



Rep. Fred Crespo

Filed: 3/20/2019

10100HB3586ham001

LRB101 09750 AXK 58145 a

1 AMENDMENT TO HOUSE BILL 3586

2 AMENDMENT NO. _____. Amend House Bill 3586 by replacing
3 everything after the enacting clause with the following:

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

6 (105 ILCS 5/14-6.01) (from Ch. 122, par. 14-6.01)

7 Sec. 14-6.01. Powers and duties of school boards. School
8 boards of one or more school districts establishing and
9 maintaining any of the educational facilities described in this
10 Article shall, in connection therewith, exercise similar
11 powers and duties as are prescribed by law for the
12 establishment, maintenance, and management of other recognized
13 educational facilities. Such school boards shall include only
14 eligible children in the program and shall comply with all the
15 requirements of this Article and all rules and regulations
16 established by the State Board of Education. Such school boards

1 shall accept in part-time attendance children with
2 disabilities of the types described in Sections 14-1.02 through
3 14-1.07 who are enrolled in nonpublic schools. A request for
4 part-time attendance must be submitted by a parent or guardian
5 of the child with a disability and may be made only to those
6 public schools located in the district where the child
7 attending the nonpublic school resides; however, nothing in
8 this Section shall be construed as prohibiting an agreement
9 between the district where the child resides and another public
10 school district to provide special educational services if such
11 an arrangement is deemed more convenient and economical.
12 Special education and related services must be provided in
13 accordance with the student's IEP no later than 10 school
14 attendance days after notice is provided to the parents
15 pursuant to Section 300.503 of Title 34 of the Code of Federal
16 Regulations and implementing rules adopted by the State Board
17 of Education. Transportation for students in part time
18 attendance shall be provided only if required in the child's
19 individualized educational program on the basis of the child's
20 disabling condition or as the special education program
21 location may require.

22 Beginning with the 2019-2020 school year, a school board
23 shall post on its Internet website, if any, and incorporate
24 into its student handbook or newsletter notice that students
25 with disabilities who do not qualify for an individualized
26 education program, as required by the federal Individuals with

1 Disabilities Education Act and implementing provisions of this
2 Code, may qualify for services under Section 504 of the federal
3 Rehabilitation Act of 1973 if the child (i) has a physical or
4 mental impairment that substantially limits one or more major
5 life activities, (ii) has a record of a physical or mental
6 impairment, or (iii) is regarded as having a physical or mental
7 impairment. Such notice shall identify the location and phone
8 number of the office or agent of the school district to whom
9 inquiries should be directed regarding the identification,
10 assessment and placement of such children.

11 For a school district organized under Article 34 only,
12 beginning with the 2019-2020 school year, the school district
13 shall, in collaboration with its primary office overseeing
14 special education, publish on the school district's publicly
15 available website any proposed changes to its special education
16 policies, directives, guidelines, or procedures that impact
17 the provision of educational or related services to students
18 with disabilities or the procedural safeguards afforded to
19 students with disabilities or their parents or guardians made
20 by the school district or school board. Any policy, directive,
21 guideline, or procedural change that impacts those provisions
22 or safeguards that is authorized by the school district's
23 primary office overseeing special education or any other
24 administrative office of the school district must be published
25 on the school district's publicly available website no later
26 than 45 days before the adoption of that change. Any policy

1 directive, guideline, or procedural change that impacts those
2 provisions or safeguards that is authorized by the school board
3 must be published on the school district's publicly available
4 website no later than 30 days before the date of presentation
5 to the school board for adoption. The school district's website
6 must allow for virtual public comments on proposed special
7 education policy, directive, guideline, or procedural changes
8 that impact the provision of educational or related services to
9 students with disabilities or the procedural safeguards
10 afforded to students with disabilities or their parents or
11 guardians from the date of the notification of the proposed
12 change on the website until the date the change is adopted by
13 the school district or until the date the change is presented
14 to the school board for adoption. After the period for public
15 comment is closed, the school district must maintain all public
16 comments for a period of not less than 2 years from the date
17 the special education change is adopted. The public comments
18 are subject to the Freedom of Information Act. The school board
19 shall, at a minimum, advertise the notice of the change and
20 availability for public comment on its website. The State Board
21 of Education may add additional reporting requirements for the
22 district beyond policy, directive, guideline, or procedural
23 changes that impact the provision of educational or related
24 services to students with disabilities or the procedural
25 safeguards afforded to students with disabilities or their
26 parents or guardians if the State Board determines it is in the

1 best interest of the students enrolled in the district
2 receiving special education services.

