



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB1795

Introduced 2/9/2011, by Sen. Kimberly A. Lightford

SYNOPSIS AS INTRODUCED:

| | |
|---------------------------|----------------------------|
| 105 ILCS 5/2-3.27 | from Ch. 122, par. 2-3.27 |
| 105 ILCS 5/2-3.53a | |
| 105 ILCS 5/2-3.137 | |
| 105 ILCS 5/2-3.139 | |
| 105 ILCS 5/14-8.02 | from Ch. 122, par. 14-8.02 |
| 105 ILCS 5/14C-8 | from Ch. 122, par. 14C-8 |
| 105 ILCS 5/1C-4 rep. | |
| 105 ILCS 5/2-3.9 rep. | |
| 105 ILCS 5/13B-35.10 rep. | |
| 105 ILCS 5/13B-35.15 rep. | |
| 105 ILCS 5/13B-35.20 rep. | |
| 105 ILCS 5/13B-40 rep. | |
| 105 ILCS 110/6 | from Ch. 122, par. 866 |
| 105 ILCS 110/5 rep. | |

Amends the School Code. Makes changes concerning budgets and accounting practices, the new principal mentoring program, a task force concerning the inspection and review of school facilities, an interagency working group and a task force concerning school wellness policies, the identification, evaluation, and placement of children with disabilities, and transitional bilingual education teacher certification. Repeals Sections concerning a block grant report, granting and suspending teachers' certificates, the Committee of Cooperative Services, and alternative learning opportunities program funding. Amends the Critical Health Problems and Comprehensive Health Education Act to repeal a Section concerning an advisory committee.

LRB097 09902 NHT 50065 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 Sections
5 2-3.27, 2-3.53a, 2-3.137, 2-3.139, 14-8.02, 14C-8, 18-12,
6 26-2a, and 34-8 as follows:

7 (105 ILCS 5/2-3.27) (from Ch. 122, par. 2-3.27)

8 Sec. 2-3.27. Budgets and accounting practices-Forms and
9 procedures.

10 To formulate and approve forms, procedure and regulations
11 for school district accounts and budgets required by this Act
12 reflecting the gross amount of income and expenses, receipts
13 and disbursements and extending a net surplus or deficit on
14 operating items, to advise and assist the officers of any
15 district in respect to budgets and accounting practices and in
16 the formulation and use of such books, records and accounts or
17 other forms as may be required to comply with the provisions of
18 this Act; to ~~publish and~~ keep current information ~~pamphlets or~~
19 ~~manuals in looseleaf form~~ relating to budgetary and accounting
20 procedure or similar topics; to make all rules and regulations
21 as may be necessary to carry into effect the provisions of this
22 Act relating to budgetary procedure and accounting, such rules
23 and regulations to include but not to be limited to the

1 establishment of a decimal classification of accounts; to
2 confer with various district, county and State officials or
3 take such other action as may be reasonably required to carry
4 out the provisions of this Act relating to budgets and
5 accounting.

6 (Source: Laws 1961, p. 31.)

7 (105 ILCS 5/2-3.53a)

8 Sec. 2-3.53a. New principal mentoring program.

9 (a) Beginning on July 1, 2007, and subject to an annual
10 appropriation by the General Assembly, to establish a new
11 principal mentoring program for new principals. Any individual
12 who is first hired as a principal on or after July 1, 2007
13 shall participate in a new principal mentoring program for the
14 duration of his or her first year as a principal and must
15 complete the program in accordance with the requirements
16 established by the State Board of Education by rule or, for a
17 school district created by Article 34 of this Code, in
18 accordance with the provisions of Section 34-18.33 ~~34-18.27~~ of
19 this Code. School districts created by Article 34 are not
20 subject to the requirements of subsection (b), (c), (d), (e),
21 (f), or (g) of this Section. Any individual who is first hired
22 as a principal on or after July 1, 2008 may participate in a
23 second year of mentoring if it is determined by the State
24 Superintendent of Education that sufficient funding exists for
25 such participation. The new principal mentoring program shall

1 match an experienced principal who meets the requirements of
2 subsection (b) of this Section with each new principal in order
3 to assist the new principal in the development of his or her
4 professional growth and to provide guidance.

5 (b) Any individual who has been a principal in Illinois for
6 3 or more years and who has demonstrated success as an
7 instructional leader, as determined by the State Board by rule,
8 is eligible to apply to be a mentor under a new principal
9 mentoring program. Mentors shall complete mentoring training
10 by entities approved by the State Board and meet any other
11 requirements set forth by the State Board and by the school
12 district employing the mentor.

13 (c) The State Board shall certify an entity or entities
14 approved to provide training of mentors.

