SPECIAL EDUCATION FORMS AND INSTRUCTIONS

Required Notice and Consent Forms and Instructions
(Updated January 2008)
TO: Superintendents
   Special Education Directors
   Regional Offices of Education
   Interested Parties

FROM: Elizabeth Hanselman
      Acting Assistant Superintendent for Special Education

SUBJECT: Required Special Education Notice and Consent Forms

The enclosed Special Education Forms and Instructions: Required Notice and Consent Forms and Instructions represents the January 2008 update of this document, bringing Illinois into compliance with IDEA 2004 and 23 Illinois Administrative Code Part 226. All previous versions of these forms and notices are now obsolete. These are the official versions of the state-required forms and are ready for immediate implementation.

Some of the forms and notices have experienced only minor changes while others have undergone more revisions. Also, three new additional forms are included: Parent/Guardian Notification of Individualized Education Program Amendment, Parent/Guardian Excusal of an Individualized Education Program Team Member and Delegation of Rights to Make Educational Decisions. The accompanying instructions, corresponding to each form and notice, will be helpful in allowing all parties to understand the purpose and use of each form.

The forms and notices may also be viewed and downloaded from our website at www.isbe.net/spec-ed. Additional hard copies suitable for large scale duplicating may be obtained from the ISBE Springfield office at 100 North First Street, Springfield, Illinois 62777. The forms will be available in Spanish and several other languages in the near future.

Questions about the forms may be addressed to the Special Education Services Division at 217/782-5589.
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ISBE 34-57INST (1/08)
FOREWORD

All school districts and cooperative agreements in Illinois have been required to provide official written notice to parents of suspected and eligible special education students regarding a broad range of topics since the advent of the Education of All Handicapped Children Act (PL 94-142) in 1975. Use of these forms, court decisions, and amendments to federal and state statutes has resulted in the need to revise the notice requirements and forms over time. On December 3, 2004, the reauthorization of the Individuals with Disabilities Education Act (IDEA - formerly known as PL 94-142) was signed and became effective. Revisions in this law and state Special Education regulations necessitate revisions to the notice and consent requirements and forms.

The information enclosed contains a copy of each form as well as corresponding instructions concerning the purpose, use and additional information.
GENERAL INSTRUCTIONS FOR USE WITH ALL REQUIRED NOTICE AND CONSENT FORMS

PURPOSE:

In 1985 Public Act 84-463 (which became Article 14-8.02 of The School Code of Illinois) required the development of uniform notices within special education to be used by all school districts. The forms in this manual have been developed to obtain required informed consent from parent(s)/guardian(s) as well as provide proper parent/guardian notification of specific types of proposed or refused actions for a child being considered for or receiving special education and related services. The forms and procedures incorporate various requirements of the Individuals with Disabilities Education Act and 23 Illinois Administrative Code 226. When completed according to the instructions, these forms provide consistency and assist school districts in providing parent(s)/guardian(s) proper notification and required explanations of proposed actions including written explanation of parent rights.

FORM USE:

The required Notice and Consent forms are to be used to:

♦ Notify parent/guardian when a school district receives a request for an evaluation and the district's determination regarding the request (Form 34-57A).

♦ Obtain parent/guardian consent to conduct an evaluation (Form 34-57B).

♦ Obtain parent/guardian consent to conduct a reevaluation (Form 34-57C).

♦ Notify parent/guardian of a conference(s) in which they are being requested to participate (Form 34-57D).

♦ Notify parent/guardian of recommendations made at a conference (Form 34-57E).

♦ Obtain parent/guardian consent for the initial provision of special education and related services (Form 34-57F).

♦ Notify parent/guardian of an Individualized Education Program Amendment (Form 34-57G).

♦ Obtain parent/guardian consent to excusing an Individualized Education Program team member (Form 34-57H).

♦ Notify parent/guardian and student of age of majority transfer rights (Form 34-57I).

♦ Notify parent/guardian of "Explanation of Procedural Safeguards" (Form 34-57J).

♦ Delegation of Rights to Make Educational Decisions (Form 34-57K)
INSTRUCTIONS:

1. Local school districts may transfer the forms onto their own letterhead. Spacing may also be adjusted as needed.

2. Districts may add additional copies for local district personnel who need the information for their records.

3. Copies of all notices for a given child must be maintained in the student's official temporary record.

4. The content of the forms cannot be altered with the exception of the addition of increased copies, district letterhead, spacing adjustments, and identifying information that the district feels is necessary for the parent/guardian and/or student. Space has been left toward the top of each form for the addition of identifying information.

5. Cooperatives/districts may prepare an accompanying cover letter to personalize these required forms. Information previously explained in telephone contact can be confirmed in a cover letter or appendix to the form.

6. The forms must be completed in full being sure to complete all blanks or boxes before giving the form to the parents/guardians.

7. Parent/guardians must be provided with a signed copy of the consent form evaluation (Form 34-57B or 34-57C) and initial provision of special education and related services (Form 34-57F).

8. The Explanation of Procedural Safeguards must be provided to parents/guardians, only one time a year, except that a copy also must be given upon an initial request for an evaluation, a receipt of the first written complaint or first due process complaint to the Illinois State Board of Education, upon a disciplinary removal that constitutes a change in placement, or upon request.
Required Notice and Consent Forms and Instructions
PURPOSE:

Form 34-57A notifies the parent/guardian and the source of the request, if other than the parent or guardian, whether or not a request for an evaluation is necessary at this time and states the reasons and relevant factors for this decision.

FORM USE:

If an evaluation/reevaluation is determined to be necessary, this form is to be utilized in conjunction with the Parent/Guardian Consent for Evaluation or Parent/Guardian Consent for Reevaluation, whichever is appropriate to the situation. When a request for an evaluation is received by a district, a response for evaluation determination must be ascertained and parent/guardian given this notification within fourteen school days.

The date on the letter should be the date it is mailed. Use of this notice does not preclude follow-up phone contacts with the parent/guardian or the inclusion of other written information with the notice.

INSTRUCTIONS:

1. This form must be sent to the parent/guardian regardless of the source of the request each time a student is referred for an evaluation.

2. The individual making the request for an evaluation and their title are identified on this form.

3. State reason(s) the individual making this request for an evaluation believes this child may have a disability and need for special education services - such as academic and non-academic performance, medical information, any special programs, services, or other information as provided by the requesting individual.

4. Regardless of the determination reached, the reasons and relevant factors must be completed to indicate why an evaluation or reevaluation is deemed necessary or not necessary at this time.

5. This form should be used when it is determined that an initial evaluation or reevaluation is not necessary or when the parents and school district agree that a routine three year reevaluation is not necessary. In this situation, ISBE forms 34-57B, 34-57C, and 34-57B/C need not be completed.

6. This form should be used when it is determined that an initial evaluation or reevaluation is necessary. Additionally, if it is determined that an initial evaluation is necessary, ISBE forms 34-57B and 34-57B/C must be completed. If it is determined that a reevaluation is necessary, ISBE forms 34-57C and 34-57B/C must be completed.
7. The documentation included in the “reasons and relevant factors” section could include the districts' plan to address the potential need for an evaluation in the future. For example, general education interventions may be appropriate, and if unsuccessful, the district may consider an evaluation.

8. Insert name and phone number of the local school district/special education cooperative contact person on the form. The contact person should be knowledgeable of special education procedures and communicate well with the parent/guardian.

9. Include a copy of this completed form in the student's temporary record.
PARENT/GUARDIAN NOTIFICATION OF DECISION REGARDING A REQUEST FOR AN EVALUATION

DATE: ___________  STUDENT’S NAME: ___________________________  STUDENT’S DATE OF BIRTH: ___________

Dear __________________________:  
(Parent(s)/Guardian(s) Name)

A request for a special education evaluation was made for your child on ____________________________ by ____________________________ for the following reasons:  
(Name and Title of Person Making Request)

_____________________________________________________________________________________________________
_____________________________________________________________________________________________________

Request for Initial Evaluation:

☐ A review of the request has determined that an initial evaluation is deemed necessary at this time.

☐ A review of the request has determined that an initial evaluation is not deemed necessary at this time.

Request for Reevaluation:

☐ A review of the request has determined that a reevaluation is deemed necessary at this time.

☐ A review of the request has determined that a reevaluation is not deemed necessary at this time.

The reasons and relevant factors for the above indicated decision include:

_____________________________________________________________________________________________________
_____________________________________________________________________________________________________

If an evaluation was deemed appropriate or a reevaluation is necessary to determine a child continues to be a child with a disability, the process will begin upon the receipt of written informed consent from the parent/guardian. You and your child have rights and protections under the procedural safeguards and may wish to review your copy of, Explanation of Procedural Safeguards, regarding the district’s decision. To discuss any concerns or if you have any questions regarding this decision, please contact:

Name: ___________________________________________________________________________ Title: __________________ Phone: __________________

Sincerely,

_________________________________________________________________________________
(Signature)

Name: ___________________________________________________________________________

Title: ___________________________________________________________________________

☐ Parent/Guardian provided a copy of the Explanation of Procedural Safeguards.

ISBE 34-57A (1/08)
PARENT/GUARDIAN CONSENT FOR INITIAL EVALUATION  
ISBE Form 34-57B

PURPOSE:
Form 34-57B provides informed consent for the evaluation.

FORM USE:
This form is used to obtain consent to conduct initial evaluations. The evaluation process should be sufficient in scope to determine whether a student has a disability, whether the disability adversely affects his/her educational performance in the general education curriculum, and to make a determination of the nature and extent of the student’s need or specially design instruction and any necessary related services.

INSTRUCTIONS:
1. Form 34-57B is a two page form.

2. Informed parent/guardian consent for an evaluation is required but may only be obtained after the IEP team has completed ISBE form 34-57B/C.

3. The evaluation cannot be initiated until ten (10) days after consent is obtained. When applicable, the district may seek agreement from the parent(s) to waive the ten calendar interval requirement.

4. Delay in parent returning the notice does not change the date of referral and/or the subsequent sixty-school-day timeline.

5. Any evaluation recommended by the district must be documented on ISBE form 34-57B/C and is the financial responsibility of the district.

6. The "sources from which data will be obtained" box on ISBE form 34-57B/C should contain, at a minimum, the title of the individual who will obtain the additional data.

