



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4474

Introduced 1/17/2024, by Rep. Nabeela Syed

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-8.02

from Ch. 122, par. 14-8.02

Amends the Children with Disabilities Article of the School Code. Provides that in the development of the individualized education program for a student who is 17 years of age or older, or will be during that school year, the IEP team shall consider voter registration as an appropriate goal or competency to be included in the IEP, and, if appropriate, when and how voter registration shall be accomplished. Provides that any resulting decisions shall be included in the IEP. Effective July 1, 2024.

LRB103 35786 RJT 65868 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 changing Section
5 14-8.02 as follows:

6 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

7 (Text of Section before amendment by P.A. 103-197)

8 Sec. 14-8.02. Identification, evaluation, and placement of
9 children.

10 (a) The State Board of Education shall make rules under
11 which local school boards shall determine the eligibility of
12 children to receive special education. Such rules shall ensure
13 that a free appropriate public education be available to all
14 children with disabilities as defined in Section 14-1.02. The
15 State Board of Education shall require local school districts
16 to administer non-discriminatory procedures or tests to
17 English learners coming from homes in which a language other
18 than English is used to determine their eligibility to receive
19 special education. The placement of low English proficiency
20 students in special education programs and facilities shall be
21 made in accordance with the test results reflecting the
22 student's linguistic, cultural and special education needs.
23 For purposes of determining the eligibility of children the

1 State Board of Education shall include in the rules
2 definitions of "case study", "staff conference",
3 "individualized educational program", and "qualified
4 specialist" appropriate to each category of children with
5 disabilities as defined in this Article. For purposes of
6 determining the eligibility of children from homes in which a
7 language other than English is used, the State Board of
8 Education shall include in the rules definitions for
9 "qualified bilingual specialists" and "linguistically and
10 culturally appropriate individualized educational programs".
11 For purposes of this Section, as well as Sections 14-8.02a,
12 14-8.02b, and 14-8.02c of this Code, "parent" means a parent
13 as defined in the federal Individuals with Disabilities
14 Education Act (20 U.S.C. 1401(23)).

15 (b) No child shall be eligible for special education
16 facilities except with a carefully completed case study fully
17 reviewed by professional personnel in a multidisciplinary
18 staff conference and only upon the recommendation of qualified
19 specialists or a qualified bilingual specialist, if available.
20 At the conclusion of the multidisciplinary staff conference,
21 the parent of the child and, if the child is in the legal
22 custody of the Department of Children and Family Services, the
23 Department's Office of Education and Transition Services shall
24 be given a copy of the multidisciplinary conference summary
25 report and recommendations, which includes options considered,
26 and, in the case of the parent, be informed of his or her right

1 to obtain an independent educational evaluation if he or she
2 disagrees with the evaluation findings conducted or obtained
3 by the school district. If the school district's evaluation is
4 shown to be inappropriate, the school district shall reimburse
5 the parent for the cost of the independent evaluation. The
6 State Board of Education shall, with advice from the State
7 Advisory Council on Education of Children with Disabilities on
8 the inclusion of specific independent educational evaluators,
9 prepare a list of suggested independent educational
10 evaluators. The State Board of Education shall include on the
11 list clinical psychologists licensed pursuant to the Clinical
12 Psychologist Licensing Act. Such psychologists shall not be
13 paid fees in excess of the amount that would be received by a
14 school psychologist for performing the same services. The
15 State Board of Education shall supply school districts with
16 such list and make the list available to parents at their
17 request. School districts shall make the list available to
18 parents at the time they are informed of their right to obtain
19 an independent educational evaluation. However, the school
20 district may initiate an impartial due process hearing under
21 this Section within 5 days of any written parent request for an
22 independent educational evaluation to show that its evaluation
23 is appropriate. If the final decision is that the evaluation
24 is appropriate, the parent still has a right to an independent
25 educational evaluation, but not at public expense. An
26 independent educational evaluation at public expense must be

