



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB3859

Introduced 2/22/2021, by Rep. Fred Crespo

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-6.01

from Ch. 122, par. 14-6.01

Amends the Children with Disabilities Articles of the School Code. Provides that the Chicago school district shall publish on the district's website any proposed changes to the district's policy and procedural manuals, which must be published on the district's website no later than 45 days before the adoption of that change, unless this would prevent the district from following State or federal laws (rather than providing that the Chicago school district shall publish on the district's website any proposed changes to its special education policies, directives, guidelines, or procedures that impact the provision of educational or related services to students with disabilities or the procedural safeguards afforded to students with disabilities or their parents or guardians made by the district or school board and providing that any policy, directive, guideline, or procedural change that impacts those provisions or safeguards that is authorized by the district's primary office overseeing special education or any other administrative office must be published on the district's website no later than 45 days before the adoption of that change). Makes other changes concerning this process. Provides that school boards shall provide (rather than immediately provide) upon request by any person written materials and other information that indicates the specific policies, procedures, rules, and regulations regarding the identification, evaluation, or educational placement of children with disabilities. Requires these materials and other information to be provided within 10 school days from the receipt of the request by the school board. Effective immediately.

LRB102 14192 CMG 19544 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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

1 in this Section shall be construed as prohibiting an agreement  
2 between the district where the child resides and another  
3 public school district to provide special educational services  
4 if such an arrangement is deemed more convenient and  
5 economical. Special education and related services must be  
6 provided in accordance with the student's IEP no later than 10  
7 school 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  
22 federal Rehabilitation Act of 1973 if the child (i) has a  
23 physical or mental impairment that substantially limits one or  
24 more major life activities, (ii) has a record of a physical or  
25 mental impairment, or (iii) is regarded as having a physical  
26 or mental impairment. Such notice shall identify the location

1 and phone number of the office or agent of the school district  
2 to whom inquiries should be directed regarding the  
3 identification, 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, publish on the school district's publicly  
8 available website any proposed changes to the school  
9 district's policy and procedural manuals, which ~~its special~~  
10 ~~education policies, directives, guidelines, or procedures that~~  
11 ~~impact the provision of educational or related services to~~  
12 ~~students with disabilities or the procedural safeguards~~  
13 ~~afforded to students with disabilities or their parents or~~  
14 ~~guardians made by the school district or school board. Any~~  
15 ~~policy, directive, guideline, or procedural change that~~  
16 ~~impacts those provisions or safeguards that is authorized by~~  
17 ~~the school district's primary office overseeing special~~  
18 ~~education or any other administrative office of the school~~  
19 ~~district~~ must be published on the school district's publicly  
20 available website no later than 45 days before the adoption of  
21 that change, unless this would prevent the school district  
22 from following State or federal laws. Any policy ~~directive,~~  
23 ~~guideline, or procedural change that impacts those provisions~~  
24 ~~or safeguards~~ that is authorized by the school board must be  
25 published on the school district's publicly available website  
26 no later than 30 days before the date of presentation to the

1 school board for adoption. The school district's website must  
2 allow for virtual public comments for a period of 30 days ~~on~~  
3 ~~proposed special education policy, directive, guideline, or~~  
4 ~~procedural changes that impact the provision of educational or~~  
5 ~~related services to students with disabilities or the~~  
6 ~~procedural safeguards afforded to students with disabilities~~  
7 ~~or their parents or guardians from the date of the~~  
8 ~~notification of the proposed change on the website until the~~  
9 ~~date the change is adopted by the school district or until the~~  
10 ~~date the change is presented to the school board for adoption.~~

11 After the period for public comment is closed, the school  
12 district must maintain all public comments for a period of not  
13 less than 2 years from the date the special education change is  
14 adopted. The public comments are subject to the Freedom of  
15 Information Act. The school board shall, at a minimum,  
16 advertise the notice of the change and availability for public  
17 comment on its website. The State Board of Education may  
18 clarify or add additional reporting requirements for the  
19 district beyond ~~policy, directive, guideline,~~ or procedural  
20 changes that impact the provision of educational or related  
21 services to students with disabilities or the procedural  
22 safeguards afforded to students with disabilities or their  
23 parents or guardians if the State Board determines it is in the  
24 best interest of the students enrolled in the district  
25 receiving special education services.

26 School boards shall ~~immediately~~ provide upon request by

1 any person written materials and other information that  
2 indicates the specific policies, procedures, rules and  
3 regulations regarding the identification, evaluation or  
4 educational placement of children with disabilities under  
5 Section 14-8.02 of the School Code. These materials and other  
6 information shall be provided within 10 school days from the  
7 receipt of the request by the school board. Such information  
8 shall include information regarding all rights and  
9 entitlements of such children under this Code, and of the  
10 opportunity to present complaints with respect to any matter  
11 relating to educational placement of the student, or the  
12 provision of a free appropriate public education and to have  
13 an impartial due process hearing on the complaint. The notice  
14 shall inform the parents or guardian in the parents' or  
15 guardian's native language, unless it is clearly not feasible  
16 to do so, of their rights and all procedures available  
17 pursuant to this Act and federal Public Law 94-142; it shall be  
18 the responsibility of the State Superintendent to develop  
19 uniform notices setting forth the procedures available under  
20 this Act and federal Public Law 94-142, as amended, to be used  
21 by all school boards. The notice shall also inform the parents  
22 or guardian of the availability upon request of a list of free  
23 or low-cost legal and other relevant services available  
24 locally to assist parents or guardians in exercising rights or  
25 entitlements under this Code. For a school district organized  
26 under Article 34 only, the school district must make the

1 entirety of its special education Procedural Manual and any  
2 other guidance documents pertaining to special education  
3 publicly available, in print and on the school district's  
4 website, in both English and Spanish. Upon request, the school  
5 district must make the Procedural Manual and other guidance  
6 documents available in print in any other language and  
7 accessible for individuals with disabilities.

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

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

22 Effective July 1, 1966, high school districts are  
23 financially responsible for the education of pupils with  
24 disabilities who are residents in their districts when such  
25 pupils have reached age 15 but may admit children with  
26 disabilities into special educational facilities without

1 regard to graduation from the eighth grade after such pupils  
2 have reached the age of 14 1/2 years. Upon a pupil with a  
3 disability attaining the age of 14 1/2 years, it shall be the  
4 duty of the elementary school district in which the pupil  
5 resides to notify the high school district in which the pupil  
6 resides of the pupil's current eligibility for special  
7 education services, of the pupil's current program, and of all  
8 evaluation data upon which the current program is based. After  
9 an examination of that information the high school district  
10 may accept the current placement and all subsequent timelines  
11 shall be governed by the current individualized educational  
12 program; or the high school district may elect to conduct its  
13 own evaluation and multidisciplinary staff conference and  
14 formulate its own individualized educational program, in which  
15 case the procedures and timelines contained in Section 14-8.02  
16 shall apply.

17 (Source: P.A. 100-201, eff. 8-18-17; 100-1112, eff. 8-28-18;  
18 101-515, eff. 8-23-19.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.