

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The School Code is amended by changing Sections 14-6.01 and 14-8.02f and by adding Section 14-8.02g as follows:

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

Sec. 14-6.01. Powers and duties of school boards. School boards of one or more school districts establishing and maintaining any of the educational facilities described in this Article shall, in connection therewith, exercise similar powers and duties as are prescribed by law for the establishment, maintenance, and management of other recognized educational facilities. Such school boards shall include only eligible children in the program and shall comply with all the requirements of this Article and all rules and regulations established by the State Board of Education. Such school boards shall accept in part-time attendance children with disabilities of the types described in Sections 14-1.02 through 14-1.07 who are enrolled in nonpublic schools. A request for part-time attendance must be submitted by a parent or guardian of the child with a disability and may be made only to those public schools located in the district where the child attending the nonpublic school resides; however, nothing in

this Section shall be construed as prohibiting an agreement between the district where the child resides and another public school district to provide special educational services if such an arrangement is deemed more convenient and economical. Special education and related services must be provided in accordance with the student's IEP no later than 10 school attendance days after notice is provided to the parents pursuant to Section 300.503 of Title 34 of the Code of Federal Regulations and implementing rules adopted by the State Board of Education. Transportation for students in part time attendance shall be provided only if required in the child's individualized educational program on the basis of the child's disabling condition or as the special education program location may require.

Beginning with the 2019-2020 school year, a school board shall post on its Internet website, if any, and incorporate into its student handbook or newsletter notice that students with disabilities who do not qualify for an individualized education program, as required by the federal Individuals with Disabilities Education Act and implementing provisions of this Code, may qualify for services under Section 504 of the federal Rehabilitation Act of 1973 if the child (i) has a physical or mental impairment that substantially limits one or more major life activities, (ii) has a record of a physical or mental impairment, or (iii) is regarded as having a physical or mental impairment. Such notice shall identify the location and phone

number of the office or agent of the school district to whom inquiries should be directed regarding the identification, assessment and placement of such children.

For a school district organized under Article 34 only, beginning with the 2019-2020 school year, the school district shall, in collaboration with its primary office overseeing special education, publish on the school district's publicly available website any proposed changes to its special education policies, directives, guidelines, or procedures that impact the provision of educational or related services to students with disabilities or the procedural safeguards afforded to students with disabilities or their parents or guardians made by the school district or school board. Any policy, directive, guideline, or procedural change that impacts those provisions or safeguards that is authorized by the school district's primary office overseeing special education or any other administrative office of the school district must be published on the school district's publicly available website no later than 45 days before the adoption of that change. Any policy directive, guideline, or procedural change that impacts those provisions or safeguards that is authorized by the school board must be published on the school district's publicly available website no later than 30 days before the date of presentation to the school board for adoption. The school district's website must allow for virtual public comments on proposed special education policy, directive, guideline, or procedural changes

that impact the provision of educational or related services to students with disabilities or the procedural safeguards afforded to students with disabilities or their parents or guardians from the date of the notification of the proposed change on the website until the date the change is adopted by the school district or until the date the change is presented to the school board for adoption. After the period for public comment is closed, the school district must maintain all public comments for a period of not less than 2 years from the date the special education change is adopted. The public comments are subject to the Freedom of Information Act. The school board shall, at a minimum, advertise the notice of the change and availability for public comment on its website. The State Board of Education may add additional reporting requirements for the district beyond policy, directive, guideline, or procedural changes that impact the provision of educational or related services to students with disabilities or the procedural safeguards afforded to students with disabilities or their parents or guardians if the State Board determines it is in the best interest of the students enrolled in the district receiving special education services.

School boards shall immediately provide upon request by any person written materials and other information that indicates the specific policies, procedures, rules and regulations regarding the identification, evaluation or educational placement of children with disabilities under Section 14-8.02

of the School Code. Such information shall include information regarding all rights and entitlements of such children under this Code, and of the opportunity to present complaints with respect to any matter relating to educational placement of the student, or the provision of a free appropriate public education and to have an impartial due process hearing on the complaint. The notice shall inform the parents or guardian in the parents' or guardian's native language, unless it is clearly not feasible to do so, of their rights and all procedures available pursuant to this Act and federal Public Law 94-142; it shall be the responsibility of the State Superintendent to develop uniform notices setting forth the procedures available under this Act and federal Public Law 94-142, as amended, to be used by all school boards. The notice shall also inform the parents or guardian of the availability upon request of a list of free or low-cost legal and other relevant services available locally to assist parents or guardians in exercising rights or entitlements under this Code. For a school district organized under Article 34 only, the school district must make the entirety of its special education Procedural Manual and any other guidance documents pertaining to special education publicly available, in print and on the school district's website, in both English and Spanish. Upon request, the school district must make the Procedural Manual and other guidance documents available in print in any other language and accessible for individuals with disabilities.

