



What's New in the 2020 ISBE Parent Guide on Understanding Special Education in Illinois?

Summary of Changes

The Illinois State Board of Education had published a 2020 version of their parent guide to replace their 2009 version. The 2020 guide contains some minor corrections and new wording. New content has been included that incorporates changes in regulations and laws and thus citations to those laws have been revised.

Chapter 1: Child Find

There is a new section entitled "Child Find and English Learners". (page 6)

Chapter 2: Multi-Tiered System of Supports (MTSS)

In the 2009 guide, this chapter was entitled "Response to Intervention" and discussed monitoring students who were given extra assistance to see how they were responding and how to use that data to decide if the student no longer needed the extra support, continued to need the support, or were not closing the gap with peers and needed additional support.

The new guide explains a Multi-Tiered System of Supports. MTSS has a broader scope than RtI. It is a model of support in which all students should be receiving high quality instruction that is shown by evidence to be effective (Tier 1 supports). It notes that all students should be screened throughout the year to see if any of them are at risk of a learning problem. The students identified are then given extra help and frequent assessment to see if they need Tier 2 assistance. Those students receiving Tier 2 interventions continue to receive ALL CORE INSTRUCTION, but get extra help. If the student still does not respond effectively and is not closing the gap with peers Tier 3 interventions can be implemented in addition to ALL CORE INSTRUCTION. This chapter in the new guide explains that tiered interventions are also used for behavioral issues and truancy issues. (page 13) It points out that students needing Tier 3 supports for behavior will most often have a formal "Behavior Intervention Plan" or BIP.

There are also comments in this chapter about students who are English Learners that might need tiered supports. (page 15)

Chapter 3: Referral and Evaluation

The 2020 guide notes that written referrals from parents can be accepted by mail or email. (page 17) There is a new section on Referral and Evaluation of English Learners. (page 24).

Chapter 4: Eligibility Categories

The 2009 version explained that “For a child to be eligible for services, the disability must affect the child’s educational performance.” The 2020 version adds “...and necessitate specially designed instruction and/or related services in order for the student to make progress in the general education curriculum” for clarification. (page 26)

The category “autism” is now entitled “**autism spectrum disorder**” in the 2020 version and the description states that “Autism Spectrum Disorder includes autistic disorder, childhood disintegrative disorder, pervasive developmental disorder not otherwise specified, and the diagnosis previously identified as Asperger syndrome.” (page 26)

The category called “Cognitive Disability” is now “**Intellectual Disability**”. A side note indicates that this term is in line with terminology in federal law. (page 28)

Under the definition of “**Emotional Disability**” the 2020 version adds “Emotional disability does not apply to children who are social maladjusted unless it is determined that they have an emotional disability also.” (pages 27 and 28)

At the end of the chapter, the 2020 version adds “While the above represent the definitions of the 14 special education categories, school districts may develop criteria for each category. After determining that a student has a disability, the evaluation team ALSO determines if the disability adversely affects educational performance AND if specialized instruction is required to address the child’s deficit areas. Only when the team has identified the disability, the adverse effect, and the need for specialized instruction, will the child be found eligible for special education.” (page 30)

Chapter 5: Additional Procedures for Specific Learning Disabilities

The 2020 version adds information specifically about dyslexia. It explains what a child might have difficulty with if dyslexia is present and links parents to *The Dyslexia Guide: A Handbook for Parents, Educators, and Students* dated July 2019. (pages 32 and 33)

Chapter 6: Individualized Education Programs (IEPs)

Under IEP team members:

Parents - “Parents are equal participants” is now “Parents or guardians are required participants”. (page 36)

Evaluation Personnel - “This person must be someone who can explain evaluation and/or test results” is now “When evaluation information will be discussed at the IEP meeting, there must be someone present who can explain evaluation and/or test results.” (page 36)

Others with knowledge or special expertise about the student – “The determination of whether the person has special knowledge is up to the parent.” is now “The determination of whether the person has special knowledge must be made by the party who invited the individual to participate in the meeting. (page 37)

Under IEP Timelines:

“The IEP meeting must occur within 60 school days from the date of referral. The IEP meeting must occur within 30 days after the team determines that the student is eligible to receive special education and/or related services.” is now “Both the eligibility and IEP meeting must occur within 60 school days following the date of parent/guardian consent for completion of the needed assessments.” (page 37)

The chapter on IEPs also now includes the requirement that schools provide parents with copies of ALL written materials that will be reviewed at a meeting at least 3 days before the meeting. That includes evaluation results, collected data, all IEP documents, etc. Parents may also request to review logs regarding the delivery of minutes of related services provided to their child at any time. The records can be sent by mail, in-person contact, or any other available method. (page 37) These requirements went into effect on July 1, 2020.

