



Revisions to ICSA’s Special Education Procedures Assuring the Implementation of Comprehensive Programming for Children with Disabilities

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ICSA’s Special Education Procedures have been updated for continuous improvement and to incorporate seven new Public Acts (P.A.s) and amended Ill. State Board of Education (ISBE) regulations, detailed below.

- 1) **P.A. 103-652 (eff. 7-19-24) – Notification of conference to parents/guardians must inform them of the right to receive copies of written material and provide a date when it will be delivered or made available.**

In response, Section 4 A. 4. b. on p. 22 of *Special Education Procedures (March 2026)* is amended as follows:

- b. The District will notify Parents at least 10 calendar days prior to any IEP meeting of the purpose, time and location of the meeting, the titles of the persons who will be in attendance, and Parents’ right to invite other individuals with knowledge or special expertise regarding the child and advocates for the Parents or child. The notice will also inform Parents:
 - (1) Of their right to receive copies of all written material that will be considered by the IEP Team at the meeting, including the date when the written material will be delivered or made available;
 - (2) Of their rights under 105 ILCS 5/14-19 to:
 - (a) Invite other individuals to the meeting to assist them, including individuals who have knowledge or special expertise regarding their child, and advocates for the Parents or child (and request that the Parent inform the school prior to the meeting if the Parent plans to bring other individuals so arrangement can be made to accommodate additional participants); and
 - (b) Request state-sponsored IEP facilitation, including receiving written informational material about the IEP facilitation process by the same distribution methods employed to transmit other documents and information related to an IEP meeting;

In response, Section 10 E. 2. b. (1) and (2) on pp. 44-45 of *Special Education Procedures (March 2026)* are added as follows:

- (1) Of their right to receive copies of all written material that will be considered by the IEP Team at the meeting, including the date when the written material will be delivered or made available.
- (2) Of their rights under 105 ILCS 5/14-19 to:

- (a) Invite other individuals to the meeting to assist them, including individuals who have knowledge or special expertise regarding their child, and advocates for the Parents or child; and
- (b) Request state-sponsored IEP facilitation, including receiving written informational material about the IEP facilitation process by the same methods as other documents and information related to the IEP meeting;

2) **P.A. 103-854 (eff. 8-9-24) – Transition plans must consider the student’s assistive technology needs.**

In response, Section 4 A. 7. j. on p. 26 of *Special Education Procedures (March 2026)* is amended as follows:

- j. Beginning not later than the first IEP to be in effect when the child turns age 14 1/2, and updated annually thereafter, the IEP shall include transition planning, including but not limited to: (1) appropriate, measurable, postsecondary goals based upon age-appropriate assessments related to employment, education or training, and independent living; (2) the transition services that are needed to assist the child in meeting those goals, including courses of study and any other needed services to be provided by entities other than the District; (3) information about the District’s career and technical education (CTE) opportunities and postsecondary CTE opportunities; (4) information about dual credit courses offered by the District, including courses offered for dual credit under Section 16 of the *Dual Credit Quality Act* [110 ILCS 27/16] and for high school credit only, and entry criteria; (5) consideration of the child’s assistive technology needs related to transition goals both while the child is participating in transition-related activities and in post-school activities; (6) consideration of the availability and accessibility of assistive technology devices and services once the child is in the post-school environment; and (57) any additional requirements contained in Section 14-8.03 of the *School Code* [105 ILCS 5/14-8.03]. If the student is enrolled in a dual credit course for dual credit or for high school credit only, the student’s participation in the course must be included as part of the student’s transition IEP activities.

In response, Section 4 A. 7. k. on p. 26 of *Special Education Procedures (March 2026)* is added as follows:

- k. By the school year in which the child turns 16, the transition planning process described above must include discussions with the IEP Team, child, Parent(s), and other appropriate team members regarding the child’s graduation status and the implications of high school graduation. Such discussions must inform the child, Parent(s), and the child’s designated representative under Section 14-6.10 of the *School Code* [105 ILCS 5/14-6.10] that:
 - (1) Graduation with a regular high school diploma terminates the child’s eligibility for a FAPE under IDEA and state law; and
 - (2) Under Section 14-1.02 of the *School Code* [105 ILCS 5/14-1.02], the child can continue to receive IEP services until the end of the school year in which the child turns 22 when appropriate to meet the student’s IEP goals.

3) **P.A. 104-47 (eff. 1-1-26) – Adds new 105 ILCS 5/14-19, *Parental notice of right to be accompanied to meeting and of the IEP facilitation process.***

In response, Section 4 A. 4. b. (2) on p. 22 of *Special Education Procedures (March 2026)* is added as follows:

- (2) Of their rights under 105 ILCS 5/14-19 to:
 - (a) Invite other individuals to the meeting to assist them, including individuals who have knowledge or special expertise regarding their child, and advocates for the Parents or child (and request that the Parent inform the school prior to the meeting if the Parent plans to bring other individuals so arrangements can be made to accommodate additional participants); and
 - (b) Request state-sponsored IEP facilitation, including receiving written informational material about the IEP facilitation process by the same distribution methods employed to transmit other documents and information related to an IEP meeting;

In response, Section 10 E. 2. b. (2) on pp. 44-45 of *Special Education Procedures (March 2026)* is added as follows:

