

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) (from Ch. 122, par. 14-8.02)

7 (Text of Section before amendment by P.A. 102-199)

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

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

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

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

1 district. If the school district's evaluation is shown to be  
2 inappropriate, the school district shall reimburse the parent  
3 for the cost of the independent evaluation. The State Board of  
4 Education shall, with advice from the State Advisory Council  
5 on Education of Children with Disabilities on the inclusion of  
6 specific independent educational evaluators, prepare a list of  
7 suggested independent educational evaluators. The State Board  
8 of Education shall include on the list clinical psychologists  
9 licensed pursuant to the Clinical Psychologist Licensing Act.  
10 Such psychologists shall not be paid fees in excess of the  
11 amount that would be received by a school psychologist for  
12 performing the same services. The State Board of Education  
13 shall supply school districts with such list and make the list  
14 available to parents at their request. School districts shall  
15 make the list available to parents at the time they are  
16 informed of their right to obtain an independent educational  
17 evaluation. However, the school district may initiate an  
18 impartial due process hearing under this Section within 5 days  
19 of any written parent request for an independent educational  
20 evaluation to show that its evaluation is appropriate. If the  
21 final decision is that the evaluation is appropriate, the  
22 parent still has a right to an independent educational  
23 evaluation, but not at public expense. An independent  
24 educational evaluation at public expense must be completed  
25 within 30 days of a parent written request unless the school  
26 district initiates an impartial due process hearing or the

1 parent or school district offers reasonable grounds to show  
2 that such 30-day time period should be extended. If the due  
3 process hearing decision indicates that the parent is entitled  
4 to an independent educational evaluation, it must be completed  
5 within 30 days of the decision unless the parent or the school  
6 district offers reasonable grounds to show that such 30-day  
7 period should be extended. If a parent disagrees with the  
8 summary report or recommendations of the multidisciplinary  
9 conference or the findings of any educational evaluation which  
10 results therefrom, the school district shall not proceed with  
11 a placement based upon such evaluation and the child shall  
12 remain in his or her regular classroom setting. No child shall  
13 be eligible for admission to a special class for children with  
14 a mental disability who are educable or for children with a  
15 mental disability who are trainable except with a  
16 psychological evaluation and recommendation by a school  
17 psychologist. Consent shall be obtained from the parent of a  
18 child before any evaluation is conducted. If consent is not  
19 given by the parent or if the parent disagrees with the  
20 findings of the evaluation, then the school district may  
21 initiate an impartial due process hearing under this Section.  
22 The school district may evaluate the child if that is the  
23 decision resulting from the impartial due process hearing and  
24 the decision is not appealed or if the decision is affirmed on  
25 appeal. The determination of eligibility shall be made and the  
26 IEP meeting shall be completed within 60 school days from the

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

1 written notification that informs the parent or guardian that  
2 the IEP team is required to consider whether the child  
3 requires assistive technology in order to receive free,  
4 appropriate public education. The notification must also  
5 include a toll-free telephone number and internet address for  
6 the State's assistive technology program.

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

21 In the development of the individualized education program  
22 for a student who has a disability on the autism spectrum  
23 (which includes autistic disorder, Asperger's disorder,  
24 pervasive developmental disorder not otherwise specified,  
25 childhood disintegrative disorder, and Rett Syndrome, as  
26 defined in the Diagnostic and Statistical Manual of Mental

1 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall  
2 consider all of the following factors:

3 (1) The verbal and nonverbal communication needs of  
4 the child.

5 (2) The need to develop social interaction skills and  
6 proficiencies.

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

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

11 (5) The needs resulting from engagement in repetitive  
12 activities and stereotyped movements.

13 (6) The need for any positive behavioral  
14 interventions, strategies, and supports to address any  
15 behavioral difficulties resulting from autism spectrum  
16 disorder.

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

20 Public Act 95-257 does not create any new entitlement to a  
21 service, program, or benefit, but must not affect any  
22 entitlement to a service, program, or benefit created by any  
23 other law.

