Recent Illinois Legislation/Regulations

A. Effective dates for IEPs (105 ILCS 5/14-6.01 and 105 ILCS 5/14-8.02)

1. Effective August 9, 2013, Public Act 98-0219 requires that special education and related services must be provided in accordance with a student’s IEP no later than 10 school attendance days after notice is provided to the parents (instead of the current “as soon as possible”).

2. ISBE regulations (23 Ill.Adm.Code 226.220) continue to provide that an IEP must be in effect within 10 calendar days after prior written notice is provided.
   a. When there is no dispute, the IEP should be implemented as soon as possible, with parents/guardians waiving, in writing, the 10 school attendance day waiting period.
   b. If parents refuse or fail to waive the 10-day period in writing, the statute will control and the team should wait 10 school attendance days to implement the new IEP.
   c. If parents dispute the new IEP and file a due process complaint, the statute will control, giving parents a longer period of time — 10 school attendance days instead of 10 calendar days — to file for due process and thus invoke the student’s stay-put placement.

B. Stay Put Placement relating to Mediation (105 ILCS 5/14-8.02a)

1. Effective August 16, 2013, Public Act 98-0383 provides that a student’s stay-put provision is invoked if the parent and school district agree to use mediation when the parent has not yet filed a due process complaint. If the mediation is not successful, stay-put remains in effect for an additional 10 calendar days after the mediation date. If the parent does not file a due process complaint within that time period, the school district’s proposed (disputed) placement can take effect.

2. Previously, stay-put only applied if a due process complaint was filed.
C. Transition Plans (105 ILCS 5/14-8.03)

1. The Illinois School Code requires that transition plans be effective on or before a student turns age 14½ (compare IDEA, which sets the requirement at age 16). Post-secondary goals and transition services are required in the areas of training, education, and employment. In accord with the IDEA, the Illinois School Code previously provided that goals and services in the area of independent living skills be provided “where appropriate.”

2. Effective August 22, 2013, Public Act 98-0517 amended this section of the School Code to provide that goals and services related to independent living skills are now required to be included in every student’s transition plan.

D. Compulsory Age (105 ILCS 5/26-1)

Effective July 1, 2014, Public Act 98-0544, the Illinois School Code was amended to lower the compulsory school age from 7 years of age to 6 years of age (on or before September 1).

E. Physical Education Exemption (105 ILCS 5/27-6)

Effective July 29, 2013, Public Act 98-0116 authorized school districts to excuse a student from a physical education course if the student has an IEP and is participating in an adapted athletic program outside of the school setting. The statute requires the student to provide the documents required by the school board to demonstrate such participation.

F. Mental Illness Training (105 ILCS 5/10-22.39)

Effective January 1, 2014, Public Act 98-0471 requires administrators, teachers and counselors working with grades 7-12 to receive in-service training on mental illness.

G. AIDS Notification (410 ILCS 315/2a)

Effective January 1, 2014, Public Act 98-0353 repeals the provision requiring the Department of Public Health or the local health department to notify the school principal about children of school age who are reported as having been diagnosed as having AIDS or HIV.

H. ‘Go For The Gold’ for Special Olympics (20 ILCS 1605/21.9)

Effective July 1, 2014 or as soon thereafter as is practical, the Illinois State Lottery will offer “The Special Olympics Illinois and Special Children’s Charities Fund.” Special Olympics Illinois will receive 75% of the net revenue to support the statewide training, competitions, and programs for future Special Olympics athletes Special Children’s Charities will receive 25% of the net revenue to support the City of Chicago-wide training, competitions, and programs for future Special Olympics athletes. The proceeds may not be used for institutional, organizational, or community-based overhead costs, indirect costs, or levies.
I. Children of Active Duty Military Personnel (105 ILCS 70/1 et. seq.)

Effective June 30, 2014, the Educational Opportunity for Military Children Act was substantially amended to address issues relating to student records, educational placement and transfer credits.

J. Charter Schools (105 ILCS 5/27A-5)

Effective June 9, 2014, all federal and State laws and rules applicable to public schools that pertain to special education eligible students and English language learners will apply to charter schools. Charter Schools will also be required to adopt the sweeping changes to their bullying policies described below.