7. The parent is requested to list any applicable data/reports/evaluations on ISBE form 34-57B/C and provide a copy to the district.

8. The IEP team may use multiple copies of ISBE form 34-57B/C as necessary to document their determinations.

9. This form must be used to obtain parent consent anytime an IEP team recommends an initial evaluation. The parent/guardian checks the appropriate consent box and must sign and date the document.

ISBE 34-57INST (1/08)
Dear ____________________________:
(Parent(s)/Guardian(s) Name)

Each school district shall ensure that a full and individual evaluation is conducted for each child being considered for special education and related services. The purpose of an evaluation is to determine:

- Whether the child has one or more disabilities;
- The present levels of academic achievement and functional performance of the child;
- Whether the disability is adversely affecting the child’s education; and,
- Whether the child needs special education and related services.

An evaluation considers domains (areas related to the suspected disability) that may be relevant to the educational problems experienced by the individual child under consideration. The nature and intensity of the evaluation, including which domains will be addressed, will vary depending on the needs of your child and the type of existing information already available. The IEP Team, of which you are a member, determines the specific assessments needed to evaluate the individual needs of your child. Within 60 school days from the date of parent/guardian consent, a conference will be scheduled with you to discuss the findings and determine eligibility for special education and related services.

The IEP team must complete page 2 of this form prior to obtaining parental consent for evaluation.

PARENT/GUARDIAN CONSENT FOR INITIAL EVALUATION

I understand the school district must have my consent for the initial evaluation. If I refuse consent for an initial evaluation, the school district may, but is not required to, pursue override procedures through due process. If the school district chooses not to pursue such procedures, the school district is not in violation of the required evaluation procedures. I understand my rights as explained to me and contained in the Explanation of Procedural Safeguards. I understand the scope of the evaluation as described on page 2 of this form.

☐ I give consent  ☐ I do not give consent to collect and/or review the evaluation data as described on page 2 of this form.

Date:______________   Parent/Guardian Signature:____________________________________________
### PARENT/GUARDIAN CONSENT FOR EVALUATION
Identification of Needed Assessments

This form must be completed by the IEP Team

<table>
<thead>
<tr>
<th>DOMAIN</th>
<th>RELEVANT</th>
<th>EXISTING INFORMATION ABOUT THE CHILD</th>
<th>ADDITIONAL EVALUATION DATA NEEDED</th>
<th>SOURCES FROM WHICH DATA WILL BE OBTAINED</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Academic Achievement</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current or past academic achievement data pertinent to current educational performance.</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Functional Performance</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Current or past functional performance data pertinent to current functional performance</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Cognitive Functioning</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Data regarding cognitive ability, how the child takes in information, understands information and expresses information</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Communication Status</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Information regarding communicative abilities (language, articulation, voice, fluency) affecting educational performance.</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Health</strong></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Current or past medical difficulties affecting educational performance.</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Hearing/Vision</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Auditory/visual problems that would interfere with testing or educational performance. Dates and results of last hearing/visual test</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Motor Abilities</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Fine and gross motor coordination difficulties, functional mobility, or strength and endurance issues affecting educational performance.</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Social/Emotional Status</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Information regarding how the environment affects educational performance (life history, adaptive behavior, independent function, personal and social responsibility, cultural background).</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

ISBE 34-57 B/C (1/08)
PARENT/GUARDIAN CONSENT FOR REEVALUATION
ISBE Form 34-57C

PURPOSE:

Form 34-57C provides informed consent for the reevaluation.

FORM USE:

This form is used to obtain:

- Consent to conduct a reevaluation; or
- Obtain agreement that no additional data are needed.

This form must be used to obtain parental agreement with the IEP team's determination that no additional evaluation data is needed. When the IEP team determines no additional evaluation is needed, then parental agreement and not parental consent is required.

INSTRUCTIONS:

1. Form 34-57C is a two page form.

2. Parent/guardian consent or agreement may only be obtained after the IEP team has completed ISBE form 34-57B/C. Upon the IEP team making a decision, the parent/guardian checks the appropriate agreement or consent box and must sign and date the document.

3. The reevaluation cannot be initiated until ten (10) days after consent is obtained. When applicable, the district may seek agreement from the parent(s) to waive the ten calendar interval requirement.

4. The date of the meeting that considered the most recent evaluation results determines the three-year reevaluation due date. The meeting conducted to consider the current reevaluation results must be no later than the date of the meeting convened three years prior.

5. Any evaluation recommended by the district must be documented on ISBE form 34-57B/C and is the financial responsibility of the district.

6. The "additional evaluation data needed" box on ISBE form 34-57B/C does not need to include the names of specific diagnostic instruments but should include general information regarding the type of instruments and/or procedures to be utilized.

7. The "sources from which data will be obtained" box on ISBE form 34-57B/C should contain, at a minimum, the title of the individual who will obtain the additional data.

ISBE 34-57INST (1/08)
Dear ________________________________:
(Parent’s/Guardian’s Name)

Each school district shall ensure that a reevaluation is conducted for each child being reconsidered for special education and related services. A reevaluation must occur at least once every three years unless the parent and school district agree that a reevaluation is not needed. A reevaluation may not occur more than once a year, unless the parent and school district agree it is necessary. The purpose of a reevaluation is to determine:

- Whether the child continues to have one or more disabilities;
- The present levels of academic achievement and functional performance of the child;
- Whether the disability is adversely affecting the child’s education
- Whether the child continues to need special education and related services; and
- Whether any additions or modifications to the child’s special education and related services are needed to enable the child to meet the measurable annual goals in the Individualized Education Program (IEP) and to participate appropriately in the general curriculum, extracurricular activities and other nonacademic activities.

An evaluation considers domains (areas related to the suspected disability) that may be relevant to the educational problems experienced by the individual child under consideration. The nature and intensity of the evaluation, including which domains will be addressed, will vary depending on the needs of your child and the type of existing information already available. The IEP Team, of which you are a member, determines the specific assessments needed to evaluate the individual needs of your child. Upon completion of your child’s evaluation, a conference will be scheduled with you to discuss the findings and determine eligibility for special education and related services.

The IEP team must complete page 2 of this form prior to obtaining parental consent for a reevaluation. If the IEP team determines no additional evaluation is needed, then parental agreement and not parental consent is required.

PARENT/GUARDIAN AGREEMENT THAT NO ADDITIONAL DATA IS NEEDED

I understand the school district is not required to conduct a reevaluation to determine if my child continues to be a child with a disability. However, I may request the school district to conduct the reevaluation.

☐ I agree ☐ I do not agree with the determination that no additional data is needed.

Date:_____________ Parent/Guardian Signature: __________________________

PARENT/GUARDIAN CONSENT TO COLLECT ADDITIONAL EVALUATION DATA

I understand the school district must have my consent for the reevaluation. If I refuse consent, the school district may, but is not required to, pursue override procedures through due process. If the school district chooses not to pursue such procedures, the school district is not in violation of the required evaluation procedures. Furthermore, I understand that if I fail to respond to the request for consent, the school district may pursue the reevaluation if the school district made reasonable efforts to obtain such consent. I understand my rights as explained to me and contained in the Explanation of Procedural Safeguards. I understand the scope of the evaluation as described on page 2 of this form.

☐ I give consent ☐ I do not give consent to collect the additional evaluation data as described on page 2 of this form.

Date:_____________ Parent/Guardian Signature: __________________________
PARENT/GUARDIAN NOTIFICATION OF
CONFERENCE
ISBE Form 34-57D

PURPOSE:
Form 34-57D informs the parent(s)/guardian(s) of the date, time, and location of the conference to discuss the educational needs of their child, the purpose of that conference, and those persons, identifying name and/or title, who have been invited to attend.

FORM USE:
This form provides the parent(s)/guardian(s) notice each time a conference is scheduled to:

♦ Review a child's educational status and determine what additional data, if any, are needed to complete an evaluation;
♦ Review an evaluation to determine, reconsider or change a child's eligibility for special education and related services;
♦ Review a child's eligibility and needs for special education and related services;
♦ Review and/or develop a child's IEP and determine the child’s educational placement;
♦ Consider postsecondary goals and transition services (beginning at age 14 1/2);
♦ Consider the relatedness of a child's disability to behaviors that resulted in a disciplinary code violation;
♦ Consider the need for a functional behavioral intervention assessment for the child;
♦ Review a need to create or revise a behavior intervention plan for the child;
♦ Review the child's recent change of placement due to suspension
♦ Determine the location of the interim alternative educational setting;
♦ Review anticipated date of graduation;
♦ Other.

PARTICIPANTS:
♦ Insert the names and/or titles of all individuals on the IEP team that will be invited for the purpose(s) identified on the form.
♦ Be sure to list all required personnel including students age 14 ½ and older when addressing needed transition services.

ADDITIONAL INSTRUCTIONS:
1. This form must be dated and mailed at least ten (10) calendar days prior to the scheduled conference. When applicable, the district may seek agreement from the parent(s) to waive the ten calendar interval requirement.

ISBE 34-57INST (1/08)
2. A choice of dates and times may be offered to the parent/guardian either by letter or phone prior to sending this notice. In such cases, this form can be used to confirm selected time/date.

3. The conference for which this notice is sent may be multipurpose. If this is the case, ALL boxes which apply or which may apply must be checked to ensure documentation of notice. For adequate notice to occur, parents must be notified in advance of any intended purpose(s) of a conference.

4. The form should list all individuals and/or their titles who are being invited to the conference. If any district personnel are unable to attend, the conference must still include the necessary participants.

5. Insert name and telephone number of the local district/special education cooperative contact person on the form. The contact person should be knowledgeable of special education procedures and communicate well with the parent/guardian.

6. Include a copy of this completed form in the student's temporary record.
Dear __________________________________________________________________:

In order to discuss the educational needs of your child, you are invited to attend and IEP conference meeting to be held:

Date: ___________________________________________________________________
Time: ___________________________________________________________________
Location: ___________________________________________________________________

You are a participant on the IEP Team which will meet to address the purpose as indicated in the next section. You have the right to bring other individuals who have knowledge or special expertise regarding your child. If you plan to bring other individuals, please notify the individual indicated below prior to the meeting so arrangements and accommodations for participants can be made. If these meeting arrangements are not agreeable and/or you require an interpreter or translator, please contact the individual indicated below.