24 If the student may be eligible to participate in the  
25 Home-Based Support Services Program for Adults with Mental  
26 Disabilities authorized under the Developmental Disability and

1 Mental Disability Services Act upon becoming an adult, the  
2 student's individualized education program shall include plans  
3 for (i) determining the student's eligibility for those  
4 home-based services, (ii) enrolling the student in the program  
5 of home-based services, and (iii) developing a plan for the  
6 student's most effective use of the home-based services after  
7 the student becomes an adult and no longer receives special  
8 educational services under this Article. The plans developed  
9 under this paragraph shall include specific actions to be  
10 taken by specified individuals, agencies, or officials.

11 (c) In the development of the individualized education  
12 program for a student who is functionally blind, it shall be  
13 presumed that proficiency in Braille reading and writing is  
14 essential for the student's satisfactory educational progress.  
15 For purposes of this subsection, the State Board of Education  
16 shall determine the criteria for a student to be classified as  
17 functionally blind. Students who are not currently identified  
18 as functionally blind who are also entitled to Braille  
19 instruction include: (i) those whose vision loss is so severe  
20 that they are unable to read and write at a level comparable to  
21 their peers solely through the use of vision, and (ii) those  
22 who show evidence of progressive vision loss that may result  
23 in functional blindness. Each student who is functionally  
24 blind shall be entitled to Braille reading and writing  
25 instruction that is sufficient to enable the student to  
26 communicate with the same level of proficiency as other

1 students of comparable ability. Instruction should be provided  
2 to the extent that the student is physically and cognitively  
3 able to use Braille. Braille instruction may be used in  
4 combination with other special education services appropriate  
5 to the student's educational needs. The assessment of each  
6 student who is functionally blind for the purpose of  
7 developing the student's individualized education program  
8 shall include documentation of the student's strengths and  
9 weaknesses in Braille skills. Each person assisting in the  
10 development of the individualized education program for a  
11 student who is functionally blind shall receive information  
12 describing the benefits of Braille instruction. The  
13 individualized education program for each student who is  
14 functionally blind shall specify the appropriate learning  
15 medium or media based on the assessment report.

16 (d) To the maximum extent appropriate, the placement shall  
17 provide the child with the opportunity to be educated with  
18 children who do not have a disability; provided that children  
19 with disabilities who are recommended to be placed into  
20 regular education classrooms are provided with supplementary  
21 services to assist the children with disabilities to benefit  
22 from the regular classroom instruction and are included on the  
23 teacher's regular education class register. Subject to the  
24 limitation of the preceding sentence, placement in special  
25 classes, separate schools or other removal of the child with a  
26 disability from the regular educational environment shall

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

17 (e) No child who comes from a home in which a language  
18 other than English is the principal language used may be  
19 assigned to any class or program under this Article until he  
20 has been given, in the principal language used by the child and  
21 used in his home, tests reasonably related to his cultural  
22 environment. All testing and evaluation materials and  
23 procedures utilized for evaluation and placement shall not be  
24 linguistically, racially or culturally discriminatory.

25 (f) Nothing in this Article shall be construed to require  
26 any child to undergo any physical examination or medical

1 treatment whose parents object thereto on the grounds that  
2 such examination or treatment conflicts with his religious  
3 beliefs.

4 (g) School boards or their designee shall provide to the  
5 parents of a child prior written notice of any decision (a)  
6 proposing to initiate or change, or (b) refusing to initiate  
7 or change, the identification, evaluation, or educational  
8 placement of the child or the provision of a free appropriate  
9 public education to their child, and the reasons therefor.  
10 Such written notification shall also inform the parent of the  
11 opportunity to present complaints with respect to any matter  
12 relating to the educational placement of the student, or the  
13 provision of a free appropriate public education and to have  
14 an impartial due process hearing on the complaint. The notice  
15 shall inform the parents in the parents' native language,  
16 unless it is clearly not feasible to do so, of their rights and  
17 all procedures available pursuant to this Act and the federal  
18 Individuals with Disabilities Education Improvement Act of  
19 2004 (Public Law 108-446); it shall be the responsibility of  
20 the State Superintendent to develop uniform notices setting  
21 forth the procedures available under this Act and the federal  
22 Individuals with Disabilities Education Improvement Act of  
23 2004 (Public Law 108-446) to be used by all school boards. The  
24 notice shall also inform the parents of the availability upon  
25 request of a list of free or low-cost legal and other relevant  
26 services available locally to assist parents in initiating an

