

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 Beginning with the 2019-2020 school year, a school board  
16 shall post on its Internet website, if any, and incorporate  
17 into its student handbook or newsletter notice that students  
18 with disabilities who do not qualify for an individualized  
19 education program, as required by the federal Individuals with  
20 Disabilities Education Act and implementing provisions of this  
21 Code, may qualify for services under Section 504 of the federal  
22 Rehabilitation Act of 1973 if the child (i) has a physical or  
23 mental impairment that substantially limits one or more major  
24 life activities, (ii) has a record of a physical or mental  
25 impairment, or (iii) is regarded as having a physical or mental  
26 impairment. ~~A school board shall publish a public notice in its~~

1 ~~newsletter of general circulation or in the newsletter of~~  
2 ~~another governmental entity of general circulation in the~~  
3 ~~district or if neither is available in the district, then in a~~  
4 ~~newspaper of general circulation in the district, the right of~~  
5 ~~all children with disabilities to a free appropriate public~~  
6 ~~education as provided under this Code.~~ Such notice shall  
7 identify the location and phone number of the office or agent  
8 of the school district to whom inquiries should be directed  
9 regarding the identification, assessment and placement of such  
10 children.

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

1 Superintendent to develop uniform notices setting forth the  
2 procedures available under this Act and federal Public Law  
3 94-142, as amended, to be used by all school boards. The notice  
4 shall also inform the parents or guardian of the availability  
5 upon request of a list of free or low-cost legal and other  
6 relevant services available locally to assist parents or  
7 guardians in exercising rights or entitlements under this Code.

8 Any parent or guardian who is deaf, or does not normally  
9 communicate using spoken English, who participates in a meeting  
10 with a representative of a local educational agency for the  
11 purposes of developing an individualized educational program  
12 shall be entitled to the services of an interpreter.

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

22 Effective July 1, 1966, high school districts are  
23 financially responsible for the education of pupils with  
24 disabilities who are residents in their districts when such  
25 pupils have reached age 15 but may admit children with  
26 disabilities into special educational facilities without

1 regard to graduation from the eighth grade after such pupils  
2 have reached the age of 14 1/2 years. Upon a pupil with a  
3 disability attaining the age of 14 1/2 years, it shall be the  
4 duty of the elementary school district in which the pupil  
5 resides to notify the high school district in which the pupil  
6 resides of the pupil's current eligibility for special  
7 education services, of the pupil's current program, and of all  
8 evaluation data upon which the current program is based. After  
9 an examination of that information the high school district may  
10 accept the current placement and all subsequent timelines shall  
11 be governed by the current individualized educational program;  
12 or the high school district may elect to conduct its own  
13 evaluation and multidisciplinary staff conference and  
14 formulate its own individualized educational program, in which  
15 case the procedures and timelines contained in Section 14-8.02  
16 shall apply.

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

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.