15 (d) A mentor shall be assigned to a new principal based on
16 (i) similarity of grade level or type of school, (ii) learning
17 needs of the new principal, and (iii) geographical proximity of
18 the mentor to the new principal. The principal, in
19 collaboration with the mentor, shall identify areas for
20 improvement of the new principal's professional growth,
21 including, but not limited to, each of the following:

22 (1) Analyzing data and applying it to practice.

23 (2) Aligning professional development and
24 instructional programs.

25 (3) Building a professional learning community.

26 (4) Observing classroom practices and providing

1 feedback.

2 (5) Facilitating effective meetings.

3 (6) Developing distributive leadership practices.

4 (7) Facilitating organizational change.

5 The mentor shall not be required to provide an evaluation of
6 the new principal on the basis of the mentoring relationship.

7 (e) On or before July 1, 2008 and on or after July 1 of each
8 year thereafter, the State Board shall facilitate a review and
9 evaluate the mentoring training program in collaboration with
10 the approved providers. Each new principal and his or her
11 mentor must complete a verification form developed by the State
12 Board in order to certify their completion of a new principal
13 mentoring program.

14 (f) The requirements of this Section do not apply to any
15 individual who has previously served as an assistant principal
16 in Illinois acting under an administrative certificate for 5 or
17 more years and who is hired, on or after July 1, 2007, as a
18 principal by the school district in which the individual last
19 served as an assistant principal, although such an individual
20 may choose to participate in this program or shall be required
21 to participate by the school district.

22 (g) The State Board may adopt any rules necessary for the
23 implementation of this Section.

24 (h) On an annual basis, the State Superintendent of
25 Education shall determine whether appropriations are likely to
26 be sufficient to require operation of the mentoring program for

1 the coming year. In doing so, the State Superintendent of
2 Education shall first determine whether it is likely that funds
3 will be sufficient to require operation of the mentoring
4 program for individuals in their first year as principal and
5 shall then determine whether it is likely that funds will be
6 sufficient to require operation of the mentoring program for
7 individuals in their second year as principal.

8 (Source: P.A. 96-373, eff. 8-13-09.)

9 (105 ILCS 5/2-3.137)

10 Sec. 2-3.137. Inspection and review of school facilities~~+~~
11 ~~task force.~~

12 (a) The State Board of Education shall adopt rules for the
13 documentation of school plan reviews and inspections of school
14 facilities, including the responsible individual's signature.
15 Such documents shall be kept on file by the regional
16 superintendent of schools. The State Board of Education shall
17 also adopt rules for the qualifications of persons performing
18 the reviews and inspections, which must be consistent with the
19 recommendations in the task force's report issued to the
20 Governor and the General Assembly under subsection (b) of this
21 Section. Those qualifications shall include requirements for
22 training, education, and at least 2 years of relevant
23 experience.

24 (a-5) Rules adopted by the State Board of Education in
25 accordance with subsection (a) of this Section shall require

1 fees to be collected for use in defraying costs associated with
2 the administration of these and other provisions contained in
3 the Health/Life Safety Code for Public Schools required by
4 Section 2-3.12 of this Code.

5 (b) (Blank). ~~The State Board of Education shall convene a~~
6 ~~task force for the purpose of reviewing the documents required~~
7 ~~under rules adopted under subsection (a) of this Section and~~
8 ~~making recommendations regarding training and accreditation of~~
9 ~~individuals performing reviews or inspections required under~~
10 ~~Section 2-3.12, 3-14.20, 3-14.21, or 3-14.22 of this Code,~~
11 ~~including regional superintendents of schools and others~~
12 ~~performing reviews or inspections under the authority of a~~
13 ~~regional superintendent (such as consultants, municipalities,~~
14 ~~and fire protection districts).~~

15 ~~The task force shall consist of all of the following~~
16 ~~members:~~

17 ~~(1) The Executive Director of the Capital Development~~
18 ~~Board or his or her designee and a staff representative of~~
19 ~~the Division of Building Codes and Regulations.~~

20 ~~(2) The State Superintendent of Education or his or her~~
21 ~~designee.~~

22 ~~(3) A person appointed by the State Board of Education.~~

23 ~~(4) A person appointed by an organization representing~~
24 ~~school administrators.~~

25 ~~(5) A person appointed by an organization representing~~
26 ~~suburban school administrators and school board members.~~

1 ~~(6) A person appointed by an organization representing~~
2 ~~architects.~~

3 ~~(7) A person appointed by an organization representing~~
4 ~~regional superintendents of schools.~~

5 ~~(8) A person appointed by an organization representing~~
6 ~~fire inspectors.~~

7 ~~(9) A person appointed by an organization representing~~
8 ~~Code administrators.~~

