



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3586

by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-6.01
105 ILCS 5/14-8.02f

from Ch. 122, par. 14-6.01

Amends the Children with Disabilities Article of the School Code. Provides that, for the Chicago School District only, beginning with the 2019-2020 school year, the school district shall, in collaboration with its primary office overseeing special education policies, publish on the school district's publicly available website any proposed changes to its special education policies, which must be available at least 45 days before the adoption of that policy change. Provides that the school district must make the entirety of its special education Procedural Manual and any other guidance documents pertaining to special education publicly available, in print and on the school district's website, in both English and Spanish. With regard to individualized education program meetings, provides that no later than 5 school days before a child's individualized education program eligibility meeting or meeting to review a child's individualized education program, a school board or school personnel must provide the child's parent or guardian with copies of all relevant information collected about the child so that the parent or guardian may participate as a fully-informed team member of the meeting. Provides that the State Board of Education must (rather than may) create a telephone hotline to address concerns regarding the provision of special education services in a school district. Makes other changes. Effective July 1, 2019.

LRB101 09750 AXK 54851 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 Sections
5 14-6.01 and 14-8.02f 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
17 shall accept in part-time attendance children with
18 disabilities of the types described in Sections 14-1.02 through
19 14-1.07 who are enrolled in nonpublic schools. A request for
20 part-time attendance must be submitted by a parent or guardian
21 of the child with a disability and may be made only to those
22 public schools located in the district where the child
23 attending the nonpublic school resides; however, nothing in

1 this Section shall be construed as prohibiting an agreement
2 between the district where the child resides and another public
3 school district to provide special educational services if such
4 an arrangement is deemed more convenient and economical.
5 Special education and related services must be provided in
6 accordance with the student's IEP no later than 10 school
7 attendance days after notice is provided to the parents
8 pursuant to Section 300.503 of Title 34 of the Code of Federal
9 Regulations and implementing rules adopted by the State Board
10 of Education. Transportation for students in part time
11 attendance shall be provided only if required in the child's
12 individualized educational program on the basis of the child's
13 disabling condition or as the special education program
14 location may require.

15 Beginning with the 2019-2020 school year, a school board
16 shall post on its Internet website, if any, and incorporate
17 into its student handbook or newsletter notice that students
18 with disabilities who do not qualify for an individualized
19 education program, as required by the federal Individuals with
20 Disabilities Education Act and implementing provisions of this
21 Code, may qualify for services under Section 504 of the federal
22 Rehabilitation Act of 1973 if the child (i) has a physical or
23 mental impairment that substantially limits one or more major
24 life activities, (ii) has a record of a physical or mental
25 impairment, or (iii) is regarded as having a physical or mental
26 impairment. Such notice shall identify the location and phone

1 number of the office or agent of the school district to whom
2 inquiries should be directed regarding the identification,
3 assessment and placement of such children.

4 For a school district organized under Article 34 only,
5 beginning with the 2019-2020 school year, the school district
6 shall, in collaboration with its primary office overseeing
7 special education policies, publish on the school district's
8 publicly available website any proposed changes to its special
9 education policies, which must include any proposed policy
10 changes made by the school district or school board. Any policy
11 changes authorized by the school district's primary office
12 overseeing special education policies or any other
13 administrative office of the school district must be published
14 on the school district's publicly available website no later
15 than 45 days before the adoption of that policy change. Any
16 policy changes authorized by the school board must be published
17 on the school district's publicly available website no later
18 than 30 days before the date of presentation to the school
19 board for adoption. The school district's website must allow
20 for virtual public comments on proposed special education
21 policy changes that must be available from the date of the
22 notification of the proposed policy change on the website until
23 the date the policy change is adopted by the school district or
24 until the date the policy change is presented to the school
25 board for adoption. After the period for public comment is
26 closed, the school district must maintain all public comments

1 for a period of not less than 2 years from the date the special
2 education policy change is adopted. The school district must
3 make those public comments available to the public upon
4 request. The school board shall, at a minimum, advertise the
5 notice of the policy change and availability for public comment
6 on its website.

7 School boards shall immediately provide upon request by any
8 person written materials and other information that indicates
9 the specific policies, procedures, rules and regulations
10 regarding the identification, evaluation or educational
11 placement of children with disabilities under Section 14-8.02
12 of the School Code. Such information shall include information
13 regarding all rights and entitlements of such children under
14 this Code, and of the opportunity to present complaints with
15 respect to any matter relating to educational placement of the
16 student, or the provision of a free appropriate public
17 education and to have an impartial due process hearing on the
18 complaint. The notice shall inform the parents or guardian in
19 the parents' or guardian's native language, unless it is
20 clearly not feasible to do so, of their rights and all
21 procedures available pursuant to this Act and federal Public
22 Law 94-142; it shall be the responsibility of the State
23 Superintendent to develop uniform notices setting forth the
24 procedures available under this Act and federal Public Law
25 94-142, as amended, to be used by all school boards. The notice
26 shall also inform the parents or guardian of the availability

1 upon request of a list of free or low-cost legal and other
2 relevant services available locally to assist parents or
3 guardians in exercising rights or entitlements under this Code.
4 For a school district organized under Article 34 only, the
5 school district must make the entirety of its special education
6 Procedural Manual and any other guidance documents pertaining
7 to special education publicly available, in print and on the
8 school district's website, in both English and Spanish. Upon
9 request, the school district must make the Procedural Manual
10 and other guidance documents available in print in any other
11 language.