1 completed within 30 days of a parent written request unless
2 the school district initiates an impartial due process hearing
3 or the parent or school district offers reasonable grounds to
4 show that such 30-day time period should be extended. If the
5 due process hearing decision indicates that the parent is
6 entitled to an independent educational evaluation, it must be
7 completed within 30 days of the decision unless the parent or
8 the school district offers reasonable grounds to show that
9 such 30-day period should be extended. If a parent disagrees
10 with the summary report or recommendations of the
11 multidisciplinary conference or the findings of any
12 educational evaluation which results therefrom, the school
13 district shall not proceed with a placement based upon such
14 evaluation and the child shall remain in his or her regular
15 classroom setting. No child shall be eligible for admission to
16 a special class for children with a mental disability who are
17 educable or for children with a mental disability who are
18 trainable except with a psychological evaluation and
19 recommendation by a school psychologist. Consent shall be
20 obtained from the parent of a child before any evaluation is
21 conducted. If consent is not given by the parent or if the
22 parent disagrees with the findings of the evaluation, then the
23 school district may initiate an impartial due process hearing
24 under this Section. The school district may evaluate the child
25 if that is the decision resulting from the impartial due
26 process hearing and the decision is not appealed or if the

1 decision is affirmed on appeal. The determination of
2 eligibility shall be made and the IEP meeting shall be
3 completed within 60 school days from the date of written
4 parental consent. In those instances when written parental
5 consent is obtained with fewer than 60 pupil attendance days
6 left in the school year, the eligibility determination shall
7 be made and the IEP meeting shall be completed prior to the
8 first day of the following school year. Special education and
9 related services must be provided in accordance with the
10 student's IEP no later than 10 school attendance days after
11 notice is provided to the parents pursuant to Section 300.503
12 of Title 34 of the Code of Federal Regulations and
13 implementing rules adopted by the State Board of Education.
14 The appropriate program pursuant to the individualized
15 educational program of students whose native tongue is a
16 language other than English shall reflect the special
17 education, cultural and linguistic needs. No later than
18 September 1, 1993, the State Board of Education shall
19 establish standards for the development, implementation and
20 monitoring of appropriate bilingual special individualized
21 educational programs. The State Board of Education shall
22 further incorporate appropriate monitoring procedures to
23 verify implementation of these standards. The district shall
24 indicate to the parent, the State Board of Education, and, if
25 applicable, the Department's Office of Education and
26 Transition Services the nature of the services the child will

1 receive for the regular school term while awaiting placement
2 in the appropriate special education class. At the child's
3 initial IEP meeting and at each annual review meeting, the
4 child's IEP team shall provide the child's parent or guardian
5 and, if applicable, the Department's Office of Education and
6 Transition Services with a written notification that informs
7 the parent or guardian or the Department's Office of Education
8 and Transition Services that the IEP team is required to
9 consider whether the child requires assistive technology in
10 order to receive free, appropriate public education. The
11 notification must also include a toll-free telephone number
12 and internet address for the State's assistive technology
13 program.

14 If the child is deaf, hard of hearing, blind, or visually
15 impaired or has an orthopedic impairment or physical
16 disability and he or she might be eligible to receive services
17 from the Illinois School for the Deaf, the Illinois School for
18 the Visually Impaired, or the Illinois Center for
19 Rehabilitation and Education-Roosevelt, the school district
20 shall notify the parents, in writing, of the existence of
21 these schools and the services they provide and shall make a
22 reasonable effort to inform the parents of the existence of
23 other, local schools that provide similar services and the
24 services that these other schools provide. This notification
25 shall include, without limitation, information on school
26 services, school admissions criteria, and school contact

1 information.

2 In the development of the individualized education program
3 for a student who has a disability on the autism spectrum
4 (which includes autistic disorder, Asperger's disorder,
5 pervasive developmental disorder not otherwise specified,
6 childhood disintegrative disorder, and Rett Syndrome, as
7 defined in the Diagnostic and Statistical Manual of Mental
8 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall
9 consider all of the following factors:

10 (1) The verbal and nonverbal communication needs of
11 the child.

