



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB4203

Introduced 1/5/2022, by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.82 new

105 ILCS 5/14-6.01

105 ILCS 5/34-18.77 new

from Ch. 122, par. 14-6.01

Amends the School Code. Requires a school district to develop and implement a plan to provide additional instructional services, support, or special accommodations to students who suffer from trauma related to experiencing the death of a sibling, parent, guardian, or household member by suicide or homicide or suffer from trauma caused by domestic violence or abuse and whom the school has determined require additional instructional services, support, or special accommodations but do not qualify for an individualized education program or for services under Section 504 of the federal Rehabilitation Act of 1973. Sets forth what the plan may include. Provides that the plan shall remain in place until the student (i) is no longer enrolled in the district or (ii) has made such significant and sustained academic progress that the student no longer requires the plan. In provisions relating to children with disabilities, provides that beginning with the 2022-2023 school year, the notice that a school board provides concerning who qualifies for services under Section 504 shall include that a child may qualify for those services if the child is a student who is at least 3 years old or older and under 22 years and who (i) has experienced the death of a sibling, parent, guardian, or household member by suicide or homicide or (ii) suffers from trauma caused by domestic violence or abuse. Effective immediately.

LRB102 20427 CMG 29288 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 adding Sections
5 10-20.82 and 34-18.77 and by changing Section 14-6.01 as
6 follows:

7 (105 ILCS 5/10-20.82 new)

8 Sec. 10-20.82. Additional services for certain students
9 experiencing trauma.

10 (a) A school district must provide additional
11 instructional services, support, or special accommodations to
12 a student if the student's school determines that:

13 (1) the student suffers from trauma related to the
14 student experiencing the death of a sibling, parent,
15 guardian, or household member by suicide or homicide or
16 from trauma caused by domestic violence or abuse;

17 (2) the trauma interferes with the student's ability
18 to learn and to participate in the learning environment;
19 and

20 (3) the student does not qualify for either an
21 individualized education program (IEP) under the federal
22 Individuals with Disabilities Education Act or for
23 services under Section 504 of the federal Rehabilitation

1 Act of 1973.

2 (b) At the request of the parent or guardian of a student
3 who has experienced an event described under paragraph (1) of
4 subsection (a) and who may be at risk of academic failure or if
5 school personnel identify that a student's overall academic
6 performance and participation in the learning environment has
7 declined following the student experiencing an event described
8 under paragraph (1) of subsection (a) and the student may be at
9 risk of academic failure, the school district shall perform an
10 evaluation to assess whether the student may benefit from
11 additional instructional services, support, or special
12 accommodations. The evaluation of the student shall be
13 performed by appropriate school personnel, which may include
14 school counselors, school psychologists, school social
15 workers, school administrators, and educators with knowledge
16 of the student or the student's academic performance prior to
17 the student experiencing an event described under paragraph
18 (1) of subsection (a).

19 If the school determines from the evaluation that the
20 student requires additional instructional services, support,
21 or special accommodations, the school district shall develop
22 and implement a plan to provide to the student additional
23 instructional services, support, or special accommodations
24 based on the individual needs of the student. Additional
25 instructional services, support, or special accommodations
26 provided to a student may include accommodations with testing,

1 supplementary aids, school counseling services, additional
2 assistance with homework, or modifications to the student's
3 learning environment. The plan may be modified as necessary
4 according to the needs of the student.

5 (c) A plan developed under subsection (b) shall remain in
6 place until the student (i) is no longer enrolled in the school
7 district or (ii) has demonstrated such significant and
8 sustained progress and improvement in academic performance
9 that the student no longer requires the additional
10 instructional services, support, or special accommodations
11 provided under the plan.

12 (105 ILCS 5/14-6.01) (from Ch. 122, par. 14-6.01)

13 Sec. 14-6.01. Powers and duties of school boards. School
14 boards of one or more school districts establishing and
15 maintaining any of the educational facilities described in
16 this Article shall, in connection therewith, exercise similar
17 powers and duties as are prescribed by law for the
18 establishment, maintenance, and management of other recognized
19 educational facilities. Such school boards shall include only
20 eligible children in the program and shall comply with all the
21 requirements of this Article and all rules and regulations
22 established by the State Board of Education. Such school
23 boards shall accept in part-time attendance children with
24 disabilities of the types described in Sections 14-1.02
25 through 14-1.07 who are enrolled in nonpublic schools. A

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

19 ~~A Beginning with the 2019-2020 school year,~~ a school board
20 shall post on its Internet website, if any, and incorporate
21 into its student handbook or newsletter notice that students
22 with disabilities who do not qualify for an individualized
23 education program, as required by the federal Individuals with
24 Disabilities Education Act and implementing provisions of this
25 Code, may qualify for services under Section 504 of the
26 federal Rehabilitation Act of 1973 if the child (i) has a

1 physical or mental impairment that substantially limits one or
2 more major life activities, (ii) has a record of a physical or
3 mental impairment, ~~or~~ (iii) is regarded as having a physical
4 or mental impairment, or (iv) beginning with the 2022-2023
5 school year, is a student who is at least 3 years old or older
6 and under 22 years old and who has experienced the death of a
7 sibling, parent, guardian, or household member by suicide or
8 homicide or suffers from trauma caused by domestic violence or
9 abuse. Such notice shall identify the location and phone
10 number of the office or agent of the school district to whom
11 inquiries should be directed regarding the identification,
12 assessment and placement of such children.