9 ~~(10) A person appointed by an organization~~
10 ~~representing plumbing inspectors.~~

11 ~~(11) A person appointed by an organization that~~
12 ~~represents both parents and teachers.~~

13 ~~(12) A person appointed by an organization~~
14 ~~representing municipal governments in the State.~~

15 ~~(13) A person appointed by the State Fire Marshal from~~
16 ~~his or her office.~~

17 ~~(14) A person appointed by an organization~~
18 ~~representing fire chiefs.~~

19 ~~(15) The Director of Public Health or his or her~~
20 ~~designee.~~

21 ~~(16) A person appointed by an organization~~
22 ~~representing structural engineers.~~

23 ~~(17) A person appointed by an organization~~
24 ~~representing professional engineers.~~

25 ~~The task force shall issue a report of its findings to the~~
26 ~~Governor and the General Assembly no later than January 1,~~

1 ~~2006.~~

2 (Source: P.A. 95-331, eff. 8-21-07; 96-734, eff. 8-25-09.)

3 (105 ILCS 5/2-3.139)

4 Sec. 2-3.139. School wellness policies, ~~taskforce.~~

5 (a) The State Board of Education shall establish a State
6 goal that all school districts have a wellness policy that is
7 consistent with recommendations of the Centers for Disease
8 Control and Prevention (CDC), which recommendations include
9 the following:

10 (1) nutrition guidelines for all foods sold on school
11 campus during the school day;

12 (2) setting school goals for nutrition education and
13 physical activity;

14 (3) establishing community participation in creating
15 local wellness policies; and

16 (4) creating a plan for measuring implementation of
17 these wellness policies.

18 ~~The Department of Public Health, the Department of Human
19 Services, and the State Board of Education shall form an
20 interagency working group to publish model wellness policies
21 and recommendations. Sample policies shall be based on CDC
22 recommendations for nutrition and physical activity. The State
23 Board of Education shall distribute the model wellness policies
24 to all school districts before June 1, 2006.~~

25 (b) (Blank). ~~There is created the School Wellness Policy~~

1 ~~Taskforce, consisting of the following members:~~

2 ~~(1) One member representing the State Board of~~
3 ~~Education, appointed by the State Board of Education.~~

4 ~~(2) One member representing the Department of Public~~
5 ~~Health, appointed by the Director of Public Health.~~

6 ~~(3) One member representing the Department of Human~~
7 ~~Services, appointed by the Secretary of Human Services.~~

8 ~~(4) One member of an organization representing the~~
9 ~~interests of school nurses in this State, appointed by the~~
10 ~~interagency working group.~~

11 ~~(5) One member of an organization representing the~~
12 ~~interests of school administrators in this State,~~
13 ~~appointed by the interagency working group.~~

14 ~~(6) One member of an organization representing the~~
15 ~~interests of school boards in this State, appointed by the~~
16 ~~interagency working group.~~

17 ~~(7) One member of an organization representing the~~
18 ~~interests of regional superintendents of schools in this~~
19 ~~State, appointed by the interagency working group.~~

20 ~~(8) One member of an organization representing the~~
21 ~~interests of parent teacher associations in this State,~~
22 ~~appointed by the interagency working group.~~

23 ~~(9) One member of an organization representing the~~
24 ~~interests of pediatricians in this State, appointed by the~~
25 ~~interagency working group.~~

26 ~~(10) One member of an organization representing the~~

1 ~~interests of dentists in this State, appointed by the~~
2 ~~interagency working group.~~

3 ~~(11) One member of an organization representing the~~
4 ~~interests of dieticians in this State, appointed by the~~
5 ~~interagency working group.~~

6 ~~(12) One member of an organization that has an interest~~
7 ~~and expertise in heart disease, appointed by the~~
8 ~~interagency working group.~~

9 ~~(13) One member of an organization that has an interest~~
10 ~~and expertise in cancer, appointed by the interagency~~
11 ~~working group.~~

12 ~~(14) One member of an organization that has an interest~~
13 ~~and expertise in childhood obesity, appointed by the~~
14 ~~interagency working group.~~

15 ~~(15) One member of an organization that has an interest~~
16 ~~and expertise in the importance of physical education and~~
17 ~~recreation in preventing disease, appointed by the~~
18 ~~interagency working group.~~

19 ~~(16) One member of an organization that has an interest~~
20 ~~and expertise in school food service, appointed by the~~
21 ~~interagency working group.~~

22 ~~(17) One member of an organization that has an interest~~
23 ~~and expertise in school health, appointed by the~~
24 ~~interagency working group.~~

25 ~~(18) One member of an organization that campaigns for~~
26 ~~programs and policies for healthier school environments,~~