K. Bullying Policy (105 ILCS 5/27-23.7)

Effective June 26, 2014, Public Act 98-0669 requires school districts to make significant additions/revisions to their policies on bullying. School districts must conduct a review and re-evaluation of its bullying policy at least once every two years and make any necessary and appropriate revisions. The statute specifically lists twelve topics that must be addressed in each school district’s bullying policy, including:

1. Contains a definition of bullying as provided in the statute (“Bullying” means any severe or pervasive physical or verbal act or conduct, including communications made in writing or electronically, directed toward a student or students that has or can be reasonably predicted to have the effect of one or more of the following: (1) placing the student in reasonable fear of harm to the student’s person or property; (2) causing a substantially detrimental effect on the student’s physical or mental health; (3) substantially interfering with the student’s academic performance; or (4) substantially interfering with the student’s ability to participate in or benefit from the services, activities, or privileges provided by a school. Bullying may take various forms, including without limitation one or more of the following: harassment, threats, intimidation, stalking, physical violence, sexual harassment, sexual violence, theft, public humiliation, destruction of property, or retaliation for asserting or alleging an act of bullying. This list is meant to be illustrative and non-exhaustive.)

2. Includes a statement that bullying is contrary to State law and the policy of the school district.

3. Includes procedures for promptly reporting bullying, including, but not limited to, identifying and providing the school e-mail address (if applicable) and school telephone number for the staff person or persons responsible for receiving such reports and a procedure for anonymous reporting; however, this shall not be construed to permit formal disciplinary action solely on the basis of an anonymous report.
4. Consistent with federal and State laws and rules governing student privacy rights, includes procedures for promptly informing parents or guardians of all students involved in the alleged incident of bullying and discussing, as appropriate, the availability of social work services, counseling, school psychological services, other interventions, and restorative measures.

5. Contains procedures for promptly investigating and addressing reports of bullying, including the following: (A) Making all reasonable efforts to complete the investigation within 10 school days after the date the report of the incident of bullying was received and taking into consideration additional relevant information received during the course of the investigation about the reported incident of bullying; (B) Involving appropriate school support personnel and other staff persons with knowledge, experience, and training on bullying prevention, as deemed appropriate, in the investigation process; (C) Notifying the principal or school administrator or his or her designee of the report of the incident of bullying as soon as possible after the report is received; and (D) Consistent with federal and State laws and rules governing student privacy rights, providing parents and guardians of the students who are parties to the investigation information about the investigation and an opportunity to meet with the principal or school administrator or his or her designee to discuss the investigation, the findings of the investigation, and the actions taken to address the reported incident of bullying.

6. Includes the interventions that can be taken to address bullying, which may include, but are not limited to, school social work services, restorative measures, social-emotional skill building, counseling, school psychological services, and community-based services.

7. Includes a statement prohibiting reprisal or retaliation against any person who reports an act of bullying and the consequences and appropriate remedial actions for a person who engages in reprisal or retaliation.

8. Includes consequences and appropriate remedial actions for a person found to have falsely accused another of bullying as a means of retaliation or as a means of bullying.

9. Is based on the engagement of a range of school stakeholders, including students and parents or guardians.

10. Is posted on the school district’s existing Internet website and is included in the student handbook, and, where applicable, posted where other policies, rules, and standards of conduct are currently posted in the school, and is distributed annually to parents, guardians, students, and school personnel, including new employees when hired.

11. As part of the process of reviewing and re-evaluating the policy at least once every two years, contains a policy evaluation process to assess the outcomes and
effectiveness of the policy that includes, but is not limited to, factors such as the frequency of victimization; student, staff, and family observations of safety at a school; identification of areas of a school where bullying occurs; the types of bullying utilized; and bystander intervention or participation. The school district may use relevant data and information it already collects for other purposes in the policy evaluation. The information developed as a result of the policy evaluation must be made available on the Internet website of the school district. If an Internet website is not available, the information must be provided to school administrators, school board members, school personnel, parents, guardians, and students.

12. Is consistent with the policies of the school board.

“Restorative measures” means a continuum of school-based alternatives to exclusionary discipline, such as suspensions and expulsions, that: (i) are adapted to the particular needs of the school and community, (ii) contribute to maintaining school safety, (iii) protect the integrity of a positive and productive learning climate, (iv) teach students the personal and interpersonal skills they will need to be successful in school and society, (v) serve to build and restore relationships among students, families, schools, and communities, and (vi) reduce the likelihood of future disruption by balancing accountability with an understanding of students' behavioral health needs in order to keep students in school.

“School personnel” means persons employed by, on contract with, or who volunteer in a school district, charter schools, or non-public, non-sectarian elementary or secondary school, including without limitation school and school district administrators, teachers, school guidance counselors, school social workers, school counselors, school psychologists, school nurses, cafeteria workers, custodians, bus drivers, school resource officers, and security guards.