The purpose of this conference is to:

☐ Review your child’s educational status and determine what additional data, if any, are needed to complete your child’s evaluation.
☐ Review your child’s recent evaluation to determine, reconsider or change your child’s eligibility for special education and related services.
☐ Review your child’s eligibility and needs for special education and related services.
☐ Review and/or develop your child’s Individualized Education Program (IEP) and determine the child’s educational placement.
☐ Consider postsecondary goals and transition services (beginning at age 14½).
☐ Consider relatedness of disability to disciplinary code violation(s).
☐ Consider the need for a functional behavioral assessment for your child.
☐ Review a need to create or revise a behavior intervention plan for your child.
☐ Review your child’s recent change of placement due to suspension.
☐ Review anticipated date of graduation.
☐ Other ___________________________________________________________________

The invited individuals and/or their titles are listed below. If one of the required individuals listed below is unable to attend due to unforeseen circumstances, the district should designate an appropriate and suitable replacement to attend the IEP meeting. Any student age 14 ½ and older must be invited to any meeting if the purpose of the meeting is to consider transition service needs.

______________________________________________________________________________
Name and/or Title (General Education Teacher)                          __________________________________________________________________________
Name and/or Title (Special Education Teacher)                          __________________________________________________________________________
Name and/or Title (LEA Representative)                                __________________________________________________________________________
Name and/or Title                                                   __________________________________________________________________________

You and your child have protection under the procedural safeguards of special education regulations. The school district must provide you a copy of Explanation of Procedural Safeguards once a year. Please contact the district if you need a copy of Explanation of Procedural Safeguards.

Name: _____________________________________________________________________ Title: ____________________________________________________________________ Phone: _____________________________________________________________________

Sincerely,

______________________________________________________________________________
(Signature)

Name: _____________________________________________________________________ Title: ____________________________________________________________________

ISBE 34-57D (8-14-07)
PARENT/GUARDIAN NOTIFICATION OF
CONFERENCE RECOMMENDATIONS
ISBE Form 34-57E

PURPOSE:

Form 34-57E summarizes and notifies the parent/guardian of any recommendations made at the conference(s).

FORM USE:

At the conference(s), it will be determined that the student:

- Is eligible or continues to be eligible for special education and related services as listed in the IEP;
- Is not eligible for special education and related services as listed in the IEP;
- Requires a change in eligibility as listed in the IEP conference summary report;
- Will receive the special education and related services as listed in the IEP;
- Requires a change of special education and/or related services/educational placement as indicated in the IEP;
- Requires a placement in an alternative educational setting as documented in the IEP;
- Will be discontinued from special education and related services due to determination of ineligibility or reaching the age of 22;
- Is recommended for graduation;
- Will be assessed with the IAA;
- Other.

ADDITIONAL INSTRUCTIONS:

1. ALL boxes that apply should be checked which summarize recommendations determined at the conference(s).
2. Insert name and phone number of the local district/special education cooperative contact person on the form. The contact person should be knowledgeable of special education procedures and communicate well with the parent/guardian.
3. When applicable, the district may seek agreement from the parent(s) to waive the ten calendar interval requirement prior to initiating or changing a child’s placement.
4. Include a copy of this completed form in the student's temporary record.

ISBE 34-57INST (1/08)
PARENT/GUARDIAN NOTIFICATION OF CONFERENCE RECOMMENDATIONS

Date: __________  Student’s Name: __________________________  Student’s Date of Birth: __________

Dear _______________________________,

(Parent’s/Guardian’s Name)

The purpose of this letter is to provide you with notification of the educational recommendation developed for your child at the conference held on ______________________ at _____________________________.

At this conference it was determined that your child:

☐ Is eligible or continues to be eligible for special education and related services as listed in the IEP (Eligibility Determination: ________________)

☐ Is not eligible for special education and related services.

☐ Requires a change in eligibility, as listed in the IEP conference summary report.

☐ Will receive the special education and related services as listed in the IEP.

☐ Requires a change of special education and/or related services/educational placement as indicated in the IEP.

☐ Requires a placement in an alternative education setting as documented in the EIP.

☐ Will be discontinued from special education and related services due to determination of ineligibility or reaching the age of 21.

☐ Is recommended for graduation.

☐ Will be assessed with the Illinois Alternate Assessment (IAA). The IAA is aligned with the Illinois Learning Standards (grade level academic content) and scored against alternate achievement standards.

☐ Other __________________________

CHECK ONE, WHEN APPLICABLE: I understand that as soon as possible following development of the IEP, but not more than ten (10) calendar days, special education and related services will be provided to my child in accordance with the IEP, and

☐ I agree to waive the requirement of a ten calendar day interval before an initial or change in placement occurs.

☐ I do not agree to waive the requirement of a ten calendar day interval before an initial or change in placement occurs.

_________________ (Date) ____________________________________________________ (Parent/Guardian Signature)

Please refer to your copy of the IEP conference summary report which contains the information used in making these recommendations. Please review the parental rights information the Explanation of Procedural Safeguards. If you wish to discuss any concerns or have questions regarding your rights or this information, please contact:

Name: ____________________________________________  Title: __________________    Phone: __________

Sincerely,

__________________________________________________________ (Signature)

Name: ____________________________________________  Title: __________________

ISBE 34-57E (1/08)
PARENT/GUARDIAN CONSENT FOR INITIAL PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES
ISBE Form 34-57F

PURPOSE:

Form 34-57F provides the parent/guardian consent for initial special education and related services.

FORM USE:

Form 34-57F is used to obtain a parent/guardian’s voluntary written consent when a student has been determined eligible for special education and related services, an IEP has been developed, and the student has been recommended for initial special education services. It is also used if a parent/guardian does not give consent for special education and related services programming as indicated in the IEP and exempts the local school district of any violation of a free and appropriate public education (FAPE) for the child.

ADDITIONAL INSTRUCTIONS:

1. The district must ensure that parents understand that the services will be provided in accordance with the conference recommendations and the date of initiation in the IEP.

2. The initial provision of services must occur as soon as possible, but no more than ten (10) calendar days, following development of the IEP. In some instances, such as a child turning three, services may have to begin prior to the ten calendar days. When applicable, the district may seek agreement from the parent(s) to waive the ten calendar interval requirement.

3. Insert name and phone number of the local school district/special education cooperative contact person on the form. The contact person should be knowledgeable of special education procedures and communicate well with the parent/guardian.

4. Include a copy of this completed form in the student’s temporary record.

ISBE 34-57INST (1/08)
At a recent conference your child was recommended for initial provision of special education and related services and an Individualized Education Program (IEP) was developed. Before a school district can provide the special education services described in your child’s IEP, your informed written consent is required. Your consent is voluntary and you may revoke your consent at anytime. If you revoke consent, it does not negate an action that occurred after the consent was given and before it was revoked.

CHECK ONE:

☐ I give consent

For the initial special education and related services of my child as indicated on the Individualized Education Program (IEP). The proposed special education and related service(s) have been fully explained to me and are consistent with the IEP developed for my child.

I understand that my consent is voluntary. I understand that my consent is not required for continued services or change in services/placement. At least annually, I will be given reasonable opportunity for comment on and input into my child’s IEP.

I received a copy of the Explanation of Procedural Safeguards which have been fully explained to me by school personnel, including the procedures for requesting an impartial due process hearing.

I understand that as soon as possible following development of the IEP, but not more than ten (10) calendar days, special education and related services will be provided to my child in accordance with the IEP.

☐ I do not give consent

For the special education and related services of my child as indicated in the Individualized Education Program (IEP).

I understand that the school district will not be in violation of the requirement to make available a free appropriate public education for my child if I refuse to give consent.

☐ I have received

☐ Copy of the IEP Eligibility Summary
☐ Copy of the Individualized Education Program (IEP)
☐ Other______________________________

Date:_________________________ Parent/Guardian Signature:__________________________________________

If you have any questions concerning this process or require additional information regarding your and your child’s rights, please contact:

Name:__________________________________________ Title:_________________________ Phone:_________________________

Sincerely,

____________________________________________________

(Signature)

Name:__________________________________________

Title:__________________________________________
PURPOSE:

Form 34-57G notifies the parent/guardian of changes that have been made to the IEP when the school district and the parent/guardian agree not to reconvene the IEP meeting for the purposes of making changes to a student’s IEP. A written document to amend the student's current IEP must be completed.

FORM USE:

Form 34-57G is used to provide written documentation of IEP changes.

ADDITIONAL INSTRUCTIONS:

1. It is recommended that this form be used only for IEP changes that do not significantly change a student’s services and/or placement.

2. The form should be used to document that the parent and school district agreed to make changes to an IEP without reconvening the IEP meeting.

3. This can not take the place of an annual review meeting.

4. The form must be attached to the child’s IEP.

5. The district should communicate with the parent/guardian about the changes to the IEP. The date of contact, district personnel and title, and the mode of communication should be documented on the form.

6. The actual changes and an explanation of the changes should be documented. The district should ensure that the written documentation of the changes reflects the communication that took place with the parent/guardian.

7. Include a date that the changes will begin.

8. The name, title, and phone number of a district contact person should be included.

9. This form must be attached to the student’s current IEP.

10. A copy of the student’s current IEP, along with this form should be given to the parent/guardian.

ISBE 34-57INST (1/08)
DATE: ___________ STUDENT’S NAME: ___________________________ STUDENT’S DATE OF BIRTH: ______

*Use this form to document that the parent and school district agreed to make changes to an IEP without reconvening the IEP meeting. This can not take the place of an annual review meeting and the form must be attached to the child’s IEP.

Dear ______________________________:  
(Parent’s/Guardian’s Name)

On ________________ you and ____________________________________  
(Date of Contact) (School District Personnel and Title)

☐ met in person    ☐ spoke on the phone    ☐ exchanged emails    ☐ exchanged faxes

and agreed to make the following changes to your child’s current IEP as indicated below:

Changes and Explanation of Changes:

Enclosed is a copy of your child’s current IEP along with the changes. The changes will begin on ___________ and be implemented in your child’s current placement.

