



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2283

Introduced 10/28/2019, by Sen. Jennifer Bertino-Tarrant - Dale Fowler

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-8.02f
105 ILCS 5/14-8.02h

Amends the Children with Disabilities Article of the School Code. Provides that the State Board of Education may create a telephone hotline to address complaints regarding the special education services or lack of special education services of the Chicago school district (rather than any school district). Provides that the Chicago school district (rather than any school district) may not use a measure that would prevent or delay an individualized education program team from adding a service to the program or create a time restriction in which a service is prohibited from being added to the program, build functions into its computer software that would remove any services from a student's individualized education program without the approval of the program team, or prohibit the program team from adding a service to the program. Makes changes concerning the provision to a parent or guardian of copies of all written material that will be considered by an individualized education program team at a meeting. Makes changes concerning the administration of related services and logs of those services. Specifies that nothing in provisions concerning the response to scientific, research-based intervention process shall be construed as an additional instructional mandate above and beyond what is required by the Code and applicable federal laws. Effective immediately.

LRB101 14667 NHT 63608 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 14-8.02f and by renumbering and changing Section 14-8.02g, as
6 added by Public Act 101-515, as follows:

7 (105 ILCS 5/14-8.02f)

8 Sec. 14-8.02f. Individualized education program meeting
9 protections.

10 (a) (Blank).

11 (b) This subsection (b) applies only to a school district
12 organized under Article 34. No later than 10 calendar days
13 prior to a child's individualized education program meeting or
14 as soon as possible if a meeting is scheduled within 10
15 calendar days with written parental consent, the school board
16 or school personnel must provide the child's parent or guardian
17 with a written notification of the services that require a
18 specific data collection procedure from the school district for
19 services related to the child's individualized education
20 program. The notification must indicate, with a checkbox,
21 whether specific data has been collected for the child's
22 individualized education program services. For purposes of
23 this subsection (b), individualized education program services

1 must include, but are not limited to, paraprofessional support,
2 an extended school year, transportation, therapeutic day
3 school, and services for specific learning disabilities.

4 (b-5) The State Board of Education may create a telephone
5 hotline to address complaints regarding the special education
6 services or lack of special education services of a school
7 district organized under Article 34. If a hotline is created,
8 it must be available to all students enrolled in the school
9 district, parents or guardians of those students, and school
10 personnel. If a hotline is created, any complaints received
11 through the hotline must be registered and recorded with the
12 State Board's monitor of special education policies. No
13 student, parent or guardian, or member of school personnel may
14 be retaliated against for submitting a complaint through a
15 telephone hotline created by the State Board under this
16 subsection (b-5).

17 (b-10) A school district organized under Article 34 may not
18 use any measure that would prevent or delay an individualized
19 education program team from adding a service to the program or
20 create a time restriction in which a service is prohibited from
21 being added to the program. The school district may not build
22 functions into its computer software that would remove any
23 services from a student's individualized education program
24 without the approval of the program team and may not prohibit
25 the program team from adding a service to the program.

26 (c) If requested in writing at least 7 school days prior to

1 a child's individualized education program eligibility meeting
2 or meeting to review a child's individualized education
3 program, the school shall provide ~~No later than 3 school days~~
4 ~~prior to a child's individualized education program~~
5 ~~eligibility meeting or meeting to review a child's~~
6 ~~individualized education program, or as soon as possible if an~~
7 ~~individualized education program meeting is scheduled within 3~~
8 ~~school days with the written consent of the child's parent or~~
9 ~~guardian, the local education agency must provide~~ the child's
10 parent or guardian with draft copies of all written material
11 that will be considered by the individualized education program
12 team at the meeting so that the parent or guardian may
13 participate in the meeting as a fully-informed team member. The
14 written material must include, but is not limited to, all
15 evaluation reports, all eligibility reports, ~~evaluations and~~
16 ~~collected data that will be considered at the meeting~~ and, for
17 a child who already has an individualized education program, a
18 copy of all individualized education program components that
19 will be discussed by the individualized education program team,
20 other than the components related to the educational and
21 related service minutes proposed for the child and the child's
22 educational placement. Written material referenced in this
23 subsection (c) must be provided to the parent or guardian no
24 later than 3 school days prior to the meeting or as soon as
25 possible if the meeting is in less than 3 school days.