L. State Complaints (105 ILCS 5/14-8.02a)

Effective August 16, 2013, Public Act 98-0383 requires ISBE to adopt state complaint procedures consistent with IDEA. The school district is required to submit a response to a state complaint within the time period specified by ISBE. A copy of the response and all documentation submitted by the school district must simultaneously be provided to the complainant. Except that if the complainant is not the parent of the child or children who are the subject of the complaint, appropriate written signed releases must be obtained prior to the release of any documentation to the complainant.

M. Occupational Therapy Services (225 ILCS 75/3.1)

1. Effective December 31, 2013, Public Act 98-0264 amends the Illinois Occupational Therapy Practice Act to no longer require a physician’s referral for OT services provided to a student within the school environment.

2. A referral is, however, still required in order for a school district to receive reimbursement through Medicaid for school OT services. School districts may
properly continue to request prescriptions in order to qualify for reimbursement, but cannot delay or deny OT services based on parents’ failure to provide a prescription.


1. ISBE had contemplated requiring a certified school nurse to make educational recommendations for medical reviews beginning July 1, 2013. State Superintendent Chris Koch, with input from IASA, IASBO, and IAASE, postponed that requirement.

2. The applicable regulation is attached (which is easier to review than a summary).

O. 70/30 and Class Size Rule

In February 2013, ISBE proposed repealing the 70/30 and class size rule, noting that it exceeds the requirements of IDEA and the Illinois School Code and limits districts’ flexibility. The repeal is still pending and ISBE is now considering a change, rather than a complete repeal, that would require districts to create annual staffing plans to address class size and composition.

P. December 3, 2013 Funding and Disbursements Division

Message from Chris Koch re: IDEA special education room and board claims proration

1. “The 2012-13 Individuals With Disabilities Education Act (IDEA) Sp Ed Room and Board final payment will be issued in December. As a reminder, the deadline to transmit outstanding monthly claims for the 2012-13 cycle (Sept. 1, 2012, to Aug. 31, 2013) to the Illinois State Board of Education (ISBE) is Monday, Dec. 2, 2013. Historically, monthly claims are reimbursed at 90 percent during the year. Once all claims for the cycle have been transmitted, a final payment and proration is calculated. Traditionally, sufficient IDEA funds have been available to pay all claims at 100 percent. Please be advised that the 2012-13 statewide claims at 100 percent are projected at approximately $41.8 million. There are insufficient IDEA funds available this year to finalize claims at 100 percent. A proration slightly higher than 90 percent is projected. The 2012-13 final payment and proration will be communicated in December.”

2. “The 2013-14 IDEA Sp Ed Room and Board claim cycle has begun. The FY 14 State set aside amount for Room and Board is $29.5 million. The statewide claim growth over the past two years is approximately 20 percent. This is due to a steady growth of residential student placements, which has averaged 10 percent over the past few years accompanied by a rise of residential per diem rates of 4 percent. If the statewide claim growth is realized for the 2013-14 cycle, claims are projected to be $50 million with an estimated final proration just under 60 percent. This projection does not permit ISBE to reimburse monthly claims at the 90 percent level as in the past. Therefore, all 2013-14 monthly claims will be
reimbursed at 50 percent during the year. The 2013-2014 final payment and proration will be calculated at this time next year.”

3. “Due to the insufficiency of IDEA funds for the Room and Board program, Special Education Excess Cost claims authorized under Section 14-7.02b, which utilize unexpended IDEA Room and Board funds, will not be reimbursed for the foreseeable future. If you have questions regarding this issue, please contact Marj Beck (mbeck@isbe.net) in ISBE’s Funding and Disbursements Division at (217) 782-5256.”

Recent Federal Guidance/Dear Colleague Letters

A. Charter Schools

1. On May 14, 2014, the Office for Civil Rights (OCR) issued a “Dear Colleague Letter” instructing charter schools on their responsibility to serve students with disabilities.

2. http://www2.ed.gov/about/offices/list/ocr/whatsnew.html

3. OCR provides that charter schools may not ask or require students or parents to waive their right to a FAPE in order to attend a charter school. Additionally, charter schools must ensure that students with disabilities are given the opportunity to participate in extracurricular activities and services.

