



Sen. Melinda Bush

**Filed: 5/18/2018**

10000HB5770sam002

LRB100 19591 AXK 40454 a

1 AMENDMENT TO HOUSE BILL 5770

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5770 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Section  
5 14-6.01 as follows:

6 (105 ILCS 5/14-6.01) (from Ch. 122, par. 14-6.01)

7 Sec. 14-6.01. Powers and duties of school boards. School  
8 boards of one or more school districts establishing and  
9 maintaining any of the educational facilities described in this  
10 Article shall, in connection therewith, exercise similar  
11 powers and duties as are prescribed by law for the  
12 establishment, maintenance and management of other recognized  
13 educational facilities. Such school boards shall include only  
14 eligible children in the program and shall comply with all the  
15 requirements of this Article and all rules and regulations  
16 established by the State Board of Education. Such school boards

1 shall accept in part-time attendance children with  
2 disabilities of the types described in Sections 14-1.02 through  
3 14-1.07 who are enrolled in nonpublic schools. A request for  
4 part-time attendance must be submitted by a parent or guardian  
5 of the child with a disability and may be made only to those  
6 public schools located in the district where the child  
7 attending the nonpublic school resides; however, nothing in  
8 this Section shall be construed as prohibiting an agreement  
9 between the district where the child resides and another public  
10 school district to provide special educational services if such  
11 an arrangement is deemed more convenient and economical.  
12 Special education and related services must be provided in  
13 accordance with the student's IEP no later than 10 school  
14 attendance days after notice is provided to the parents  
15 pursuant to Section 300.503 of Title 34 of the Code of Federal  
16 Regulations and implementing rules adopted by the State Board  
17 of Education. Transportation for students in part time  
18 attendance shall be provided only if required in the child's  
19 individualized educational program on the basis of the child's  
20 disabling condition or as the special education program  
21 location may require.

22 Beginning with the 2019-2020 school year, a school board  
23 shall post on its Internet website, if any, and incorporate  
24 into its student handbook or newsletter notice that students  
25 with disabilities who do not qualify for an individualized  
26 education program, as required by the federal Individuals with

1 Disabilities Education Act and implementing provisions of this  
2 Code, may qualify for services under Section 504 of the federal  
3 Rehabilitation Act of 1973 if the child (i) has a physical or  
4 mental impairment that substantially limits one or more major  
5 life activities, (ii) has a record of a physical or mental  
6 impairment, or (iii) is regarded as having a physical or mental  
7 impairment. ~~A school board shall publish a public notice in its~~  
8 ~~newsletter of general circulation or in the newsletter of~~  
9 ~~another governmental entity of general circulation in the~~  
10 ~~district or if neither is available in the district, then in a~~  
11 ~~newspaper of general circulation in the district, the right of~~  
12 ~~all children with disabilities to a free appropriate public~~  
13 ~~education as provided under this Code.~~ Such notice shall  
14 identify the location and phone number of the office or agent  
15 of the school district to whom inquiries should be directed  
16 regarding the identification, assessment and placement of such  
17 children.

18 School boards shall immediately provide upon request by any  
19 person written materials and other information that indicates  
20 the specific policies, procedures, rules and regulations  
21 regarding the identification, evaluation or educational  
22 placement of children with disabilities under Section 14-8.02  
23 of the School Code. Such information shall include information  
24 regarding all rights and entitlements of such children under  
25 this Code, and of the opportunity to present complaints with  
26 respect to any matter relating to educational placement of the

1 student, or the provision of a free appropriate public  
2 education and to have an impartial due process hearing on the  
3 complaint. The notice shall inform the parents or guardian in  
4 the parents' or guardian's native language, unless it is  
5 clearly not feasible to do so, of their rights and all  
6 procedures available pursuant to this Act and federal Public  
7 Law 94-142; it shall be the responsibility of the State  
8 Superintendent to develop uniform notices setting forth the  
9 procedures available under this Act and federal Public Law  
10 94-142, as amended, to be used by all school boards. The notice  
11 shall also inform the parents or guardian of the availability  
12 upon request of a list of free or low-cost legal and other  
13 relevant services available locally to assist parents or  
14 guardians in exercising rights or entitlements under this Code.

15 Any parent or guardian who is deaf, or does not normally  
16 communicate using spoken English, who participates in a meeting  
17 with a representative of a local educational agency for the  
18 purposes of developing an individualized educational program  
19 shall be entitled to the services of an interpreter.

20 No student with a disability or, in a school district  
21 organized under Article 34 of this Code, child with a learning  
22 disability may be denied promotion, graduation or a general  
23 diploma on the basis of failing a minimal competency test when  
24 such failure can be directly related to the disabling condition  
25 of the student. For the purpose of this Act, "minimal  
26 competency testing" is defined as tests which are constructed

1 to measure the acquisition of skills to or beyond a certain  
2 defined standard.

3 Effective July 1, 1966, high school districts are  
4 financially responsible for the education of pupils with  
5 disabilities who are residents in their districts when such  
6 pupils have reached age 15 but may admit children with  
7 disabilities into special educational facilities without  
8 regard to graduation from the eighth grade after such pupils  
9 have reached the age of 14 1/2 years. Upon a pupil with a  
10 disability attaining the age of 14 1/2 years, it shall be the  
11 duty of the elementary school district in which the pupil  
12 resides to notify the high school district in which the pupil  
13 resides of the pupil's current eligibility for special  
14 education services, of the pupil's current program, and of all  
15 evaluation data upon which the current program is based. After  
16 an examination of that information the high school district may  
17 accept the current placement and all subsequent timelines shall  
18 be governed by the current individualized educational program;  
19 or the high school district may elect to conduct its own  
20 evaluation and multidisciplinary staff conference and  
21 formulate its own individualized educational program, in which  
22 case the procedures and timelines contained in Section 14-8.02  
23 shall apply.

24 (Source: P.A. 99-143, eff. 7-27-15; 99-592, eff. 7-22-16;  
25 100-201, eff. 8-18-17.)

1           Section 99. Effective date. This Act takes effect upon  
2    becoming law.".