If you disagree with the changes, want to request a meeting to discuss the changes above, or want to request a copy of Explanation of Procedural Safeguards, please contact the person indicated below with any questions in regards to the above changes,

Name: ________________________ Title: ___________________________ Phone: ______________________

Sincerely,

________________________________________________________________________
(Signature)

Name: ________________________ Title: ___________________________

ISBE 34-57G (1/08)
PARENT/GUARDIAN EXCUSAL OF AN
INDIVIDUALIZED EDUCATION PROGRAM TEAM MEMBER
ISBE Form 34-57H

PURPOSE:

Form 34-57H provides the written documentation for the excusal of one of the required team members. A required team member is described in the regulations as, the general education teacher, special education teacher, LEA representative, and/or an individual who can interpret the instructional implications of evaluation results, who may be a member of the team already identified.

A school district and the parent/guardian may agree, in writing, to excuse an IEP team member in whole or part under the following circumstances:

♦ If the attendance of the member is not necessary because the member’s area of curriculum or related services is not being modified or discussed in the meeting, or
♦ If the meeting does involve a modification to or discussion of the special and related services but the team member submits, in writing, input into the development of the IEP prior to the meeting.

FORM USE:

Form 34-57H is used to provide written documentation for the excusal of an IEP team member. Allowing team members to be excused from attending an IEP meeting is intended to provide additional flexibility to parents in scheduling meetings.

It is important to emphasize that the IEP team should consist of individuals who are necessary to develop an IEP taking into account the best interests of the child and his/her needs. Although, this form is to be used to document an excusal of only the “required” team members, the district should make every effort to ensure that other team members are present at the meeting. If one of the other invited individuals is unable to participate, that team member is encouraged to submit, in writing, input into the development of the IEP prior to the meeting.

ADDITIONAL INSTRUCTIONS:

1. The district should communicate with the parent/guardian about the excusal prior to sending the written notice. The type of communication should be noted on this form.

2. This notification should be received by the parent/guardian prior to the meeting.

3. Some instances may not allow prior notice (e.g. staff absent on the day of the meeting). In these instances, the parent can agree to continue with the meeting by agreeing to excuse the team member(s) or may request that the meeting be rescheduled.

ISBE 34-57INST (1/08)
4. Indicate the appropriate excusal section on the form. The IEP team member’s name and area should be included on the document.

5. The parent/guardian’s signature is required to demonstrate agreement with the excusal of the IEP team member.

6. This form should include the name, title, and phone number of a district contact person.

7. Once excusal of a team member, whose curriculum or services will be discussed, is approved, the excused member must submit, in writing, input into the development of the IEP prior to the meeting.

8. A signed copy of this notice and the written input of the excused team member should be attached to the student’s IEP.

9. A school district should not “routinely” excuse IEP team members as this would not be in compliance with the regulations.

ISBE 34-57INST (1/08)
PARENT/GUARDIAN EXCUSAL OF AN INDIVIDUALIZED EDUCATION PROGRAM TEAM MEMBER

Date: ___________________ Student’s Name: ___________________ Student’s Date of Birth: ____________

Dear ____________________________:

(Parent’s/Guardian’s Name)

An IEP Team meeting is scheduled for your child on ____________.

We □ met in person □ spoke on the phone □ exchanged emails □ exchanged faxes and agreed to the following:

Allowing team members to be excused from attending an IEP meeting is intended to provide additional flexibility to parents in scheduling meetings. The presence and participation of the required Individualized Education Program (IEP) team member(s) identified below is/are not necessary and has/have been excused from being present and participating in the meeting. The “team member” is described in the regulations as, the general education teacher, special education teacher, LEA representative, and/or an individual who can interpret the instructional implications of evaluation results, who may be a member of the team already identified.

Content area of excused member not discussed at the meeting

☐ Yes ☐ NA

The school district and parent/guardian agree the following member(s) is/are not required to attend the IEP meeting in whole or in part because the individual’s area of curriculum, content or related service will not be discussed or modified.

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Content area of excused member discussed at the meeting

☐ Yes ☐ NA

The school district and parent/guardian agree the following member(s) may be excused from attending the IEP meeting in whole or in part, when the meeting involves a modification to or discussion of the member’s area of the curriculum or related services, if the member submits input into the IEP in writing to the parent and to the team prior to the meeting.

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Parent/Guardian Signature ___________________________ Date ____________

Authorized School Personnel Signature ___________________________ Date ____________

If you have any questions or would like a copy of Explanation of Procedural Safeguards, please contact:

Name: ___________________ Title: ___________________ Phone: ___________________

Sincerely,

____________________________________________________

(Signature)

Name: ___________________ Title: ___________________

ISBE 34-57H (1/08)
PARENT/GUARDIAN AND STUDENT NOTIFICATION OF
TRANSFER OF RIGHTS DUE TO AGE OF MAJORITY
ISBE Form 34-57I

PURPOSE:
Form 34-57I provides the parent/guardian and student notice of the transfer of rights when the student reaches the age of majority (18 years of age).

FORM USE:
Form 34-57I must be sent to the parent/guardian and student one year prior to the student's eighteenth birthday. This provides notice that the transfer will occur automatically on the student's eighteenth birthday.

ADDITIONAL INSTRUCTIONS:

1. All of the parental rights discussed in this document will transfer to the eligible student at the age of majority, unless the school district is notified otherwise.

2. If a student with a disability has been determined to be incompetent under State law, the student's parent/guardian must provide the district with a copy of the court order. This document will identify the individual designated to represent the student's educational rights.

3. The parent/guardian retains the right to receive ten (10) day notice prior to the date of any conference.
Dear _______________ and ____________________

(Parent’s/Guardian’s Name)  (Student’s)

When a student with a disability reaches 18 years of age (the age of majority under State law) all educational rights transfer from the parent(s)/guardian(s) to the student. The Individuals with Disabilities Education Act (IDEA) requires that both parent(s)/guardian(s) and the student receive notice of the transfer of educational rights one year prior to the student’s eighteenth birthday. However, the parent(s)/guardian(s) will continue to receive the ten day notice prior to the date of any special education meeting after the student turns eighteen.

On the date of age of majority, all rights pertaining to the special education program/services shall transfer from the parent(s)/guardian(s) to the student unless the school district is otherwise notified (e.g. Delegation of Rights to Make Educational Decisions form).

Student’s legal name: ______________________ Date of age of majority: ________________

CHECK ONE:

☐ This serves as your one (1) year prior notice of the anticipated transfer of educational rights to the above named student under IDEA.

☐ This serves as your notice that all educational rights under IDEA have been transferred to the above named student.

If you have any questions concerning this procedure or require an additional copy of your rights, the Explanation of Procedural Safeguards, please contact:

Name: ___________________________ Title: ___________________________ Phone: ________________

Sincerely,

_______________________________________
(Signature)

Name: ___________________________
Title: ___________________________

ISBE 34-57I (1/08)
PARENT/GUARDIAN EXPLANATION OF PROCEDURAL SAFEGUARDS
ISBE Form 34-57J

PURPOSE:

The Explanation of Procedural Safeguards summarizes and notifies the parent/guardian regarding the procedural safeguards to which they and their child are entitled.

FORM USE:

The Explanation of Procedural Safeguards must be utilized upon:

- An initial request for an evaluation;
- Upon receipt of the first written State complaint;
- Upon receipt of the first due process complaint;
- Upon a disciplinary removal that constitutes a change in placement; and
- Upon parental request.

ADDITIONAL INSTRUCTIONS:

District and cooperative procedures must be developed and implemented to provide parents/guardians with a copy of the procedural safeguards at the appropriate times noted above.
NOTICE OF PROCEDURAL SAFEGUARDS FOR PARENTS/GUARDIANS OF STUDENTS WITH DISABILITIES
(As of January 2008)

As the parent/guardian of a student or adult student with a disability who is receiving or may be eligible to receive special education and related service, you have rights which are safeguarded by state and federal law. The rights to which you are entitled are listed below. A full explanation of these rights is available from your child’s school district. Please review this document carefully and contact the district if you have questions or need additional clarification regarding your child’s services or the procedural safeguards available to you.

The notice of your procedural safeguards must be made available to you only one time a year, except that a copy also must be given upon an initial request for an evaluation, a receipt of the first written complaint or first due process complaint to the Illinois State Board of Education, upon a disciplinary removal that constitutes a change in placement, or upon request.


PRIOR WRITTEN NOTICE

The local district is required to provide you with prior written notice:

- When the district proposes to initiate or change the identification, evaluation, educational placement or the provision of a free, appropriate public education to your child; or
- When the district refuses to initiate or change the identification, evaluation, educational placement or the provision of a free, appropriate public education to your child; or
- One year prior to your child reaching the age of majority (18 years of age). All educational rights transfer from parent(s)/guardian(s) to the student unless determined otherwise.

The written notice must be provided at least 10 days prior to the proposed or refused action and must include:

- A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take action, and a description of any other options the district considered and the reasons why those options were rejected;
- A description of each evaluation procedure, test, record or report the district used as a basis for the proposed or refused action;
- A description of any other factors which are relevant to the district’s proposal or refusal;
- A statement that you have due process rights and, if the notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained; and
- Sources for you to contact to obtain assistance in understanding your due process rights.
The notice must be written in language understandable to the general public and provided in the native language or other mode of communication used by you, unless it is clearly not feasible. If your native language or other mode of communication is not a written language, the local district shall take steps to ensure that: (a) the notice is translated orally or by other means to you in your native language or other mode of communication, (b) that you understand the content of the notice, and (c) that there is written evidence that these requirements have been met.

### PARENTAL CONSENT

Your informed consent indicates that you were given all the relevant information in your native language or other mode of communication. It also indicates that you understand and agree in writing to the activity. The local district must obtain your informed consent (using state-mandated forms) in the following instances:

- **Initial Evaluation** - Conducting an initial evaluation to determine eligibility for special education services,
- **Initial Services/Placement** - Initially providing special education and related services to your child, or
- **Reevaluation** - Reevaluating your child.

Other consents which are not part of these mandated forms include consent to access insurance benefits, consent to use the IFSP in place of an IEP, and consent to release your child’s records. Additionally, a local school district may not require your consent as a condition of any benefit to you or your child except for the services or activity for which consent is required.

