**Section 795.30 Eligibility Reviews to Determine Need for Modification of Educational Services**

a) When a student at the School exhibits problems, or secondary disabilities, that interfere with his or her educational progress or adjustment to the educational setting, or when there is reason to believe that a student may require additional special education services, beyond those provided by the basic special education program of the School, an Eligibility Review (ER) (see 89 Ill. Adm. Code 751.10) shall be conducted.

b) In addition, the student, parents or guardians of a student enrolled in the School, other persons having primary care or custody of the student, the local school district, community service agencies, other professional persons having knowledge of the student's problems, DHS-DRS and the Illinois State Board of Education (ISBE) may request an ER.

c) Each School shall develop, and make known to all concerned persons, procedures by which an ER shall occur. These procedures shall:

1) Designate the steps to be taken when requesting an ER.

2) Designate the person to whom a referral shall be made.

3) Indicate the information that shall be provided.

d) Parental or guardian consent shall be obtained in a domain meeting, as defined in 89 Ill. Adm. Code 751.10, before:

1) Conducting any eligibility or re-evaluation of the student.

2) Changing the placement of a student, after completion of the ER, in a program providing special education and related services beyond those provided by the basic special education program of the School and contained in the student's IEP.

e) Each ER shall be conducted so as to assure that it is linguistically, culturally, racially, and sexually nondiscriminatory and is adjusted to the student's ability.

f) The School staff shall be responsible for determining the appropriateness of the request, deciding what further action should be taken, initiating the necessary procedures, and informing the person making the request within 30 days regarding its decision to conduct or not to conduct an ER. The information provided to the requesting party shall contain, subject to the Illinois School Student Records Act [105 ILCS 10] and the rules of ISBE titled Student Records (23 Ill. Adm. Code 375), the reasons for the decision.

g) If the School decides not to conduct the requested ER, the parents or guardians and referring source, if other than the parent or guardian, shall be notified in writing within 30 days of the following:

1) The date of the referral and the reasons the ER was requested;

2) the reasons the School has decided not to conduct an ER; and

3) the right to appeal the decision within five days under the impartial due process hearing procedures (89 Ill. Adm. Code 828).

(Source: Amended at 37 Ill. Reg. 8748, effective June 11, 2013)