1 impartial due process hearing. The State Superintendent shall  
2 revise the uniform notices required by this subsection (g) to  
3 reflect current law and procedures at least once every 2  
4 years. Any parent who is deaf, or does not normally  
5 communicate using spoken English, who participates in a  
6 meeting with a representative of a local educational agency  
7 for the purposes of developing an individualized educational  
8 program, or attends a multidisciplinary conference, a 504  
9 meeting, a mediation session, or a due process hearing, shall  
10 be entitled to the services of an interpreter. The State Board  
11 of Education must adopt rules to establish the criteria,  
12 standards, and competencies for a bilingual language  
13 interpreter who attends an individualized education program  
14 meeting, a multidisciplinary conference, a 504 meeting, a  
15 mediation session, or a due process hearing under this  
16 subsection to assist a parent who has limited English  
17 proficiency.

18 (g-5) For purposes of this subsection (g-5), "qualified  
19 professional" means an individual who holds credentials to  
20 evaluate the child in the domain or domains for which an  
21 evaluation is sought or an intern working under the direct  
22 supervision of a qualified professional, including a master's  
23 or doctoral degree candidate.

24 To ensure that a parent can participate fully and  
25 effectively with school personnel in the development of  
26 appropriate educational and related services for his or her

1 child, the parent, an independent educational evaluator, or a  
2 qualified professional retained by or on behalf of a parent or  
3 child must be afforded reasonable access to educational  
4 facilities, personnel, classrooms, and buildings and to the  
5 child as provided in this subsection (g-5). The requirements  
6 of this subsection (g-5) apply to any public school facility,  
7 building, or program and to any facility, building, or program  
8 supported in whole or in part by public funds. Prior to  
9 visiting a school, school building, or school facility, the  
10 parent, independent educational evaluator, or qualified  
11 professional may be required by the school district to inform  
12 the building principal or supervisor in writing of the  
13 proposed visit, the purpose of the visit, and the approximate  
14 duration of the visit. The visitor and the school district  
15 shall arrange the visit or visits at times that are mutually  
16 agreeable. Visitors shall comply with school safety, security,  
17 and visitation policies at all times. School district  
18 visitation policies must not conflict with this subsection  
19 (g-5). Visitors shall be required to comply with the  
20 requirements of applicable privacy laws, including those laws  
21 protecting the confidentiality of education records such as  
22 the federal Family Educational Rights and Privacy Act and the  
23 Illinois School Student Records Act. The visitor shall not  
24 disrupt the educational process.

25 (1) A parent must be afforded reasonable access of  
26 sufficient duration and scope for the purpose of observing

1 his or her child in the child's current educational  
2 placement, services, or program or for the purpose of  
3 visiting an educational placement or program proposed for  
4 the child.

5 (2) An independent educational evaluator or a  
6 qualified professional retained by or on behalf of a  
7 parent or child must be afforded reasonable access of  
8 sufficient duration and scope for the purpose of  
9 conducting an evaluation of the child, the child's  
10 performance, the child's current educational program,  
11 placement, services, or environment, or any educational  
12 program, placement, services, or environment proposed for  
13 the child, including interviews of educational personnel,  
14 child observations, assessments, tests or assessments of  
15 the child's educational program, services, or placement or  
16 of any proposed educational program, services, or  
17 placement. If one or more interviews of school personnel  
18 are part of the evaluation, the interviews must be  
19 conducted at a mutually agreed upon time, date, and place  
20 that do not interfere with the school employee's school  
21 duties. The school district may limit interviews to  
22 personnel having information relevant to the child's  
23 current educational services, program, or placement or to  
24 a proposed educational service, program, or placement.

25 (Source: P.A. 101-124, eff. 1-1-20; 102-264, eff. 8-6-21;  
26 102-558, eff. 8-20-21.)