B. Student Discipline

1. On January 8, 2014, a Joint “Dear Colleague” Letter was issued by the U.S. Department of Education and the U.S. Department of Justice on the nondiscriminatory administration of school discipline. The guidance addresses race and ethnicity specifically, but it is a ‘must read’ guidance letter in terms of special education. In other words, you can read the letter substituting “disability” for “race” throughout for good insight into the DOE.


C. Bullying

1. On August 20, 2013, the Office of Special Education and Rehabilitative Programs (OSERS) issued a “Dear Colleague Letter” outlining school districts’ responsibilities under the IDEA to address bullying of students with disabilities. The guidance stresses that when a student with a disability is bullied such that he or she is denied meaningful educational benefit, the school district can be liable for a denial of FAPE. This essentially means that a school district could be ordered to increase related service minutes, add accommodations, provide compensatory education, etc.
3. When an allegation of bullying arises, school districts should convene an IEP team meeting to determine whether the student’s needs have changed as a result of the effects of the bullying and revise the student’s IEP accordingly. Even in situations where the instigator is a student with a disability, the IEP team should consider whether additional supports are needed to address the inappropriate behavior.

4. Remember that bullying may trigger a district’s child find obligations, regardless of whether the student is the instigator or the victim.

D. Athletics

1. On January 25, 2013, the Office for Civil Rights (OCR) issued a “Dear Colleague Letter” on January 25, 2013, instructing school districts on their responsibilities to serve students with disabilities in extracurricular activities under Section 504.


3. OCR states that while a school district can appropriately establish benchmarks based on skill and ability when selecting students for extracurricular activities, it must provide necessary aids, services, and/or reasonable modifications for students with disabilities, unless doing so would fundamentally alter the nature of the activity. A school district, including athletic staff, must not base decisions regarding a student’s participation on stereotypes or assumptions about how the disability may limit the student.

4. School districts must ensure that outside organizations that use school facilities provide necessary accommodations to qualified students with disabilities.

5. OCR also encourages that when students with disabilities cannot participate in the school district’s existing extracurricular activities, even with reasonable modifications or aids and services, school districts should consider offering students with disabilities opportunities for athletic activities that are separate or different from those offered to students without disabilities.

6. OCR recently clarified that equal opportunity does not mean compromising student safety, changing the nature of selective teams, giving a student with a disability an unfair advantage, or changing essential elements or the fundamental nature of the game/activity.

E. Food Allergy Guidelines for Schools

The Centers for Disease Control and Prevention (CDC) issued recommended guidelines in the fall of 2013 regarding students with food allergies.

http://www.cdc.gov/healthyyouth/foodallergies/
School districts in Illinois are already required to adopt a policy based on ISBE’s ‘Guidelines for Managing Life-Threatening Allergies in Illinois Schools.’ The CDC’s recommendations are consistent with the ISBE Guidelines, and include:

1. Requesting parents to provide documentation of food allergies from their child’s doctor or nurse prior to the start of each school year
2. Creating and managing individual plans for each student with a food allergy
3. Implementing strategies to reduce the risk of exposure to anaphylaxis-triggering agents in classrooms and common school areas
4. Providing general information on life threatening food allergies to staff, parents, and students
5. Training school personnel on food allergy management and how to timely access and administer epinephrine when the nurse is not immediately available

Recent Case Law

A. Attorneys’ Fees

_Giosta v. Midland Sch. Dist. 7_, 62 IDELR 72 (7th Cir. 2013)

Parents filed a due process complaint against the district alleging that the IEPs provided for 7th through 9th grade were inadequate (lacking research-based instructional programs and OT) and that the plans had not been fully implemented (neglecting to record lectures or allow student access to a computer for writing assignments). Parents requested compensatory education (speech and OT), independent evaluations, and at least $10,000 in assistive technology.

The hearing officer found that the district “largely succeeded” in providing the student with FAPE but failed to provide appropriate reading and writing goals in 9th grade and failed to administer an appropriate vocational assessment. The hearing officer ordered the school district to provide additional reading and writing instruction (3 hours per week) and a new vocational assessment.

Parents requested attorneys’ fees. While acknowledging that the parents were technically prevailing parties, the district court declined to award attorneys’ fees because parents’ success was _de minimus_. The Seventh Circuit affirmed, holding that “for minor successes the appropriate award is zero.”

B. ISBE Approved Schools


A hearing officer decision found that the unapproved residential placement requested by parents for their son with severe OCD was primarily medical rather than educational and that the approved residential placement proposed by the district was appropriate. Parents appealed and also brought a separate claim against ISBE under Section 504 claiming that ISBE discriminated
against students with severe OCD because its regulations allegedly do not allow for reimbursement for any facility equipped to address their disability.