If your child is a ward of the state and does not reside with you, the district shall make reasonable efforts to obtain your informed consent for an initial evaluation. However, the district shall not be required to obtain your informed consent, if despite reasonable efforts to do so, the agency cannot discover your whereabouts; your rights have been terminated in accordance with Illinois law; or, your rights to make education decisions have been removed by a judge in accordance with Illinois law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

Your consent is not required before your school district reviews existing data as part of an evaluation or reevaluation or before your school district administers a test or other evaluation that is administered to all children, unless before that test or evaluation, consent is required from the parents of all children.

### ABSENCE OF PARENTAL CONSENT

Certain conditions are applicable if you refuse to provide consent for the following:

- **Initial Evaluation** - If you do not provide consent for an initial evaluation or fail to respond to a request to provide consent, the district may, but is not required to, pursue having an initial evaluation conducted using mediation and/or due process hearing procedures.

  If a due process hearing is held, a hearing officer may order the school district to proceed in conducting an initial evaluation without your consent. This is subject to your right to
appeal the decision and to have your child remain in his/her present educational placement pending the outcome of any administrative or judicial proceeding.

♦ Initial Services/Placement – If you refuse to provide consent for the initial provision of special education and/or related services, the district will not provide these services. Furthermore, the district may not pursue mediation or due process procedures in order to obtain a ruling that services may be provided.

In the event that you refuse to consent to the initial provision of special education and/or related services, the district will not be considered to be in violation of its requirement to make a free appropriate public education (FAPE) available to your child. Nor is the district required to convene a meeting to develop an IEP for your child.

♦ Reevaluation – If you refuse to provide consent for a reevaluation, the school district may, but is not required to, pursue override procedures through mediation or a due process hearing. However, the school district may pursue the reevaluation if it made reasonable efforts to obtain your consent and you failed to respond. If the school district chooses not to pursue such procedures, the school district is not in violation of providing a free appropriate public education to your child.

PARENT PARTICIPATION IN MEETINGS

You must be afforded the opportunity to participate in meetings regarding the identification, evaluation, eligibility, reevaluation, and educational placement of your child. In order to ensure your participation, the school district must provide you with ten day written notice of the meeting. The notice must inform you of the purpose and a mutually agreeable place and time for the meeting and who will be in attendance. The notice for the IEP meeting must also include a statement that you have the right to invite individuals with special knowledge or expertise about your child to attend the IEP meeting with you.

As a parent, you are an important member of your child’s IEP team and are encouraged to be involved in meetings where decisions are made regarding the educational placement of your child. However, if you cannot attend the meeting, the school district must use other methods to ensure your participation, including individual or conference telephone calls. Decisions about your child’s services and placement can be made by the IEP team even if you do not attend the meeting, but the district must maintain a record of its attempts to arrange a mutually agreed upon time and place for the meeting that includes things such as detailed telephone calls made or attempted and the results of those calls, copies of correspondence sent to you and any responses received, or detailed records of visits made to your home or workplace and the results of those visits.

For a child beginning at age 14 ½, or younger if determined appropriate by the IEP team, the notice must indicate that one purpose of the meeting will be the development of a statement of the transition service needs of your child and that the school district will invite your child to the meeting and indicate any other agency that will be invited to send a representative to the meeting. The district must take whatever action is necessary to ensure that you and your child understand the proceedings at a meeting, which may include arranging for an interpreter if you or your child is deaf or your native language is not English.
The IEP team must meet at least once a year and must have an IEP for your child in effect by the beginning of each school year. After the annual meeting, you and the school may agree not to convene an IEP meeting for the purpose of amending your child’s IEP, and instead may amend or modify the IEP through a written document. The IEP team members must be informed of the changes. At any time, you may request an IEP meeting to be held at a time convenient for both you and the school.

### EVALUATION PROCEDURES

Your school district must use a variety of evaluation tools and strategies when conducting an evaluation of your child. The evaluation must assess your child in all areas related to the suspected disability. The school district must use technically sound instruments and procedures that are not biased against your child because of race, culture, language, or disability. The materials and procedures must be provided and administered in the language and form most likely to provide accurate information on what your child knows and can do.

**Initial Evaluation**

Either you or the school district may initiate a request for an initial evaluation of your child. If it is determined that an evaluation is necessary, the district must complete the evaluation within 60 school days of receiving your written consent.

The evaluation must be conducted by a team of qualified individuals and include your input. Your child will not be determined to be a child with a disability if lack of appropriate instruction in reading, math, or limited English proficiency are judged to be determinant factors.

**Reevaluation**

At least every three years after the initial evaluation, the school must reevaluate your child, unless you and the school agree a reevaluation is unnecessary.

**Independent Educational Evaluation**

An *independent educational evaluation* means an evaluation conducted by a qualified person who is chosen by you and is not employed by your school district.

You have the right to obtain an independent educational evaluation at public expense if you disagree with an evaluation obtained by the local district. When you request the school district pay for an independent educational evaluation, the school must either pay for it or request a due process hearing without unnecessary delay to show that its evaluation is appropriate. The school district may ask you why you object to its evaluation, but cannot unreasonably delay or deny the evaluation by requiring you to explain your disagreement.

If the district agrees to pay for the independent educational evaluation, it must provide to you, upon your request, information about where an independent educational evaluation may be obtained. Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the district uses when it initiates an evaluation.
If the district initiates a due process hearing and the hearing officer orders an evaluation, the cost of the evaluation must be at public expense. If the final decision of the hearing officer is that the district’s evaluation is appropriate, you still have the right to an independent educational evaluation, but at your own expense.

If you obtain an independent educational evaluation at private expense, the results of the evaluation must be considered by the district in any decision made with respect to the provision of a free, appropriate public education for your child. You may also present the independent educational evaluation as evidence in a due process hearing.

**PRIVATE SCHOOL PLACEMENTS**

This section describes your child’s rights when you voluntarily place him/her in a private school/facility.

**Private School Placements When FAPE is Not an Issue**

All children with disabilities residing in the State, who are in need of special education and related services, including children attending private schools, must be located, identified, and evaluated. This process, called **Child Find**, is the responsibility of the public school district where your child’s private or home school is located. If your child is determined eligible for special education services, **Child Find** includes the right to a three-year reevaluation. The rights described in this document related to identification and evaluation apply even when you place your child in a private school/facility.

However, when you choose to place your child with a disability in a private school, your child does not have a right to receive any of the special education or related services he or she would receive if enrolled in the public school. Some special education services may be available to your child while enrolled in the private school, but the type and amount will be limited by how the public school where your child’s private school is located decides to serve private school students. The school’s decision is made after consulting with representatives of private schools and a representative group of parents of private school children with disabilities. The school determines how to use the limited federal funds that are designated for private school services. If a public school elects to provide any type of service to your child, then a **services plan** must be developed. The services plan includes goals and those elements of a traditional IEP that are appropriate for your child and the services to be provided.

**Private School Placements When FAPE Is an Issue**

If you enroll your child in a nonpublic elementary or secondary school due to your belief that a free, appropriate public education was not being provided, the following may be applicable:

- A court or hearing officer may require the district to reimburse you for the cost of that enrollment if it is found that the district did not make a free, appropriate public education available in a timely manner prior to that enrollment.

The amount of reimbursement awarded by the hearing officer may be reduced or denied:
If, at the most recent IEP meeting you attended prior to the removal of your child from the public school, you did not inform the IEP Team that you were rejecting the placement proposed by the district, including stating your concerns and intent to enroll your child in a nonpublic school or facility;

- If 10 business days (including any holidays that occur on a business day) prior to the removal of the student from the public school, you did not give notice to the district of the information mentioned above;

- If prior to your removal of your child from the public school, the school district informed you of its intent to evaluate your child but you did not make him/her available for such evaluation; or

- Upon a judicial finding of unreasonableness with respect to actions taken by you.

The cost of reimbursement may not be reduced or denied for failure to provide such notice if:

- A parent/guardian cannot read and write in English;
- Compliance with the notice requirements would likely result in physical or serious emotional harm to your child;
- The school prevented you from providing such notice; or
- You were not made aware of the notice requirement mentioned above.

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**DISCIPLINE OF STUDENTS WITH DISABILITIES**

If your child’s behavior impedes his/her learning or the learning of others, strategies including positive behavioral interventions and supports, must be considered in the development of your child’s IEP.

**Short Term Removals (10 Days or Less at a Time)**

If your child violates the student code of conduct, school personnel may remove him/her from the current placement for ten (10) days or less in a school year. The school district is not required to provide educational services during these removals unless services are provided to students without disabilities under similar circumstances.

**Long Term Removals**

Removals totaling ten (10) days or more in a school year may or may not constitute a change in placement, depending upon the pattern of those removals and based on factors such as the length of each removal, the total amount of time your child is removed in a school year and the length of time between each removal.

Once the disciplinary removals total more than 10 school days, the school district must continue to provide educational services. School personnel, in consultation with at least one of your child’s teachers, must determine the extent to which services are needed so as to enable your child to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the IEP during the removals.
Disciplinary removals beyond a total of ten school days during the school year may be considered a change in placement by school officials. If this occurs, the school district must notify you of its decision and provide you with a copy of the procedural safeguards on the same day that the decision to remove is made. School personnel, in consultation with at least one of your child’s teachers, must determine the extent to which services are needed during the period of removal. Your child shall receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur. Additionally, an IEP meeting must be convened as soon as possible, but no later than ten (10) school days after the decision to remove in order to conduct a manifestation determination review.

**Manifestation Determination Review (MDR)**

When conducting a manifestation determination review, the IEP team shall consider all relevant information in your child’s file, including your child’s IEP, staff observations, and any relevant information supplied by you. The IEP team determines:

- If the behavior was caused by or had a direct and substantial relationship to your child’s disability, or
- If the behavior was the direct result of the school district’s failure to implement your child’s IEP.

If the team determines that either of the above statements is applicable, then your child’s behavior must be considered a manifestation of his/her disability.

**A. Manifestation of the Disability**

Upon determination that the behavior was a manifestation of your child’s disability, the IEP team shall:

- Conduct a functional behavioral assessment and implement a behavioral intervention plan, provided that the school district had not already conducted such an assessment prior to the determination of the behavior that resulted in change of placement,
- In the situation where a behavioral intervention plan is in place, review the behavioral intervention plan and/or modify the plan as necessary to address the behavior; and
- Return your child to the placement from which he/she was removed, unless you and the school district agree to a change of placement, except when the student has been removed to an interim alternative education setting for drugs, weapons and/or serious bodily injury (see below for more information on interim alternative educational setting).