3 School boards shall immediately provide upon request by any
4 person written materials and other information that indicates
5 the specific policies, procedures, rules and regulations
6 regarding the identification, evaluation or educational
7 placement of children with disabilities under Section 14-8.02
8 of the School Code. Such information shall include information
9 regarding all rights and entitlements of such children under
10 this Code, and of the opportunity to present complaints with
11 respect to any matter relating to educational placement of the
12 student, or the provision of a free appropriate public
13 education and to have an impartial due process hearing on the
14 complaint. The notice shall inform the parents or guardian in
15 the parents' or guardian's native language, unless it is
16 clearly not feasible to do so, of their rights and all
17 procedures available pursuant to this Act and federal Public
18 Law 94-142; it shall be the responsibility of the State
19 Superintendent to develop uniform notices setting forth the
20 procedures available under this Act and federal Public Law
21 94-142, as amended, to be used by all school boards. The notice
22 shall also inform the parents or guardian of the availability
23 upon request of a list of free or low-cost legal and other
24 relevant services available locally to assist parents or
25 guardians in exercising rights or entitlements under this Code.
26 For a school district organized under Article 34 only, the

1 school district must make the entirety of its special education
2 Procedural Manual and any other guidance documents pertaining
3 to special education publicly available, in print and on the
4 school district's website, in both English and Spanish. Upon
5 request, the school district must make the Procedural Manual
6 and other guidance documents available in print in any other
7 language and accessible for individuals with disabilities.

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

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

22 Effective July 1, 1966, high school districts are
23 financially responsible for the education of pupils with
24 disabilities who are residents in their districts when such
25 pupils have reached age 15 but may admit children with
26 disabilities into special educational facilities without

1 regard to graduation from the eighth grade after such pupils
2 have reached the age of 14 1/2 years. Upon a pupil with a
3 disability attaining the age of 14 1/2 years, it shall be the
4 duty of the elementary school district in which the pupil
5 resides to notify the high school district in which the pupil
6 resides of the pupil's current eligibility for special
7 education services, of the pupil's current program, and of all
8 evaluation data upon which the current program is based. After
9 an examination of that information the high school district may
10 accept the current placement and all subsequent timelines shall
11 be governed by the current individualized educational program;
12 or the high school district may elect to conduct its own
13 evaluation and multidisciplinary staff conference and
14 formulate its own individualized educational program, in which
15 case the procedures and timelines contained in Section 14-8.02
16 shall apply.

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

19 (105 ILCS 5/14-8.02f)

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

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

24 (b) This subsection (b) applies only to a school district
25 organized under Article 34. No later than 10 calendar days

1 prior to a child's individualized education program meeting or
2 as soon as possible if a meeting is scheduled within 10
3 calendar days with written parental consent, the school board
4 or school personnel must provide the child's parent or guardian
5 with a written notification of the services that require a
6 specific data collection procedure from the school district for
7 services related to the child's individualized education
8 program. The notification must indicate, with a checkbox,
9 whether specific data has been collected for the child's
10 individualized education program services. For purposes of
11 this subsection (b), individualized education program services
12 must include, but are not limited to, paraprofessional support,
13 an extended school year, transportation, therapeutic day
14 school, and services for specific learning disabilities.

15 (c) No later than 5 school days prior to a child's
16 individualized education program eligibility meeting or
17 meeting to review a child's individualized education program,
18 or as soon as possible if an individualized education program
19 meeting is scheduled within 5 school days with written parental
20 or guardian consent, the local education agency must provide
21 the child's parent or guardian with copies of all relevant
22 information collected about the child so that the parent or
23 guardian may participate in the meeting as a fully-informed
24 team member. The relevant documentation must include, but is
25 not limited to, all evaluations and collected data that will be
26 considered at the meeting and, for a child who is already found

1 to be eligible for an individualized education program, a draft
2 copy of all individualized education program components that
3 will be discussed by the individualized education program team,
4 other than the educational and related service minutes proposed
5 for the child and the child's educational placement. as soon as
6 possible if a meeting is scheduled within 5 school days with
7 written parental consent, the school board or school personnel
8 must provide the child's parent or guardian with a draft
9 individualized education program. The draft must contain all
10 relevant information collected about the child and must
11 include, but is not limited to, the program's goals, draft
12 accommodations and modifications, copies of all conducted
13 evaluations, and any collected data.