12 (2) The need to develop social interaction skills and
13 proficiencies.

14 (3) The needs resulting from the child's unusual
15 responses to sensory experiences.

16 (4) The needs resulting from resistance to
17 environmental change or change in daily routines.

18 (5) The needs resulting from engagement in repetitive
19 activities and stereotyped movements.

20 (6) The need for any positive behavioral
21 interventions, strategies, and supports to address any
22 behavioral difficulties resulting from autism spectrum
23 disorder.

24 (7) Other needs resulting from the child's disability
25 that impact progress in the general curriculum, including
26 social and emotional development.

1 Public Act 95-257 does not create any new entitlement to a
2 service, program, or benefit, but must not affect any
3 entitlement to a service, program, or benefit created by any
4 other law.

5 If the student may be eligible to participate in the
6 Home-Based Support Services Program for Adults with Mental
7 Disabilities authorized under the Developmental Disability and
8 Mental Disability Services Act upon becoming an adult, the
9 student's individualized education program shall include plans
10 for (i) determining the student's eligibility for those
11 home-based services, (ii) enrolling the student in the program
12 of home-based services, and (iii) developing a plan for the
13 student's most effective use of the home-based services after
14 the student becomes an adult and no longer receives special
15 educational services under this Article. The plans developed
16 under this paragraph shall include specific actions to be
17 taken by specified individuals, agencies, or officials.

18 (c) In the development of the individualized education
19 program for a student who is functionally blind, it shall be
20 presumed that proficiency in Braille reading and writing is
21 essential for the student's satisfactory educational progress.
22 For purposes of this subsection, the State Board of Education
23 shall determine the criteria for a student to be classified as
24 functionally blind. Students who are not currently identified
25 as functionally blind who are also entitled to Braille
26 instruction include: (i) those whose vision loss is so severe

1 that they are unable to read and write at a level comparable to
2 their peers solely through the use of vision, and (ii) those
3 who show evidence of progressive vision loss that may result
4 in functional blindness. Each student who is functionally
5 blind shall be entitled to Braille reading and writing
6 instruction that is sufficient to enable the student to
7 communicate with the same level of proficiency as other
8 students of comparable ability. Instruction should be provided
9 to the extent that the student is physically and cognitively
10 able to use Braille. Braille instruction may be used in
11 combination with other special education services appropriate
12 to the student's educational needs. The assessment of each
13 student who is functionally blind for the purpose of
14 developing the student's individualized education program
15 shall include documentation of the student's strengths and
16 weaknesses in Braille skills. Each person assisting in the
17 development of the individualized education program for a
18 student who is functionally blind shall receive information
19 describing the benefits of Braille instruction. The
20 individualized education program for each student who is
21 functionally blind shall specify the appropriate learning
22 medium or media based on the assessment report.

23 (c-5) In the development of the individualized education
24 program for a student who is 17 years of age or older, or will
25 be during that school year, the IEP team shall consider voter
26 registration as an appropriate goal or competency to be

1 included in the IEP, and, if appropriate, when and how voter
2 registration shall be accomplished. Any resulting decisions
3 shall be included in the IEP.

4 (d) To the maximum extent appropriate, the placement shall
5 provide the child with the opportunity to be educated with
6 children who do not have a disability; provided that children
7 with disabilities who are recommended to be placed into
8 regular education classrooms are provided with supplementary
9 services to assist the children with disabilities to benefit
10 from the regular classroom instruction and are included on the
11 teacher's regular education class register. Subject to the
12 limitation of the preceding sentence, placement in special
13 classes, separate schools or other removal of the child with a
14 disability from the regular educational environment shall
15 occur only when the nature of the severity of the disability is
16 such that education in the regular classes with the use of
17 supplementary aids and services cannot be achieved
18 satisfactorily. The placement of English learners with
19 disabilities shall be in non-restrictive environments which
20 provide for integration with peers who do not have
21 disabilities in bilingual classrooms. Annually, each January,
22 school districts shall report data on students from
23 non-English speaking backgrounds receiving special education
24 and related services in public and private facilities as
25 prescribed in Section 2-3.30. If there is a disagreement
26 between parties involved regarding the special education

1 placement of any child, either in-state or out-of-state, the
2 placement is subject to impartial due process procedures
3 described in Article 10 of the Rules and Regulations to Govern
4 the Administration and Operation of Special Education.