13 For a school district organized under Article 34 only,
14 beginning with the 2019-2020 school year, the school district
15 shall, in collaboration with its primary office overseeing
16 special education, publish on the school district's publicly
17 available website any proposed changes to its special
18 education policies, directives, guidelines, or procedures that
19 impact the provision of educational or related services to
20 students with disabilities or the procedural safeguards
21 afforded to students with disabilities or their parents or
22 guardians made by the school district or school board. Any
23 policy, directive, guideline, or procedural change that
24 impacts those provisions or safeguards that is authorized by
25 the school district's primary office overseeing special
26 education or any other administrative office of the school

1 district must be published on the school district's publicly
2 available website no later than 45 days before the adoption of
3 that change. Any policy directive, guideline, or procedural
4 change that impacts those provisions or safeguards that is
5 authorized by the school board must be published on the school
6 district's publicly available website no later than 30 days
7 before the date of presentation to the school board for
8 adoption. The school district's website must allow for virtual
9 public comments on proposed special education policy,
10 directive, guideline, or procedural changes that impact the
11 provision of educational or related services to students with
12 disabilities or the procedural safeguards afforded to students
13 with disabilities or their parents or guardians from the date
14 of the notification of the proposed change on the website
15 until the date the change is adopted by the school district or
16 until the date the change is presented to the school board for
17 adoption. After the period for public comment is closed, the
18 school district must maintain all public comments for a period
19 of not less than 2 years from the date the special education
20 change is adopted. The public comments are subject to the
21 Freedom of Information Act. The school board shall, at a
22 minimum, advertise the notice of the change and availability
23 for public comment on its website. The State Board of
24 Education may add additional reporting requirements for the
25 district beyond policy, directive, guideline, or procedural
26 changes that impact the provision of educational or related

1 services to students with disabilities or the procedural
2 safeguards afforded to students with disabilities or their
3 parents or guardians if the State Board determines it is in the
4 best interest of the students enrolled in the district
5 receiving special education services.

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

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

12 Any parent or guardian who is deaf, or does not normally
13 communicate using spoken English, who participates in a
14 meeting with a representative of a local educational agency
15 for the purposes of developing an individualized educational
16 program 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
22 condition of the student. For the purpose of this Act,
23 "minimal competency testing" is defined as tests which are
24 constructed to measure the acquisition of skills to or beyond
25 a certain 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
14 may accept the current placement and all subsequent timelines
15 shall be governed by the current individualized educational
16 program; or the high school district may elect to conduct its
17 own 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. 100-201, eff. 8-18-17; 100-1112, eff. 8-28-18;
22 101-515, eff. 8-23-19.)

23 (105 ILCS 5/34-18.77 new)

24 Sec. 34-18.77. Additional services for certain students
25 experiencing trauma.

1 (a) The school district must provide additional
2 instructional services, support, or special accommodations to
3 a student if the student's school determines that:

4 (1) the student suffers from trauma related to the
5 student experiencing the death of a sibling, parent,
6 guardian, or household member by suicide or homicide or
7 from trauma caused by domestic violence or abuse;

8 (2) the trauma interferes with the student's ability
9 to learn and to participate in the learning environment;
10 and

11 (3) the student does not qualify for either an
12 individualized education program (IEP) under the federal
13 Individuals with Disabilities Education Act or for
14 services under Section 504 of the federal Rehabilitation
15 Act of 1973.

16 (b) At the request of the parent or guardian of a student
17 who has experienced an event described under paragraph (1) of
18 subsection (a) and who may be at risk of academic failure or if
19 school personnel identify that a student's overall academic
20 performance and participation in the learning environment has
21 declined following the student experiencing an event described
22 under paragraph (1) of subsection (a) and the student may be at
23 risk of academic failure, the school district shall perform an
24 evaluation to assess whether the student may benefit from
25 additional instructional services, support, or special
26 accommodations. The evaluation of the student shall be

1 performed by appropriate school personnel, which may include
2 school counselors, school psychologists, school social
3 workers, school administrators, and educators with knowledge
4 of the student or the student's academic performance prior to
5 the student experiencing an event described under paragraph
6 (1) of subsection (a).

7 If the school determines from the evaluation that the
8 student requires additional instructional services, support,
9 or special accommodations, the school district shall develop
10 and implement a plan to provide to the student additional
11 instructional services, support, or special accommodations
12 based on the individual needs of the student. Additional
13 instructional services, support, or special accommodations
14 provided to a student may include accommodations with testing,
15 supplementary aids, school counseling services, additional
16 assistance with homework, or modifications to the student's
17 learning environment. The plan may be modified as necessary
18 according to the needs of the student.

19 (c) A plan developed under subsection (b) shall remain in
20 place until the student (i) is no longer enrolled in the school
21 district or (ii) has demonstrated such significant and
22 sustained progress and improvement in academic performance
23 that the student no longer requires the additional
24 instructional services, support, or special accommodations
25 provided under the plan.

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.