

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 14-6.01 and 14-8.02f and by adding Section 14-8.02g 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. Such notice shall identify the location and phone

1 number of the office or agent of the school district to whom  
2 inquiries should be directed regarding the identification,  
3 assessment and placement of such children.

4 For a school district organized under Article 34 only,  
5 beginning with the 2019-2020 school year, the school district  
6 shall, in collaboration with its primary office overseeing  
7 special education, publish on the school district's publicly  
8 available website any proposed changes to its special education  
9 policies, directives, guidelines, or procedures that impact  
10 the provision of educational or related services to students  
11 with disabilities or the procedural safeguards afforded to  
12 students with disabilities or their parents or guardians made  
13 by the school district or school board. Any policy, directive,  
14 guideline, or procedural change that impacts those provisions  
15 or safeguards that is authorized by the school district's  
16 primary office overseeing special education or any other  
17 administrative office of the school district must be published  
18 on the school district's publicly available website no later  
19 than 45 days before the adoption of that change. Any policy  
20 directive, guideline, or procedural change that impacts those  
21 provisions or safeguards that is authorized by the school board  
22 must be published on the school district's publicly available  
23 website no later than 30 days before the date of presentation  
24 to the school board for adoption. The school district's website  
25 must allow for virtual public comments on proposed special  
26 education policy, directive, guideline, or procedural changes

1 that impact the provision of educational or related services to  
2 students with disabilities or the procedural safeguards  
3 afforded to students with disabilities or their parents or  
4 guardians from the date of the notification of the proposed  
5 change on the website until the date the change is adopted by  
6 the school district or until the date the change is presented  
7 to the school board for adoption. After the period for public  
8 comment is closed, the school district must maintain all public  
9 comments for a period of not less than 2 years from the date  
10 the special education change is adopted. The public comments  
11 are subject to the Freedom of Information Act. The school board  
12 shall, at a minimum, advertise the notice of the change and  
13 availability for public comment on its website. The State Board  
14 of Education may add additional reporting requirements for the  
15 district beyond policy, directive, guideline, or procedural  
16 changes that impact the provision of educational or related  
17 services to students with disabilities or the procedural  
18 safeguards afforded to students with disabilities or their  
19 parents or guardians if the State Board determines it is in the  
20 best interest of the students enrolled in the district  
21 receiving special education services.

22 School boards shall immediately provide upon request by any  
23 person written materials and other information that indicates  
24 the specific policies, procedures, rules and regulations  
25 regarding the identification, evaluation or educational  
26 placement of children with disabilities under Section 14-8.02

1 of the School Code. Such information shall include information  
2 regarding all rights and entitlements of such children under  
3 this Code, and of the opportunity to present complaints with  
4 respect to any matter relating to educational placement of the  
5 student, or the provision of a free appropriate public  
6 education and to have an impartial due process hearing on the  
7 complaint. The notice shall inform the parents or guardian in  
8 the parents' or guardian's native language, unless it is  
9 clearly not feasible to do so, of their rights and all  
10 procedures available pursuant to this Act and federal Public  
11 Law 94-142; it shall be the responsibility of the State  
12 Superintendent to develop uniform notices setting forth the  
13 procedures available under this Act and federal Public Law  
14 94-142, as amended, to be used by all school boards. The notice  
15 shall also inform the parents or guardian of the availability  
16 upon request of a list of free or low-cost legal and other  
17 relevant services available locally to assist parents or  
18 guardians in exercising rights or entitlements under this Code.  
19 For a school district organized under Article 34 only, the  
20 school district must make the entirety of its special education  
21 Procedural Manual and any other guidance documents pertaining  
22 to special education publicly available, in print and on the  
23 school district's website, in both English and Spanish. Upon  
24 request, the school district must make the Procedural Manual  
25 and other guidance documents available in print in any other  
26 language and accessible for individuals with disabilities.

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

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

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

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

10 (Source: P.A. 99-143, eff. 7-27-15; 99-592, eff. 7-22-16;  
11 100-201, eff. 8-18-17; 100-1112, eff. 8-28-18.)

12 (105 ILCS 5/14-8.02f)

13 Sec. 14-8.02f. Individualized education program meeting  
14 ~~protections; municipality with 1,000,000 or more inhabitants.~~

15 (a) (Blank). ~~This Section only applies to school districts~~  
16 ~~organized under Article 34 of this Code.~~

17 (b) This subsection (b) applies only to a school district  
18 organized under Article 34. No later than 10 calendar days  
19 prior to a child's individualized education program meeting or  
20 as soon as possible if a meeting is scheduled within 10  
21 calendar days with written parental consent, the school board  
22 or school personnel must provide the child's parent or guardian  
23 with a written notification of the services that require a  
24 specific data collection procedure from the school district for  
25 services related to the child's individualized education

1 program. The notification must indicate, with a checkbox,  
2 whether specific data has been collected for the child's  
3 individualized education program services. For purposes of  
4 this subsection (b), individualized education program services  
5 must include, but are not limited to, paraprofessional support,  
6 an extended school year, transportation, therapeutic day  
7 school, and services for specific learning disabilities.