5 (e) No child who comes from a home in which a language
6 other than English is the principal language used may be
7 assigned to any class or program under this Article until he
8 has been given, in the principal language used by the child and
9 used in his home, tests reasonably related to his cultural
10 environment. All testing and evaluation materials and
11 procedures utilized for evaluation and placement shall not be
12 linguistically, racially or culturally discriminatory.

13 (f) Nothing in this Article shall be construed to require
14 any child to undergo any physical examination or medical
15 treatment whose parents object thereto on the grounds that
16 such examination or treatment conflicts with his religious
17 beliefs.

18 (g) School boards or their designee shall provide to the
19 parents of a child or, if applicable, the Department of
20 Children and Family Services' Office of Education and
21 Transition Services prior written notice of any decision (a)
22 proposing to initiate or change, or (b) refusing to initiate
23 or change, the identification, evaluation, or educational
24 placement of the child or the provision of a free appropriate
25 public education to their child, and the reasons therefor. For
26 a parent, such written notification shall also inform the

1 parent of the opportunity to present complaints with respect
2 to any matter relating to the educational placement of the
3 student, or the provision of a free appropriate public
4 education and to have an impartial due process hearing on the
5 complaint. The notice shall inform the parents in the parents'
6 native language, unless it is clearly not feasible to do so, of
7 their rights and all procedures available pursuant to this Act
8 and the federal Individuals with Disabilities Education
9 Improvement Act of 2004 (Public Law 108-446); it shall be the
10 responsibility of the State Superintendent to develop uniform
11 notices setting forth the procedures available under this Act
12 and the federal Individuals with Disabilities Education
13 Improvement Act of 2004 (Public Law 108-446) to be used by all
14 school boards. The notice shall also inform the parents of the
15 availability upon request of a list of free or low-cost legal
16 and other relevant services available locally to assist
17 parents in initiating an impartial due process hearing. The
18 State Superintendent shall revise the uniform notices required
19 by this subsection (g) to reflect current law and procedures
20 at least once every 2 years. Any parent who is deaf or does not
21 normally communicate using spoken English and who participates
22 in a meeting with a representative of a local educational
23 agency for the purposes of developing an individualized
24 educational program or attends a multidisciplinary conference
25 shall be entitled to the services of an interpreter. The State
26 Board of Education must adopt rules to establish the criteria,

1 standards, and competencies for a bilingual language
2 interpreter who attends an individualized education program
3 meeting under this subsection to assist a parent who has
4 limited English proficiency.

5 (g-5) For purposes of this subsection (g-5), "qualified
6 professional" means an individual who holds credentials to
7 evaluate the child in the domain or domains for which an
8 evaluation is sought or an intern working under the direct
9 supervision of a qualified professional, including a master's
10 or doctoral degree candidate.

11 To ensure that a parent can participate fully and
12 effectively with school personnel in the development of
13 appropriate educational and related services for his or her
14 child, the parent, an independent educational evaluator, or a
15 qualified professional retained by or on behalf of a parent or
16 child must be afforded reasonable access to educational
17 facilities, personnel, classrooms, and buildings and to the
18 child as provided in this subsection (g-5). The requirements
19 of this subsection (g-5) apply to any public school facility,
20 building, or program and to any facility, building, or program
21 supported in whole or in part by public funds. Prior to
22 visiting a school, school building, or school facility, the
23 parent, independent educational evaluator, or qualified
24 professional may be required by the school district to inform
25 the building principal or supervisor in writing of the
26 proposed visit, the purpose of the visit, and the approximate

1 duration of the visit. The visitor and the school district
2 shall arrange the visit or visits at times that are mutually
3 agreeable. Visitors shall comply with school safety, security,
4 and visitation policies at all times. School district
5 visitation policies must not conflict with this subsection
6 (g-5). Visitors shall be required to comply with the
7 requirements of applicable privacy laws, including those laws
8 protecting the confidentiality of education records such as
9 the federal Family Educational Rights and Privacy Act and the
10 Illinois School Student Records Act. The visitor shall not
11 disrupt the educational process.