Under “What Does An IEP include?”, the new version clarifies that an IEP includes “The languages or modes of communication in which special education and related services will be provided, if other than or in addition to English. (page 38)

There is also a whole new section on “IEP for An English Learner” which explains what must be provided to parents in their dominant language and that an interpreter is to be provided at IEP meetings and that there is a presumption that a bilingual specialist will participate at IEP meetings if a child is an English learner. (pages 46 and 47)

When discussing annual goals in the IEP, the 2009 version said “A goal is something that can be obtained within a school year” and the 2020 version says “Annual goals are statements that identify what knowledge, skills and/or behaviors the student can acquire within a school year”. (page 39)

Under the IEP Consideration of Behavior, the 2020 version adds this statement: Before a Behavior Intervention Plan is developed to help a student manage classroom behaviors, a Functional Behavior Assessment is often completed. An FBA is a process for gathering data and information regarding a target behavior such as what causes it (what occurs immediately prior to the behavior occurring) and what could be done to modify the student’s environment and promote positive behavior. If the FBA is completed to inform the BIP, the FBA must be reviewed at the IEP meeting and included as part of the IEP. (pages 43 and 44)

The 2020 version adds a section on IEP Facilitation. (pg. 50) IEP Facilitation through the Illinois State Board of Education is a process that helps foster effective communication between parents and districts as they develop mutually acceptable IEPs. This process may be used as a preventative measure in which a trained facilitator promotes whole team participation, acknowledging and addressing differing opinions in a respectful and neutral manner. More about this free service is included in a later chapter of the guide.

Both THE 2009 AND THE 2020 versions of the guide explain what happens when a parent revokes consent for special education services. Both clarify that the school district must terminate ALL special education services and that the protections of a parent of a student with a disability end. In the 2009 version, it was noted that the school district could not take steps to override the consent to revoke, take steps to change the parent’s mind, or file mediation or due process against the parent. This statement has been removed in the 2020 version. (pages 52 and 53)

Chapter 7: Least Restrictive Environment (LRE)

Under supports for behavior, the 2009 version listed “modifying behavioral expectations for the student so he/she is not punished for behaviors caused by the disability.” This has been removed from the 2020 version. (page 61)

Under accommodations for testing, the 2020 version adds “testing individually so they can talk through the question and answer”. (page 62)

Chapter 8: Secondary Transition

This chapter remains the same as the 2009 version except that when areas are listed for measurable postsecondary goals, the old version listed “adult living if needed” and the 2020 version lists “independent living” as the goal area. (page 71)

Chapter 9: Behavioral Interventions

The description of what would be contained in your child's BIP now adds:

- a summary of prior interventions implemented
- what measurable behavioral changes are expected
- a schedule for a review of effectiveness

(pages 77 and 78)

There is also an entirely new section on Physical Restraint and Time Out (page 78) This section talks about what happens when a child poses a threat to self or others and how physical holds or time outs can be used. It emphasizes that physical restraint and time out can NEVER be used as punishment at any time in any setting.

Chapter 10: Student Discipline

This chapter is the same as the 2009 version except it directs parents to a new state law passed in 2016 that encourages schools to reduce suspensions/expulsions. This law applies to students with and without disabilities. (page 80)

Chapter 11: Conflict Resolution

The section on IEP Facilitation is new since this was not an option in Illinois in 2009. (pages 91 and 92)

In the section on mediation, the 2020 version clarifies that "If mediation fails to resolve the dispute between the parties, the parent shall have 10 days after the mediation concludes to file a request for a due process hearing in order to continue to invoke the "stay-put" provision – if due process has not already been filed." (page 95)

In the section on due process, the 2020 version clarifies that "the Illinois School Code requires the decision to be issued no more than 10 days, excluding Saturday, Sunday, and any state holiday following the close of the hearing." (page 113)

Chapter 12: Private Schools

The 2020 version of the parent guide adds a lot more information on placement of students by the public school district into a private setting. There is still emphasis on the fact that the home district remains responsible for writing a child's IEP and ensuring a child reaches IEP goals, but the 2020 version adds that "these facilities provide opportunities for social and emotional growth and a parallel curriculum so students can be reintegrated back into their home school districts." (page 121)

The 2020 version adds a whole new section on "Nonpublic Facility Discipline Procedures". This section explains that each special education nonpublic facility must develop its own behavior policy that must be approved by ISBE before students can attend the school. Parents must be

given a copy of that policy if their child is placed there. Rules about physical restraint and time out will be explained and a review of the effectiveness of these measures will be held if a child experiences three incidences where they are used. (pages 121 – 123)

Chapter 13: School Records

The 2020 version explains that upon receiving a request (for records), the school district must respond **within 10 business days** and clarifies that there are exceptions where a five-day extension to this can be granted. (page 125) The 2009 version had said records needed to be provided **within 15 school days** but this timeline has changed in the Illinois School Code.