1 (Text of Section after amendment by P.A. 102-199)

2 Sec. 14-8.02. Identification, evaluation, and placement of  
3 children.

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

1 "qualified bilingual specialists" and "linguistically and  
2 culturally appropriate individualized educational programs".  
3 For purposes of this Section, as well as Sections 14-8.02a,  
4 14-8.02b, and 14-8.02c of this Code, "parent" means a parent  
5 as defined in the federal Individuals with Disabilities  
6 Education Act (20 U.S.C. 1401(23)).

7 (b) No child shall be eligible for special education  
8 facilities except with a carefully completed case study fully  
9 reviewed by professional personnel in a multidisciplinary  
10 staff conference and only upon the recommendation of qualified  
11 specialists or a qualified bilingual specialist, if available.  
12 At the conclusion of the multidisciplinary staff conference,  
13 the parent of the child and, if the child is in the legal  
14 custody of the Department of Children and Family Services, the  
15 Department's Office of Education and Transition Services shall  
16 be given a copy of the multidisciplinary conference summary  
17 report and recommendations, which includes options considered,  
18 and, in the case of the parent, be informed of his or her right  
19 to obtain an independent educational evaluation if he or she  
20 disagrees with the evaluation findings conducted or obtained  
21 by the school district. If the school district's evaluation is  
22 shown to be inappropriate, the school district shall reimburse  
23 the parent for the cost of the independent evaluation. The  
24 State Board of Education shall, with advice from the State  
25 Advisory Council on Education of Children with Disabilities on  
26 the inclusion of specific independent educational evaluators,

1 prepare a list of suggested independent educational  
2 evaluators. The State Board of Education shall include on the  
3 list clinical psychologists licensed pursuant to the Clinical  
4 Psychologist Licensing Act. Such psychologists shall not be  
5 paid fees in excess of the amount that would be received by a  
6 school psychologist for performing the same services. The  
7 State Board of Education shall supply school districts with  
8 such list and make the list available to parents at their  
9 request. School districts shall make the list available to  
10 parents at the time they are informed of their right to obtain  
11 an independent educational evaluation. However, the school  
12 district may initiate an impartial due process hearing under  
13 this Section within 5 days of any written parent request for an  
14 independent educational evaluation to show that its evaluation  
15 is appropriate. If the final decision is that the evaluation  
16 is appropriate, the parent still has a right to an independent  
17 educational evaluation, but not at public expense. An  
18 independent educational evaluation at public expense must be  
19 completed within 30 days of a parent written request unless  
20 the school district initiates an impartial due process hearing  
21 or the parent or school district offers reasonable grounds to  
22 show that such 30-day time period should be extended. If the  
23 due process hearing decision indicates that the parent is  
24 entitled to an independent educational evaluation, it must be  
25 completed within 30 days of the decision unless the parent or  
26 the school district offers reasonable grounds to show that

1 such 30-day period should be extended. If a parent disagrees  
2 with the summary report or recommendations of the  
3 multidisciplinary conference or the findings of any  
4 educational evaluation which results therefrom, the school  
5 district shall not proceed with a placement based upon such  
6 evaluation and the child shall remain in his or her regular  
7 classroom setting. No child shall be eligible for admission to  
8 a special class for children with a mental disability who are  
9 educable or for children with a mental disability who are  
10 trainable except with a psychological evaluation and  
11 recommendation by a school psychologist. Consent shall be  
12 obtained from the parent of a child before any evaluation is  
13 conducted. If consent is not given by the parent or if the  
14 parent disagrees with the findings of the evaluation, then the  
15 school district may initiate an impartial due process hearing  
16 under this Section. The school district may evaluate the child  
17 if that is the decision resulting from the impartial due  
18 process hearing and the decision is not appealed or if the  
19 decision is affirmed on appeal. The determination of  
20 eligibility shall be made and the IEP meeting shall be  
21 completed within 60 school days from the date of written  
22 parental consent. In those instances when written parental  
23 consent is obtained with fewer than 60 pupil attendance days  
24 left in the school year, the eligibility determination shall  
25 be made and the IEP meeting shall be completed prior to the  
26 first day of the following school year. Special education and