12 (1) A parent must be afforded reasonable access of
13 sufficient duration and scope for the purpose of observing
14 his or her child in the child's current educational
15 placement, services, or program or for the purpose of
16 visiting an educational placement or program proposed for
17 the child.

18 (2) An independent educational evaluator or a
19 qualified professional retained by or on behalf of a
20 parent or child must be afforded reasonable access of
21 sufficient duration and scope for the purpose of
22 conducting an evaluation of the child, the child's
23 performance, the child's current educational program,
24 placement, services, or environment, or any educational
25 program, placement, services, or environment proposed for
26 the child, including interviews of educational personnel,

1 child observations, assessments, tests or assessments of
2 the child's educational program, services, or placement or
3 of any proposed educational program, services, or
4 placement. If one or more interviews of school personnel
5 are part of the evaluation, the interviews must be
6 conducted at a mutually agreed-upon ~~agreed-upon~~ time,
7 date, and place that do not interfere with the school
8 employee's school duties. The school district may limit
9 interviews to personnel having information relevant to the
10 child's current educational services, program, or
11 placement or to a proposed educational service, program,
12 or placement.

13 (Source: P.A. 101-124, eff. 1-1-20; 102-199, eff. 7-1-22;
14 102-264, eff. 8-6-21; 102-558, eff. 8-20-21; 102-813, eff.
15 5-13-22; 102-1072, eff. 6-10-22; revised 9-20-23.)

16 (Text of Section after amendment by P.A. 103-197)

17 Sec. 14-8.02. Identification, evaluation, and placement of
18 children.

19 (a) The State Board of Education shall make rules under
20 which local school boards shall determine the eligibility of
21 children to receive special education. Such rules shall ensure
22 that a free appropriate public education be available to all
23 children with disabilities as defined in Section 14-1.02. The
24 State Board of Education shall require local school districts
25 to administer non-discriminatory procedures or tests to

1 English learners coming from homes in which a language other
2 than English is used to determine their eligibility to receive
3 special education. The placement of low English proficiency
4 students in special education programs and facilities shall be
5 made in accordance with the test results reflecting the
6 student's linguistic, cultural and special education needs.
7 For purposes of determining the eligibility of children the
8 State Board of Education shall include in the rules
9 definitions of "case study", "staff conference",
10 "individualized educational program", and "qualified
11 specialist" appropriate to each category of children with
12 disabilities as defined in this Article. For purposes of
13 determining the eligibility of children from homes in which a
14 language other than English is used, the State Board of
15 Education shall include in the rules definitions for
16 "qualified bilingual specialists" and "linguistically and
17 culturally appropriate individualized educational programs".
18 For purposes of this Section, as well as Sections 14-8.02a,
19 14-8.02b, and 14-8.02c of this Code, "parent" means a parent
20 as defined in the federal Individuals with Disabilities
21 Education Act (20 U.S.C. 1401(23)).

22 (b) No child shall be eligible for special education
23 facilities except with a carefully completed case study fully
24 reviewed by professional personnel in a multidisciplinary
25 staff conference and only upon the recommendation of qualified
26 specialists or a qualified bilingual specialist, if available.

