



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB1953

Introduced 2/7/2008, by Sen. Deanna Demuzio

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-8.02e new

Amends the Children with Disabilities Article of the School Code. Provides that in implementing a response to intervention (RTI) process for a student suspected of having a specific learning disability or other disability that adversely impacts the academic progress of the student, a school district must comply with specified procedures prior to implementing RTI. Provides that if a student who is participating in RTI is alleged to have engaged in behavior that is in violation of a code of student conduct, the school district shall be deemed to have knowledge that the student is a student with a disability, pursuant to federal law, and shall follow the procedures set forth in federal law if the school district proposes to take disciplinary action against the student. Effective immediately.

LRB095 17706 NHT 43781 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 14-8.02e as follows:

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

7 Sec. 14-8.02e. Response to intervention; parental rights  
8 and involvement.

9 (a) In implementing a response to intervention (RTI)  
10 process, pursuant to 34 CFR 300.304 and rules adopted by the  
11 State Board of Education, for a student suspected of having a  
12 specific learning disability or other disability that  
13 adversely impacts the academic progress of the student, a  
14 school district must comply with all of the following  
15 procedures prior to implementing RTI:

16 (1) Convene a meeting between the student's parents and  
17 appropriate school personnel who are involved in the  
18 process of referring the student for RTI and discuss with  
19 the parents the reasons why RTI is considered appropriate  
20 for the student and the proposed content of the  
21 intervention strategies and develop, with the  
22 participation of the parents, the individualized goals of  
23 RTI for the student.

1           (2) Provide an explanation in writing to the parents of  
2           how data will be collected and analyzed for the student.

3           (3) Establish with the parents a mutually agreed upon  
4           process and schedule for sharing data and progress reports  
5           with the parents, which must be confirmed in writing.

6           (4) In consultation with appropriate school personnel  
7           and the parents, establish and confirm in writing a maximum  
8           time that RTI will be implemented for the student, absent  
9           subsequent consent by the parents to extend the maximum  
10           time.

11           (5) Provide written notice to the parents of their  
12           right, under this Article and 20 U.S.C. Sec. 1415, to  
13           request an evaluation to determine whether the student is  
14           eligible for special education during the period in which  
15           RTI is being used for the student. A parental request for  
16           an evaluation must not be denied solely on the basis that  
17           the student is participating in RTI.

18           (b) If a student who is participating in RTI is alleged to  
19           have engaged in behavior that is in violation of a code of  
20           student conduct, the school district shall be deemed to have  
21           knowledge that the student is a child with a disability,  
22           pursuant to 20 U.S.C. Sec. 1415(k)(5), and shall follow the  
23           procedures set forth in 20 U.S.C. 1415(k) if the school  
24           district proposes to take disciplinary action against the  
25           student.

26           Section 99. Effective date. This Act takes effect upon

1 becoming law.