1 related services must be provided in accordance with the  
2 student's IEP no later than 10 school attendance days after  
3 notice is provided to the parents pursuant to Section 300.503  
4 of Title 34 of the Code of Federal Regulations and  
5 implementing rules adopted by the State Board of Education.  
6 The appropriate program pursuant to the individualized  
7 educational program of students whose native tongue is a  
8 language other than English shall reflect the special  
9 education, cultural and linguistic needs. No later than  
10 September 1, 1993, the State Board of Education shall  
11 establish standards for the development, implementation and  
12 monitoring of appropriate bilingual special individualized  
13 educational programs. The State Board of Education shall  
14 further incorporate appropriate monitoring procedures to  
15 verify implementation of these standards. The district shall  
16 indicate to the parent, the State Board of Education, and, if  
17 applicable, the Department's Office of Education and  
18 Transition Services the nature of the services the child will  
19 receive for the regular school term while awaiting ~~waiting~~  
20 placement in the appropriate special education class. At the  
21 child's initial IEP meeting and at each annual review meeting,  
22 the child's IEP team shall provide the child's parent or  
23 guardian and, if applicable, the Department's Office of  
24 Education and Transition Services with a written notification  
25 that informs the parent or guardian or the Department's Office  
26 of Education and Transition Services that the IEP team is

1 required to consider whether the child requires assistive  
2 technology in order to receive free, appropriate public  
3 education. The notification must also include a toll-free  
4 telephone number and internet address for the State's  
5 assistive technology program.

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

20 In the development of the individualized education program  
21 for a student who has a disability on the autism spectrum  
22 (which includes autistic disorder, Asperger's disorder,  
23 pervasive developmental disorder not otherwise specified,  
24 childhood disintegrative disorder, and Rett Syndrome, as  
25 defined in the Diagnostic and Statistical Manual of Mental  
26 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall

1 consider all of the following factors:

2 (1) The verbal and nonverbal communication needs of  
3 the child.

4 (2) The need to develop social interaction skills and  
5 proficiencies.

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

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

10 (5) The needs resulting from engagement in repetitive  
11 activities and stereotyped movements.

12 (6) The need for any positive behavioral  
13 interventions, strategies, and supports to address any  
14 behavioral difficulties resulting from autism spectrum  
15 disorder.

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

19 Public Act 95-257 does not create any new entitlement to a  
20 service, program, or benefit, but must not affect any  
21 entitlement to a service, program, or benefit created by any  
22 other law.

23 If the student may be eligible to participate in the  
24 Home-Based Support Services Program for Adults with Mental  
25 Disabilities authorized under the Developmental Disability and  
26 Mental Disability Services Act upon becoming an adult, the

1 student's individualized education program shall include plans  
2 for (i) determining the student's eligibility for those  
3 home-based services, (ii) enrolling the student in the program  
4 of home-based services, and (iii) developing a plan for the  
5 student's most effective use of the home-based services after  
6 the student becomes an adult and no longer receives special  
7 educational services under this Article. The plans developed  
8 under this paragraph shall include specific actions to be  
9 taken by specified individuals, agencies, or officials.

10 (c) In the development of the individualized education  
11 program for a student who is functionally blind, it shall be  
12 presumed that proficiency in Braille reading and writing is  
13 essential for the student's satisfactory educational progress.  
14 For purposes of this subsection, the State Board of Education  
15 shall determine the criteria for a student to be classified as  
16 functionally blind. Students who are not currently identified  
17 as functionally blind who are also entitled to Braille  
18 instruction include: (i) those whose vision loss is so severe  
19 that they are unable to read and write at a level comparable to  
20 their peers solely through the use of vision, and (ii) those  
21 who show evidence of progressive vision loss that may result  
22 in functional blindness. Each student who is functionally  
23 blind shall be entitled to Braille reading and writing  
24 instruction that is sufficient to enable the student to  
25 communicate with the same level of proficiency as other  
26 students of comparable ability. Instruction should be provided