1 At the conclusion of the multidisciplinary staff conference,
2 the parent of the child and, if the child is in the legal
3 custody of the Department of Children and Family Services, the
4 Department's Office of Education and Transition Services shall
5 be given a copy of the multidisciplinary conference summary
6 report and recommendations, which includes options considered,
7 and, in the case of the parent, be informed of his or her right
8 to obtain an independent educational evaluation if he or she
9 disagrees with the evaluation findings conducted or obtained
10 by the school district. If the school district's evaluation is
11 shown to be inappropriate, the school district shall reimburse
12 the parent for the cost of the independent evaluation. The
13 State Board of Education shall, with advice from the State
14 Advisory Council on Education of Children with Disabilities on
15 the inclusion of specific independent educational evaluators,
16 prepare a list of suggested independent educational
17 evaluators. The State Board of Education shall include on the
18 list clinical psychologists licensed pursuant to the Clinical
19 Psychologist Licensing Act. Such psychologists shall not be
20 paid fees in excess of the amount that would be received by a
21 school psychologist for performing the same services. The
22 State Board of Education shall supply school districts with
23 such list and make the list available to parents at their
24 request. School districts shall make the list available to
25 parents at the time they are informed of their right to obtain
26 an independent educational evaluation. However, the school

1 district may initiate an impartial due process hearing under
2 this Section within 5 days of any written parent request for an
3 independent educational evaluation to show that its evaluation
4 is appropriate. If the final decision is that the evaluation
5 is appropriate, the parent still has a right to an independent
6 educational evaluation, but not at public expense. An
7 independent educational evaluation at public expense must be
8 completed within 30 days of a parent written request unless
9 the school district initiates an impartial due process hearing
10 or the parent or school district offers reasonable grounds to
11 show that such 30-day time period should be extended. If the
12 due process hearing decision indicates that the parent is
13 entitled to an independent educational evaluation, it must be
14 completed within 30 days of the decision unless the parent or
15 the school district offers reasonable grounds to show that
16 such 30-day period should be extended. If a parent disagrees
17 with the summary report or recommendations of the
18 multidisciplinary conference or the findings of any
19 educational evaluation which results therefrom, the school
20 district shall not proceed with a placement based upon such
21 evaluation and the child shall remain in his or her regular
22 classroom setting. No child shall be eligible for admission to
23 a special class for children with a mental disability who are
24 educable or for children with a mental disability who are
25 trainable except with a psychological evaluation and
26 recommendation by a school psychologist. Consent shall be

1 obtained from the parent of a child before any evaluation is
2 conducted. If consent is not given by the parent or if the
3 parent disagrees with the findings of the evaluation, then the
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7 process hearing and the decision is not appealed or if the
8 decision is affirmed on appeal. The determination of
9 eligibility shall be made and the IEP meeting shall be
10 completed within 60 school days from the date of written
11 parental consent. In those instances when written parental
12 consent is obtained with fewer than 60 pupil attendance days
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15 first day of the following school year. Special education and
16 related services must be provided in accordance with the
17 student's IEP no later than 10 school attendance days after
18 notice is provided to the parents pursuant to Section 300.503
19 of Title 34 of the Code of Federal Regulations and
20 implementing rules adopted by the State Board of Education.
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22 educational program of students whose native tongue is a
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17 order to receive free, appropriate public education. The
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19 and internet address for the State's assistive technology
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6 that impact progress in the general curriculum, including
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8 Public Act 95-257 does not create any new entitlement to a
9 service, program, or benefit, but must not affect any
10 entitlement to a service, program, or benefit created by any
11 other law.

12 If the student may be eligible to participate in the
13 Home-Based Support Services Program for Adults with Mental
14 Disabilities authorized under the Developmental Disability and
15 Mental Disability Services Act upon becoming an adult, the
16 student's individualized education program shall include plans
17 for (i) determining the student's eligibility for those
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19 of home-based services, and (iii) developing a plan for the
20 student's most effective use of the home-based services after
21 the student becomes an adult and no longer receives special
22 educational services under this Article. The plans developed
23 under this paragraph shall include specific actions to be
24 taken by specified individuals, agencies, or officials.

