problem-solving per the Independent Evaluator and the Tutor; (3) School social work interventions for socialization, anxiety, and attention.

### **DISTRICT'S CLOSING ARGUMENT**

- 33) The District asserts that the Student, a 9th-grade student at Rochester High School, is no longer eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA) and Illinois law. The District maintains that the Student actively participated in the IEP process through her Parent, and that the District conducted comprehensive, multi-source evaluations in compliance with 34 C.F.R. §§ 300.304–300.306 and 23 Ill. Admin. Code § 226.130. The District emphasizes that the Student was initially eligible under Other Health Impairment (OHI) in 8th grade but, following triennial

reevaluation data collection (including updated academic testing, teacher reports, attention and executive functioning rating scales, language assessments, BRIEF, BASC-3, CARS-2-HF, AIMSweb progress monitoring, WIAT-4, KTEA-3, WISC-5 via the IEE, MAP scores, EasyCBM, observations, grades, and RTI data), the IEP team determined no adverse educational impact from any impairment and no need for specialized instruction. The District relied on multiple data points showing average to above-average performance in most areas, with relative weaknesses (e.g., in spelling or isolated writing) not rising to the level of adverse effect or requiring special education. The District uses the 16th percentile as a guide for adverse effect, and the majority of the Student's data fell above this threshold. The District highlights Illinois-specific SLD requirements under 23 Ill. Admin. Code § 226.130, which mandate RTI/MTSS processes as primary, with severe discrepancy considered only supplementally—not as a standalone basis for eligibility (citing ISBE Guidance Document and FAQ). The District contends that it correctly used RTI data, which indicated no significant concerns about lack of progress, and asserts that a Section 504 Plan should address the Student's needs with appropriate accommodations. Regarding the Parent's evidence and burden of proof (which rests on the Parent under *Schaffer v. Weast*, 546 U.S. 49 (2005)), the District contends the Parent failed to prove: (1) an impairment adversely affecting educational performance; or (2) a need for specialized instruction. The District notes the Parent's witnesses (including the Parent, the Advocate, the Tutor, the Consultant, and the Independent Evaluator) either lacked foundation, relied on outdated discrepancy models without addressing RTI, failed to demonstrate school-based adverse impact, or provided data not shared timely with the District for consideration. District witnesses (e.g., teachers, social workers, case manager, and the Assistant Superintendent) consistently reported no significant concerns, average classroom performance, and no manifestation of impairments (e.g., ADHD/seizure disorder or anxiety) adversely affecting education. The District acknowledges relative weaknesses and medical diagnoses but disputes any adverse educational impact or specialized service need. It concludes the evidence supports declassification from special education, with transition to a Section 504 plan sufficient to provide FAPE.

### **CONCLUSIONS OF LAW**

- 34) Based upon the foregoing Findings of Fact, and pursuant to the authority granted under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq., its implementing regulations at 34 C.F.R. Part 300, the Illinois School Code at 105 ILCS 5/14-8.02a, and the Illinois Administrative Code at 23 Ill. Admin. Code Part 226, the IHO reached the following Conclusions of Law.
- 35) Under the IDEA, a school district must provide each eligible child with a disability a FAPE that is reasonably calculated to enable the child to make progress appropriate in light of the child's circumstances. 20 U.S.C. § 1412(a)(1); 34 C.F.R. § 300.17; *Bd. of Educ. of Hendrick Hudson Cent. Sch. Dist. v. Rowley*, 458 U.S. 176, 207 (1982); *Andrew F. ex rel. Joseph F. v. Douglas Cnty. Sch. Dist. RE-1*, 580 U.S. 386, 403 (2017).
- 36) IDEA requires school districts to conduct comprehensive evaluations using a variety of assessment tools and strategies to determine eligibility and educational needs, without relying on any single measure. 20 U.S.C. § 1414(b); 34 C.F.R. §§ 300.304-300.306; 23 Ill. Admin. Code § 226.130. Evaluations must assess all areas of suspected disability and consider data from multiple sources, including progress monitoring, standardized tests, and independent evaluations. 34 C.F.R. § 300.502(c) (requiring consideration of independent educational evaluations (IEEs) at public expense). Here, the District appropriately adjourned the February 11, 2025, domains meeting for additional data and reconvened on April 16, 2025, to review comprehensive results from informal observations, BASC-3, CARS-2-HF, AIMSweb, WIAT-4, BRIEF-2, and NWEA trend data. These showed average to above-average performance in most areas, with executive functioning issues more pronounced at home than school, indicating no adverse educational impact. The September 10, 2025, IEP meeting properly considered the publicly funded IEE (WISC-5 FSIQ of 81, NEPSY-II average language comprehension, KTEA-3 commensurate with cognitive ability), alongside District data (AIMSweb, MAP, EasyCBM, WIAT-4), concluding that the Student's achievement profile presented as consistent with intellectual ability and no longer demonstrated a need for specialized instruction under Specific Learning Disability (SLD) or other categories. The District's preference for WIAT-4 over KTEA-3 due to robustness aligns with permissible professional judgment. *Sch. Dist. of Wis. Dells v. Z.S.*, 295 F.3d 671,