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

No student with a disability or, in a school district organized under Article 34 of this Code, child with a learning disability may be denied promotion, graduation or a general diploma on the basis of failing a minimal competency test when such failure can be directly related to the disabling condition of the student. For the purpose of this Act, "minimal competency testing" is defined as tests which are constructed to measure the acquisition of skills to or beyond a certain defined standard.

Effective July 1, 1966, high school districts are financially responsible for the education of pupils with disabilities who are residents in their districts when such pupils have reached age 15 but may admit children with disabilities into special educational facilities without regard to graduation from the eighth grade after such pupils have reached the age of 14 1/2 years. Upon a pupil with a disability attaining the age of 14 1/2 years, it shall be the duty of the elementary school district in which the pupil resides to notify the high school district in which the pupil resides of the pupil's current eligibility for special education services, of the pupil's current program, and of all

evaluation data upon which the current program is based. After an examination of that information the high school district may accept the current placement and all subsequent timelines shall be governed by the current individualized educational program; or the high school district may elect to conduct its own evaluation and multidisciplinary staff conference and formulate its own individualized educational program, in which case the procedures and timelines contained in Section 14-8.02 shall apply.

(Source: P.A. 99-143, eff. 7-27-15; 99-592, eff. 7-22-16; 100-201, eff. 8-18-17; 100-1112, eff. 8-28-18.)

(105 ILCS 5/14-8.02f)

Sec. 14-8.02f. Individualized education program meeting ~~protections; municipality with 1,000,000 or more inhabitants.~~

(a) (Blank). ~~This Section only applies to school districts organized under Article 34 of this Code.~~

(b) This subsection (b) applies only to a school district organized under Article 34. No later than 10 calendar days prior to a child's individualized education program meeting or as soon as possible if a meeting is scheduled within 10 calendar days with written parental consent, the school board or school personnel must provide the child's parent or guardian with a written notification of the services that require a specific data collection procedure from the school district for services related to the child's individualized education

program. The notification must indicate, with a checkbox, whether specific data has been collected for the child's individualized education program services. For purposes of this subsection (b), individualized education program services must include, but are not limited to, paraprofessional support, an extended school year, transportation, therapeutic day school, and services for specific learning disabilities.

(c) No later than 3 ~~5~~ school days prior to a child's individualized education program eligibility meeting or meeting to review a child's individualized education program, or as soon as possible if an individualized education program meeting is scheduled within 3 school days with the written consent of the child's parent or guardian, the local education agency must provide the child's parent or guardian with copies of all written material that will be considered by the individualized education program team at the meeting so that the parent or guardian may participate in the meeting as a fully-informed team member. The written material must include, but is not limited to, all evaluations and collected data that will be considered at the meeting and, for a child who already has an individualized education program, a copy of all individualized education program components that will be discussed by the individualized education program team, other than the components related to the educational and related service minutes proposed for the child and the child's educational placement. ~~as soon as possible if a meeting is~~

~~scheduled within 5 school days with written parental consent, the school board or school personnel must provide the child's parent or guardian with a draft individualized education program. The draft must contain all relevant information collected about the child and must include, but is not limited to, the program's goals, draft accommodations and modifications, copies of all conducted evaluations, and any collected data.~~

(d) Local education agencies must make related service logs that record the type of related services administered under the child's individualized education program and the minutes of each type of related service that has been administered available to the child's parent or guardian at the annual review of the child's individualized education program and must also provide a copy of the related service logs at any time upon request of the child's parent or guardian. The local education agency must inform the child's parent or guardian within 20 school days from the beginning of the school year or upon establishment of an individualized education program of his or her ability to request those related service logs. If a child's individualized education program team determines that certain services are required in order for the child to receive a free, appropriate public education and those services are not administered ~~implemented~~ within 10 school days after a date or frequency set forth by the child's individualized education program ~~the team's determination~~, then the local education

agency ~~school board~~ shall provide the child's parent or guardian with written notification that those services have not yet been administered to the child. The notification must be provided to the child's parent or guardian within 3 school days of the local education agency's non-compliance with the child's individualized education program and must include information on the parent's or guardian's ability to request compensatory services. In this subsection (d), "school days" does not include days where a child is absent from school for reasons unrelated to a lack of individualized education program services.