Parents claim that no approved facility provides the ERP (exposure response prevention) therapy required to treat severe OCD and that no residential program can simultaneously meet the ISBE requirement of providing at least 5 hours of instruction per day and also meet the needs of a student with such severe OCD that he cannot participate in a classroom for such a long period of time. The court denied ISBE’s motion to dismiss, and the case ultimately settled.

C. Therapeutic Placement

*Porter v. Illinois State Board of Education*, 2014 IL App (1st) 122891

A parent filed due process against the school district challenging her daughter’s IEP and seeking to have her placed at a therapeutic day school offering multisensory instruction for students with learning disabilities. The school district had previously determined that the student would be best served by attending regular classes and spending only 25% of her school day in a separate classroom. At hearing, the school district offered to transfer the student to another public district school that had the parent’s requested instructional program available or, in the alternative, to train teachers at her current school to administer the specialized programming. In finding for the school district, the hearing officer relied on a 2009 decision in which the court upheld a hearing officer’s determination that a therapeutic day school was not an appropriate placement for a student where he could receive a satisfactory education in a public school setting while spending 70% of his day in special education classes.

On appeal, the appellate court upheld the hearing officer’s conclusion that a therapeutic day school was not an appropriate placement and that the public school setting was his least restrictive environment (LRE).

D. Residential Placement


In the spring of her freshman year, student was hospitalized and expressed suicidal ideation. When she returned to school, a case study was initiated and she was found eligible as emotionally disturbed and learning disabled. The student accumulated numerous absences and few credits during freshman and sophomore years. After the student then ran away, parents sent her to a wilderness camp in Utah and requested an IEP meeting. But the school put them off because it was the end of the year. Parent then sent a 10-day notice to the school that he was placing the student in a residential school in Maine and would seek reimbursement. Various delays ensued and the team did not reconvene for an IEP meeting for two and a half years – just prior to when the student was to graduate. The IEP team rejected parent’s request for residential placement, and the parent filed a due process complaint.

In a unilateral placement case, whether the school district offered the student FAPE is determined based on the IEP offered to the parent, not on any hypothetical services or supports the district could have offered. Further, the parent’s chosen placement does not have to meet the least restrictive environment (LRE) requirement, only provide appropriate special education services.
The hearing officer found the district denied the student FAPE but did not award reimbursement because the parent’s decision to place the student residentially was unreasonable in that it was based on his desire to keep her safe and sober rather than for educational reasons. The appellate court, however, looked solely to the student’s progress to find the residential placement appropriate and award reimbursement.
Section 226.160 Medical Review

a) In accordance with 34 CFR 300.304(c)(4), any student who is being evaluated or re-evaluated for special education services shall be assessed in all areas related to the suspected disability, including, if appropriate, health, vision, hearing, social and emotional status, communicative status and motor abilities. The results of the medical review shall be used by the IEP team to address any educationally relevant medical findings or other health concerns that may affect the provision of FAPE to students with disabilities. The medical review shall consist of the following components.

1) Subjective information, if relevant, which may include:

   A) a description of the perceptions that the parents and student, as applicable, have regarding the student's health;

   B) a health history of the student from the parents; and

   C) a description of perceptions of the student's teachers relative to how the student's health may be affecting his or her academic performance or access to the curriculum.

2) Objective information, if relevant, which shall include:

   A) a summary of information contained in the student's health record and the record of other health-related information, as defined at 23 Ill. Adm. Code 375.10 (Definitions), about his or her prior and current health conditions; and

   B) a summary of any relevant health-related information obtained from records provided by or requested from the student's parent, health care provider or health facility where the student has received services, which may address prenatal and birth history; early growth and development; medical issues the child has experienced; hospitalizations and significant injuries; medical diagnosis, if any; and medications or treatments the child currently receives.

3) Nursing services, if relevant, which shall include the identification of the school health services or school nurse services necessary to enable a student with a disability to receive FAPE as described in his or her IEP. (See 34 CFR 300.34(c)(13).)
4) Educationally relevant medical findings, which shall include the identification of the medical conditions and other health-related issues that are likely to adversely affect a child's educational performance.