675 (7th Cir. 2002) (deferring to district expertise absent clear error). No procedural or substantive violations occurred in the evaluation process.<sup>26</sup>

- 37) To qualify for special education under IDEA, a child must have a disability that adversely affects educational performance and requires specialized instruction. 20 U.S.C. § 1401(3); 34 C.F.R. § 300.8; 23 Ill. Admin. Code § 226.110. For SLD, Illinois mandates a process incorporating Response to Intervention (RTI) data, which severe discrepancy alone is insufficient; eligibility requires evidence of insufficient progress despite appropriate interventions and adverse impact. 23 Ill. Admin. Code § 226.130; 34 C.F.R. § 300.309. The IEP team's determination that the Student no longer qualifies for special education, based on multiple data points showing average classroom performance, inconsistent progress below expectations only in isolated areas (e.g., spelling below average but overall written expression average), lack of significant discrepancy from peers, and no adverse effect on educational performance, complies with these standards. The data (e.g., below 10th percentile on standardized assessments but average on curriculum-based measures and RTI data) supports transitioning to a Section 504 plan for accommodations, as the Student does not require specialized instruction. *Marshall Joint Sch. Dist. No. 2 v. C.D. ex rel. Brian D.*, 616 F.3d 632, 640 (7th Cir. 2010) (upholding declassification where data showed no need for special education). The Parent's consultant testimony, deemed unreliable due to qualifiers and lack of specific knowledge, does not alter this conclusion.<sup>27</sup>
- 38) FAPE requires an (IEP) tailored to the child's unique needs, but it does not mandate maximizing potential or providing the best possible education. *Rowley*, 458 U.S. at 198-200. In this case, the District's IEP development and implementation, including the January 30, 2025, annual review, provision of compensatory education for co-taught classroom concerns, and dismissal from direct speech and language services based on average to above-average CELF-5 Meta scores, were reasonably calculated to provide educational benefit. The Student's demonstrated age-appropriate expressive and receptive language skills, lack of adverse impact on learning, and positive social-emotional status at school (with a social skills group added to address parental

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<sup>26</sup> FOF 28, 29, 30, and 31.

<sup>27</sup> Footnote 3 and FOF 28, 29, and 30.

concerns) support that no denial of FAPE occurred.<sup>28</sup>

- 39) The District met its obligations under IDEA and Illinois law, providing a FAPE through appropriate evaluations, data-driven decisions, and eligibility determinations. No denial of a FAPE or procedural violations warrant the Parent's proposed relief.<sup>29</sup>

### **ORDER**

- 40) Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted under 20 U.S.C. § 1415(i), 34 C.F.R. § 300.513, 105 ILCS 5/14-8.02a(h), and 23 Ill. Admin. Code § 226.660, the IHO ORDERS as follows:
- 41) The IHO DENIES the Parent's claims that the District denied the Student a FAPE in the LRE, failed to evaluate as required by the IDEA or consider data (including the IEE), and that the District improperly dismissed the Student from special education services. The IHO upholds the District's determination that the Student no longer qualifies for an IEP under IDEA and encourages the District's development of accommodations under Section 504 of the Rehabilitation Act of 1973.

### **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 emailed to all other parties and mailed to 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-

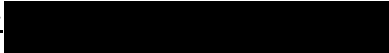
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<sup>28</sup> Findings of Fact (FOF) 29, 30, and 31.

<sup>29</sup> Id.

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 emailed to the party.

**This Final Determination and Order is issued on February 19, 2026.**

/s/   
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. Stephanie Jones, Esq.  
F3Law



And

Mr. Philip Milsk, Esq.  
Attorney for the Student



And

Mr. Andy Eulass, Esq., Due Process  
Coordinator  
@: [aeulass@isbe.net](mailto:aeulass@isbe.net)

On February 19, 2026

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



