



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB1107

Introduced 1/12/2023, by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.82 new
105 ILCS 5/14-6.01 from Ch. 122, par. 14-6.01
105 ILCS 5/34-18.77 new

Amends the School Code. Requires a school district to develop and implement a plan to provide additional instructional services, support, or special accommodations to students who suffer from trauma related to experiencing the death of a sibling, parent, guardian, or household member by suicide or homicide or suffer from trauma caused by domestic violence or abuse and whom the school has determined require additional instructional services, support, or special accommodations but do not qualify for an individualized education program or for services under Section 504 of the federal Rehabilitation Act of 1973. Sets forth what the plan may include. Provides that the plan shall remain in place until the student (i) is no longer enrolled in the district or (ii) has made such significant and sustained academic progress that the student no longer requires the plan. In provisions relating to children with disabilities, provides that beginning with the 2023-2024 school year, the notice that a school board provides concerning who qualifies for services under Section 504 shall include that a child may qualify for those services if the child is a student who is at least 3 years old or older and under 22 years and who (i) has experienced the death of a sibling, parent, guardian, or household member by suicide or homicide or (ii) suffers from trauma caused by domestic violence or abuse. Effective immediately.

LRB103 05317 RJT 50335 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 5. The School Code is amended by adding Sections
5 10-20.82 and 34-18.77 and by changing Section 14-6.01 as
6 follows:

7 (105 ILCS 5/10-20.82 new)

8 Sec. 10-20.82. Additional services for certain students
9 experiencing trauma.

10 (a) A school district must provide additional
11 instructional services, support, or special accommodations to
12 a student if the student's school determines that:

13 (1) the student suffers from trauma related to the
14 student experiencing the death of a sibling, parent,
15 guardian, or household member by suicide or homicide or
16 from trauma caused by domestic violence or abuse;

17 (2) the trauma interferes with the student's ability
18 to learn and to participate in the learning environment;
19 and

20 (3) the student does not qualify for either an
21 individualized education program (IEP) under the federal
22 Individuals with Disabilities Education Act or for
23 services under Section 504 of the federal Rehabilitation

1 Act of 1973.

2 (b) At the request of the parent or guardian of a student
3 who has experienced an event described under paragraph (1) of
4 subsection (a) and who may be at risk of academic failure or if
5 school personnel identify that a student's overall academic
6 performance and participation in the learning environment has
7 declined following the student experiencing an event described
8 under paragraph (1) of subsection (a) and the student may be at
9 risk of academic failure, the school district shall perform an
10 evaluation to assess whether the student may benefit from
11 additional instructional services, support, or special
12 accommodations. The evaluation of the student shall be
13 performed by appropriate school personnel, which may include
14 school counselors, school psychologists, school social
15 workers, school administrators, and educators with knowledge
16 of the student or the student's academic performance prior to
17 the student experiencing an event described under paragraph
18 (1) of subsection (a).

19 If the school determines from the evaluation that the
20 student requires additional instructional services, support,
21 or special accommodations, the school district shall develop
22 and implement a plan to provide to the student additional
23 instructional services, support, or special accommodations
24 based on the individual needs of the student. Additional
25 instructional services, support, or special accommodations
26 provided to a student may include accommodations with testing,

1 supplementary aids, school counseling services, additional
2 assistance with homework, or modifications to the student's
3 learning environment. The plan may be modified as necessary
4 according to the needs of the student.

5 (c) A plan developed under subsection (b) shall remain in
6 place until the student (i) is no longer enrolled in the school
7 district or (ii) has demonstrated such significant and
8 sustained progress and improvement in academic performance
9 that the student no longer requires the additional
10 instructional services, support, or special accommodations
11 provided under the plan.

12 (105 ILCS 5/14-6.01) (from Ch. 122, par. 14-6.01)

13 Sec. 14-6.01. Powers and duties of school boards. School
14 boards of one or more school districts establishing and
15 maintaining any of the educational facilities described in
16 this Article shall, in connection therewith, exercise similar
17 powers and duties as are prescribed by law for the
18 establishment, maintenance, and management of other recognized
19 educational facilities. Such school boards shall include only
20 eligible children in the program and shall comply with all the
21 requirements of this Article and all rules and regulations
22 established by the State Board of Education. Such school
23 boards shall accept in part-time attendance children with
24 disabilities of the types described in Sections 14-1.02
25 through 14-1.07 who are enrolled in nonpublic schools. A

