



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB5488

Introduced 2/13/2026, by Rep. Laura Faver Dias

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-8.02j new

Amends the Children with Disabilities Article of the School Code. Allows the parent or guardian of a student or a student if the student is at least 18 years of age or emancipated to request an impartial, federal Section 504 due-process hearing. Within 3 business days after receipt of the request, requires a school district, special education joint agreement, or other educational entity to appoint a qualified, impartial hearing officer and to notify the hearing officer of the appointment. Requires a hearing officer to disclose any actual or potential conflict of interest to the parties. Sets forth requirements for the request, the notification of a hearing officer appointment, the response to complaints, and amendments to hearing requests. Sets forth the responsibilities of the hearing officer and the hearing procedures. Sets forth the qualification requirements to be a hearing officer. Requires the State Board of Education to create a training module for hearing officers, conduct the training, and determine whether an individual is appropriately qualified. Provides that the provisions apply to all Section 504 impartial due-process hearings requested after January 1, 2027 in cases regarding the identification, evaluation, eligibility, accommodations, or educational placement of a student who, because of a disability, is in need of or is believed to be in need of accommodations or services from a school district, special education joint agreement, or other educational entity. Provides that nothing in the provisions may be construed to require a party in a Section 504 complaint to exhaust administrative remedies prior to commencing a civil action in a court of competent jurisdiction.

LRB104 20468 LNS 33937 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 adding Section  
5 14-8.02j as follows:

6 (105 ILCS 5/14-8.02j new)

7 Sec. 14-8.02j. Section 504 impartial due-process hearings.

8 (a) This Section applies to all federal Section 504  
9 impartial due-process hearings requested after January 1, 2027  
10 in cases regarding the identification, evaluation,  
11 eligibility, accommodations, or educational placement of a  
12 student who, because of a disability, is in need of or is  
13 believed to be in need of accommodations or services from a  
14 school district, special education joint agreement, or other  
15 educational entity.

16 (b) As used in this Section:

17 "Day" means the computation of days under Section 1.11 of  
18 the Statute on Statutes.

19 "Disability" has the meaning given to that term in the  
20 Environmental Barriers Act.

21 "Impartial", with respect to a hearing, means that a  
22 person (i) is not currently a resident of the school district,  
23 special education joint agreement, or other educational entity

1 that is a party to the hearing, except this disqualification  
2 does not apply to a hearing in which the party is a school  
3 district organized under Article 34; (ii) has not represented  
4 a party to the hearing as legal counsel within one year prior  
5 to the request for the hearing; and (iii) does not have a  
6 conflict of interest or has a conflict of interest that the  
7 parties have agreed in writing to waive.

8 "Qualified" means that a person meets the minimum  
9 requirements to be an impartial hearing officer under  
10 subsection (f).

11 (c) An impartial Section 504 due-process hearing may be  
12 requested by the parent or guardian of a student or by a  
13 student if the student is at least 18 years of age or  
14 emancipated. The request shall be made in writing to the  
15 superintendent of the school district where the student  
16 resides. If the respondent is a special education joint  
17 agreement or other educational entity, the request shall be  
18 made in writing to the chief administrator of the special  
19 education joint agreement or other educational entity.

20 The hearing request shall, at a minimum, include (i) the  
21 name of the student, (ii) the student's address of residence,  
22 (iii) the name of the school the student is attending, (iv) a  
23 brief description of the nature of the problem relating to the  
24 identification, evaluation, eligibility, accommodations, or  
25 educational placement of the student, and (v) a proposed  
26 resolution of the problem to the extent known and available to

1 the party requesting the hearing. If the student is a homeless  
2 child as defined in the federal McKinney-Vento Homeless  
3 Assistance Act, available contact information for the student  
4 shall be provided.

5 Within 3 business days after receipt of the hearing  
6 request, the school district, special education joint  
7 agreement, or other educational entity shall appoint a  
8 qualified, impartial hearing officer and shall notify the  
9 hearing officer of the appointment. Within 5 business days  
10 after the hearing officer's appointment, the hearing officer  
11 shall notify the parties of the appointment in writing. Within  
12 7 business days after the hearing request is received, the  
13 respondent shall file and serve upon the complainant a written  
14 response or other documentation indicating the respondent's  
15 position on the issues raised in the hearing request. The  
16 complainant shall have 5 days after the initial hearing  
17 request is received to file an amended hearing request as a  
18 matter of right. No further amendments of the hearing request  
19 may be filed without leave of the hearing officer. The filing  
20 of an amended hearing request shall reset the timelines under  
21 this Section.