1 ~~appointed by the interagency working group.~~

2 ~~(19) One at-large member with a doctorate in nutrition,~~
3 ~~appointed by the State Board of Education.~~

4 ~~Members of the taskforce shall serve without compensation.~~

5 ~~The taskforce shall meet at the call of the State Board of~~
6 ~~Education. The taskforce shall report its identification of~~
7 ~~barriers to implementing school wellness policies and its~~
8 ~~recommendations to reduce those barriers to the General~~
9 ~~Assembly and the Governor on or before January 1, 2006. The~~
10 ~~taskforce shall report its recommendations on statewide school~~
11 ~~nutrition standards to the General Assembly and the Governor on~~
12 ~~or before January 1, 2007. The taskforce shall report its~~
13 ~~evaluation of the effectiveness of school wellness policies to~~
14 ~~the General Assembly and the Governor on or before January 1,~~
15 ~~2008. The evaluation shall review a sample size of 5 to 10~~
16 ~~school districts. Reports shall be made to the General Assembly~~
17 ~~by filing copies of each report as provided in Section 3.1 of~~
18 ~~the General Assembly Organization Act. Upon the filing of the~~
19 ~~last report, the taskforce is dissolved.~~

20 (c) The State Board of Education may adopt any rules
21 necessary to implement this Section.

22 (d) Nothing in this Section may be construed as a
23 curricular mandate on any school district.

24 (Source: P.A. 94-199, eff. 7-12-05; 95-331, eff. 8-21-07.)

25 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

1 Sec. 14-8.02. Identification, Evaluation and Placement of
2 Children.

3 (a) The State Board of Education shall make rules under
4 which local school boards shall determine the eligibility of
5 children to receive special education. Such rules shall ensure
6 that a free appropriate public education be available to all
7 children with disabilities as defined in Section 14-1.02. The
8 State Board of Education shall require local school districts
9 to administer non-discriminatory procedures or tests to
10 limited English proficiency students coming from homes in which
11 a language other than English is used to determine their
12 eligibility to receive special education. The placement of low
13 English proficiency students in special education programs and
14 facilities shall be made in accordance with the test results
15 reflecting the student's linguistic, cultural and special
16 education needs. For purposes of determining the eligibility of
17 children the State Board of Education shall include in the
18 rules definitions of "case study", "staff conference",
19 "individualized educational program", and "qualified
20 specialist" appropriate to each category of children with
21 disabilities as defined in this Article. For purposes of
22 determining the eligibility of children from homes in which a
23 language other than English is used, the State Board of
24 Education shall include in the rules definitions for "qualified
25 bilingual specialists" and "linguistically and culturally
26 appropriate individualized educational programs". For purposes

1 of this Section, as well as Sections 14-8.02a, 14-8.02b, and
2 14-8.02c of this Code, "parent" means a parent as defined in
3 the federal Individuals with Disabilities Education Act (20
4 U.S.C. 1401(23)).

5 (b) No child shall be eligible for special education
6 facilities except with a carefully completed case study fully
7 reviewed by professional personnel in a multidisciplinary
8 staff conference and only upon the recommendation of qualified
9 specialists or a qualified bilingual specialist, if available.
10 At the conclusion of the multidisciplinary staff conference,
11 the parent of the child shall be given a copy of the
12 multidisciplinary conference summary report and
13 recommendations, which includes options considered, and be
14 informed of their right to obtain an independent educational
15 evaluation if they disagree with the evaluation findings
16 conducted or obtained by the school district. If the school
17 district's evaluation is shown to be inappropriate, the school
18 district shall reimburse the parent for the cost of the
19 independent evaluation. The State Board of Education shall,
20 with advice from the State Advisory Council on Education of
21 Children with Disabilities on the inclusion of specific
22 independent educational evaluators, prepare a list of
23 suggested independent educational evaluators. The State Board
24 of Education shall include on the list clinical psychologists
25 licensed pursuant to the Clinical Psychologist Licensing Act.
26 Such psychologists shall not be paid fees in excess of the

1 amount that would be received by a school psychologist for
2 performing the same services. The State Board of Education
3 shall supply school districts with such list and make the list
4 available to parents at their request. School districts shall
5 make the list available to parents at the time they are
6 informed of their right to obtain an independent educational
7 evaluation. However, the school district may initiate an
8 impartial due process hearing under this Section within 5 days
9 of any written parent request for an independent educational
10 evaluation to show that its evaluation is appropriate. If the
11 final decision is that the evaluation is appropriate, the
12 parent still has a right to an independent educational
13 evaluation, but not at public expense. An independent
14 educational evaluation at public expense must be completed
15 within 30 days of a parent written request unless the school
16 district initiates an impartial due process hearing or the
17 parent or school district offers reasonable grounds to show
18 that such 30 day time period should be extended. If the due
19 process hearing decision indicates that the parent is entitled
20 to an independent educational evaluation, it must be completed
21 within 30 days of the decision unless the parent or the school
22 district offers reasonable grounds to show that such 30 day
23 period should be extended. If a parent disagrees with the
24 summary report or recommendations of the multidisciplinary
25 conference or the findings of any educational evaluation which
26 results therefrom, the school district shall not proceed with a

