



Rep. Laura Faver Dias

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10400HB5488ham001

LRB104 20468 LNS 35696 a

1 AMENDMENT TO HOUSE BILL 5488

2 AMENDMENT NO. _____. Amend House Bill 5488 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Sections
5 10-31 and 34-21.11 as follows:

6 (105 ILCS 5/10-31 new)

7 Sec. 10-31. Section 504 impartial hearing.

8 (a) This Section applies to all federal Section 504
9 impartial hearings requested after July 1, 2027 in cases
10 regarding the identification, evaluation, eligibility,
11 accommodations, or educational placement of a student who,
12 because of a disability, is in need of or is believed to be in
13 need of accommodations or services from a school district,
14 special education joint agreement, or other educational
15 entity.

16 (b) As used in this Section:

1 "Day" means the computation of days under Section 1.11 of
2 the Statute on Statutes.

3 "Disability" has the meaning given to that term in the
4 Environmental Barriers Act.

5 "Impartial", with respect to a hearing, means that a
6 person (i) is not currently a resident of the school district,
7 special education joint agreement, or other educational entity
8 that is a party to the hearing, (ii) has not represented a
9 party to the hearing as legal counsel within one year prior to
10 the request for the hearing, and (iii) does not have a conflict
11 of interest that the parties have agreed to waive.

12 "Qualified" means that a person meets the minimum
13 requirements to be an impartial hearing officer under
14 subsection (f).

15 (c) An impartial Section 504 hearing may be requested by
16 the parent or guardian of a student or by a student if the
17 student is at least 18 years of age or emancipated. The request
18 shall be made in writing to the superintendent of the school
19 district where the student resides. If the respondent is a
20 special education joint agreement or other educational entity,
21 the request shall be made in writing to the chief
22 administrator of the special education joint agreement or
23 other educational entity.

24 The hearing request shall, at a minimum, include (i) the
25 name of the student, (ii) the student's address of residence,
26 (iii) the name of the school the student is attending, (iv) a

1 brief description of the nature of the problem relating to the
2 identification, evaluation, eligibility, accommodations, or
3 educational placement of the student, and (v) a proposed
4 resolution of the problem to the extent known and available to
5 the party requesting the hearing. If the student is a homeless
6 child as defined in the federal McKinney-Vento Homeless
7 Assistance Act, available contact information for the student
8 shall be provided. The hearing request shall be filed no later
9 than one year after the alleged violation that is the subject
10 of the hearing request occurred.

11 (d) Within 7 business days after a hearing request is
12 received, the school district, special education joint
13 agreement, or other educational entity shall appoint a
14 qualified, impartial hearing officer and shall notify the
15 hearing officer of the appointment. A hearing officer must
16 disclose to the parties any actual or potential conflicts of
17 interest, including, but not limited to, (i) former employment
18 with the school district, special education joint agreement,
19 or other educational entity that is a party to the hearing or
20 (ii) any personal, professional, or financial interest that
21 may interfere with the hearing officer's objectivity as a
22 hearing officer. If the hearing officer has a conflict of
23 interest, the hearing officer shall recuse himself or herself
24 unless all parties agree in writing to waive the conflict of
25 interest. A party may raise facts that constitute a conflict
26 of interest at any time during the proceedings. Upon recusal,

1 a new, qualified hearing officer shall be appointed within 5
2 business days from the date of recusal.

3 The hearing shall address only those issues properly
4 raised under this Section in the hearing request.

5 The parent or guardian of the student who is the subject of
6 the hearing has the right to have the student present. Any
7 party may be represented by legal counsel. A parent, guardian,
8 or student may be accompanied by people with special knowledge
9 or training with respect to the problems of students with
10 disabilities or knowledge of the student at the party's own
11 expense. However, a person who is not a licensed attorney may
12 not engage in the unauthorized practice of law.

13 Any party to the hearing has the right to present evidence
14 and confront and cross-examine witnesses.

15 The school district, special education joint agreement, or
16 other educational entity that is the responding party is
17 responsible for the costs of the hearing officer and for
18 providing a written or electronic verbatim record of the
19 proceedings.