1 to the extent that the student is physically and cognitively  
2 able to use Braille. Braille instruction may be used in  
3 combination with other special education services appropriate  
4 to the student's educational needs. The assessment of each  
5 student who is functionally blind for the purpose of  
6 developing the student's individualized education program  
7 shall include documentation of the student's strengths and  
8 weaknesses in Braille skills. Each person assisting in the  
9 development of the individualized education program for a  
10 student who is functionally blind shall receive information  
11 describing the benefits of Braille instruction. The  
12 individualized education program for each student who is  
13 functionally blind shall specify the appropriate learning  
14 medium or media based on the assessment report.

15 (d) To the maximum extent appropriate, the placement shall  
16 provide the child with the opportunity to be educated with  
17 children who do not have a disability; provided that children  
18 with disabilities who are recommended to be placed into  
19 regular education classrooms are provided with supplementary  
20 services to assist the children with disabilities to benefit  
21 from the regular classroom instruction and are included on the  
22 teacher's regular education class register. Subject to the  
23 limitation of the preceding sentence, placement in special  
24 classes, separate schools or other removal of the child with a  
25 disability from the regular educational environment shall  
26 occur only when the nature of the severity of the disability is

1 such that education in the regular classes with the use of  
2 supplementary aids and services cannot be achieved  
3 satisfactorily. The placement of English learners with  
4 disabilities shall be in non-restrictive environments which  
5 provide for integration with peers who do not have  
6 disabilities in bilingual classrooms. Annually, each January,  
7 school districts shall report data on students from  
8 non-English speaking backgrounds receiving special education  
9 and related services in public and private facilities as  
10 prescribed in Section 2-3.30. If there is a disagreement  
11 between parties involved regarding the special education  
12 placement of any child, either in-state or out-of-state, the  
13 placement is subject to impartial due process procedures  
14 described in Article 10 of the Rules and Regulations to Govern  
15 the Administration and Operation of Special Education.

16 (e) No child who comes from a home in which a language  
17 other than English is the principal language used may be  
18 assigned to any class or program under this Article until he  
19 has been given, in the principal language used by the child and  
20 used in his home, tests reasonably related to his cultural  
21 environment. All testing and evaluation materials and  
22 procedures utilized for evaluation and placement shall not be  
23 linguistically, racially or culturally discriminatory.

24 (f) Nothing in this Article shall be construed to require  
25 any child to undergo any physical examination or medical  
26 treatment whose parents object thereto on the grounds that

1 such examination or treatment conflicts with his religious  
2 beliefs.

3 (g) School boards or their designee shall provide to the  
4 parents of a child or, if applicable, the Department of  
5 Children and Family Services' Office of Education and  
6 Transition Services prior written notice of any decision (a)  
7 proposing to initiate or change, or (b) refusing to initiate  
8 or change, the identification, evaluation, or educational  
9 placement of the child or the provision of a free appropriate  
10 public education to their child, and the reasons therefor. For  
11 a parent, such written notification shall also inform the  
12 parent of the opportunity to present complaints with respect  
13 to any matter relating to the educational placement of the  
14 student, or the provision of a free appropriate public  
15 education and to have an impartial due process hearing on the  
16 complaint. The notice shall inform the parents in the parents'  
17 native language, unless it is clearly not feasible to do so, of  
18 their rights and all procedures available pursuant to this Act  
19 and the federal Individuals with Disabilities Education  
20 Improvement Act of 2004 (Public Law 108-446); it shall be the  
21 responsibility of the State Superintendent to develop uniform  
22 notices setting forth the procedures available under this Act  
23 and the federal Individuals with Disabilities Education  
24 Improvement Act of 2004 (Public Law 108-446) to be used by all  
25 school boards. The notice shall also inform the parents of the  
26 availability upon request of a list of free or low-cost legal