26 (d) Local education agencies must maintain logs of services

1 that have been provided to children with disabilities for the
2 related services of occupational therapy, physical therapy,
3 school nursing, speech and language pathology, social work, and
4 school counseling. The logs must ~~make related service logs that~~
5 record the type of related services administered under the
6 child's individualized education program and the amount
7 ~~minutes~~ of each type of related service that has been
8 administered. If requested, the logs shall be made available to
9 the child's parent or guardian consistent with the Illinois
10 School Student Records Act. ~~available to the child's parent or~~
11 ~~guardian at the annual review of the child's individualized~~
12 ~~education program and must also provide a copy of the related~~
13 ~~service logs at any time upon request of the child's parent or~~
14 ~~guardian. The local education agency must inform the child's~~
15 ~~parent or guardian within 20 school days from the beginning of~~
16 ~~the school year or upon establishment of an individualized~~
17 ~~education program of his or her ability to request those~~
18 ~~related service logs.~~

19 If a child's individualized education program team
20 determines that certain services referenced in this subsection
21 (d) are required in order for the child to receive a free,
22 appropriate public education and those services are not
23 administered within 10 school days after a date or frequency
24 set forth by the child's individualized education program, then
25 the local education agency shall provide the child's parent or
26 guardian with written notification that those services have not

1 yet been administered to the child, along with a plan for
2 providing those services. The notification must include the
3 State Board of Education's Notice of Procedural Safeguards for
4 Parents/Guardians of Students with Disabilities, in the
5 student's native language if available. ~~The notification must~~
6 ~~be provided to the child's parent or guardian within 3 school~~
7 ~~days of the local education agency's non-compliance with the~~
8 ~~child's individualized education program and must include~~
9 ~~information on the parent's or guardian's ability to request~~
10 ~~compensatory services.~~

11 In this subsection (d), "school days" does not include days
12 where a child is absent from school for reasons unrelated to a
13 lack of individualized education program services.

14 (e) (Blank). ~~The State Board of Education may create a~~
15 ~~telephone hotline to address complaints regarding the special~~
16 ~~education services or lack of special education services of a~~
17 ~~school district subject to this Section. If a hotline is~~
18 ~~created, it must be available to all students enrolled in the~~
19 ~~school district, parents or guardians of those students, and~~
20 ~~school personnel. If a hotline is created, any complaints~~
21 ~~received through the hotline must be registered and recorded~~
22 ~~with the State Board's monitor of special education policies.~~
23 ~~No student, parent or guardian, or member of school personnel~~
24 ~~may be retaliated against for submitting a complaint through a~~
25 ~~telephone hotline created by the State Board under this~~
26 ~~subsection (e).~~

1 (f) (Blank). ~~A school district subject to this Section may~~
2 ~~not use any measure that would prevent or delay an~~
3 ~~individualized education program team from adding a service to~~
4 ~~the program or create a time restriction in which a service is~~
5 ~~prohibited from being added to the program. The school district~~
6 ~~may not build functions into its computer software that would~~
7 ~~remove any services from a student's individualized education~~
8 ~~program without the approval of the program team and may not~~
9 ~~prohibit the program team from adding a service to the program.~~

10 (Source: P.A. 100-993, eff. 8-20-18; 101-515, eff. 8-23-19.)

11 (105 ILCS 5/14-8.02h)

12 Sec. 14-8.02h ~~14-8.02g~~. Response to scientific,
13 research-based intervention.

14 (a) In this Section, "response to scientific,
15 research-based intervention" or "multi-tiered systems of
16 support" means a tiered process of school support that utilizes
17 differentiated instructional strategies for students, provides
18 students with scientific, research-based interventions,
19 continuously monitors student performance using
20 scientifically, research-based progress monitoring
21 instruments, and makes educational decisions based on a
22 student's response to the interventions. Response to
23 scientific, research-based intervention or multi-tiered
24 systems of support use a problem-solving method to define the
25 problem, analyze the problem using data to determine why there

1 is a discrepancy between what is expected and what is
2 occurring, establish one or more student performance goals,
3 develop an intervention plan to address the performance goals,
4 and delineate how the student's progress will be monitored and
5 how implementation integrity will be ensured.

6 (a-5) Nothing in this Section shall be construed as an
7 additional instructional mandate above and beyond what is
8 required by this Code and applicable federal laws, including
9 the Every Student Succeeds Act and the Individuals with
10 Disabilities Education Improvement Act of 2004 and their
11 implementing rules.

12 (b) A school district must utilize response to scientific,
13 research-based intervention or multi-tiered systems of support
14 as part of an evaluation procedure to determine if a child is
15 eligible for special education services due to a specific
16 learning disability. A school district may utilize the data
17 generated during the response to scientific, research-based
18 intervention or multi-tiered systems of support process in an
19 evaluation to determine if a child is eligible for special
20 education services due to any category of disability.

21 (c) The response to scientific, research-based
22 intervention or multi-tiered systems of support process must
23 involve a collaborative team approach, with the parent or
24 guardian of a student being part of the collaborative team. The
25 parent or guardian of a student must be involved in the data
26 sharing and decision-making processes of support under this

1 Section. The State Board of Education may provide guidance to a
2 school district and identify available resources related to
3 facilitating parental or guardian participation in the
4 response to scientific, research-based intervention or
5 multi-tiered systems of support process.

6 (d) Nothing in this Section affects the responsibility of a
7 school district to identify, locate, and evaluate children with
8 disabilities who are in need of special education services in
9 accordance with the federal Individuals with Disabilities
10 Education Improvement Act of 2004, this Code, or any applicable
11 federal or State rules.

12 (Source: P.A. 101-515, eff. 8-23-19; revised 10-7-19.)

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.