



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2025

Introduced 2/15/2019, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.69 new
105 ILCS 5/34-18.61 new

Amends the School Code. Requires each school district to inform a student's parent or guardian if his or her child is beginning to receive tiered Response to Intervention support that is more intensive than the universal level of instruction and must allow the parent or guardian to participate in the process; defines "Response to Intervention". Provides that the information provided to the parent or guardian must include the problem or problems being addressed for the student, the student's performance goal or goals, the reason why the student is being moved to a more intense level of intervention, and how the parent or guardian may obtain a copy of any progress reports and data being collected for the student. Provides that a school district must inform a parent or guardian with a child who is receiving Response to Intervention support above the universal level of instruction of the parent's or guardian's right to request a special education evaluation at any time. Requires a school district to request parental or guardian consent to conduct a case study evaluation of a student to determine if the student is in need of special education services if the student has been in the highest level of Response to Intervention support for 45 consecutive school days and has not shown meaningful, measurable progress under the performance goal or goals established for the student. Effective immediately.

LRB101 08149 AXK 53215 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 adding Sections
5 10-20.69 and 34-18.61 as follows:

6 (105 ILCS 5/10-20.69 new)

7 Sec. 10-20.69. Response to Intervention.

8 (a) In this Section, "Response to Intervention" or "RtI"
9 means a 3-tiered model of school support that utilizes
10 differentiated instructional strategies for students and
11 provides them with scientifically research-based interventions
12 and continuous monitoring of their performance using
13 scientifically research-based progress monitoring instruments,
14 and makes educational decisions based on a student's response
15 to those interventions. RtI uses a problem-solving method to
16 define the problem, analyze the problem using data to determine
17 why there is a discrepancy between what is expected of the
18 student and what is occurring, establish one or more student
19 performance goals, develop an intervention plan to address the
20 performance goals, and delineate how the student's progress
21 will be monitored and how implementation integrity will be
22 ensured. RtI may be utilized as a component of an evaluation to
23 determine if a child is eligible for special education services

1 due to a specific learning disability. Data collection using
2 scientifically based data systems is an essential component of
3 RtI, and progressively more intensive interventions and
4 support for a student require more frequent monitoring of
5 progress to ensure timely decision making.

6 (b) Because communication with a parent or guardian on the
7 instructional strategies used on his or her child is important
8 at all levels of intervention, a school district must inform a
9 student's parent or guardian if his or her child is beginning
10 to receive tiered RtI support that is more intensive than the
11 universal level of instruction and must allow the parent or
12 guardian to participate in the process. The information
13 provided to the parent or guardian must include the problem or
14 problems being addressed for the student, the student's
15 performance goal or goals, the reason why the student is being
16 moved to a more intense level of intervention, and how the
17 parent or guardian may obtain a copy of any progress reports
18 and data being collected for the student. A school district
19 must inform a parent or guardian with a child who is receiving
20 RtI support above the universal level of instruction of the
21 parent's or guardian's right to request a special education
22 evaluation at any time. A school district may not deny a
23 parent's or guardian's request for an evaluation to determine
24 if his or her child is eligible for special education services
25 solely because the child is receiving RtI support.

26 (c) Nothing in this Section affects the responsibility of a

1 school district to identify, locate, and evaluate children with
2 disabilities who are in need of special education services in
3 accordance with the federal Individuals with Disabilities
4 Education Improvement Act of 2004, this Code, and any
5 applicable federal or State rules.

6 (d) A school district must request parental or guardian
7 consent to conduct a case study evaluation of a student to
8 determine if the student is in need of special education
9 services if the student has been in the highest level of RtI
10 support for 45 consecutive school days and has not shown
11 meaningful, measurable progress under the performance goal or
12 goals established for the student.

13 (105 ILCS 5/34-18.61 new)

14 Sec. 34-18.61. Response to Intervention.

15 (a) In this Section, "Response to Intervention" or "RtI"
16 means a 3-tiered model of school support that utilizes
17 differentiated instructional strategies for students and
18 provides them with scientifically research-based interventions
19 and continuous monitoring of their performance using
20 scientifically research-based progress monitoring instruments,
21 and makes educational decisions based on a student's response
22 to those interventions. RtI uses a problem-solving method to
23 define the problem, analyze the problem using data to determine
24 why there is a discrepancy between what is expected of the
25 student and what is occurring, establish one or more student

1 performance goals, develop an intervention plan to address the
2 performance goals, and delineate how the student's progress
3 will be monitored and how implementation integrity will be
4 ensured. RtI may be utilized as a component of an evaluation to
5 determine if a child is eligible for special education services
6 due to a specific learning disability. Data collection using
7 scientifically based data systems is an essential component of
8 RtI, and progressively more intensive interventions and
9 support for a student require more frequent monitoring of
10 progress to ensure timely decision making.

11 (b) Because communication with a parent or guardian on the
12 instructional strategies used on his or her child is important
13 at all levels of intervention, the school district must inform
14 a student's parent or guardian if his or her child is beginning
15 to receive tiered RtI support that is more intensive than the
16 universal level of instruction and must allow the parent or
17 guardian to participate in the process. The information
18 provided to the parent or guardian must include the problem or
19 problems being addressed for the student, the student's
20 performance goal or goals, the reason why the student is being
21 moved to a more intense level of intervention, and how the
22 parent or guardian may obtain a copy of any progress reports
23 and data being collected for the student. The school district
24 must inform a parent or guardian with a child who is receiving
25 RtI support above the universal level of instruction of the
26 parent's or guardian's right to request a special education

1 evaluation at any time. The school district may not deny a
2 parent's or guardian's request for an evaluation to determine
3 if his or her child is eligible for special education services
4 solely because the child is receiving RtI support.

5 (c) Nothing in this Section affects the responsibility of
6 the school district to identify, locate, and evaluate children
7 with disabilities who are in need of special education services
8 in accordance with the federal Individuals with Disabilities
9 Education Improvement Act of 2004, this Code, and any
10 applicable federal or State rules.

11 (d) The school district must request parental or guardian
12 consent to conduct a case study evaluation of a student to
13 determine if the student is in need of special education
14 services if the student has been in the highest level of RtI
15 support for 45 consecutive school days and has not shown
16 meaningful, measurable progress under the performance goal or
17 goals established for the student.

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