



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB4280

Introduced 1/14/2026, by Rep. Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-8.02

Amends the Children with Disabilities Article of the School Code. With respect to the identification, evaluation, and placement of children, requires the State Superintendent of Education to send a copy of certain revised uniform notices by July 1 of every even-numbered year to each school district and statewide organization representing those school professions involved with individualized education programs. Requires the copy of the revised uniform notices to include an updated instruction guide and access to remote training materials. Provides that a third-party software provider that creates a platform for an individualized educational assessment form shall include a footnote that includes a reference to how to contact the State Board of Education, instructions on completing an individualized educational assessment form, an instructional video on how to fill out an individualized educational assessment form, and contact information for a person at the State Board of Education who can answer questions about completing an individualized educational assessment form. Prohibits a school district from modifying or customizing its individualized educational assessment form. Provides that the State Board of Education, in its adoption of rules regarding an individualized education program, may not include in an individualized educational assessment form a separate section regarding autism consideration.

LRB104 16661 LNS 30065 b

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)

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

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

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

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

1 disagrees with the evaluation findings conducted or obtained  
2 by the school district. If the school district's evaluation is  
3 shown to be inappropriate, the school district shall reimburse  
4 the parent for the cost of the independent evaluation. The  
5 State Board of Education shall, with advice from the State  
6 Advisory Council on Education of Children with Disabilities on  
7 the inclusion of specific independent educational evaluators,  
8 prepare a list of suggested independent educational  
9 evaluators. The State Board of Education shall include on the  
10 list clinical psychologists licensed pursuant to the Clinical  
11 Psychologist Licensing Act. Such psychologists shall not be  
12 paid fees in excess of the amount that would be received by a  
13 school psychologist for performing the same services. The  
14 State Board of Education shall supply school districts with  
15 such list and make the list available to parents at their  
16 request. School districts shall make the list available to  
17 parents at the time they are informed of their right to obtain  
18 an independent educational evaluation. However, the school  
19 district may initiate an impartial due process hearing under  
20 this Section within 7 school days of any written parent  
21 request for an independent educational evaluation to show that  
22 its evaluation is appropriate. If the final decision is that  
23 the evaluation is appropriate, the parent still has a right to  
24 an independent educational evaluation, but not at public  
25 expense. An independent educational evaluation at public  
26 expense must be completed within 60 school days of a parent's

1 written request unless the school district initiates an  
2 impartial due process hearing or the parent or school district  
3 offers reasonable grounds to show that such time period should  
4 be extended. If the due process hearing decision indicates  
5 that the parent is entitled to an independent educational  
6 evaluation, it must be completed within 60 school days of the  
7 decision unless the parent or the school district offers  
8 reasonable grounds to show that such period should be  
9 extended. If a parent disagrees with the summary report or  
10 recommendations of the multidisciplinary conference or the  
11 findings of any educational evaluation which results  
12 therefrom, the school district shall not proceed with a  
13 placement based upon such evaluation and the child shall  
14 remain in his or her regular classroom setting. No child shall  
15 be eligible for admission to a special class for children with  
16 a mental disability who are educable or for children with a  
17 mental disability who are trainable except with a  
18 psychological evaluation and recommendation by a school  
19 psychologist. Consent shall be obtained from the parent of a  
20 child before any evaluation is conducted. If consent is not  
21 given by the parent or if the parent disagrees with the  
22 findings of the evaluation, then the school district may  
23 initiate an impartial due process hearing under this Section.  
24 The school district may evaluate the child if that is the  
25 decision resulting from the impartial due process hearing and  
26 the decision is not appealed or if the decision is affirmed on

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

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

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

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

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

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

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

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

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

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

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

26 Public Act 95-257 does not create any new entitlement to a

1 service, program, or benefit, but must not affect any  
2 entitlement to a service, program, or benefit created by any  
3 other law.

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

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

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

22 (d) To the maximum extent appropriate, the placement shall  
23 provide the child with the opportunity to be educated with  
24 children who do not have a disability; provided that children  
25 with disabilities who are recommended to be placed into  
26 regular education classrooms are provided with supplementary

1 services to assist the children with disabilities to benefit  
2 from the regular classroom instruction and are included on the  
3 teacher's regular education class register. Subject to the  
4 limitation of the preceding sentence, placement in special  
5 classes, separate schools or other removal of the child with a  
6 disability from the regular educational environment shall  
7 occur only when the nature of the severity of the disability is  
8 such that education in the regular classes with the use of  
9 supplementary aids and services cannot be achieved  
10 satisfactorily. The placement of English learners with  
11 disabilities shall be in non-restrictive environments which  
12 provide for integration with peers who do not have  
13 disabilities in bilingual classrooms. Annually, each January,  
14 school districts shall report data on students from  
15 non-English speaking backgrounds receiving special education  
16 and related services in public and private facilities as  
17 prescribed in Section 2-3.30. If there is a disagreement  
18 between parties involved regarding the special education  
19 placement of any child, either in-state or out-of-state, the  
20 placement is subject to impartial due process procedures  
21 described in Article 10 of the Rules and Regulations to Govern  
22 the Administration and Operation of Special Education.