**B. Not a Manifestation of the Disability**

If it is determined that the behavior of your child was not related to his/her disability, pertinent disciplinary procedures may be applied in the same manner they would be for students without disabilities—except that students with disabilities must continue to
receive a free appropriate public education if removed for more than 10 school days in that school year.

If the local district initiates pertinent disciplinary procedures that apply to all students, the district must ensure that special education and disciplinary records of your child are transmitted for consideration by the person(s) making the final determination about the action.

**Expedited Due Process Hearing**

If you disagree with any decision regarding disciplinary placement or the manifestation determination review, you have the right to request an expedited due process hearing. The local district or ISBE must arrange for an expedited hearing when you make a request in writing.

Additionally, if the school district believes that maintaining your child in his or her current placement is substantially likely to result in injury to your child or to others, the school may request an expedited due process hearing to change your child’s placement to an interim alternative educational setting. The hearing officer may order the placement even if your child’s behaviors are a manifestation of his or her disability.

The expedited hearing must occur within 20 school days of the date the hearing is request and must result in a determination within 10 school days after the hearing.

**Interim Alternative Educational Setting (IAES)**

An interim alternative educational setting is a different location where educational services are provided for a specific time period for disciplinary reasons. This setting will be determined by the IEP team and must be selected so as to enable your child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications including those described in the current IEP that will enable him or her to meet IEP goals. The alternative setting must also include services and accommodations to address the behavior which resulted in the removal.

School personnel may remove your child from his/her current education placement to an interim alternative educational setting without your consent if he/she:

- Carries a weapon to school or to a school function,
- Knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school or at a school function, and/or
- Has inflicted serious bodily injury upon another person while at school or at a school function.

Removal to an interim alternative educational setting shall not be more than 45 school days without regard to whether the behavior is determined to be a manifestation of his/her disability.

If you disagree with the decision and request an expedited due process hearing to challenge the decision, your child will remain in the interim alternative educational setting during the pendency of the hearing unless you and the school district agree otherwise or until the 45 school day time period expires. A school district may seek subsequent expedited hearings and alternative
placements if after the first 45 school day term has expired the school district believes your child is still dangerous.

**Protections for Students Not Yet Eligible for Special Education and Related Service**

If your child has not been found eligible for special education but the district has knowledge that your child is disabled before a behavior occurred for which disciplinary action is being taken, you may assert the same protections in discipline afforded to a student with a disability. The school district is considered to have knowledge of a disability if:

- you have expressed concerns in writing (or orally if a parent/guardian cannot read or write) that your child needs special education and related services,
- your child’s behavior or school performance shows the need for special education,
- you have requested an evaluation to determine if your child needs special education, or
- one of your child’s teachers or other district staff has made a request for special education services to the special education director or other appropriate district personnel.

The school district is not considered to have knowledge of a disability if:

- you have not allowed an evaluation of your child,
- you have refused services,
- an evaluation was conducted and it was determined that your child does not have a disability, or
- it was determined that an evaluation was not needed and you were informed in writing of the determination.

If, prior to taking disciplinary action against a student, the local district had no knowledge that the student was a student with a disability, the student may be subjected to the same disciplinary procedures as those applied to students without disabilities who engaged in comparable behaviors.

An evaluation requested during the time period in which the student is subjected to disciplinary procedures must be conducted in an expedited manner. However, the student must remain in the educational placement determined by school authorities pending results of the evaluation. If the student is determined to be a student with a disability based on the evaluation, the local district must provide appropriate special education and related services.

**Referral to and Action by Law Enforcement and Judicial Authorities**

Local districts or other agencies are not prohibited from reporting a crime committed by a student with a disability to appropriate authorities. In addition, state law enforcement and judicial authorities are not prevented from exercising their responsibilities regarding the application of federal and state law to crimes committed by a student with a disability.

Local districts or other agencies reporting a crime committed by a student with a disability must ensure that copies of the special education and disciplinary records of the student are transmitted to the appropriate authorities for their consideration.
COMPLAINT RESOLUTION

Concerns with respect to any matter relating to the identification, evaluation or educational placement of a student or the provision of a free, appropriate public education to a student should be directed to the local school district.

You may file a signed, written complaint with the ISBE, alleging that the rights of your child or several children with disabilities have been violated. The following information must be included in a formal complaint:

♦ A statement alleging the violation(s) and the facts on which the statement is based.
♦ The names and addresses of the involved students and schools of attendance.
♦ The signature and contact information for the complainant.
♦ A proposed resolution for the problem.

The complaint must allege that the violation occurred not more than one year prior to the date on which the complaint is received. Upon receipt of a valid complaint, the ISBE will:

♦ Give you an opportunity to submit additional information regarding the allegations.
♦ Provide the district with the opportunity to offer a proposal to resolve the complaint and offer to engage the parent in mediation or alternative means of dispute resolution.
♦ Review all relevant information and make a determination as to whether the district violated a special education requirement.
♦ Issue a written decision which addresses each allegation and includes findings of fact and conclusions, the reasons for the ISBE’s decisions and orders for any correction actions.

These actions will be conducted within a 60-day timeline, unless that time limit is extended under exceptional circumstances or if you and the district engage in another method of dispute resolution, such as mediation.

If a complaint is filed involving one or more issues that are also the subject of a due process hearing, those portions of the complaint will be held in abeyance pending the completion of the hearing. In addition, if an issue has been previously decided in a due process hearing involving the same parties, the decision from the hearing will be binding and that issue will not be investigated through the complaint process.

MEDIATION

Illinois’ mediation service is designed as a means of resolving disagreements regarding the appropriateness of special education and related services to children. You may request mediation whether or not there is a pending due process hearing, but mediation cannot be used to delay or deny a due process hearing. Both you and the school district must voluntarily agree to participate in the mediation process. This service is administered and supervised by the ISBE and is provided at no cost to either you or the school district.

The mediation will be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and is knowledgeable in laws and regulations relating to the provision of
special education and related services. The mediator is an impartial third party and has no
authority to force any action by either party.

The number of participants shall generally be limited to three persons per party. You may bring
an attorney, advocate, interpreter, and other relevant parties. All discussions that occur during the
mediation process shall be confidential and may not be used as evidence in any subsequent due
process hearing or civil proceeding.

You will not be asked to abandon basic beliefs about your child’s ability during mediation; rather
you will be asked to: (a) consider alternatives which could be included in your child’s program,
(b) listen to the concerns expressed by the other party, and (c) be realistic about your child’s
capabilities and the local district's obligations and resources.

If you resolve a dispute through the mediation process, an agreement will be written and signed
by both you and a representative of the school district who has the authority to bind such
agreement. Mediation agreements are legally binding and enforceable in any state court of
competent jurisdiction or in a district court of the United States.

Efforts to mediate the disagreement will not be admissible as evidence at any subsequent
administrative or civil proceeding except for the purpose of noting the mediation which did occur
and the terms of any written agreement(s) which were reached as a result of mediation. The
mediator may not be called as a witness at any subsequent administrative or civil proceeding.

If you wish to request mediation services or to learn more about the mediation system, you may
contact the Division of Special Education Services, Illinois State Board of Education, at 217/782-
5589 or toll-free for parents at 866/262-6663.

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**DUE PROCESS HEARING**

**Requesting a Due Process Hearing**

In addition to the use of mediation and the state complaint procedures, you also have the right to
request an impartial due process hearing. A due process hearing is a legal process in which a
hearing officer gathers evidence and hears testimony from both you and the school district in
order to make a legally binding decision. Either you or the school district may initiate a due
process hearing regarding the district’s proposal or refusal to initiate or change the identification,
evaluation, or educational placement of a student or the district’s provision of a free, appropriate
public education.

A request for a hearing must be made in writing to the superintendent of the district in which you
and your child reside and must include the following information:

- The name and address of the student;
- The name of the school attended;
- A description of the nature of the problem about which you are complaining that relates
to the proposed initiation or change, including facts relating to the problem; and
- A proposed resolution of the problem to the extent known and available to the parent at
  the time.
Within 5 school days of receipt of the request for a hearing, the district will contact ISBE by certified mail to request the appointment of an impartial due process hearing officer. A model form for requesting a due process hearing shall be made available upon request.

Within 5 calendar days of filing your hearing request with the district, you are permitted the right to file an amended hearing request that may cover issues that were not raised in your initial hearing request. After 5 calendar days, you will only be allowed to file an amended hearing request with the agreement of the district, or with the authorization of the hearing officer. If you file an amended hearing request that raises issues other than issues in your initial hearing request, you will be required to restart all hearing timelines and potentially complete new resolution sessions and prehearing conferences (see below).

Resolution Meetings

Prior to the impartial due process hearing, the district will convene a meeting with you and relevant members of the IEP Team who have specific knowledge of the facts identified in the request for a due process hearing. The purpose of the resolution meeting is for you to discuss your request for the hearing and the facts that form the basis of the request so that the school district has the opportunity to resolve the dispute.

The resolution meeting shall:

- Be conducted within 15 days of receiving the district’s notice of the request for a due process hearing;
- Include a representative of the district who has decision-making authority;
- Not include district attorney unless you are also accompanied by an attorney;
- Allow you to discuss your request for a due process hearing.

You and the district may mutually agree in writing to waive the resolution meeting or agree in writing to use the mediation process as described above. Please note that you may use mediation at a later date if the resolution session proves unsuccessful.

If a resolution is reached, the parties must execute a legally binding agreement that is signed by both you and a representative of the district who has the authority to bind the district. The signed agreement is normally enforceable in any State court of competent jurisdiction or in a district court of the United States. However, either party may void such agreement within three (3) business days of signing the agreement by providing notice of the intent to void the agreement in writing to the other party.

If the school district has not resolved the request for due process hearing to your satisfaction within thirty (30) days of the receipt of the request, the due process hearing will continue. The due process hearing timelines will begin at the expiration of the 30 day period.