1 placement based upon such evaluation and the child shall remain
2 in his or her regular classroom setting. ~~No child shall be~~
3 ~~eligible for admission to a special class for the educable~~
4 ~~mentally disabled or for the trainable mentally disabled except~~
5 ~~with a psychological evaluation and recommendation by a school~~
6 ~~psychologist.~~ Consent shall be obtained from the parent of a
7 child before any evaluation is conducted. If consent is not
8 given by the parent or if the parent disagrees with the
9 findings of the evaluation, then the school district may
10 initiate an impartial due process hearing under this Section.
11 The school district may evaluate the child if that is the
12 decision resulting from the impartial due process hearing and
13 the decision is not appealed or if the decision is affirmed on
14 appeal. The determination of eligibility shall be made and the
15 IEP meeting shall be completed within 60 school days from the
16 date of written parental consent. In those instances when
17 written parental consent is obtained with fewer than 60 pupil
18 attendance days left in the school year, the eligibility
19 determination shall be made and the IEP meeting shall be
20 completed prior to the first day of the following school year.
21 ~~After a child has been determined to be eligible for a special~~
22 ~~education class, such child must be placed in the appropriate~~
23 ~~program pursuant to the individualized educational program by~~
24 ~~or no later than the beginning of the next school semester.~~ The
25 appropriate program pursuant to the individualized educational
26 program of students whose native tongue is a language other

1 than English shall reflect the special education, cultural and
2 linguistic needs. No later than September 1, 1993, the State
3 Board of Education shall establish standards for the
4 development, implementation and monitoring of appropriate
5 bilingual special individualized educational programs. The
6 State Board of Education shall further incorporate appropriate
7 monitoring procedures to verify implementation of these
8 standards. The district shall indicate to the parent and the
9 State Board of Education the nature of the services the child
10 will receive for the regular school term while waiting
11 placement in the appropriate special education class.

12 If the child is deaf, hard of hearing, blind, or visually
13 impaired and he or she might be eligible to receive services
14 from the Illinois School for the Deaf or the Illinois School
15 for the Visually Impaired, the school district shall notify the
16 parents, in writing, of the existence of these schools and the
17 services they provide and shall make a reasonable effort to
18 inform the parents of the existence of other, local schools
19 that provide similar services and the services that these other
20 schools provide. This notification shall include without
21 limitation information on school services, school admissions
22 criteria, and school contact information.

23 In the development of the individualized education program
24 for a student who has a disability on the autism spectrum
25 (which includes autistic disorder, Asperger's disorder,
26 pervasive developmental disorder not otherwise specified,

1 childhood disintegrative disorder, and Rett Syndrome, as
2 defined in the Diagnostic and Statistical Manual of Mental
3 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall
4 consider all of the following factors:

5 (1) The verbal and nonverbal communication needs of the
6 child.

7 (2) The need to develop social interaction skills and
8 proficiencies.

9 (3) The needs resulting from the child's unusual
10 responses to sensory experiences.

11 (4) The needs resulting from resistance to
12 environmental change or change in daily routines.

13 (5) The needs resulting from engagement in repetitive
14 activities and stereotyped movements.

15 (6) The need for any positive behavioral
16 interventions, strategies, and supports to address any
17 behavioral difficulties resulting from autism spectrum
18 disorder.

19 (7) Other needs resulting from the child's disability
20 that impact progress in the general curriculum, including
21 social and emotional development.

22 Public Act 95-257 does not create any new entitlement to a
23 service, program, or benefit, but must not affect any
24 entitlement to a service, program, or benefit created by any
25 other law.

26 If the student may be eligible to participate in the

1 Home-Based Support Services Program for Mentally Disabled
2 Adults authorized under the Developmental Disability and
3 Mental Disability Services Act upon becoming an adult, the
4 student's individualized education program shall include plans
5 for (i) determining the student's eligibility for those
6 home-based services, (ii) enrolling the student in the program
7 of home-based services, and (iii) developing a plan for the
8 student's most effective use of the home-based services after
9 the student becomes an adult and no longer receives special
10 educational services under this Article. The plans developed
11 under this paragraph shall include specific actions to be taken
12 by specified individuals, agencies, or officials.