8 (c) No later than 3 ~~5~~ school days prior to a child's  
9 individualized education program eligibility meeting or  
10 meeting to review a child's individualized education program,  
11 or as soon as possible if an individualized education program  
12 meeting is scheduled within 3 school days with the written  
13 consent of the child's parent or guardian, the local education  
14 agency must provide the child's parent or guardian with copies  
15 of all written material that will be considered by the  
16 individualized education program team at the meeting so that  
17 the parent or guardian may participate in the meeting as a  
18 fully-informed team member. The written material must include,  
19 but is not limited to, all evaluations and collected data that  
20 will be considered at the meeting and, for a child who already  
21 has an individualized education program, a copy of all  
22 individualized education program components that will be  
23 discussed by the individualized education program team, other  
24 than the components related to the educational and related  
25 service minutes proposed for the child and the child's  
26 educational placement. ~~as soon as possible if a meeting is~~

1 ~~scheduled within 5 school days with written parental consent,~~  
2 ~~the school board or school personnel must provide the child's~~  
3 ~~parent or guardian with a draft individualized education~~  
4 ~~program. The draft must contain all relevant information~~  
5 ~~collected about the child and must include, but is not limited~~  
6 ~~to, the program's goals, draft accommodations and~~  
7 ~~modifications, copies of all conducted evaluations, and any~~  
8 ~~collected data.~~

9       (d) Local education agencies must make related service logs  
10 that record the type of related services administered under the  
11 child's individualized education program and the minutes of  
12 each type of related service that has been administered  
13 available to the child's parent or guardian at the annual  
14 review of the child's individualized education program and must  
15 also provide a copy of the related service logs at any time  
16 upon request of the child's parent or guardian. The local  
17 education agency must inform the child's parent or guardian  
18 within 20 school days from the beginning of the school year or  
19 upon establishment of an individualized education program of  
20 his or her ability to request those related service logs. If a  
21 child's individualized education program team determines that  
22 certain services are required in order for the child to receive  
23 a free, appropriate public education and those services are not  
24 administered ~~implemented~~ within 10 school days after a date or  
25 frequency set forth by the child's individualized education  
26 program ~~the team's determination,~~ then the local education

1 agency ~~school board~~ shall provide the child's parent or  
2 guardian with written notification that those services have not  
3 yet been administered to the child. The notification must be  
4 provided to the child's parent or guardian within 3 school days  
5 of the local education agency's non-compliance with the child's  
6 individualized education program and must include information  
7 on the parent's or guardian's ability to request compensatory  
8 services. In this subsection (d), "school days" does not  
9 include days where a child is absent from school for reasons  
10 unrelated to a lack of individualized education program  
11 services.

12 (e) The State Board of Education may create a telephone  
13 hotline to address complaints regarding the special education  
14 services or lack of special education services of a school  
15 district subject to this Section. If a hotline is created, it  
16 must be available to all students enrolled in the school  
17 district, parents or guardians of those students, and school  
18 personnel. If a hotline is created, any complaints received  
19 through the hotline must be registered and recorded with the  
20 State Board's monitor of special education policies. No  
21 student, parent or guardian, or member of school personnel may  
22 be retaliated against for submitting a complaint through a  
23 telephone hotline created by the State Board under this  
24 subsection (e).

25 (f) A school district subject to this Section may not use  
26 any measure that would prevent or delay an individualized

1 education program team from adding a service to the program or  
2 create a time restriction in which a service is prohibited from  
3 being added to the program. The school district may not build  
4 functions into its computer software that would remove any  
5 services from a student's individualized education program  
6 without the approval of the program team and may not prohibit  
7 the program team from adding a service to the program.

8 (Source: P.A. 100-993, eff. 8-20-18.)

9 (105 ILCS 5/14-8.02g new)

10 Sec. 14-8.02g. Response to scientific, research-based  
11 intervention.

12 (a) In this Section, "response to scientific,  
13 research-based intervention" or "multi-tiered systems of  
14 support" means a tiered process of school support that utilizes  
15 differentiated instructional strategies for students, provides  
16 students with scientific, research-based interventions,  
17 continuously monitors student performance using  
18 scientifically, research-based progress monitoring  
19 instruments, and makes educational decisions based on a  
20 student's response to the interventions. Response to  
21 scientific, research-based intervention or multi-tiered  
22 systems of support use a problem-solving method to define the  
23 problem, analyze the problem using data to determine why there  
24 is a discrepancy between what is expected and what is  
25 occurring, establish one or more student performance goals,

1 develop an intervention plan to address the performance goals,  
2 and delineate how the student's progress will be monitored and  
3 how implementation integrity will be ensured.