23 (e) No child who comes from a home in which a language  
24 other than English is the principal language used may be  
25 assigned to any class or program under this Article until he  
26 has been given, in the principal language used by the child and

1 used in his home, tests reasonably related to his cultural  
2 environment. All testing and evaluation materials and  
3 procedures utilized for evaluation and placement shall not be  
4 linguistically, racially or culturally discriminatory.

5 (f) Nothing in this Article shall be construed to require  
6 any child to undergo any physical examination or medical  
7 treatment whose parents object thereto on the grounds that  
8 such examination or treatment conflicts with his religious  
9 beliefs.

10 (g) School boards or their designee shall provide to the  
11 parents of a child or, if applicable, the Department of  
12 Children and Family Services' Office of Education and  
13 Transition Services prior written notice of any decision (a)  
14 proposing to initiate or change, or (b) refusing to initiate  
15 or change, the identification, evaluation, or educational  
16 placement of the child or the provision of a free appropriate  
17 public education to their child, and the reasons therefor. For  
18 a parent, such written notification shall also inform the  
19 parent of the opportunity to present complaints with respect  
20 to any matter relating to the educational placement of the  
21 student, or the provision of a free appropriate public  
22 education and to have an impartial due process hearing on the  
23 complaint. The notice shall inform the parents in the parents'  
24 native language, unless it is clearly not feasible to do so, of  
25 their rights and all procedures available pursuant to this Act  
26 and the federal Individuals with Disabilities Education

1 Improvement Act of 2004 (Public Law 108-446); it shall be the  
2 responsibility of the State Superintendent to develop uniform  
3 notices setting forth the procedures available under this Act  
4 and the federal Individuals with Disabilities Education  
5 Improvement Act of 2004 (Public Law 108-446) to be used by all  
6 school boards. The notice shall also inform the parents of the  
7 availability upon request of a list of free or low-cost legal  
8 and other relevant services available locally to assist  
9 parents in initiating an impartial due process hearing. The  
10 State Superintendent shall revise the uniform notices required  
11 by this subsection (g) to reflect current law and procedures  
12 at least once every 2 years. The State Superintendent shall  
13 send a copy of the revised uniform notices by July 1 of every  
14 even-numbered year to each school district and statewide  
15 organization representing those school professions involved  
16 with individualized education programs, including, but not  
17 limited to, speech-language pathologists, school social  
18 workers, occupational therapists, and physical therapists. The  
19 copy of the revised uniform notices shall include an updated  
20 instruction guide and access to remote training materials.

21 Any parent who is deaf or does not normally communicate  
22 using spoken English and who participates in a meeting with a  
23 representative of a local educational agency for the purposes  
24 of developing an individualized educational program or attends  
25 a multidisciplinary conference shall be entitled to the  
26 services of an interpreter. The State Board of Education must

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

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

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

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

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

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

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

13 (h) In the development of the individualized education  
14 program or federal Section 504 plan for a student, if the  
15 student needs extra accommodation during emergencies,  
16 including natural disasters or an active shooter situation,  
17 then that accommodation shall be taken into account when  
18 developing the student's individualized education program or  
19 federal Section 504 plan.

20 (i) A third-party software provider that creates a  
21 platform for an individualized educational assessment form  
22 shall include, on each page of the individualized educational  
23 assessment form, a footnote that includes a reference to how  
24 to contact the State Board of Education, instructions on  
25 completing an individualized educational assessment form, an  
26 instructional video on how to fill out an individualized

1 educational assessment form, and contact information for a  
2 person at the State Board of Education who can answer  
3 questions about completing an individualized educational  
4 assessment form.

5 (j) A school district may not modify or customize its  
6 individualized educational assessment form.

7 (k) The State Board of Education, in its adoption of rules  
8 regarding an individualized education program, may not include  
9 in an individualized educational assessment form a separate  
10 section regarding autism consideration.

11 (Source: P.A. 103-197, eff. 1-1-24; 103-605, eff. 7-1-24;  
12 104-270, eff. 8-15-25; 104-368, eff. 1-1-26; revised 9-12-25.)