5) Recommendations, which shall include an analysis of the information gathered for the purpose of:
   
   A) determining the medical, school health and/or school nurse services that should be provided during the school day; and

   B) developing a proposed plan that provides for specific accommodations, modifications or interventions to be implemented when educationally relevant medical, school health and/or school nurse findings are made, which shall include annual goals, short-term objectives and ongoing evaluation.

b) Qualifications of Personnel

1) Until June 30, 2016, the practitioners who are qualified to conduct a medical review that addresses each of the components listed in subsection (a) of this Section shall be limited to:

   A) An individual who holds a professional educator license endorsed for school support personnel in school nursing, pursuant to 23 Ill. Adm. Code 25.245 (Endorsement for School Nurses); or

   B) An individual licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60]; or

   C) An individual licensed as a registered professional nurse pursuant to Article 60 of the Nurse Practice Act [225 ILCS 65/Art. 60]; or

   D) An individual licensed as an advanced practice nurse pursuant to Article 65 of the Nurse Practice Act [225 ILCS 65/Art. 65].

2) Beginning July 1, 2016, the practitioners who are qualified to conduct certain components of the medical review, as identified in this subsection (b)(2), shall be limited to:

   A) An individual who holds a professional educator license endorsed for school support personnel in school nursing, pursuant to 23 Ill. Adm. Code 25.245 (Endorsement for School Nurses), who may
conduct any of the components listed in subsections (a)(1) through (5) of this Section; or

B) An individual licensed to practice medicine in all of its branches pursuant to the Medical Practice Act of 1987 [225 ILCS 60], who may conduct any of those components listed in subsections (a)(1) through (4) of this Section; or

C) An individual licensed as a registered professional nurse pursuant to Article 60 of the Nurse Practice Act [225 ILCS 65/Art. 60] and who also holds a bachelor's degree in nursing, education or a related field, who may conduct any of those components listed in subsections (a)(1) through (4) of this Section; or

D) An individual licensed as an advanced practice nurse pursuant to Article 65 of the Nurse Practice Act [225 ILCS 65/Art. 65], who may conduct any of those components listed in subsections (a)(1) through (4) of this Section.

c) Certain exceptions shall apply to the personnel qualifications set forth in subsection (b) of this Section.

1) After July 1, 2016, an individual meeting the qualifications set forth in subsection (b)(1)(B), (b)(1)(C) or (b)(1)(D) of this Section who is currently employed by a school district or special education cooperative also may continue to conduct activities described in subsection (a)(5) of this Section, provided that no later than June 30, 2016, he or she:

A) successfully completes a training course specific to special education laws and regulations and students with disabilities that is approved by the State Board of Education; or

B) passes the content-area test for the school nurse endorsement authorized under 105 ILCS 5/21B-30 and subject to the limitations regarding testing attempts set forth in 23 Ill. Adm. Code 25.720(i) (Applicability of Testing Requirement and Scores).

C) Any practitioner receiving authorization under subsection (c)(1) of this Section to conduct activities set forth in subsection (a)(5) of this Section retains that authorization provided he or she completes the professional development required at 23 Ill. Adm. Code 25.275 (Renewal of the Professional Educator License for School Support Personnel).
2) Beginning on July 1, 2016, a school district or special education cooperative may first employ a practitioner to conduct the activities described in subsection (a)(5) of this Section who is not fully qualified, provided that each of the conditions listed in this subsection (c)(2) are met.

A) A school district or special education cooperative has not been able to recruit an individual meeting the qualifications set forth in subsection (b)(1)(A) of this Section due to a shortage of these individuals.

B) The school district or special education cooperative must be actively engaged in the recruitment process, as evidenced by written documentation such as notices on the agency’s website, postings with professional organizations, or personnel notices placed in newspapers, either online or in print. The school district or special education cooperative shall retain this documentation, which must include the date of publication or notice, for the duration of the employment of the practitioner recruited under the provisions of subsection (c)(2) of this Section, and make it available upon request to the State Board of Education or its designee.

C) Any individual hired pursuant to subsection (c)(2) of this Section shall meet the qualifications of subsection (b)(2)(B), (b)(2)(C) or (b)(2)(D) of this Section and meet either of the requirements stated in subsection (c)(1) of this Section as soon as is practicable, but in no case longer than 12 months from the date of hire.

D) Any practitioner receiving authorization under this subsection (c)(2) to conduct activities set forth in subsection (a)(5) of this Section retains that authorization provided he or she completes the professional development required at 23 Ill. Adm. Code 25.275 (Renewal of the Professional Educator License for School Support Personnel).

(Source: Old Section repealed at 31 Ill. Reg. 9915, effective June 28, 2007; new Section added at 37 Ill. Reg. 16788, effective October 2, 2013)