25 (c) In the development of the individualized education
26 program for a student who is functionally blind, it shall be

1 presumed that proficiency in Braille reading and writing is
2 essential for the student's satisfactory educational progress.
3 For purposes of this subsection, the State Board of Education
4 shall determine the criteria for a student to be classified as
5 functionally blind. Students who are not currently identified
6 as functionally blind who are also entitled to Braille
7 instruction include: (i) those whose vision loss is so severe
8 that they are unable to read and write at a level comparable to
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6 be during that school year, the IEP team shall consider voter
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9 registration shall be accomplished. Any resulting decisions
10 shall be included in the IEP.

11 (d) To the maximum extent appropriate, the placement shall
12 provide the child with the opportunity to be educated with
13 children who do not have a disability; provided that children
14 with disabilities who are recommended to be placed into
15 regular education classrooms are provided with supplementary
16 services to assist the children with disabilities to benefit
17 from the regular classroom instruction and are included on the
18 teacher's regular education class register. Subject to the
19 limitation of the preceding sentence, placement in special
20 classes, separate schools or other removal of the child with a
21 disability from the regular educational environment shall
22 occur only when the nature of the severity of the disability is
23 such that education in the regular classes with the use of
24 supplementary aids and services cannot be achieved
25 satisfactorily. The placement of English learners with
26 disabilities shall be in non-restrictive environments which

1 provide for integration with peers who do not have
2 disabilities in bilingual classrooms. Annually, each January,
3 school districts shall report data on students from
4 non-English speaking backgrounds receiving special education
5 and related services in public and private facilities as
6 prescribed in Section 2-3.30. If there is a disagreement
7 between parties involved regarding the special education
8 placement of any child, either in-state or out-of-state, the
9 placement is subject to impartial due process procedures
10 described in Article 10 of the Rules and Regulations to Govern
11 the Administration and Operation of Special Education.

12 (e) No child who comes from a home in which a language
13 other than English is the principal language used may be
14 assigned to any class or program under this Article until he
15 has been given, in the principal language used by the child and
16 used in his home, tests reasonably related to his cultural
17 environment. All testing and evaluation materials and
18 procedures utilized for evaluation and placement shall not be
19 linguistically, racially or culturally discriminatory.

20 (f) Nothing in this Article shall be construed to require
21 any child to undergo any physical examination or medical
22 treatment whose parents object thereto on the grounds that
23 such examination or treatment conflicts with his religious
24 beliefs.

25 (g) School boards or their designee shall provide to the
26 parents of a child or, if applicable, the Department of

1 Children and Family Services' Office of Education and
2 Transition Services prior written notice of any decision (a)
3 proposing to initiate or change, or (b) refusing to initiate
4 or change, the identification, evaluation, or educational
5 placement of the child or the provision of a free appropriate
6 public education to their child, and the reasons therefor. For
7 a parent, such written notification shall also inform the
8 parent of the opportunity to present complaints with respect
9 to any matter relating to the educational placement of the
10 student, or the provision of a free appropriate public
11 education and to have an impartial due process hearing on the
12 complaint. The notice shall inform the parents in the parents'
13 native language, unless it is clearly not feasible to do so, of
14 their rights and all procedures available pursuant to this Act
15 and the federal Individuals with Disabilities Education
16 Improvement Act of 2004 (Public Law 108-446); it shall be the
17 responsibility of the State Superintendent to develop uniform
18 notices setting forth the procedures available under this Act
19 and the federal Individuals with Disabilities Education
20 Improvement Act of 2004 (Public Law 108-446) to be used by all
21 school boards. The notice shall also inform the parents of the
22 availability upon request of a list of free or low-cost legal
23 and other relevant services available locally to assist
24 parents in initiating an impartial due process hearing. The
25 State Superintendent shall revise the uniform notices required
26 by this subsection (g) to reflect current law and procedures

1 at least once every 2 years. Any parent who is deaf or does not
2 normally communicate using spoken English and who participates
3 in a meeting with a representative of a local educational
4 agency for the purposes of developing an individualized
5 educational program or attends a multidisciplinary conference
6 shall be entitled to the services of an interpreter. The State
7 Board of Education must adopt rules to establish the criteria,
8 standards, and competencies for a bilingual language
9 interpreter who attends an individualized education program
10 meeting under this subsection to assist a parent who has
11 limited English proficiency.