1 and other relevant services available locally to assist  
2 parents in initiating an impartial due process hearing. The  
3 State Superintendent shall revise the uniform notices required  
4 by this subsection (g) to reflect current law and procedures  
5 at least once every 2 years. Any parent who is deaf, or does  
6 not normally communicate using spoken English, who  
7 participates in a meeting with a representative of a local  
8 educational agency for the purposes of developing an  
9 individualized educational program, or attends a  
10 multidisciplinary conference, a 504 meeting, a mediation  
11 session, or a due process hearing, shall be entitled to the  
12 services of an interpreter. The State Board of Education must  
13 adopt rules to establish the criteria, standards, and  
14 competencies for a bilingual language interpreter who attends  
15 an individualized education program meeting, multidisciplinary  
16 conference, 504 mediation session, or a due process hearing  
17 under this subsection to assist a parent who has limited  
18 English proficiency.

19 (g-5) For purposes of this subsection (g-5), "qualified  
20 professional" means an individual who holds credentials to  
21 evaluate the child in the domain or domains for which an  
22 evaluation is sought or an intern working under the direct  
23 supervision of a qualified professional, including a master's  
24 or doctoral degree candidate.

25 To ensure that a parent can participate fully and  
26 effectively with school personnel in the development of

1 appropriate educational and related services for his or her  
2 child, the parent, an independent educational evaluator, or a  
3 qualified professional retained by or on behalf of a parent or  
4 child must be afforded reasonable access to educational  
5 facilities, personnel, classrooms, and buildings and to the  
6 child as provided in this subsection (g-5). The requirements  
7 of this subsection (g-5) apply to any public school facility,  
8 building, or program and to any facility, building, or program  
9 supported in whole or in part by public funds. Prior to  
10 visiting a school, school building, or school facility, the  
11 parent, independent educational evaluator, or qualified  
12 professional may be required by the school district to inform  
13 the building principal or supervisor in writing of the  
14 proposed visit, the purpose of the visit, and the approximate  
15 duration of the visit. The visitor and the school district  
16 shall arrange the visit or visits at times that are mutually  
17 agreeable. Visitors shall comply with school safety, security,  
18 and visitation policies at all times. School district  
19 visitation policies must not conflict with this subsection  
20 (g-5). Visitors shall be required to comply with the  
21 requirements of applicable privacy laws, including those laws  
22 protecting the confidentiality of education records such as  
23 the federal Family Educational Rights and Privacy Act and the  
24 Illinois School Student Records Act. The visitor shall not  
25 disrupt the educational process.

26 (1) A parent must be afforded reasonable access of

1 sufficient duration and scope for the purpose of observing  
2 his or her child in the child's current educational  
3 placement, services, or program or for the purpose of  
4 visiting an educational placement or program proposed for  
5 the child.

6 (2) An independent educational evaluator or a  
7 qualified professional retained by or on behalf of a  
8 parent or child must be afforded reasonable access of  
9 sufficient duration and scope for the purpose of  
10 conducting an evaluation of the child, the child's  
11 performance, the child's current educational program,  
12 placement, services, or environment, or any educational  
13 program, placement, services, or environment proposed for  
14 the child, including interviews of educational personnel,  
15 child observations, assessments, tests or assessments of  
16 the child's educational program, services, or placement or  
17 of any proposed educational program, services, or  
18 placement. If one or more interviews of school personnel  
19 are part of the evaluation, the interviews must be  
20 conducted at a mutually agreed upon time, date, and place  
21 that do not interfere with the school employee's school  
22 duties. The school district may limit interviews to  
23 personnel having information relevant to the child's  
24 current educational services, program, or placement or to  
25 a proposed educational service, program, or placement.

26 (Source: P.A. 101-124, eff. 1-1-20; 102-199, eff. 7-1-22;

1 102-264, eff. 8-6-21; 102-558, eff. 8-20-21; revised  
2 10-14-21.)

3 Section 95. No acceleration or delay. Where this Act makes  
4 changes in a statute that is represented in this Act by text  
5 that is not yet or no longer in effect (for example, a Section  
6 represented by multiple versions), the use of that text does  
7 not accelerate or delay the taking effect of (i) the changes  
8 made by this Act or (ii) provisions derived from any other  
9 Public Act.

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law.