

MEMO

TO: Whitted Takiff Clients
FROM: Neal E. Takiff & Shermin Ali-Andani
DATE: September 16, 2019

RE: EFFECTIVE AUGUST 23, 2019 - NEW LAW EXPANDS PROTECTIONS FOR PARENTS AT IEP MEETINGS

On August 23 2019, Governor Pritzker signed Illinois House Bill 3586 into law as **Public Act 101-0515**, which effectively amends the special education provisions under the *Illinois School Code*, 105 ILCS 5/1 et seq. This law went into effect immediately on August 23, 2019 and expands protections for parents at IEP meetings and places additional requirements on school districts to provide specific deliverables to parents prior to holding IEP meetings.

SUMMARY OF AMENDMENTS

Upon effectuation, House Bill 3586 expanded the rights of parents and placed additional responsibilities on school districts as follows:

- All written material to be considered at an IEP meeting must be provided to parents/guardians three days before the meeting.

Section 14-8.02f(c) of the *Illinois School Code* now requires that no later than three (3) school days prior to an IEP meeting, or as soon as possible if an IEP meeting is scheduled within three school days with the written consent of the child's parent/guardian, the school district must provide copies of **all written material** that will be considered by the IEP team at the meeting. The stated purpose is to allow the parent/guardian to participate as a "fully-informed team member". For purposes of this section, the written material must include, but is not limited to, all evaluations and collected data that will be considered at the meeting, as well as a copy of all of the IEP program components that will be discussed at the meeting. The only exception appears to be that components related to the educational and related service minutes proposed for the student and the student's educational placement.

- School districts must now make related service logs available to parents/guardians at annual review meetings and upon request at any time.

Section 14-8.02f(d) of the *Illinois School Code* now requires that school districts make related service logs, which record the type of related services administered pursuant to the student's IEP and the minutes of each type of related service that has been administered to the student, available to parents/guardians. Specifically, these related service logs must be made available to parents/guardians at the annual review IEP meeting of the student, or at any time upon a request

for a copy of the related service logs by the parent/guardian. In addition, the District must inform the child's parent or guardian within twenty (20) school days from the beginning of the school year or at the child's initial eligibility meeting of the parent/guardian's ability to request related service logs.

Notably, House Bill 3586 also amended to *Illinois School Student Records Act* and reinforced the importance of the related service logs by adding to the definition of a "Student Temporary Record" information contained in those service logs that are maintained by a school district pursuant to requirements of the *Illinois School Code*. This means that upon request for a copy of a student's complete school records, including his/her permanent and temporary school file, parents/guardians should receive related service logs.

- **Written notification is now required to a parent/guardian when services per a student's IEP have not been administered by school district.**

Additionally, Section 14-8.02f(d) was amended to require school districts to provide written notification to parents/guardians if any related service minutes pursuant to an IEP are not provided to the student within ten (10) school days of a date or frequency set for in the student's IEP after they should have been provided. The notification must be provided to the child's parent/guardian within three (3) school days of the school district's noncompliance and must include information regarding the parent or guardian's ability to request compensatory education services. Please note, for purposes of subsection (d), "school days" does not include days where a child is absent from school for reasons unrelated to a lack of IEP services.

CONTACT US

For questions and legal assistance on this topic, please feel free to contact us by phone at (847)564-8662 or via e-mail to Shermin Ali-Andani (sali@whittedtakiff.com) or Neal Takiff (ntakiff@whittedtakiff.com).

PLEASE NOTE: *This alert is being provided for educational and informational purposes only. This information is not intended to provide legal advice and should not be relied upon in lieu of consultation with an attorney. The materials have been prepared for informative and educational purposes only. Transmission of the information is not intended other user to create, and receipt does not constitute, an attorney-client relationship between the author(s) and you or any other user.*