- (2) Of their rights under 105 ILCS 5/14-19 to:
 - (a) Invite other individuals to the meeting to assist them, including individuals who have knowledge or special expertise regarding their child, and advocates for the Parents or child; and
 - (b) Request state-sponsored IEP facilitation, including receiving written informational material about the IEP facilitation process by the same methods as other documents and information related to the IEP meeting;
- 4) **P.A. 104-211 (eff. 8-15-25) – Imposes conditions on a waiver of legal right or claim in a mediation agreement, resolution agreement, or settlement agreement.**

In response, Section 10 L. on p. 54 of *Special Education Procedures (March 2026)* is added as follows:

L. Prospective Waiver of Legal Right or Claim

- 1. A mediation agreement, resolution agreement, or settlement agreement may include, as a condition of settlement, that a parent, child who is at least 18 years of age or emancipated, or designated representative of a child who is at least 18 years of age, prospectively waives a legal right or claim if:
 - a. The legal right or claim being waived is related only to the child who is the subject of the mediation, resolution meeting, or settlement negotiations;
 - b. The legal right or claim being waived is related to the claims raised in the complaint being settled; and
 - c. The prospective waiver is for a reasonable duration not to exceed the duration of the mediation agreement, resolution agreement, or settlement agreement.
- 5) **P.A. 104-232 (eff. 8-15-25) – Require discussions regarding the student’s graduation status and the impact of high school graduation beginning in the school year in which the student turns 16.**

In response, Section 4 A. 7. k. on p. 26 of *Special Education Procedures (March 2026)* is added as follows:

k. By the school year in which the child turns 16, the transition planning process described above must include discussions with the IEP Team, child, Parent(s), and other appropriate team members regarding the child's graduation status and the implications of high school graduation. Such discussions must inform the child, Parent(s), and the child's designated representative under Section 14-6.10 of the School Code [105 ILCS 5/14-6.10] that:

- (1) Graduation with a regular high school diploma terminates the child's eligibility for a FAPE under IDEA and state law; and
- (2) Under Section 14-1.02 of the School Code [105 ILCS 5/14-1.02], the child can continue to receive IEP services until the end of the school year in which the child turns 22 when appropriate to meet the student's IEP goals.

6) **P.A. 104-314 (eff. 1-1-26) – Requires that ABLÉ account informational materials be provided to parents/guardians and posted on the district's website beginning with the 2026-2027 school year.**

In response, Section 4 D. 7. on p. 30 of *Special Education Procedures (March 2026)* is amended as follows:

7. At the student's annual IEP review meeting the District will provide Parent(s) with informational material prepared by the Office of the State Treasurer about the Illinois Achieving a Better Life Experience (ABLE) account program for people with disabilities. This informational material will be distributed using the same methods as other documents and information related to the IEP meeting.

7) **P.A. 104-368 (eff. 1-1-26) – Expands timeline for initiating a due process hearing in response to an IEE request to 7 school days (previously 5 days) and for completing an IEE at public expense to 60 school days (previously 30 days).**

In response, Section 10 O. 5., 6. and 9. on pp. 55-56 of *Special Education Procedures (March 2026)* are amended as follows:

5. If the District disagrees with the need for an IEE, it shall initiate a due process hearing to demonstrate that its evaluation is appropriate. Such a hearing shall be initiated by the District within ~~five (5) calendar~~ seven (7) school days following receipt of a written parental request.

6. An IEE at public expense shall be completed within 60 school ~~30-calendar~~ days after receipt of a Parent's written request, unless the District initiates a due process hearing or the Parent or the District offers reasonable grounds to show the parties agree that the 60-school ~~30-calendar~~-day period should be extended. If either party wishes such an extension and is unable to obtain the other party's agreement, the District shall initiate a due process hearing.

9. If Parent(s) are entitled to an IEE at public expense, it shall be completed within ~~30-calendar~~ 60 school days after the decision is rendered, unless the Parent or the District offers reasonable grounds to show parties agree that the 60-school ~~30-calendar~~-day period should be extended. If either party wishes such an extension and is unable to obtain the other party's agreement, the District shall initiate a due process hearing.

8) **23 III.Admin.Code Part 226, amended at [49 III.Reg. 6901](#) – (see pages 264-291, eff. 5-5-25).**

In response, Section 3 A. 6. b. (1) on p. 10 of *Special Education Procedures (March 2026)* is added as follows:

- (1) The District shall convene a team of individuals (including the Parent(s)) having the knowledge and skills necessary to administer and interpret evaluation data. The composition of the team will vary depending upon the nature of the child's symptoms and other relevant factors.

In response, Section 4. A. 13. on p. 28 of *Special Education Procedures (March 2026)* is amended as follows:

13. Provision of IEP Copies. The District shall provide Parent(s) with a copy of the IEP at the conclusion of the IEP Team meeting, unless a later date is agreed upon by Parent(s) and documented in the IEP, at no cost to Parent(s). If the child is in the legal custody of the Department of Children and Family Services (DCFS), the District shall provide the DCFS Office of Education and Transition Services with a copy of the IEP at the conclusion of the IEP Team meeting at no cost.

In response, Section 10. B. 1. on p. 42 of *Special Education Procedures (March 2026)* is amended as follows:

1. The District shall provide 10 calendar school days written notice to the Parent(s) as required by State and federal law before proposing or refusing to initiate or change the identification, evaluation, or educational placement of, or the provision of free, appropriate public education to, a child. If the notice is related to an action proposed by the District that also requires informed written parental consent, the District may give notice at the same time as it requests informed written consent.