Except where you and the school district have jointly agreed to waive the resolution meeting or to use mediation and where you have filed the request for due process hearing, your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held. In rare instances, a hearing officer could dismiss your hearing request if it is determined that you have intentionally hindered the district’s ability to conduct the resolution session.
Appointment of an Impartial Due Process Hearing Officer

An impartial hearing officer will be appointed by ISBE to conduct the hearing. The hearing officer cannot be an employee of any agency involved in the education or care of your child and cannot have any personal or professional interest that would conflict with objectivity in the hearing.

A party to a due process hearing will be permitted one substitution of a hearing officer as a matter of right. A request for a substitute hearing officer must be made in writing to ISBE within 5 days after you receive notification of the hearing officer’s appointment. In the event that you and the district submit written requests on the same day and these are received simultaneously, ISBE will consider the substitution to have been at the request of the party initially requesting the hearing. The right of the other party to a substitution will be absolutely protected. When a party to the hearing submits a proper request for substitution, ISBE will select and appoint another hearing officer at random within 3 days.

When the appointed hearing officer is unavailable or removes himself/herself before the parties are notified of his/her appointment, ISBE will appoint a new hearing officer.

Pre-hearing Conference

If you and the district are unable to reach an agreement through the resolution process, the due process hearing requirements shall proceed. Unless a permissible extension of time is granted by the hearing officer, a hearing decision must be rendered within 45 days after the close of the resolution session process described above. Prior to conducting the hearing, the hearing officer must conduct a prehearing conference with the parties.

Within 5 days after receiving written notification by ISBE, the appointed hearing officer must contact the parties to determine a time and place to convene the pre-hearing conference. The prehearing conference may be conducted by telephone or in-person at the discretion of the hearing officer in consultation with the both you and the district. At the prehearing conference, you, as well as the district, will be expected to disclose the following:

1) The issues believed to be in dispute at the hearing;
2) The witnesses that may be called at hearing;
3) The list of documents that may be submitted to present the case at hearing.

Please note that if you raise issues at the prehearing conference that were not included in your hearing request, you may be required to submit an amended hearing request and to complete a new resolution session and prehearing conference at a later date. An amended hearing request may also result in a delay of the hearing. (See above, “Requesting a Due Process Hearing”.)

At the conclusion of the prehearing conference, the hearing officer must prepare a report of the conference and enter it into the hearing record. The report must include, but need not be limited to:

- The issues, the order of presentation, and any scheduling accommodations that have been made for the parties or witnesses;
- A determination of the relevance and materiality of documents or witnesses, if raised by a party or the hearing officer; and
A listing of the stipulated (or agreed) facts as discussed during the pre-hearing conference.

Rights Prior to the Hearing

You have the right to:

- Be accompanied and advised by counsel and by individuals with special knowledge with respect to the problems of students with disabilities;
- Inspect and review all school records pertaining to the student and obtain copies of any such records;
- Have access to the district’s list of independent evaluators and obtain an independent evaluation of the student at your own expense;
- Be advised at least 5 days prior to the hearing of any evidence to be introduced;
- Compel the attendance of any local school district employee at the hearing, or any other person who may have information relevant to the needs, abilities, proposed program, or the status of the student;
- Request that an interpreter be available during the hearing;
- Maintain the placement and eligibility status of the student until the completion of all administrative and judicial proceedings; and
- Request an expedited hearing to change the placement of your child or if you disagree with the district’s manifestation determination or the district’s removal of the student to an interim alternative educational setting.

Rights During the Hearing

You have the right to:

- Have a fair, impartial, and orderly hearing;
- Have the opportunity to present evidence, testimony, and arguments necessary to support and/or clarify the issue in dispute;
- Close the hearing to the public;
- Have your child present at the hearing;
- Confront and cross-examine witnesses; and
- Prohibit the introduction of evidence not disclosed at least 5 days prior to the hearing.

The Hearing

ISBE and the hearing officer must ensure that a hearing is held within 45 days after receipt of a request for a hearing, unless the hearing officer grants a specific time extension at the request of either party. Within 10 days after the conclusion of the hearing, the hearing officer must issue a written decision which sets forth the issues in dispute, findings of fact based upon the evidence and testimony presented, and the hearing officer’s conclusions of law and orders. The hearing officer must make a determination about all issues raised in the hearing request (unless settled by the parties prior to hearing) as well as the overall determination of whether the district has provided the student a free appropriate public education based on the facts of the case.
Expedited Hearings

As described above (see “Discipline of Students with Disabilities”) an expedited hearing may be requested when you have a disagreement about the district’s decision to remove your child from the current educational placement due to disciplinary issues. Expedited hearings have a number of similarities with, but several major differences from, regular due process hearings. The principal differences with regular due hearings are the following:

- The resolution session must be convened within seven (7) calendar days of the filing of the expedited hearing request;
- The hearing must be conducted within 20 school days of the filing of the hearing request;
- The hearing decision must be rendered within 10 school days of the close of the hearing;
- No substitution of the appointed hearing officer may be requested.

Request for Clarification

After a decision is issued, the hearing officer will retain jurisdiction over the case for the sole purpose of considering a request by either party for clarification of the final decision. You may request clarification of the final decision, by submitting the request in writing to the hearing officer within 5 days after receipt of the decision. The request for clarification must specify the portions of the decision for which you seek clarification. A copy must be mailed to all parties involved in the hearing and to ISBE. The hearing officer must issue a clarification of the specified portion of the decision or issue a denial of the request in writing within 10 days of receipt of the request.

Appealing the Decision

Following a due process hearing, a party dissatisfied with the hearing officer’s final order has the right to initiate a civil action. Civil action can be brought in any State court of competent jurisdiction, or a United States District Court within 120 days after a copy of the decision is mailed to the parties. Procedures for filing such actions are available from the office of the clerk for the court in which the filing is to be made.

Stay of Placement

During a pending due process hearing or any judicial proceeding, your child must remain in his/her present educational placement with the eligibility status and special education and related services that were provided at the time of the filing of the hearing request. However, if the district changed the student’s placement in response to a disciplinary incident and this placement is subject to an expedited hearing, the district’s new placement will be maintained pending the final decision in the expedited hearing. (Please see above, “Discipline of Students with Disabilities”)

Award of Attorneys’ Fees

In any action or proceeding brought under the Individuals with Disabilities Education Act, a court of competent jurisdiction may award reasonable attorneys’ fees. Attorneys fees are fees incurred by your attorney (this does not include an unlicensed advocate or other non-attorney representative) in connection with his or her representation of your interests in the due process hearing proceedings. A court may award such fees:
To the parent or guardian of a student with disabilities who is the prevailing party;
To the prevailing party who is a State educational agency or district against the attorney of a parent who files a complaint or subsequent case of action that is frivolous, unreasonable, or without foundation;
To a prevailing State educational agency or district against the attorney of a parent, or against the parent, if the parent’s complaint or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay or to needlessly increase the cost of litigation.

Fees awarded shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. Attorney fees may be reduced by the court based on a number of factors including unreasonable rates charged, unnecessarily protracted proceedings, or the existence of a settlement agreement between the parties. You are urged to discuss these matters with your attorney.

EDUCATIONAL SURROGATE PARENTS

A local school district must make reasonable attempts to contact the parent of a child who has been referred for, or is in need of, special education and related services. If the parent cannot be identified or located or the child is a ward of the state residing in a residential facility, an educational surrogate parent must be appointed by ISBE to ensure the educational rights of the child are protected. If the child is a ward of the state, a surrogate parent may alternatively be appointed by the judge overseeing the child’s care. In the case of an unaccompanied homeless student, the district will appoint a surrogate parent. A child residing in a foster home or relative caretaker setting no longer requires the appointment of an educational surrogate parent. The foster parent or relative caretaker will represent the educational needs of each child placed in his/her home.

If your school appointed you to be a surrogate parent, all of the rights explained in this document belong to you. You may not be an employee of a public agency which is involved in the education or care of the child, may have no conflict of interest with the child, and must have the knowledge and skills necessary to ensure adequate representation of the child. If you are an employee of a residential facility, you may be selected as an educational surrogate parent for a child residing in that facility if that facility only provides non-educational care for the child.

As an educational surrogate parent, you may represent the child in all matters relating to the identification, evaluation, educational placement and the provision of a free, appropriate public education.

EDUCATIONAL RECORDS

A local district is responsible for protecting the confidentiality of your child’s educational records. As a parent, you have a right to inspect and review any educational records relating to your child which are collected, maintained or used by the district. The district shall comply with a request to review the educational record without unnecessary delay and before any meeting relating to the identification, evaluation, or placement of the student and, in no case, more than 15 school days after the request has been made. The right to inspect and review educational records includes:
• The right to a response from the school district to reasonable requests for explanations and interpretations of the records;

• The right to have your representative inspect and review the records; and

• The right to request that the school district provide copies of education records if failure to provide those copies would effectively prevent you from exercising your right to inspect and review the records at a location where they are normally maintained.

A local school district may presume that you have authority to inspect and review records relating to your child unless the school district has been advised that you do not have the authority under applicable state law governing such matters as guardianship, separation and divorce.

If any education record includes information on more than one student, you will be allowed to review only the information relating to your child or to be informed of that specific information.

A local school district must provide you, upon request, a list of the types and locations of the educational records collected, maintained or used by the district.

**Fees for Searching, Retrieving, and Copying Records**

A local school district may not charge a fee to search for or retrieve information. However, a local school district may charge a fee of not more than $.35 per page of the record which is copied if the fee does not effectively prevent you from exercising your right to inspect and review those records.

**Record of Access**

A district may only release information with your consent unless otherwise allowed by state or federal law. A local school district must keep a record of parties obtaining access to educational records collected, maintained or used (except for parents and authorized employees of the local district), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

**Amendment of Records at Parent’s Request**

If you believe that information in your child’s records are inaccurate or misleading or violates your child’s rights, you may ask the school district to amend the record. The local school district must decide whether to amend the information within 15 school days from the date of receipt of your request. If the district refuses to amend the information in accordance with the request, it must inform you of the refusal and advise you of your right to a records hearing as set forth below.

The school district must, upon request, provide you with an opportunity for a records hearing to challenge information in your child’s records. This is not a due process hearing and is not held before a hearing officer appointed by ISBE; rather it is a hearing held at the local level.