14 (d) Local education agencies must make related service logs
15 that record the type of related services administered under the
16 child's individualized education program and the minutes of
17 each type of related service that has been administered
18 available to the child's parent or guardian at the annual
19 review of the child's individualized education program and must
20 also provide a copy of the related service logs at any time
21 upon request of the child's parent or guardian. The local
22 education agency must inform the child's parent or guardian
23 within 20 school days from the beginning of the school year or
24 upon establishment of an individualized education program of
25 his or her ability to request those related service logs. If a
26 child's individualized education program team determines that

1 certain services are required in order for the child to receive
2 a free, appropriate public education and those services are not
3 administered ~~implemented~~ within 10 school days after a date or
4 frequency set forth by the child's individualized education
5 program ~~the team's determination~~, then the local education
6 agency ~~school board~~ shall provide the child's parent or
7 guardian with written notification that those services have not
8 yet been administered to the child. The notification must be
9 provided to the child's parent or guardian within 3 school days
10 of the local education agency's non-compliance with the child's
11 individualized education program and must include information
12 on the parent's or guardian's ability to request compensatory
13 services. In this subsection (d), "school days" does not
14 include days where a child is absent from school for reasons
15 unrelated to a lack of individualized education program
16 services.

17 (e) The State Board of Education may create a telephone
18 hotline to address complaints regarding the special education
19 services or lack of special education services of a school
20 district subject to this Section. If a hotline is created, it
21 must be available to all students enrolled in the school
22 district, parents or guardians of those students, and school
23 personnel. If a hotline is created, any complaints received
24 through the hotline must be registered and recorded with the
25 State Board's monitor of special education policies. No
26 student, parent or guardian, or member of school personnel may

1 be retaliated against for submitting a complaint through a
2 telephone hotline created by the State Board under this
3 subsection (e).

4 (f) A school district subject to this Section may not use
5 any measure that would prevent or delay an individualized
6 education program team from adding a service to the program or
7 create a time restriction in which a service is prohibited from
8 being added to the program. The school district may not build
9 functions into its computer software that would remove any
10 services from a student's individualized education program
11 without the approval of the program team and may not prohibit
12 the program team from adding a service to the program.

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

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

16 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

17 Sec. 2. As used in this Act,

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

20 (b) "School" means any public preschool, day care center,
21 kindergarten, nursery, elementary or secondary educational
22 institution, vocational school, special educational facility
23 or any other elementary or secondary educational agency or
24 institution and any person, agency or institution which

1 maintains school student records from more than one school, but
2 does not include a private or non-public school.

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

4 (d) "School Student Record" means any writing or other
5 recorded information concerning a student and by which a
6 student may be individually identified, maintained by a school
7 or at its direction or by an employee of a school, regardless
8 of how or where the information is stored. The following shall
9 not be deemed school student records under this Act: writings
10 or other recorded information maintained by an employee of a
11 school or other person at the direction of a school for his or
12 her exclusive use; provided that all such writings and other
13 recorded information are destroyed not later than the student's
14 graduation or permanent withdrawal from the school; and
15 provided further that no such records or recorded information
16 may be released or disclosed to any person except a person
17 designated by the school as a substitute unless they are first
18 incorporated in a school student record and made subject to all
19 of the provisions of this Act. School student records shall not
20 include information maintained by law enforcement
21 professionals working in the school.

22 (e) "Student Permanent Record" means the minimum personal
23 information necessary to a school in the education of the
24 student and contained in a school student record. Such
25 information may include the student's name, birth date,
26 address, grades and grade level, parents' names and addresses,

1 attendance records, and such other entries as the State Board
2 may require or authorize.

3 (f) "Student Temporary Record" means all information
4 contained in a school student record but not contained in the
5 student permanent record. Such information may include family
6 background information, intelligence test scores, aptitude
7 test scores, psychological and personality test results,
8 teacher evaluations, and other information of clear relevance
9 to the education of the student, all subject to regulations of
10 the State Board. The information shall include information
11 provided under Section 8.6 of the Abused and Neglected Child
12 Reporting Act and information contained in service logs
13 maintained by a local education agency under subsection (d) of
14 Section 14-8.02f of the School Code. In addition, the student
15 temporary record shall include information regarding serious
16 disciplinary infractions that resulted in expulsion,
17 suspension, or the imposition of punishment or sanction. For
18 purposes of this provision, serious disciplinary infractions
19 means: infractions involving drugs, weapons, or bodily harm to
20 another.

21 (g) "Parent" means a person who is the natural parent of
22 the student or other person who has the primary responsibility
23 for the care and upbringing of the student. All rights and
24 privileges accorded to a parent under this Act shall become
25 exclusively those of the student upon his 18th birthday,
26 graduation from secondary school, marriage or entry into

1 military service, whichever occurs first. Such rights and
2 privileges may also be exercised by the student at any time
3 with respect to the student's permanent school record.

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

5 Section 99. Effective date. This Act takes effect July 1,
6 2019.".