1 request for part-time attendance must be submitted by a parent
2 or guardian of the child with a disability and may be made only
3 to those public schools located in the district where the
4 child attending the nonpublic school resides; however, nothing
5 in this Section shall be construed as prohibiting an agreement
6 between the district where the child resides and another
7 public school district to provide special educational services
8 if such an arrangement is deemed more convenient and
9 economical. Special education and related services must be
10 provided in accordance with the student's IEP no later than 10
11 school attendance days after notice is provided to the parents
12 pursuant to Section 300.503 of Title 34 of the Code of Federal
13 Regulations and implementing rules adopted by the State Board
14 of Education. Transportation for students in part time
15 attendance shall be provided only if required in the child's
16 individualized educational program on the basis of the child's
17 disabling condition or as the special education program
18 location may require.

19 ~~A Beginning with the 2019-2020 school year,~~ a school board
20 shall post on its Internet website, if any, and incorporate
21 into its student handbook or newsletter notice that students
22 with disabilities who do not qualify for an individualized
23 education program, as required by the federal Individuals with
24 Disabilities Education Act and implementing provisions of this
25 Code, may qualify for services under Section 504 of the
26 federal Rehabilitation Act of 1973 if the child (i) has a

1 physical or mental impairment that substantially limits one or
2 more major life activities, (ii) has a record of a physical or
3 mental impairment, ~~or~~ (iii) is regarded as having a physical
4 or mental impairment, or (iv) beginning with the 2023-2024
5 school year, is a student who is at least 3 years old or older
6 and under 22 years old and who has experienced the death of a
7 sibling, parent, guardian, or household member by suicide or
8 homicide or suffers from trauma caused by domestic violence or
9 abuse. Such notice shall identify the location and phone
10 number of the office or agent of the school district to whom
11 inquiries should be directed regarding the identification,
12 assessment, and placement of such children. The notice shall
13 also state that any parent who is deaf or does not typically
14 communicate using spoken English and who participates in a
15 Section 504 meeting with a representative of a local
16 educational agency shall be entitled to the services of an
17 interpreter.

18 For a school district organized under Article 34 only,
19 beginning with the 2019-2020 school year, the school district
20 shall, in collaboration with its primary office overseeing
21 special education, publish on the school district's publicly
22 available website any proposed changes to its special
23 education policies, directives, guidelines, or procedures that
24 impact the provision of educational or related services to
25 students with disabilities or the procedural safeguards
26 afforded to students with disabilities or their parents or

1 guardians made by the school district or school board. Any
2 policy, directive, guideline, or procedural change that
3 impacts those provisions or safeguards that is authorized by
4 the school district's primary office overseeing special
5 education or any other administrative office of the school
6 district must be published on the school district's publicly
7 available website no later than 45 days before the adoption of
8 that change. Any policy directive, guideline, or procedural
9 change that impacts those provisions or safeguards that is
10 authorized by the school board must be published on the school
11 district's publicly available website no later than 30 days
12 before the date of presentation to the school board for
13 adoption. The school district's website must allow for virtual
14 public comments on proposed special education policy,
15 directive, guideline, or procedural changes that impact the
16 provision of educational or related services to students with
17 disabilities or the procedural safeguards afforded to students
18 with disabilities or their parents or guardians from the date
19 of the notification of the proposed change on the website
20 until the date the change is adopted by the school district or
21 until the date the change is presented to the school board for
22 adoption. After the period for public comment is closed, the
23 school district must maintain all public comments for a period
24 of not less than 2 years from the date the special education
25 change is adopted. The public comments are subject to the
26 Freedom of Information Act. The school board shall, at a

1 minimum, advertise the notice of the change and availability
2 for public comment on its website. The State Board of
3 Education may add additional reporting requirements for the
4 district beyond policy, directive, guideline, or procedural
5 changes that impact the provision of educational or related
6 services to students with disabilities or the procedural
7 safeguards afforded to students with disabilities or their
8 parents or guardians if the State Board determines it is in the
9 best interest of the students enrolled in the district
10 receiving special education services.