13 (c) In the development of the individualized education
14 program for a student who is functionally blind, it shall be
15 presumed that proficiency in Braille reading and writing is
16 essential for the student's satisfactory educational progress.
17 For purposes of this subsection, the State Board of Education
18 shall determine the criteria for a student to be classified as
19 functionally blind. Students who are not currently identified
20 as functionally blind who are also entitled to Braille
21 instruction include: (i) those whose vision loss is so severe
22 that they are unable to read and write at a level comparable to
23 their peers solely through the use of vision, and (ii) those
24 who show evidence of progressive vision loss that may result in
25 functional blindness. Each student who is functionally blind
26 shall be entitled to Braille reading and writing instruction

1 that is sufficient to enable the student to communicate with
2 the same level of proficiency as other students of comparable
3 ability. Instruction should be provided to the extent that the
4 student is physically and cognitively able to use Braille.
5 Braille instruction may be used in combination with other
6 special education services appropriate to the student's
7 educational needs. The assessment of each student who is
8 functionally blind for the purpose of developing the student's
9 individualized education program shall include documentation
10 of the student's strengths and weaknesses in Braille skills.
11 Each person assisting in the development of the individualized
12 education program for a student who is functionally blind shall
13 receive information describing the benefits of Braille
14 instruction. The individualized education program for each
15 student who is functionally blind shall specify the appropriate
16 learning medium or media based on the assessment report.

17 (d) To the maximum extent appropriate, the placement shall
18 provide the child with the opportunity to be educated with
19 children who are not disabled; provided that children with
20 disabilities who are recommended to be placed into regular
21 education classrooms are provided with supplementary services
22 to assist the children with disabilities to benefit from the
23 regular classroom instruction and are included on the teacher's
24 regular education class register. Subject to the limitation of
25 the preceding sentence, placement in special classes, separate
26 schools or other removal of the disabled child from the regular

1 educational environment shall occur only when the nature of the
2 severity of the disability is such that education in the
3 regular classes with the use of supplementary aids and services
4 cannot be achieved satisfactorily. The placement of limited
5 English proficiency students with disabilities shall be in
6 non-restrictive environments which provide for integration
7 with non-disabled peers in bilingual classrooms. Annually,
8 each January, school districts shall report data on students
9 from non-English speaking backgrounds receiving special
10 education and related services in public and private facilities
11 as prescribed in Section 2-3.30. If there is a disagreement
12 between parties involved regarding the special education
13 placement of any child, either in-state or out-of-state, the
14 placement is subject to impartial due process procedures
15 described in Article 10 of the Rules and Regulations to Govern
16 the Administration and Operation of Special Education.

17 (e) No child who comes from a home in which a language
18 other than English is the principal language used may be
19 assigned to any class or program under this Article until he
20 has been given, in the principal language used by the child and
21 used in his home, tests reasonably related to his cultural
22 environment. All testing and evaluation materials and
23 procedures utilized for evaluation and placement shall not be
24 linguistically, racially or culturally discriminatory.

25 (f) Nothing in this Article shall be construed to require
26 any child to undergo any physical examination or medical

1 treatment whose parents object thereto on the grounds that such
2 examination or treatment conflicts with his religious beliefs.

3 (g) School boards or their designee shall provide to the
4 parents of a child prior written notice of any decision (a)
5 proposing to initiate or change, or (b) refusing to initiate or
6 change, the identification, evaluation, or educational
7 placement of the child or the provision of a free appropriate
8 public education to their child, and the reasons therefor. Such
9 written notification shall also inform the parent of the
10 opportunity to present complaints with respect to any matter
11 relating to the educational placement of the student, or the
12 provision of a free appropriate public education and to have an
13 impartial due process hearing on the complaint. The notice
14 shall inform the parents in the parents' native language,
15 unless it is clearly not feasible to do so, of their rights and
16 all procedures available pursuant to this Act and the federal
17 Individuals with Disabilities Education Improvement Act of
18 2004 (Public Law 108-446); it shall be the responsibility of
19 the State Superintendent to develop uniform notices setting
20 forth the procedures available under this Act and the federal
21 Individuals with Disabilities Education Improvement Act of
22 2004 (Public Law 108-446) to be used by all school boards. The
23 notice shall also inform the parents of the availability upon
24 request of a list of free or low-cost legal and other relevant
25 services available locally to assist parents in initiating an
26 impartial due process hearing. Any parent who is deaf, or does

1 not normally communicate using spoken English, who
2 participates in a meeting with a representative of a local
3 educational agency for the purposes of developing an
4 individualized educational program shall be entitled to the
5 services of an interpreter.

