

**Revisions to ICSA's Special Education Procedures Assuring the Implementation of
Comprehensive Programming for Children with Disabilities
(Special Education Procedures)**

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ICSA's Special Education Procedures have been updated for continuous improvement and to incorporate the new Public Acts (P.A.s) detailed below.

1. **P.A. 102-199** amended various School Code provisions to require that, for a child in the legal custody of the Department of Children and Family Services (DCFS), districts provide certain notices and student records to the DCFS Office of Education and Transition Services.

- In response, the text box that appears on page 1 of Special Education Procedures is supplemented with the following statement:

For a child in the legal custody of the Department of Children and Family Services (DCFS), districts must provide the DCFS Office of Education and Transition Services with notice of major school-sponsored events, notice of meetings concerning the student that would otherwise involve a parent, and copies of specific student records, including but not limited to multidisciplinary conference summary reports and recommendations. See Public Act 102-199 for further information.

2. **P.A. 102-1072** amended 105 ILCS 5/14-6.01 to add a required element to the notice that districts must post on district websites and in student handbooks/newsletters that students with disabilities who do not qualify for an individualized education program may qualify for services under Section 504 of the Rehabilitation Act. This notice must also state that any parent who is deaf or does not typically communicate using spoken English and who participates in a Section 504 meeting is entitled to an interpreter.

- In response, Section 1(A)(B)(4) on p. 2-3 of Special Education Procedures is amended as follows:

B. Public Awareness

The District shall create public awareness of special education and related services and advise the public of the rights of children with disabilities pursuant to District developed procedures. In so doing, the District shall comply with the following:

4. The District will post on its website, if any, and incorporate into student handbooks/newsletters, notice that students with disabilities who do not qualify for special education and related services under the IDEA may qualify for services under Section 504 if the student: (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of a physical or mental impairment; or (3) is regarded as having a physical or mental impairment. The notice will state that any Parent who is deaf or does not typically communicate using spoken English and who participates in a Section 504 meeting is entitled to the services of an interpreter.

P.A. 102-1072 also amended 105 ILCS 5/14-8.02a to require that hearing officers or mediators require a district to provide a qualified interpreter for any parent who is deaf or does not typically communicate using spoken English and who participants in a due process hearing or mediation.

- In response, Section 10(I)(12) on p. 63 of Special Education Procedures is amended as follows:

I. Filing a Due Process Complaint

12. ~~Either party, or any other person participating in the hearing, may request~~At all stages of the hearing or mediation, the hearing officer or mediator must require that an-interpreters licensed pursuant to the Interpreter for the Deaf Licensure Act of 2007 be available during the hearing ~~because one of the participants is hearing impaired~~for persons who are deaf and/or qualified interpreters be available for persons whose normally spoken uses a primary language is other than English. Interpreters shall be provided at the expense of the District.

3. **P.A. 102-516** amended 105 ILCS 5/14-8.03 to require that, as a component of transition planning, a district shall provide a student with information about the district's career and technical education (CTE) opportunities and postsecondary CTE opportunities.

- In response, Section 4(A)(2)(k) on p. 25 of Special Education Procedures is amended as follows:

A. Development of IEP

2. The specified group of persons responsible for the development of the IEP (IEP Team) includes:
 - k. If transition services will be discussed and with the informed written consent of Parents (or child who has reached the age of majority), the District shall invite representative(s) of any participating agencies that are likely to be responsible for providing or paying for transition services. This may include, without limitation, a representative from the Department of Human Services or another State agency, a case coordinator, or persons representing other public or community agencies or services, such as adult service providers, disability services coordinators of public community colleges, and a career and technical education (CTE) coordinator.

4. **P.A. 102-057**, amended 105 ILCS 5/2-3.163 to require that the Illinois State Board of Education, through districts, provide parents and guardians with a copy of the Department of Human Services' "Understanding PUNS: A Guide to Prioritization for Urgency of Need for Services" at IEP annual review meetings.

P.A. 102-841, created new 105 ILCS 5/14-8.02i to require that beginning with the 2023-2024 school year, districts provide informational material about the Achieving a Better Life Experience (ABLE) account program to parents and guardians at IEP annual review meetings.

- In response to these two P.A.s, Section 4(D) on p. 35-36 of Special Education Procedures is amended as follows:

D. Review and Revision of the IEP

1. The IEP of each child with a disability currently receiving special education and related services must be reviewed at least annually to determine whether the annual goals are being achieved. The IEP should be revised as appropriate to address any lack of expected progress toward the annual goals; the results of a reevaluation; information about the child provided to, or by, the Parent(s); the child's anticipated needs; or other matters.
 2. A child's teacher or Parent(s) may request a review of the child's IEP at any time. Within 10 calendar days after receipt of such request, the District will either agree and notify Parent(s) of the meeting, or notify Parent(s) in writing of its refusal to meet. Notice of a refusal will include an explanation of the reason no meeting is necessary to ensure a FAPE to the child. Parent(s) may revoke their consent for special education services in accordance with their procedural safeguards. (See Section 10, G.)
 3. After the annual review IEP Team meeting, Parent(s) and the District may agree not to convene an IEP Team meeting for the purpose of making changes to a child's IEP and instead may develop a written document to amend or modify the current IEP, rather than redrafting the entire IEP. The District must ensure that the child's IEP Team is informed of those changes. Upon request, a Parent must be provided with a revised copy of the IEP with the amendments incorporated.
 4. If a participating agency other than the District, fails to provide the transition services described in the IEP, the IEP Team must reconvene to identify alternative strategies to meet the transition objectives for the child set out in the IEP.
 5. At the student's annual IEP review meeting the District will provide Parents a copy of the Department of Human Services' guide *Understanding PUNS: A Guide to Prioritization for Urgency of Need for Services*.
 6. Beginning with the 2023-2024 school year, at the student's annual IEP review meeting the District will provide Parents with informational material prepared by the Office of the State Treasurer about the Achieving a Better Life Experience (ABLE) account program for people with disabilities.
5. **P.A. 102-703** amended 105 ILCS 5/14-7.02 to allow districts to residentially place a student in a non-ISBE approved nonpublic special education facility on an emergency and student-specific basis when certain conditions are met.
- In response, Section 9(A) on p. 47 of Special Education Procedures is amended as follows:
 - A. Placements by the District in Nonpublic Special Education Programs/Facilities
 1. The IEP Team shall conduct a meeting(s) and complete an IEP before placing a child in a nonpublic special education program or facility. *Nonpublic special education facility* includes residential facilities, within or outside the State of Illinois, which provide special education and related services to meet the needs of a child by using private schools or public schools, whether located on or off the site of the residential facility.
 2. Except for emergency and student-specific placements made under subsection 4, below, theThe District will determine, for those children placed in a nonpublic

special education program or facility, that the conditions contained in 23 Ill. Admin. Code §226.330(c) are satisfied.

3. Before placing a child in an out-of-state residential facility, the District shall offer the option to place the child in an in-state residential facility, if any, that provides treatment or services comparable to those provided by the out-of-state residential facility. This offer shall occur at every annual review for children placed in an out-of-state residential facility.
4. The District may place a student in a nonpublic special education facility providing educational services, but not approved by ISBE, provided that ISBE provides an emergency and student-specific approval for placement. In such cases the District will demonstrate to ISBE that the conditions contained in 23 Ill. Admin. Code §226.330(g) are satisfied.