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

1 the State Superintendent to develop uniform notices setting
2 forth the procedures available under this Act and federal
3 Public Law 94-142, as amended, to be used by all school boards.
4 The notice shall also inform the parents or guardian of the
5 availability upon request of a list of free or low-cost legal
6 and other relevant services available locally to assist
7 parents or guardians in exercising rights or entitlements
8 under this Code. For a school district organized under Article
9 34 only, the school district must make the entirety of its
10 special education Procedural Manual and any other guidance
11 documents pertaining to special education publicly available,
12 in print and on the school district's website, in both English
13 and Spanish. Upon request, the school district must make the
14 Procedural Manual and other guidance documents available in
15 print in any other language and accessible for individuals
16 with disabilities.

17 Any parent or guardian who is deaf, or does not normally
18 communicate using spoken English, who participates in a
19 meeting with a representative of a local educational agency
20 for the purposes of developing an individualized educational
21 program shall be entitled to the services of an interpreter.

22 No student with a disability or, in a school district
23 organized under Article 34 of this Code, child with a learning
24 disability may be denied promotion, graduation or a general
25 diploma on the basis of failing a minimal competency test when
26 such failure can be directly related to the disabling

1 condition of the student. For the purpose of this Act,
2 "minimal competency testing" is defined as tests which are
3 constructed to measure the acquisition of skills to or beyond
4 a certain defined standard.

5 Effective July 1, 1966, high school districts are
6 financially responsible for the education of pupils with
7 disabilities who are residents in their districts when such
8 pupils have reached age 15 but may admit children with
9 disabilities into special educational facilities without
10 regard to graduation from the eighth grade after such pupils
11 have reached the age of 14 1/2 years. Upon a pupil with a
12 disability attaining the age of 14 1/2 years, it shall be the
13 duty of the elementary school district in which the pupil
14 resides to notify the high school district in which the pupil
15 resides of the pupil's current eligibility for special
16 education services, of the pupil's current program, and of all
17 evaluation data upon which the current program is based. After
18 an examination of that information the high school district
19 may accept the current placement and all subsequent timelines
20 shall be governed by the current individualized educational
21 program; or the high school district may elect to conduct its
22 own evaluation and multidisciplinary staff conference and
23 formulate its own individualized educational program, in which
24 case the procedures and timelines contained in Section 14-8.02
25 shall apply.

26 (Source: P.A. 101-515, eff. 8-23-19; 102-1072, eff. 6-10-22.)

1 (105 ILCS 5/34-18.77 new)

2 Sec. 34-18.77. Additional services for certain students
3 experiencing trauma.

4 (a) The school district must provide additional
5 instructional services, support, or special accommodations to
6 a student if the student's school determines that:

7 (1) the student suffers from trauma related to the
8 student experiencing the death of a sibling, parent,
9 guardian, or household member by suicide or homicide or
10 from trauma caused by domestic violence or abuse;

11 (2) the trauma interferes with the student's ability
12 to learn and to participate in the learning environment;
13 and

14 (3) the student does not qualify for either an
15 individualized education program (IEP) under the federal
16 Individuals with Disabilities Education Act or for
17 services under Section 504 of the federal Rehabilitation
18 Act of 1973.

19 (b) At the request of the parent or guardian of a student
20 who has experienced an event described under paragraph (1) of
21 subsection (a) and who may be at risk of academic failure or if
22 school personnel identify that a student's overall academic
23 performance and participation in the learning environment has
24 declined following the student experiencing an event described
25 under paragraph (1) of subsection (a) and the student may be at

1 risk of academic failure, the school district shall perform an
2 evaluation to assess whether the student may benefit from
3 additional instructional services, support, or special
4 accommodations. The evaluation of the student shall be
5 performed by appropriate school personnel, which may include
6 school counselors, school psychologists, school social
7 workers, school administrators, and educators with knowledge
8 of the student or the student's academic performance prior to
9 the student experiencing an event described under paragraph
10 (1) of subsection (a).

11 If the school determines from the evaluation that the
12 student requires additional instructional services, support,
13 or special accommodations, the school district shall develop
14 and implement a plan to provide to the student additional
15 instructional services, support, or special accommodations
16 based on the individual needs of the student. Additional
17 instructional services, support, or special accommodations
18 provided to a student may include accommodations with testing,
19 supplementary aids, school counseling services, additional
20 assistance with homework, or modifications to the student's
21 learning environment. The plan may be modified as necessary
22 according to the needs of the student.

23 (c) A plan developed under subsection (b) shall remain in
24 place until the student (i) is no longer enrolled in the school
25 district or (ii) has demonstrated such significant and
26 sustained progress and improvement in academic performance

1 that the student no longer requires the additional
2 instructional services, support, or special accommodations
3 provided under the plan.

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.