6 (g-5) For purposes of this subsection (g-5), "qualified
7 professional" means an individual who holds credentials to
8 evaluate the child in the domain or domains for which an
9 evaluation is sought or an intern working under the direct
10 supervision of a qualified professional, including a master's
11 or doctoral degree candidate.

12 To ensure that a parent can participate fully and
13 effectively with school personnel in the development of
14 appropriate educational and related services for his or her
15 child, the parent, an independent educational evaluator, or a
16 qualified professional retained by or on behalf of a parent or
17 child must be afforded reasonable access to educational
18 facilities, personnel, classrooms, and buildings and to the
19 child as provided in this subsection (g-5). The requirements of
20 this subsection (g-5) apply to any public school facility,
21 building, or program and to any facility, building, or program
22 supported in whole or in part by public funds. Prior to
23 visiting a school, school building, or school facility, the
24 parent, independent educational evaluator, or qualified
25 professional may be required by the school district to inform
26 the building principal or supervisor in writing of the proposed

1 visit, the purpose of the visit, and the approximate duration
2 of the visit. The visitor and the school district shall arrange
3 the visit or visits at times that are mutually agreeable.
4 Visitors shall comply with school safety, security, and
5 visitation policies at all times. School district visitation
6 policies must not conflict with this subsection (g-5). Visitors
7 shall be required to comply with the requirements of applicable
8 privacy laws, including those laws protecting the
9 confidentiality of education records such as the federal Family
10 Educational Rights and Privacy Act and the Illinois School
11 Student Records Act. The visitor shall not disrupt the
12 educational process.

13 (1) A parent must be afforded reasonable access of
14 sufficient duration and scope for the purpose of observing
15 his or her child in the child's current educational
16 placement, services, or program or for the purpose of
17 visiting an educational placement or program proposed for
18 the child.

19 (2) An independent educational evaluator or a
20 qualified professional retained by or on behalf of a parent
21 or child must be afforded reasonable access of sufficient
22 duration and scope for the purpose of conducting an
23 evaluation of the child, the child's performance, the
24 child's current educational program, placement, services,
25 or environment, or any educational program, placement,
26 services, or environment proposed for the child, including

1 interviews of educational personnel, child observations,
2 assessments, tests or assessments of the child's
3 educational program, services, or placement or of any
4 proposed educational program, services, or placement. If
5 one or more interviews of school personnel are part of the
6 evaluation, the interviews must be conducted at a mutually
7 agreed upon time, date, and place that do not interfere
8 with the school employee's school duties. The school
9 district may limit interviews to personnel having
10 information relevant to the child's current educational
11 services, program, or placement or to a proposed
12 educational service, program, or placement.

13 (h) (Blank).

14 (i) (Blank).

15 (j) (Blank).

16 (k) (Blank).

17 (l) (Blank).

18 (m) (Blank).

19 (n) (Blank).

20 (o) (Blank).

21 (Source: P.A. 95-257, eff. 1-1-08; 95-876, eff. 8-21-08;
22 96-657, eff. 8-25-09.)

23 (105 ILCS 5/14C-8) (from Ch. 122, par. 14C-8)

24 Sec. 14C-8. Teacher certification - Qualifications -
25 Issuance of certificates. No person shall be eligible for

1 employment by a school district as a teacher of transitional
2 bilingual education without either (a) holding a valid teaching
3 certificate issued pursuant to Article 21 of this Code and
4 meeting such additional language and course requirements as
5 prescribed by the State Board of Education or (b) meeting the
6 requirements set forth in this Section. The Certification Board
7 shall issue certificates valid for teaching in all grades of
8 the common school in transitional bilingual education programs
9 to any person who presents it with satisfactory evidence that
10 he possesses an adequate speaking and reading ability in a
11 language other than English in which transitional bilingual
12 education is offered and communicative skills in English, and
13 possessed within 5 years previous to his or her applying for a
14 certificate under this Section a valid teaching certificate
15 issued by a foreign country, or by a State or possession or
16 territory of the United States, or other evidence of teaching
17 preparation as may be determined to be sufficient by the
18 Certification Board, or holds a degree from an institution of
19 higher learning in a foreign country which the Certification
20 Board determines to be the equivalent of a bachelor's degree
21 from a recognized institution of higher learning in the United
22 States; provided that any person seeking a certificate under
23 this Section must meet the following additional requirements:

- 24 (1) Such persons must be in good health;
- 25 (2) Such persons must be of sound moral character;
- 26 (3) Such persons must be legally present in the United

1 States and possess legal authorization for employment;

2 (4) Such persons must not be employed to replace any
3 presently employed teacher who otherwise would not be
4 replaced for any reason.