12 (g-5) For purposes of this subsection (g-5), "qualified
13 professional" means an individual who holds credentials to
14 evaluate the child in the domain or domains for which an
15 evaluation is sought or an intern working under the direct
16 supervision of a qualified professional, including a master's
17 or doctoral degree candidate.

18 To ensure that a parent can participate fully and
19 effectively with school personnel in the development of
20 appropriate educational and related services for his or her
21 child, the parent, an independent educational evaluator, or a
22 qualified professional retained by or on behalf of a parent or
23 child must be afforded reasonable access to educational
24 facilities, personnel, classrooms, and buildings and to the
25 child as provided in this subsection (g-5). The requirements
26 of this subsection (g-5) apply to any public school facility,

1 building, or program and to any facility, building, or program
2 supported in whole or in part by public funds. Prior to
3 visiting a school, school building, or school facility, the
4 parent, independent educational evaluator, or qualified
5 professional may be required by the school district to inform
6 the building principal or supervisor in writing of the
7 proposed visit, the purpose of the visit, and the approximate
8 duration of the visit. The visitor and the school district
9 shall arrange the visit or visits at times that are mutually
10 agreeable. Visitors shall comply with school safety, security,
11 and visitation policies at all times. School district
12 visitation policies must not conflict with this subsection
13 (g-5). Visitors shall be required to comply with the
14 requirements of applicable privacy laws, including those laws
15 protecting the confidentiality of education records such as
16 the federal Family Educational Rights and Privacy Act and the
17 Illinois School Student Records Act. The visitor shall not
18 disrupt the educational process.

19 (1) A parent must be afforded reasonable access of
20 sufficient duration and scope for the purpose of observing
21 his or her child in the child's current educational
22 placement, services, or program or for the purpose of
23 visiting an educational placement or program proposed for
24 the child.

25 (2) An independent educational evaluator or a
26 qualified professional retained by or on behalf of a

1 parent or child must be afforded reasonable access of
2 sufficient duration and scope for the purpose of
3 conducting an evaluation of the child, the child's
4 performance, the child's current educational program,
5 placement, services, or environment, or any educational
6 program, placement, services, or environment proposed for
7 the child, including interviews of educational personnel,
8 child observations, assessments, tests or assessments of
9 the child's educational program, services, or placement or
10 of any proposed educational program, services, or
11 placement. If one or more interviews of school personnel
12 are part of the evaluation, the interviews must be
13 conducted at a mutually agreed-upon ~~agreed-upon~~ time,
14 date, and place that do not interfere with the school
15 employee's school duties. The school district may limit
16 interviews to personnel having information relevant to the
17 child's current educational services, program, or
18 placement or to a proposed educational service, program,
19 or placement.

20 (h) In the development of the individualized education
21 program or federal Section 504 plan for a student, if the
22 student needs extra accommodation during emergencies,
23 including natural disasters or an active shooter situation,
24 then that accommodation shall be taken into account when
25 developing the student's individualized education program or
26 federal Section 504 plan.

1 (Source: P.A. 102-199, eff. 7-1-22; 102-264, eff. 8-6-21;
2 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 102-1072, eff.
3 6-10-22; 103-197, eff. 1-1-24; revised 9-20-23.)

4 Section 95. No acceleration or delay. Where this Act makes
5 changes in a statute that is represented in this Act by text
6 that is not yet or no longer in effect (for example, a Section
7 represented by multiple versions), the use of that text does
8 not accelerate or delay the taking effect of (i) the changes
9 made by this Act or (ii) provisions derived from any other
10 Public Act.

11 Section 99. Effective date. This Act takes effect July 1,
12 2024.