

HB5770



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5770

by Rep. Deb Conroy

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-6.01

from Ch. 122, par. 14-6.01

Amends the School Code. Provides that, beginning with the 2018-2019 school year, a school board shall notify students and the parents or guardians of students, electronically or in the form of a letter, that a student may be eligible to receive mental health services from the school district under a federal Section 504 plan. Effective immediately.

LRB100 19591 AXK 34861 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 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 child with a disability and may be made only to those
22 public schools located in the district where the child
23 attending the nonpublic school resides; however, nothing in

1 this Section shall be construed as prohibiting an agreement
2 between the district where the child resides and another public
3 school district to provide special educational services if such
4 an arrangement is deemed more convenient and economical.
5 Special education and related services must be provided in
6 accordance with the student's IEP no later than 10 school
7 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 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 Beginning with the 2018-2019 school year, a school board
24 shall notify the school district's students and the parents or
25 guardians of those students, electronically or in the form of a
26 letter, that a student may be eligible to receive mental health

1 services from the school district under a federal Section 504
2 plan.

3 Any parent or guardian who is deaf, or does not normally
4 communicate using spoken English, who participates in a meeting
5 with a representative of a local educational agency for the
6 purposes of developing an individualized educational program
7 shall be entitled to the services of an interpreter.

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

17 Effective July 1, 1966, high school districts are
18 financially responsible for the education of pupils with
19 disabilities who are residents in their districts when such
20 pupils have reached age 15 but may admit children with
21 disabilities into special educational facilities without
22 regard to graduation from the eighth grade after such pupils
23 have reached the age of 14 1/2 years. Upon a pupil with a
24 disability attaining the age of 14 1/2 years, it shall be the
25 duty of the elementary school district in which the pupil
26 resides to notify the high school district in which the pupil

1 resides of the pupil's current eligibility for special
2 education services, of the pupil's current program, and of all
3 evaluation data upon which the current program is based. After
4 an examination of that information the high school district may
5 accept the current placement and all subsequent timelines shall
6 be governed by the current individualized educational program;
7 or the high school district may elect to conduct its own
8 evaluation and multidisciplinary staff conference and
9 formulate its own individualized educational program, in which
10 case the procedures and timelines contained in Section 14-8.02
11 shall apply.

12 (Source: P.A. 99-143, eff. 7-27-15; 99-592, eff. 7-22-16;
13 100-201, eff. 8-18-17.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.