5 Certificates issuable pursuant to this Section shall be
6 issuable only during the 5 years immediately following the
7 effective date of this Act and thereafter for additional
8 periods of one year only upon a determination by the State
9 Board of Education that a school district lacks the number of
10 teachers necessary to comply with the mandatory requirements of
11 Section 14C-3 of this Article for the establishment and
12 maintenance of programs of transitional bilingual education
13 and said certificates issued by the Certification Board shall
14 be valid for a period of 6 years following their date of
15 issuance and shall not be renewed, except that one renewal for
16 a period of two years may be granted if necessary to permit the
17 holder of a certificate issued under this Section to acquire a
18 teaching certificate pursuant to Article 21 of this Code. Such
19 certificates and the persons to whom they are issued shall be
20 exempt from the provisions of Article 21 of this Code except
21 that Sections 21-12, 21-13, 21-16, 21-17, 21-21, 21-22, 21-23
22 and 21-24 shall continue to be applicable to all such
23 certificates.

24 ~~After the effective date of this amendatory Act of 1984, an~~
25 ~~additional renewal for a period to expire August 31, 1985, may~~
26 ~~be granted. The State Board of Education shall report to the~~

1 ~~General Assembly on or before January 31, 1985 its~~
2 ~~recommendations for the qualification of teachers of bilingual~~
3 ~~education and for the qualification of teachers of English as a~~
4 ~~second language. Said qualification program shall take effect~~
5 ~~no later than August 31, 1985.~~

6 Beginning July 1, 2001, the State Board of Education shall
7 implement a test or tests to assess the speaking, reading,
8 writing, and grammar skills of applicants for a certificate
9 issued under this Section in the English language and in the
10 language of the transitional bilingual education program
11 requested by the applicant and shall establish appropriate fees
12 for these tests. The State Board of Education, in consultation
13 with the Certification Board, shall promulgate rules to
14 implement the required tests, including specific provisions to
15 govern test selection, test validation, determination of a
16 passing score, administration of the test or tests, frequency
17 of administration, applicant fees, identification requirements
18 for test takers, frequency of applicants taking the tests, the
19 years for which a score is valid, waiving tests for individuals
20 who have satisfactorily passed other tests, and the
21 consequences of dishonest conduct in the application for or
22 taking of the tests.

23 If the qualifications of an applicant for a certificate
24 valid for teaching in transitional bilingual education
25 programs in all grades of the common schools do not meet the
26 requirements established for the issuance of that certificate,

1 the Certification Board nevertheless shall issue the applicant
2 a substitute teacher's certificate under Section 21-9 whenever
3 it appears from the face of the application submitted for
4 certification as a teacher of transitional bilingual education
5 and the evidence presented in support thereof that the
6 applicant's qualifications meet the requirements established
7 for the issuance of a certificate under Section 21-9; provided,
8 that if it does not appear from the face of such application
9 and supporting evidence that the applicant is qualified for
10 issuance of a certificate under Section 21-9 the Certification
11 Board shall evaluate the application with reference to the
12 requirements for issuance of certificates under Section 21-9
13 and shall inform the applicant, at the time it denies the
14 application submitted for certification as a teacher of
15 transitional bilingual education, of the additional
16 qualifications which the applicant must possess in order to
17 meet the requirements established for issuance of (i) a
18 certificate valid for teaching in transitional bilingual
19 education programs in all grades of the common schools and (ii)
20 a substitute teacher's certificate under Section 21-9.

21 (Source: P.A. 94-1105, eff. 6-1-07; 95-496, eff. 8-28-07;
22 95-876, eff. 8-21-08.)

23 (105 ILCS 5/1C-4 rep.)

24 (105 ILCS 5/2-3.9 rep.)

25 (105 ILCS 5/13B-35.10 rep.)

1 (105 ILCS 5/13B-35.15 rep.)

2 (105 ILCS 5/13B-35.20 rep.)

3 (105 ILCS 5/13B-40 rep.)

4 Section 10. The School Code is amended by repealing
5 Sections 1C-4, 2-3.9, 13B-35.10, 13B-35.15, 13B-35.20, and
6 13B-40.

7 Section 15. The Critical Health Problems and Comprehensive
8 Health Education Act is amended by changing Section 6 as
9 follows:

10 (105 ILCS 110/6) (from Ch. 122, par. 866)

11 Sec. 6. Rules and Regulations. In carrying out the powers
12 and duties of the State Board of Education ~~and the advisory~~
13 ~~committee established by this Act,~~ the State Board is ~~and such~~
14 ~~committee are~~ authorized to promulgate rules and regulations in
15 order to implement the provisions of this Act.

16 (Source: P.A. 81-1508.)

17 (105 ILCS 110/5 rep.)

18 Section 20. The Critical Health Problems and Comprehensive
19 Health Education Act is amended by repealing Section 5.