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

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

26 Effective July 1, 1966, high school districts are

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

21 (Source: P.A. 99-143, eff. 7-27-15; 99-592, eff. 7-22-16;
22 100-201, eff. 8-18-17; 100-1112, eff. 8-28-18.)

23 (105 ILCS 5/14-8.02f)

24 Sec. 14-8.02f. Individualized education program meeting
25 protections ; ~~municipality with 1,000,000 or more inhabitants.~~

1 (a) (Blank). ~~This Section only applies to school districts~~
2 ~~organized under Article 34 of this Code.~~

3 (b) This subsection applies only to a school district
4 organized under Article 34. No later than 10 calendar days
5 prior to a child's individualized education program meeting or
6 as soon as possible if a meeting is scheduled within 10
7 calendar days with written parental consent, the school board
8 or school personnel must provide the child's parent or guardian
9 with a written notification of the services that require a
10 specific data collection procedure from the school district for
11 services related to the child's individualized education
12 program. The notification must indicate, with a checkbox,
13 whether specific data has been collected for the child's
14 individualized education program services. For purposes of
15 this subsection (b), individualized education program services
16 must include, but are not limited to, paraprofessional support,
17 an extended school year, transportation, therapeutic day
18 school, and services for specific learning disabilities.

19 (c) No later than 5 school days prior to a child's
20 individualized education program eligibility meeting or
21 meeting to review a child's individualized education program,
22 or as soon as possible if an individualized education program
23 meeting is scheduled within 5 school days with written parental
24 or guardian consent, the school board or school personnel must
25 provide the child's parent or guardian with copies of all
26 relevant information collected about the child so that the

1 parent or guardian may participate as a fully-informed team
2 member of the meeting. The relevant documentation must include,
3 but is not limited to, all evaluations and collected data that
4 will be considered at the meeting and, for a child who is
5 already found to be eligible for an individualized education
6 program, a draft copy of all individualized education program
7 components that will be discussed by the individualized
8 education program team, other than placement or services
9 minutes. ~~as soon as possible if a meeting is scheduled within 5~~
10 ~~school days with written parental consent, the school board or~~
11 ~~school personnel must provide the child's parent or guardian~~
12 ~~with a draft individualized education program. The draft must~~
13 ~~contain all relevant information collected about the child and~~
14 ~~must include, but is not limited to, the program's goals, draft~~
15 ~~accommodations and modifications, copies of all conducted~~
16 ~~evaluations, and any collected data.~~

17 (d) This subsection applies only to a school district
18 organized under Article 34. The school district must make
19 service logs that detail the type of services administered
20 under a child's individualized education program and that
21 minutes each type of service that has been administered
22 available to the child's parent or guardian upon request. The
23 school district must inform the child's parent or guardian of
24 his or her ability to request those service logs at least once
25 per school year. If a child's individualized education program
26 team determines that certain services are required in order for

1 the child to receive a free, appropriate public education and
2 those services are not implemented within 10 school days after
3 the team's determination, then the school board shall provide
4 the child's parent or guardian with written notification that
5 those services have not yet been administered to the child. The
6 notification must be provided to the child's parent or guardian
7 within 5 school days of the individualized program team's
8 determination and must include information on the parent's or
9 guardian's ability to request compensatory services. In this
10 subsection, "school days" does not include days where a child
11 is absent from school for reasons unrelated to a lack of
12 individualized education program services.

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

1 created by the State Board under this subsection (e). The State
2 Board shall maintain records of the concerns submitted under
3 this subsection for no less than 2 years following the
4 submission of a concern. Any concerns received through the
5 hotline from a child enrolled or previously enrolled in a
6 school district organized under Article 34, the parent or
7 guardian of that child, or school personnel associated with
8 that district must be registered and recorded with the State
9 Board's monitor of special education policies during the period
10 of time in which the monitor is in effect.

11 (f) A school district subject to this Section may not use
12 any measure that would prevent or delay an individualized
13 education program team from adding a service to the program or
14 create a time restriction in which a service is prohibited from
15 being added to the program. The school district may not build
16 functions into its computer software that would remove any
17 services from a student's individualized education program
18 without the approval of the program team and may not prohibit
19 the program team from adding a service to the program.

20 (Source: P.A. 100-993, eff. 8-20-18.)

21 Section 99. Effective date. This Act takes effect July 1,
22 2019.