Chapter 14: Early Childhood Services

This chapter remains the same in the new version except that there are additional details about how evaluations work at this age. It explains that evaluations are individualized and can be conducted by one person or a team at the child’s home, preschool, or school district. (page 131)

Chapter 15: Section 504 of the Rehabilitation Act of 1973

This section remains the same except the contact information for the Office for Civil Rights has been updated. (page 135) This is the office to contact, or file a complaint with, regarding a child’s Section 504 Plan.

Chapter 16: The Advisory Council on the Education of Children with Disabilities (ISAC)

There are no changes to this chapter.

Appendix A: Sample Letters for Parents

The letters in this chapter are the same except for slight changes to wording or letter format.

- Writing to Discuss a Problem
- Requesting an Initial Evaluation for Special Education Services
- Requesting an Independent Evaluation at Public Expense
- Requesting Your Child’s Records
- Requesting a Meeting to Review the IEP
- Requesting a Change of Placement
- Requesting Prior Written Notice
- Requesting Mediation
- Informing the School that You Intend to Enroll Your Child in a Private School at Public Expense
- Requesting a Due Process Hearing
- Filing a Complaint with ISBE
- Writing a Follow-Up Letter
- Writing a Positive Feedback Letter
- Revocation of Consent for Special Education

Appendix B: Quick Reference Charts

Regarding In-School Suspension, the 2009 version said that “During the time the student with an IEP is in in-school suspension, the school is only required to provide educational services if the school district also provides educational services to non-disabled students in the same circumstances.” In the 2020 version this has been replaced with “An in-school suspension would not be considered a part of the cumulative days of suspension as long as the child can continue to appropriately participate in the general curriculum, continue to receive the services specified on the IEP, and continue to participate with nondisabled children to the extent they would have in their current placement.” (page 192)

Regarding out-of-school suspensions the 2020 version adds that if a student has been removed from their current placement for 10 school days, the district must “hold a Manifestation Determination meeting”. (page 193) Under the section on Manifestation Determination Review, the 2020 version adds that if the behavior is a result of the student’s disability, the child must be returned to his/her placement unless the parent and the district agree to a change of placement as part of the BIP review. If the incident involves a weapon or an illegal drug, however, the school district can remove a child from the current placement, even if the parent disagrees and even if the behavior is a manifestation of a child’s disability. (page 194) This is not a new rule but just wasn’t in the 2009 version in this section.

Appendix C: Glossary of Key Terms

Adaptive/Assistive Devices (AAD) – Revised to say “Adaptive/Assistive devices refer to devices used by individuals with disabilities in order to perform functions that might otherwise be difficult or impossible.” (page 199)

Adequate Yearly Progress (AYP) – Explains that AYP was required by No Child Left Behind but now NCLB is replaced by the Every Student Succeeds Act. (page 199)

Autism Spectrum Disorder (ASD) – altered to say “Autism Spectrum Disorder means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three that adversely affects a child’s educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. Autism does not apply if a child’s educational performance is adversely affected primarily because the child has an emotional disability. A diagnosis of ASD now includes several conditions that used to be diagnosed separately autistic disorder, pervasive developmental disorder not otherwise specified, and Asperger syndrome. These conditions are now called autism spectrum disorder.” (page 201)

Curriculum –based Assessment (CBA) – in the 2009 version it said “An ongoing assessment of a student’s ability to meet expected performance standards in the developmental areas of cognitive, communication, social, motor, and adaptive behaviors. The definition in the 2020 version says “An ongoing assessment of a student’s ability to meet expected performance standards in grade-level curricular areas.” (page 203)

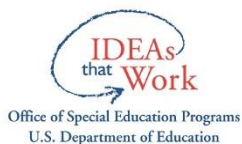
Early Childhood Education (ECE) – the 2020 version clarifies that ECE is “The education of a child in grades pre-kindergarten through third grade (age range of birth through 8 years of age). (page 205)

Every Student Succeeds Act (ESSA) – the 2020 version deletes the definition of No Child Left Behind and adds the definition of ESSA, which replaced NCLB. (page 207) \

Intellectual Disability – the 2020 version removes the definition of cognitive disability and adds this definition since the terminology changed. “Intellectual disability means significantly below average general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period that adversely affects a child’s educational performance.” (page 210)

Appendix D: Sample Forms

In the 2009 version there was a form about Illinois Alternate Assessment Participation. In the 2020 version there is guidance on participation in Dynamic Learning Maps Alternate Assessment instead which is the state’s current alternative assessment for students with the most significant disabilities. (pages 220 and 221)



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