

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 and by adding Section 34-18.49 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 disabled child and may be made only to those public
22 schools located in the district where the child attending the
23 nonpublic school resides; however, nothing in this Section

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

15 A school board shall publish a public notice in its
16 newsletter of general circulation or in the newsletter of
17 another governmental entity of general circulation in the
18 district or if neither is available in the district, then in a
19 newspaper of general circulation in the district, the right of
20 all children with disabilities to a free appropriate public
21 education as provided under this Code. Such notice shall
22 identify the location and phone number of the office or agent
23 of the school district to whom inquiries should be directed
24 regarding the identification, assessment and placement of such
25 children.

26 School boards shall immediately provide upon request by any

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

23 Any parent or guardian who is deaf, or does not normally
24 communicate using spoken English, who participates in a meeting
25 with a representative of a local educational agency for the
26 purposes of developing an individualized educational program

1 shall be entitled to the services of an interpreter.

2 No disabled student or, in a school district organized
3 under Article 34 of this Code, child with a learning disability
4 may be denied promotion, graduation or a general diploma on the
5 basis of failing a minimal competency test when such failure
6 can be directly related to the disabling condition of the
7 student. For the purpose of this Act, "minimal competency
8 testing" is defined as tests which are constructed to measure
9 the acquisition of skills to or beyond a certain defined
10 standard.

11 Effective July 1, 1966, high school districts are
12 financially responsible for the education of pupils with
13 disabilities who are residents in their districts when such
14 pupils have reached age 15 but may admit children with
15 disabilities into special educational facilities without
16 regard to graduation from the eighth grade after such pupils
17 have reached the age of 14 1/2 years. Upon a disabled pupil's
18 attaining the age of 14 1/2 years, it shall be the duty of the
19 elementary school district in which the pupil resides to notify
20 the high school district in which the pupil resides of the
21 pupil's current eligibility for special education services, of
22 the pupil's current program, and of all evaluation data upon
23 which the current program is based. After an examination of
24 that information the high school district may accept the
25 current placement and all subsequent timelines shall be
26 governed by the current individualized educational program; or

1 the high school district may elect to conduct its own
2 evaluation and multidisciplinary staff conference and
3 formulate its own individualized educational program, in which
4 case the procedures and timelines contained in Section 14-8.02
5 shall apply.

6 (Source: P.A. 98-219, eff. 8-9-13.)

7 (105 ILCS 5/34-18.49 new)

8 Sec. 34-18.49. Committee on the retention of students.

9 (a) The board may create a committee on the retention of
10 students. The committee shall consist of the general
11 superintendent of schools or his or her designee, a district
12 administrator who directs student instruction and curriculum,
13 a principal from a school of the district, and a teacher from a
14 school of the district.

15 (b) Prior to retention in a grade, a school may submit, by
16 a date as set by the committee on the retention of students,
17 the names of all students determined by the school to not
18 qualify for promotion to the next higher grade and the reason
19 for that determination. The committee shall review the school's
20 decision to retain with respect to each student and shall make
21 a final decision regarding whether or not to retain a
22 particular student. The committee shall take into
23 consideration the relevant data and evidence gathered during
24 the Response to Intervention process. The committee may vote to
25 overturn a retention decision if the committee determines that

1 the student should be promoted after examining the student's
2 access to remedial assistance, performance, attendance, and
3 participation and the resources and facilities provided by the
4 school district or due to the student having an undiagnosed
5 learning disability.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.