22 (d) A hearing officer must disclose to the parties any  
23 actual or potential conflict of interest, including, but not  
24 limited to, (i) former employment with the school district,  
25 special education joint agreement, or other educational entity  
26 that is a party to the hearing or (ii) any personal,

1 professional, or financial interest that may interfere with  
2 the hearing officer's objectivity as a hearing officer. If the  
3 hearing officer has a conflict of interest, the hearing  
4 officer shall recuse himself or herself unless all parties  
5 agree in writing to waive the conflict of interest. A party may  
6 raise facts that constitute a conflict of interest at any time  
7 during the proceedings.

8 (e) The hearing officer shall be responsible for  
9 scheduling and conducting the hearing. The hearing officer  
10 shall not initiate or participate in any ex parte  
11 communications with the parties or their counsel, except to  
12 arrange the date, time, and location of the hearing. The  
13 hearing officer may convene a prehearing conference at least 5  
14 days prior to the hearing to address how the hearing will be  
15 conducted, including, but not limited to, the exchange of  
16 witness lists and documentation, the introduction of evidence,  
17 and the scheduling of witnesses.

18 The hearing shall be held at a time and place that are  
19 reasonably convenient for the parties involved. The hearing  
20 date shall be no earlier than 15 business days after the  
21 respondent's receipt of the hearing request and no later than  
22 45 business days after the respondent's receipt of the hearing  
23 request. If the student's health or safety requires  
24 accelerated attention, the parent or guardian may request an  
25 expedited hearing to begin no later than 20 days after the  
26 respondent receives the hearing request. The hearing officer

1 shall grant this request upon a determination of good cause.  
2 The hearing may be held by remote means at the discretion of  
3 the hearing officer. However, all or a portion of the hearing  
4 shall be held in person upon the request of a party for good  
5 cause.

6 The hearing shall address only those issues properly  
7 raised under this Section in the hearing request.

8 The parent or guardian involved in the hearing shall have  
9 the right to have the student who is the subject of the hearing  
10 present. Any party may be represented by legal counsel. A  
11 parent, guardian, or student may be accompanied and advised by  
12 people with special knowledge or training with respect to the  
13 problems of students with disabilities at the party's own  
14 expense.

15 Any party to the hearing has the right to present evidence  
16 and confront and cross-examine witnesses.

17 The length of the hearing may not exceed 7 days unless good  
18 cause is shown. Good cause shall be determined by the hearing  
19 officer.

20 The school district, special education joint agreement, or  
21 other educational entity that is the responding party shall be  
22 responsible for the costs of the hearing officer and for  
23 providing a written or electronic verbatim record of the  
24 proceedings.

25 The school district, special education joint agreement, or  
26 other educational entity that is a party to the hearing must

1 provide and pay for interpretation services for a parent or  
2 student who has a primary language other than English at all  
3 stages of the process, including the hearing and the  
4 prehearing conference. An interpreter may be requested by any  
5 party and must be qualified under standards adopted by the  
6 State Board of Education. For a parent or student who is deaf  
7 or hard of hearing, the interpreter must be licensed under the  
8 Interpreter for the Deaf Licensure Act of 2007.

9 The hearing officer shall issue a final written decision,  
10 including findings of fact and conclusions of law, within 10  
11 business days after the conclusion of the hearing and mail a  
12 copy of the decision to each party.

13 (f) To be qualified to serve as a Section 504 impartial  
14 due-process hearing officer an individual must, at a minimum,  
15 possess the following credentials:

16 (1) a juris doctor degree from an accredited law  
17 school and an active license to practice law in this State  
18 or another jurisdiction or a master's or doctoral degree  
19 in education or another field related to disability law or  
20 people with disabilities;

21 (2) the knowledge of and ability to understand the  
22 requirements of Section 504 of the federal Rehabilitation  
23 Act of 1973, its implementing federal regulations, related  
24 State statutes and rules, and legal interpretations of  
25 those statutes, regulations, and rules by federal and  
26 State courts;

1           (3) the demonstrated ability to conduct hearings in  
2           accordance with appropriate standard legal practice; and

3           (4) the demonstrated ability to issue and write clear  
4           and concise decisions that address the issues in the case  
5           and meet appropriate legal standards.

6           (g) The State Board of Education shall create a training  
7           module for Section 504 impartial due-process hearing officers,  
8           conduct the training, and determine whether an individual is  
9           appropriately qualified. The training process and  
10           determination of whether an individual is qualified shall  
11           include a review of the individual's experience, an  
12           examination, and a sample of issue analysis and writing a  
13           decision based on a hypothetical case. The State Board of  
14           Education shall cover the costs associated with the training  
15           and the determination of whether an individual is qualified.

16           (h) Nothing in this Section may be construed to require a  
17           party in a Section 504 complaint to exhaust administrative  
18           remedies prior to commencing a civil action in a court of  
19           competent jurisdiction.