20 The school district, special education joint agreement, or
21 other educational entity that is a party to the hearing must
22 provide and pay for interpretation services for a parent,
23 guardian, or student who has a primary language other than
24 English at all stages of the process, including the hearing.
25 An interpreter may be requested by any party and must be
26 qualified under standards adopted by the State Board of

1 Education. For a parent, guardian, or student who is deaf or
2 hard of hearing, the interpreter must be licensed under the
3 Interpreter for the Deaf Licensure Act of 2007.

4 The hearing officer shall issue a final, written decision,
5 including findings of fact and conclusions of law, within 10
6 business days after the conclusion of the hearing and mail a
7 copy of the decision to each party at the party's last known
8 address.

9 (e) The school district, special education joint
10 agreement, or other educational entity that is a responding
11 party shall provide an opportunity for a parent, guardian, or
12 student to resolve a complaint through an informal, dispute
13 resolution meeting process. The informal, dispute resolution
14 process must be available to the parent or guardian even if a
15 hearing is not requested.

16 (f) To be qualified to serve as a Section 504 impartial
17 hearing officer a person must, at a minimum, possess the
18 following credentials:

19 (1) a juris doctor degree from an accredited law
20 school and an active license to practice law in this State
21 or another jurisdiction and (i) at least 10 years of
22 experience practicing disability law or education law or
23 both or (ii) at least 5 years of experience practicing
24 disability law or education law or both and at least 15
25 approved credit hours of continuing legal education in
26 conducting an administrative hearing; or

1 (2) an advanced degree in education or a field related
2 to disabilities or disability law and rights with at least
3 5 years of experience in education or education
4 administration and at least 15 credit hours of continuing
5 education or professional development training in
6 conducting an administrative hearing.

7 (g) The State Board of Education shall maintain and post
8 on its public website a nonexclusive list of people who attest
9 that they meet the qualifications to serve as a Section 504
10 impartial hearing officer under subsection (f).

11 (h) Nothing in this Section may be construed to require a
12 party in a Section 504 complaint to exhaust administrative
13 remedies prior to commencing a civil action in a court of
14 competent jurisdiction.

15 (105 ILCS 5/34-21.11 new)

16 Sec. 34-21.11. Section 504 impartial hearing.

17 (a) This Section applies to all federal Section 504
18 impartial hearings requested after July 1, 2027 in cases
19 regarding the identification, evaluation, eligibility,
20 accommodations, or educational placement of a student who,
21 because of a disability, is in need of or is believed to be in
22 need of accommodations or services from the school district or
23 a special education joint agreement or other educational
24 entity.

25 (b) As used in this Section:

1 "Day" means the computation of days under Section 1.11 of
2 the Statute on Statutes.

3 "Disability" has the meaning given to that term in the
4 Environmental Barriers Act.

5 "Impartial", with respect to a hearing, means that a
6 person (i) has not represented a party to the hearing as legal
7 counsel within one year prior to the request for the hearing
8 and (ii) does not have a conflict of interest that the parties
9 have agreed to waive.

10 "Qualified" means that a person meets the minimum
11 requirements to be an impartial hearing officer under
12 subsection (f).

13 (c) An impartial Section 504 hearing may be requested by
14 the parent or guardian of a student or by a student if the
15 student is at least 18 years of age or emancipated. The request
16 shall be made in writing to the general superintendent of
17 schools. If the respondent is a special education joint
18 agreement or other educational entity, the request shall be
19 made in writing to the chief administrator of the special
20 education joint agreement or other educational entity.

21 The hearing request shall, at a minimum, include (i) the
22 name of the student, (ii) the student's address of residence,
23 (iii) the name of the school the student is attending, (iv) a
24 brief description of the nature of the problem relating to the
25 identification, evaluation, eligibility, accommodations, or
26 educational placement of the student, and (v) a proposed

1 resolution of the problem to the extent known and available to
2 the party requesting the hearing. If the student is a homeless
3 child as defined in the federal McKinney-Vento Homeless
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