If, as the result of a records hearing, it is decided that the information is inaccurate, misleading or violates your child’s rights, the school district must amend the information and inform you in writing that it has done so.
If, as a result of the records hearing, it is decided that the information is not inaccurate, misleading or violates your child’s rights, the school district must inform you of your right to place a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the school district. Any explanation placed in the records of your child must be maintained by the school district as part of your child’s records for as long as the record or contested portion is maintained by the school district. If the records are disclosed by the district to any party, the explanation must also be disclosed.

**TRANSFER OF PARENTAL RIGHTS**

At the age of 18, your child becomes an adult student. All of the parental rights discussed in this document will transfer to him/her at that time, unless the school district is notified otherwise. You will share the right to receive all of the required prior written notices and the school will provide these notices to both you and your child.

On or before your child’s 17th birthday, the IEP must include a statement that you and your child were informed that these rights will transfer at the 18th birthday. Additionally, at this meeting you will receive a *Delegation of Rights to Make Educational Decisions* form.

Your child may decide to use this form to delegate you or another individual to represent his/her educational interests upon his or her reaching the age of majority. This form must then be presented to the local school district.

The Delegation of Rights form must identify the individual designated to represent your child’s educational rights and include both the individual’s signature as well as your child’s signature (or by other means, such as audio or video format compatible with his/her disability). Your child may terminate the Delegation of Rights at any time and begin making his/her own educational decisions. The Delegation of Rights will remain in effect for one year after signing it and may be renewed annually.

*This statement of parent rights was developed by the United State Department of Education, Office of Special Education Programs, and modified by the Illinois State Board of Education (ISBE) to comply with Illinois rules.*

*The reauthorized Individuals with Disabilities Education Act of 2004 (IDEA 2004) was signed into law on December 3, 2004. The provisions of the act became effective on July 1, 2005. Illinois State Board of Education (ISBE) has provided this Notice of Procedural Safeguards to inform you of your rights under the changes to the federal law.*
State Board of Education Commitment

The Illinois State Board of Education ("ISBE") approves and adopts this policy on Least Restrictive Environment ("LRE") to ensure that it meets the requirements of the Individuals with Disabilities Education Act of 1997 ("IDEA" 97) and its associated regulations, 34 C.F.R. §300.550-330.556. The ISBE will ensure, as required by federal laws, rules and regulations that the State of Illinois has in effect an appropriate LRE policy and relevant rules and regulations. The ISBE will provide active and visible leadership to ensure that all public or private institutions and care facilities under State Board control and jurisdiction are aware of and practice the tenets of LRE.

Placement in the Least Restrictive Environment

LRE requires that, to the maximum extent appropriate, students with disabilities aged 3 through 21, in public or private institutions or other care facilities, are educated with children who are not disabled [34 C.F.R. §300.550 (b)(1)]. The ISBE will monitor programs and institutions that serve students with disabilities to ensure that the first placement option considered is a regular education environment, with the use of supplemental aids and services as needed. Special classes, separate schooling, or other placements by which students with disabilities are removed from the regular education environment should occur only if the student’s Individual Educational Program ("IEP") team determines that the nature or severity of the disability is such that education in a regular classroom setting, even with the use of supplemental aids and services, cannot be achieved satisfactorily.

Continuum of Alternative Placements

Each responsible public or private agency must provide assurances to the ISBE that a continuum of alternative placements is available to address the needs of students with disabilities and ensure that those students receive special education and related services appropriate to their needs. The continuum of alternative placements must include instruction in regular classes, special classes, special schools, home instruction and instruction in hospitals and institutions and must provide for supplementary services. The IEP team must base its placement decision on the identified needs of each student with a disability. The team must first determine how or whether the individual needs of the student can be met in the regular education classroom with individual supports and aids. It must be able to justify a more restrictive option in terms of the LRE provisions and the needs of the student.

Placements

Each public or appropriate private agency that determines educational placements for students with disabilities must assure the ISBE that:

1. Placements are based on the identified needs of individual students with disabilities as documented in their respective IEPs and considered only after the goals and objectives/benchmarks have been determined.

2. Decisions about the placement of students with disabilities are made by a group of persons, including the parents and other persons knowledgeable about the child, who will review and evaluate relevant data and consider placement options appropriate to each student’s specific identified needs.

3. Placement decisions conform to the LRE provisions referenced in state and federal laws, rules and associated regulations.

4. Placements of students with disabilities are determined at least annually.
5. Placements are located as close to the student’s home as possible. First consideration is given to the school the student would attend if not disabled and other placements are considered only if the IEP team determines that the student’s needs require a different location to ensure a free appropriate public education in the least restrictive environment.

6. Full-time placement of a student with a disability in the general education setting is not appropriate where the student, despite the provisions of supplemental aids and services, is so disruptive in all or part of a general education setting that he/she significantly impairs the education of other students.

7. Students with disabilities should not be removed from placement in an age appropriate regular classroom solely because modifications or supports or services may be required in the general education curriculum or for administrative convenience.

8. To the maximum extent appropriate, students with disabilities are involved in the regular education curriculum. The IEP must include a statement regarding the effect of the child’s disability on his or her progress and involvement in the general education curriculum.

9. Each student’s IEP states whether the student will participate in state and/or local district assessments, and if so, whether fully or in part, and whether any modifications or accommodations are appropriate and necessary. If the student with a disability is excluded from these assessments, the IEP team describes what alternate assessment techniques will be used and how scores will be integrated and reported (34 C.F.R. §300.138-300.139).

Nonacademic Settings

The LRE mandate also applies to nonacademic services and extracurricular activities. School districts and other agencies serving students with disabilities must ensure that these students have an equal opportunity to participate in such activities (34 C.F.R. §300.553). When a district or appropriate private agency provides or arranges nonacademic and extracurricular services/activities appropriate for a student with disabilities, the IEP team must determine the required supplementary aids and services necessary for participation. Nonacademic and extracurricular services/activities may include, but not be limited to, meals, recess periods, counseling services, athletics, transportation, health services, recreational activities, special interest groups, referrals to agencies that provide assistance to individuals with disabilities, and employment of students, including both employment by the public agency and assistance in making outside employment available [34 C.F.R. §300.306(b)].

Children in Public, Nonpublic or Private Facilities

To ensure that students with disabilities are educated in the LRE and receive a free appropriate public education, the ISBE will enter into agreements with appropriate public and private institutions and associated state agencies, as necessary.

Technical Assistance and Training

The ISBE will ensure that teachers and administrators in public agencies that deal with students with disabilities are fully informed about their responsibilities for implementing the LRE requirements. The ISBE will provide technical assistance and training necessary to assist in this effort.

Monitoring Activities

The ISBE will monitor public agencies to ensure that the LRE requirements are being implemented. If the ISBE discovers evidence that placements inconsistent with the LRE mandate are being made, staff will review the public agency’s justification and documentation and then help the agency plan and implement any necessary corrective action.
DELEGATION OF RIGHTS TO MAKE EDUCATIONAL DECISIONS
ISBE Form 34-57K

PURPOSE:

Form 34-57K provides the school district notice that a student, who has reached the age of majority (18 years of age), has delegated his/her parent or other individual to represent his/her educational interests.

FORM USE:

Form 34-57K must be provided to the student at the meeting convened to review his/her IEP during the school year in which he/she turns 17 years of age. If the student and his/her parents do not attend the meeting, this form must be mailed to both parties, along with ISBE form 34-57I. The optional section may be used by districts to keep verification that the student had been offered the opportunity to delegate his/her rights.

ADDITIONAL INSTRUCTIONS:

1. All of the parental rights will transfer to the eligible student at the age of majority, unless the school district is notified otherwise, such as the provision of this form.

2. This document will identify the individual designated to represent the student's educational rights.

3. The Delegation of Rights will remain in effect for one year after the date of execution. It may be renewed annually with the written authorization of the student and the person the student delegates to represent his/her educational interests.

4. A student may terminate the Delegation of Rights at any time and assume the right to make decisions regarding his or her education. When a student decides to terminate the Delegation of Rights, the district may seek to have this termination be in writing.

5. It shall be signed by the student or verified by other means, such as audio or video or other alternative format compatible with the student's disability showing that the student has agreed to the terms of the delegation.

6. The designee, responsible for representing the student's educational interests, must accept the delegation by providing his/her signature.

7. The form must be provided to the school district.

ISBE 34-57INST (1/08)
DELEGATION OF RIGHTS TO MAKE EDUCATIONAL DECISIONS

STUDENT'S NAME: _______________________________ DATE: _______________________

DATE OF BIRTH: _______________ DATE OF AGE OF MAJORITY: _______________

I, ____________________________________________, am 18 years of age or older and a student who has the right (Student Name) to make educational decisions for myself under State and federal law. I have not been adjudged incompetent and, as of the date of the execution of this document, I hereby delegate my right to give consent and make decisions concerning my education to the individual identified below. This individual will be considered my “parent” for purposes of the Individuals with Disabilities Education Improvement Act of 2004 and Article 14 of the School Code and will exercise all of the rights and responsibilities concerning my education that are conferred on a parent under those laws.

I understand and give my consent for this individual to make all decisions relating to my education on my behalf. I understand that I have the right to be present at meetings held to develop my Individualized Education Program (IEP) and that I have the right to raise any issues or concerns I may have and that the school district must consider them.

This delegation will be in effect for one year from the date of execution below and may be renewed by my written or other formal authorization. I also understand that I have the right to terminate the Delegation of Rights at any time and assume the right to make my own decisions regarding my education. I understand that I must notify the school district immediately if I revoke this Delegation of Rights prior to its expiration.

☐ (OPTIONAL) - I have received this form and have chosen NOT to delegate my rights

Student Signature _______________________________ Date _______________________

☐ (REQUIRED) - I have received this form and have CHOSEN to delegate my rights to the individual listed below.

Name of “Parent” Representative _______________________________ Relationship (Optional) _______________________________

“Parent” Representative Signature _______________________________ Date _______________________

Student Signature _______________________________ Date _______________________

Authorized School Personnel Signature _______________________________ Date _______________________

☐ (REQUIRED, WHEN APPLICABLE) - I wish to TERMINATE the Delegation of Rights at this time and assume the right to make my own decisions regarding my education.

Student Signature _______________________________ Date _______________________

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