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

(f) A school district subject to this Section may not use any measure that would prevent or delay an individualized

education program team from adding a service to the program or create a time restriction in which a service is prohibited from being added to the program. The school district may not build functions into its computer software that would remove any services from a student's individualized education program without the approval of the program team and may not prohibit the program team from adding a service to the program.

(Source: P.A. 100-993, eff. 8-20-18.)

(105 ILCS 5/14-8.02g new)

Sec. 14-8.02g. Response to scientific, research-based intervention.

(a) In this Section, "response to scientific, research-based intervention" or "multi-tiered systems of support" means a tiered process of school support that utilizes differentiated instructional strategies for students, provides students with scientific, research-based interventions, continuously monitors student performance using scientifically, research-based progress monitoring instruments, and makes educational decisions based on a student's response to the interventions. Response to scientific, research-based intervention or multi-tiered systems of support use a problem-solving method to define the problem, analyze the problem using data to determine why there is a discrepancy between what is expected and what is occurring, establish one or more student performance goals,

develop an intervention plan to address the performance goals, and delineate how the student's progress will be monitored and how implementation integrity will be ensured.

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

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

(d) Nothing in this Section affects the responsibility of a school district to identify, locate, and evaluate children with disabilities who are in need of special education services in

accordance with the federal Individuals with Disabilities Education Improvement Act of 2004, this Code, or any applicable federal or State rules.

Section 10. The Illinois School Student Records Act is amended by changing Section 2 as follows:

(105 ILCS 10/2) (from Ch. 122, par. 50-2)

Sec. 2. As used in this Act,

(a) "Student" means any person enrolled or previously enrolled in a school.

(b) "School" means any public preschool, day care center, kindergarten, nursery, elementary or secondary educational institution, vocational school, special educational facility or any other elementary or secondary educational agency or institution and any person, agency or institution which maintains school student records from more than one school, but does not include a private or non-public school.

(c) "State Board" means the State Board of Education.

(d) "School Student Record" means any writing or other recorded information concerning a student and by which a student may be individually identified, maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored. The following shall not be deemed school student records under this Act: writings or other recorded information maintained by an employee of a

school or other person at the direction of a school for his or her exclusive use; provided that all such writings and other recorded information are destroyed not later than the student's graduation or permanent withdrawal from the school; and provided further that no such records or recorded information may be released or disclosed to any person except a person designated by the school as a substitute unless they are first incorporated in a school student record and made subject to all of the provisions of this Act. School student records shall not include information maintained by law enforcement professionals working in the school.

(e) "Student Permanent Record" means the minimum personal information necessary to a school in the education of the student and contained in a school student record. Such information may include the student's name, birth date, address, grades and grade level, parents' names and addresses, attendance records, and such other entries as the State Board may require or authorize.

(f) "Student Temporary Record" means all information contained in a school student record but not contained in the student permanent record. Such information may include family background information, intelligence test scores, aptitude test scores, psychological and personality test results, teacher evaluations, and other information of clear relevance to the education of the student, all subject to regulations of the State Board. The information shall include information

provided under Section 8.6 of the Abused and Neglected Child Reporting Act and information contained in service logs maintained by a local education agency under subsection (d) of Section 14-8.02f of the School Code. In addition, the student temporary record shall include information regarding serious disciplinary infractions that resulted in expulsion, suspension, or the imposition of punishment or sanction. For purposes of this provision, serious disciplinary infractions means: infractions involving drugs, weapons, or bodily harm to another.

(g) "Parent" means a person who is the natural parent of the student or other person who has the primary responsibility for the care and upbringing of the student. All rights and privileges accorded to a parent under this Act shall become exclusively those of the student upon his 18th birthday, graduation from secondary school, marriage or entry into military service, whichever occurs first. Such rights and privileges may also be exercised by the student at any time with respect to the student's permanent school record.

(Source: P.A. 92-295, eff. 1-1-02.)

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