

HB5327



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB5327

by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-17 new

Amends the School Code. Provides that the Protection and Advocacy System for the State of Illinois, Equip for Equality, shall expand its Special Education Rights Clinic and Parent Helpline. Provides that the Special Education Rights Clinic shall partner with the State Board of Education to ensure that its materials for parents are visible and accessible locally, engage in rights training, and provide parents with information and strategies to resolve problems themselves through its parent helpline. Provides that Equip for Equality shall work in partnership with the State Board to ensure that all parents are able to learn about and have access to specified resources. Provides for an annual report. Provides findings provisions. Effective immediately.

LRB101 19195 CMG 68658 b

FISCAL NOTE ACT
MAY APPLY

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 1. Legislative findings.

5 (1) Parents of students in special education have the
6 right under federal law to be meaningful participants with
7 schools in planning for their student's education on at
8 least an annual basis.

9 (2) Many parents find this process intimidating as they
10 often face a large team of school personnel and feel alone
11 and unsupported when they put forth opinions and
12 recommendations that differ from those of the schools'
13 teams, and most have no place to turn for assistance.

14 (3) Parents of students who have been subjected to the
15 misuse of restraints and time out are fearful of
16 questioning their students' schools because they are
17 concerned their students' might be discharged or the school
18 might call the police instead.

19 (4) Parents are not informed about the law governing
20 the use of restraint and time out in the schools and do not
21 know that they can file a complaint with the State Board of
22 Education. Even if they have educated themselves on these
23 issues, most will not feel comfortable taking this step on
24 their own and many will worry about the ramifications for

1 their student. If the State wants parents to report such
2 incidents to the State Board, parents need assistance in
3 this area, including the ability to have a third party file
4 the complaint so that they may remain anonymous.

5 (5) The last legal needs study of low income families
6 in Illinois found that education was the highest area of
7 legal need and that 92% of legal needs went unmet each
8 year.

9 (6) According to Mayor Daley's Task Force on Special
10 Education, many parents have many questions and concerns
11 about their students' education, require information about
12 their students' rights as well as their own, and do not
13 trust the school system to tell them what they need to
14 know. The Task Force recommended the establishment of an
15 office for parent advocacy that would be independent of the
16 school system, so that parents would feel comfortable
17 turning to it for assistance and advice.

18 (7) In 2007, Equip for Equality launched the Special
19 Education Rights Clinic to fulfill this purpose. A
20 cornerstone of the Clinic is an innovative Parent Helpline
21 that is staffed by in-house attorneys and trained volunteer
22 attorneys at corporate legal departments and law firms. The
23 National Council on Disability that advises the President
24 and Congress on disability policy identified the Parent
25 Helpline at Equip for Equality as a promising State
26 development to be watched as it appeared to be an effective

1 way to support parents in resolving problems themselves.

2 (8) The Parent Helpline's use of interpreter services
3 means that diverse parents, including non-English speaking
4 parents, benefit from this critical assistance.

5 (9) Parents need basic information on the law governing
6 the use of restraint and time out in schools and their
7 rights and strategies to address their misuse, including
8 reporting to the State Board. Equip for Equality is best
9 positioned to develop a parent packet on this issue in
10 partnership with the State Board for dissemination to all
11 special education parents. The Helpline should be utilized
12 to assist parents in filing complaints with the State Board
13 and be given the option of having Equip for Equality file
14 complaints for them anonymously.

15 (10) The effectiveness of the Special Education Rights
16 Clinic and Parent Helpline has been documented by an
17 independently conducted telephone survey of a sample of
18 parents who received assistance. The research found that
19 the vast majority of parents found the information provided
20 helpful, took action based on the advice they received, and
21 most were able to resolve the problem. The vast majority of
22 parents said there was no other agency or organization that
23 provided the same type of assistance.

24 (11) The General Assembly finds that the Governor
25 designated, federally mandated Protection & Advocacy
26 System, Equip for Equality, and the Parent Helpline at its

1 Special Education Rights Clinic are uniquely qualified and
2 positioned to support and empower parents of Illinois'
3 282,000 students in special education so that they can be
4 effective advocates for their students. The State Board
5 shall form a strategic partnership with Equip for Equality
6 and support this effort, through a State appropriation for
7 this purpose.

8 Section 5. The School Code is amended by adding Section
9 14-17 as follows:

10 (105 ILCS 5/14-17 new)

11 Sec. 14-17. Parent helpline on special education rights,
12 rights materials, and training.

13 (a) To help ensure that students with disabilities
14 throughout Illinois receive the individualized educational
15 services they require to be successful and are entitled to
16 under federal law, and that parents have support and assistance
17 to effectively advocate for their students' rights and safety,
18 the Governor-designated, federally mandated Protection and
19 Advocacy System for the State of Illinois, Equip for Equality,
20 shall expand its Special Education Rights Clinic and Parent
21 Helpline so that it can meet the needs of diverse parents of
22 Illinois' 282,000 special education students statewide.

23 Subject to appropriation, the Special Education Rights
24 Clinic shall partner with the State Board to ensure that its

1 materials for parents are visible and accessible locally,
2 engage in rights training, and provide parents with information
3 and strategies to resolve problems themselves through its
4 Parent Helpline.

5 (b) Equip for Equality shall work in partnership with the
6 State Board to ensure that all parents are able to learn about
7 and have access to:

8 (1) Parent Helpline. Staffed with volunteer attorneys
9 and in-house Helpline attorneys, the Helpline shall answer
10 questions from parents about their rights and
11 responsibilities and strategies that they may pursue to
12 resolve problems with their students' schools. The
13 Helpline shall provide advice and strategies to parents
14 whose students have been subjected to the misuse of
15 restraints and time out, including instruction on how to
16 file a complaint with the State Board, or, if they prefer,
17 Equip for Equality will file an anonymous complaint on
18 their behalf.

19 (2) Student and parent rights materials. The Special
20 Education Rights Clinic will provide the State Board with
21 standardized rights materials electronically for it to
22 share with school districts for the dissemination to
23 parents about their students' rights as well as their own
24 rights. All school districts shall cooperate with the State
25 Board to ensure that parents have access to this important
26 information in compliance with the State Board's guidance;

1 and

2 (3) Parent training and outreach. The Special
3 Education Rights Clinic shall reach out to diverse parents
4 statewide and conduct in-person training with parents and
5 guardians on his or her student's special education rights.
6 Specific training about restraints and time out shall be
7 offered.

8 (c) Equip for Equality shall issue an annual report to the
9 Governor, General Assembly, and the State Superintendent of
10 Education.

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.