4 (b) A school district must utilize response to scientific,  
5 research-based intervention or multi-tiered systems of support  
6 as part of an evaluation procedure to determine if a child is  
7 eligible for special education services due to a specific  
8 learning disability. A school district may utilize the data  
9 generated during the response to scientific, research-based  
10 intervention or multi-tiered systems of support process in an  
11 evaluation to determine if a child is eligible for special  
12 education services due to any category of disability.

13 (c) The response to scientific, research-based  
14 intervention or multi-tiered systems of support process must  
15 involve a collaborative team approach, with the parent or  
16 guardian of a student being part of the collaborative team. The  
17 parent or guardian of a student must be involved in the data  
18 sharing and decision-making processes of support under this  
19 Section. The State Board of Education may provide guidance to a  
20 school district and identify available resources related to  
21 facilitating parental or guardian participation in the  
22 response to scientific, research-based intervention or  
23 multi-tiered systems of support process.

24 (d) Nothing in this Section affects the responsibility of a  
25 school district to identify, locate, and evaluate children with  
26 disabilities who are in need of special education services in

1 accordance with the federal Individuals with Disabilities  
2 Education Improvement Act of 2004, this Code, or any applicable  
3 federal or State rules.

4 Section 10. The Illinois School Student Records Act is  
5 amended by changing Section 2 as follows:

6 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

7 Sec. 2. As used in this Act,

8 (a) "Student" means any person enrolled or previously  
9 enrolled in a school.

10 (b) "School" means any public preschool, day care center,  
11 kindergarten, nursery, elementary or secondary educational  
12 institution, vocational school, special educational facility  
13 or any other elementary or secondary educational agency or  
14 institution and any person, agency or institution which  
15 maintains school student records from more than one school, but  
16 does not include a private or non-public school.

17 (c) "State Board" means the State Board of Education.

18 (d) "School Student Record" means any writing or other  
19 recorded information concerning a student and by which a  
20 student may be individually identified, maintained by a school  
21 or at its direction or by an employee of a school, regardless  
22 of how or where the information is stored. The following shall  
23 not be deemed school student records under this Act: writings  
24 or other recorded information maintained by an employee of a

1 school or other person at the direction of a school for his or  
2 her exclusive use; provided that all such writings and other  
3 recorded information are destroyed not later than the student's  
4 graduation or permanent withdrawal from the school; and  
5 provided further that no such records or recorded information  
6 may be released or disclosed to any person except a person  
7 designated by the school as a substitute unless they are first  
8 incorporated in a school student record and made subject to all  
9 of the provisions of this Act. School student records shall not  
10 include information maintained by law enforcement  
11 professionals working in the school.

12 (e) "Student Permanent Record" means the minimum personal  
13 information necessary to a school in the education of the  
14 student and contained in a school student record. Such  
15 information may include the student's name, birth date,  
16 address, grades and grade level, parents' names and addresses,  
17 attendance records, and such other entries as the State Board  
18 may require or authorize.

19 (f) "Student Temporary Record" means all information  
20 contained in a school student record but not contained in the  
21 student permanent record. Such information may include family  
22 background information, intelligence test scores, aptitude  
23 test scores, psychological and personality test results,  
24 teacher evaluations, and other information of clear relevance  
25 to the education of the student, all subject to regulations of  
26 the State Board. The information shall include information

1 provided under Section 8.6 of the Abused and Neglected Child  
2 Reporting Act and information contained in service logs  
3 maintained by a local education agency under subsection (d) of  
4 Section 14-8.02f of the School Code. In addition, the student  
5 temporary record shall include information regarding serious  
6 disciplinary infractions that resulted in expulsion,  
7 suspension, or the imposition of punishment or sanction. For  
8 purposes of this provision, serious disciplinary infractions  
9 means: infractions involving drugs, weapons, or bodily harm to  
10 another.

11 (g) "Parent" means a person who is the natural parent of  
12 the student or other person who has the primary responsibility  
13 for the care and upbringing of the student. All rights and  
14 privileges accorded to a parent under this Act shall become  
15 exclusively those of the student upon his 18th birthday,  
16 graduation from secondary school, marriage or entry into  
17 military service, whichever occurs first. Such rights and  
18 privileges may also be exercised by the student at any time  
19 with respect to the student's permanent school record.

20 (Source: P.A. 92-295, eff. 1-1-02.)

21 Section 99. Effective date. This Act takes effect upon  
22 becoming law.