

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 14-8.02e and by adding Section 14-8.02g as follows:

6 (105 ILCS 5/14-8.02e)

7 Sec. 14-8.02e. State complaint procedures.

8 (a) The State Board of Education shall adopt State
9 complaint procedures, consistent with Sections 300.151,
10 300.152, and 300.153 of Title 34 of the Code of Federal
11 Regulations. The State Board of Education, by rule, shall
12 establish State complaint procedures consistent with this
13 Section. A school district or other public entity shall be
14 required to submit a written response to a complaint within the
15 time prescribed by the State Board of Education following
16 receipt of the complaint. A copy of the response and all
17 documentation submitted by the respondent to the State Board of
18 Education, including corrective action compliance
19 documentation, must be simultaneously provided by the
20 respondent to the complainant or to the attorney for the
21 complainant. If the complaint was filed by an individual other
22 than a parent of a child who is the subject of the complaint
23 (or the child if the child has reached majority or is

1 emancipated and has assumed responsibility for his or her own
2 educational decisions) and the complaint is about a specific
3 identifiable child or children, then appropriate written
4 signed releases must be obtained prior to the release of any
5 documentation or information to the complainant or the attorney
6 representing the complainant.

7 (b) For a complaint made under procedures authorized under
8 this Section alleging a delay or denial of special education or
9 related services in the 2016-2017 or 2017-2018 school year by a
10 school district organized under Article 34 as a result of the
11 adoption of policies and procedures identified by the State
12 Board of Education as unlawful, the complaint must be filed on
13 or before September 30, 2021. This filing deadline must be
14 included in the written notification sent by the school
15 district under subsection (b) of Section 14-8.02g.

16 (Source: P.A. 98-383, eff. 8-16-13.)

17 (105 ILCS 5/14-8.02g new)

18 Sec. 14-8.02g. Written notification required for delays
19 and denials of special education services.

20 (a) This Section applies only to a school district
21 organized under Article 34.

22 (b) With respect to a student enrolled in the school
23 district for or to whom appropriate special education or
24 related services may have been delayed or denied in the
25 2016-2017 or 2017-2018 school year as a result of the adoption

1 of policies and procedures identified by the State Board of
2 Education as unlawful, the school district must provide a
3 separate written notification no later than 30 days after the
4 first school day of the 2019-2020 school year to (i) the parent
5 or guardian of the student, (ii) a designated representative of
6 the student, (iii) the student if he or she is an emancipated
7 minor, or (iv) the student if he or she has reached the age of
8 majority and does not have a designated representative that
9 states that appropriate relief may be available through a State
10 complaint procedure authorized under Section 14-8.02e,
11 State-sponsored mediation, or an impartial due process hearing
12 under Section 14-8.02a. The written notification must include
13 contact information for the State Board of Education, a list of
14 organizations that provide free or low-cost legal services,
15 advocacy, and advice on special education matters, and the
16 filing deadline under subsection (b) of Section 14-8.02e. The
17 written notification must be posted on the home page of the
18 school district's public website and must, at least once, be
19 included with any written informational materials for parents
20 sent home with the student.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.