

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 14-8.02f and by renumbering and changing Section 14-8.02g as  
6 added by Public Act 101-515 as follows:

7 (105 ILCS 5/14-8.02f)

8 Sec. 14-8.02f. Individualized education program meeting  
9 protections.

10 (a) (Blank).

11 (b) This subsection (b) applies only to a school district  
12 organized under Article 34. No later than 10 calendar days  
13 prior to a child's individualized education program meeting or  
14 as soon as possible if a meeting is scheduled within 10  
15 calendar days with written parental consent, the school board  
16 or school personnel must provide the child's parent or guardian  
17 with a written notification of the services that require a  
18 specific data collection procedure from the school district for  
19 services related to the child's individualized education  
20 program. The notification must indicate, with a checkbox,  
21 whether specific data has been collected for the child's  
22 individualized education program services. For purposes of  
23 this subsection (b), individualized education program services

1 must include, but are not limited to, paraprofessional support,  
2 an extended school year, transportation, therapeutic day  
3 school, and services for specific learning disabilities.

4 (c) Beginning on July 1, 2020, no ~~no~~ later than 3 school  
5 days prior to a child's individualized education program  
6 eligibility meeting or meeting to review a child's  
7 individualized education program, or as soon as possible if an  
8 individualized education program meeting is scheduled within 3  
9 school days with the written consent of the child's parent or  
10 guardian, the local education agency must provide the child's  
11 parent or guardian with copies of all written material that  
12 will be considered by the individualized education program team  
13 at the meeting so that the parent or guardian may participate  
14 in the meeting as a fully-informed team member. The written  
15 material must include, but is not limited to, all evaluations  
16 and collected data that will be considered at the meeting and,  
17 for a child who already has an individualized education  
18 program, a copy of all individualized education program  
19 components that will be discussed by the individualized  
20 education program team, other than the components related to  
21 the educational and related service minutes proposed for the  
22 child and the child's educational placement.

23 (d) Local education agencies must make related service logs  
24 that record the type of related services administered under the  
25 child's individualized education program and the minutes of  
26 each type of related service that has been administered

1 available to the child's parent or guardian at the annual  
2 review of the child's individualized education program and must  
3 also provide a copy of the related service logs at any time  
4 upon request of the child's parent or guardian. The local  
5 education agency must inform the child's parent or guardian  
6 within 20 school days from the beginning of the school year or  
7 upon establishment of an individualized education program of  
8 his or her ability to request those related service logs. If a  
9 child's individualized education program team determines that  
10 certain services are required in order for the child to receive  
11 a free, appropriate public education and those services are not  
12 administered within 10 school days after a date or frequency  
13 set forth by the child's individualized education program, then  
14 the local education agency shall provide the child's parent or  
15 guardian with written notification that those services have not  
16 yet been administered to the child. The notification must be  
17 provided to the child's parent or guardian within 3 school days  
18 of the local education agency's non-compliance with the child's  
19 individualized education program and must include information  
20 on the parent's or guardian's ability to request compensatory  
21 services. In this subsection (d), "school days" does not  
22 include days where a child is absent from school for reasons  
23 unrelated to a lack of individualized education program  
24 services.

25 (e) The State Board of Education may create a telephone  
26 hotline to address complaints regarding the special education

1 services or lack of special education services of a school  
2 district subject to this Section. If a hotline is created, it  
3 must be available to all students enrolled in the school  
4 district, parents or guardians of those students, and school  
5 personnel. If a hotline is created, any complaints received  
6 through the hotline must be registered and recorded with the  
7 State Board's monitor of special education policies. No  
8 student, parent or guardian, or member of school personnel may  
9 be retaliated against for submitting a complaint through a  
10 telephone hotline created by the State Board under this  
11 subsection (e).

12 (f) A school district subject to this Section may not use  
13 any measure that would prevent or delay an individualized  
14 education program team from adding a service to the program or  
15 create a time restriction in which a service is prohibited from  
16 being added to the program. The school district may not build  
17 functions into its computer software that would remove any  
18 services from a student's individualized education program  
19 without the approval of the program team and may not prohibit  
20 the program team from adding a service to the program.

21 (Source: P.A. 100-993, eff. 8-20-18; 101-515, eff. 8-23-19.)

22 (105 ILCS 5/14-8.02h)

23 Sec. 14-8.02h ~~14-8.02g~~. Response to scientific,  
24 research-based intervention.

25 (a) In this Section, "response to scientific,

1 research-based intervention" or "multi-tiered systems of  
2 support" means a tiered process of school support that utilizes  
3 differentiated instructional strategies for students, provides  
4 students with scientific, research-based interventions,  
5 continuously monitors student performance using  
6 scientifically, research-based progress monitoring  
7 instruments, and makes educational decisions based on a  
8 student's response to the interventions. Response to  
9 scientific, research-based intervention or multi-tiered  
10 systems of support use a problem-solving method to define the  
11 problem, analyze the problem using data to determine why there  
12 is a discrepancy between what is expected and what is  
13 occurring, establish one or more student performance goals,  
14 develop an intervention plan to address the performance goals,  
15 and delineate how the student's progress will be monitored and  
16 how implementation integrity will be ensured.

17 (b) A school district may ~~must~~ utilize response to  
18 scientific, research-based intervention or multi-tiered  
19 systems of support as part of an evaluation procedure to  
20 determine if a child is eligible for special education services  
21 due to a specific learning disability. A school district may  
22 utilize the data generated during the response to scientific,  
23 research-based intervention or multi-tiered systems of support  
24 process in an evaluation to determine if a child is eligible  
25 for special education services due to any category of  
26 disability.

1           (c)     The     response     to     scientific,     research-based  
2     intervention or multi-tiered systems of support process must  
3     involve a collaborative team approach, with the parent or  
4     guardian of a student being part of the collaborative team. The  
5     parent or guardian of a student must be involved in the data  
6     sharing and decision-making processes of support under this  
7     Section. The State Board of Education may provide guidance to a  
8     school district and identify available resources related to  
9     facilitating parental or guardian participation in the  
10    response to scientific, research-based intervention or  
11    multi-tiered systems of support process.

12           (d) Nothing in this Section affects the responsibility of a  
13    school district to identify, locate, and evaluate children with  
14    disabilities who are in need of special education services in  
15    accordance with the federal Individuals with Disabilities  
16    Education Improvement Act of 2004, this Code, or any applicable  
17    federal or State rules.

18    (Source: P.A. 101-515, eff. 8-23-19; revised 10-7-19.)

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