

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The School Code is amended by changing Section 14-8.02f as follows:

(105 ILCS 5/14-8.02f)

Sec. 14-8.02f. Individualized education program meeting protections.

(a) (Blank).

(b) This subsection (b) applies only to a school district organized under Article 34. No later than 10 calendar days prior to a child's individualized education program meeting or as soon as possible if a meeting is scheduled within 10 calendar days with written parental consent, the school board or school personnel must provide the child's parent or guardian with a written notification of the services that require a specific data collection procedure from the school district for services related to the child's individualized education program. The notification must indicate, with a checkbox, whether specific data has been collected for the child's individualized education program services. For purposes of this subsection (b), individualized education program services must include, but are not limited to,

paraprofessional support, an extended school year, transportation, therapeutic day school, and services for specific learning disabilities.

(c) Beginning on July 1, 2020, no later than 3 school days prior to a meeting to determine a child's eligibility for special education and related services or to review a child's individualized education program, or as soon as possible if an individualized education program meeting is scheduled within 3 school days with the written consent of the child's parent or guardian, the local education agency must provide the child's parent or guardian copies of all written material that will be considered by the individualized education program team at the meeting so that the parent or guardian may participate in the meeting as a fully-informed team member. The parent or guardian shall have the option of choosing from the available methods of delivery, which must include regular mail and picking up the materials at school. The notice provided to the parent or guardian prior to the meeting pursuant to subsection (g) of Section 14-8.02 shall inform the parent or guardian of the parent's or guardian's right to receive copies of all written material under this subsection (c) and shall provide the date when the written material will be delivered or made available to the parent or guardian.

For a meeting to determine the child's eligibility for special education, the written material must include all evaluations and collected data that will be considered at the

meeting. For a child who is already eligible for special education and related services, the written material must include a copy of all individualized education program components that will be discussed by the individualized education program team, other than the components related to the educational and related service minutes proposed for the child and the child's placement.

Parents shall also be informed of their right to review and copy their child's school student records prior to any special education eligibility or individualized education program review meeting, subject to the requirements of applicable federal and State law.

(d) Local education agencies must make logs that record the delivery of related services administered under the child's individualized education program and the minutes of each type of related service that has been administered available to the child's parent or guardian at any time upon request of the child's parent or guardian. For purposes of this subsection (d), related services for which a log must be made are: speech and language services, occupational therapy services, physical therapy services, school social work services, school counseling services, school psychology services, and school nursing services. The local education agency must inform the child's parent or guardian within 20 school days from the beginning of the school year or upon establishment of an individualized education program of his or

her ability to request those related service logs.

(d-5) If, at a meeting to develop or revise a child's individualized education program, the individualized education program team determines that a certain service is required in order for the child to receive a free, appropriate public education and that service is not implemented within 10 school days after the service was to be initiated as set forth by the child's individualized education program, then the local education agency shall provide the child's parent or guardian with written notification that the service has not yet been implemented. The notification must be provided to the child's parent or guardian within 3 school days of the local education agency's non-compliance with the child's individualized education program and must inform the parent or guardian about the school district's procedures for requesting compensatory services. In this subsection (d-5), "school days" does not include days where a child is absent from school for reasons unrelated to a lack of individualized education program services or when the service is available, but the child is unavailable.

(e) The State Board of Education may create a telephone hotline to address complaints regarding the special education services or lack of special education services of a school district subject to this Section. If a hotline is created, it must be available to all students enrolled in the school district, parents or guardians of those students, and school

personnel. If a hotline is created, any complaints received through the hotline must be registered and recorded with the State Board's monitor of special education policies. No student, parent or guardian, or member of school personnel may be retaliated against for submitting a complaint through a telephone hotline created by the State Board under this subsection (e).

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

(Source: P.A. 100-993, eff. 8-20-18; 101-515, eff. 8-23-19; 101-598, eff. 12-6-19; 101-643, eff. 6-18-20.)

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