MEMORANDUM

TO: All Interested Parties

FROM: Terri Devine, Chair
Illinois State Advisory Council on the Education of Children with Disabilities

SUBJECT: Annual Report for 2004-2005

On behalf of the Illinois State Advisory Council on the Education of Children with Disabilities (ISAC), we are pleased to submit this report summarizing the Council’s activities and accomplishments during its 2004-2005 sessions.

Although ISAC has lacked timely appointments and re-appointments to the Council, its members represent most of the geographic regions in the state of Illinois. Members represent parents of children with disabilities, people with disabilities, educators, governmental service providers, and a member at-large. ISAC committees include Executive, Access, Bilingual, Comprehensive State Plan, General Supervision/Due Process, Family Communications, Finance, Legislation, Personnel Development, and Rules and Regulations.

The Council facilitated preliminary discussion groups on key decision points Illinois must make as a result of Individuals with Disabilities Improvement Act of 2004. ISAC continues to provide legislative testimony, public comment on proposed rules and regulations, analyzes effects of the No Child Left Behind initiative on students with disabilities, addresses the critical shortage of highly qualified personnel in special education, the lack of funding to provide adequate special education services, and Illinois’ progress regarding teaching children in the least restrictive environment.

ISAC appreciates your support in making a free and appropriate public education a reality for all students in Illinois. Thank you for your continued attention to maintaining the level of services necessary for every student to attain his or her IEP goals.
Mission Statement

The role of the Illinois State Advisory Council on the Education of Children with Disabilities is to be a proactive body, advising the Governor, Legislature and State Board of Education on current issues relating to the education of children and youth with disabilities, as well as the unmet needs of these children and their families. It is also the responsibility of this Council to encourage new strategies and technologies, while advocating high standards of excellence throughout Illinois.
# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Identity and Purpose</td>
<td>1</td>
</tr>
<tr>
<td>Council Membership</td>
<td>2</td>
</tr>
<tr>
<td>Committees</td>
<td>4</td>
</tr>
<tr>
<td>Council Meeting Schedule 2004-2005</td>
<td>4</td>
</tr>
<tr>
<td>Critical Issues Identified for Discussion</td>
<td>5</td>
</tr>
<tr>
<td>Public Participation</td>
<td>6</td>
</tr>
<tr>
<td>Council Actions</td>
<td>7</td>
</tr>
<tr>
<td>Council Minutes</td>
<td>9</td>
</tr>
</tbody>
</table>

## Appendices

- **Appendix A**: Letter in Support of ISBE Leadership
- **Appendix B**: Letter to State Representative Ruth Munson re HR 359
- **Appendix C**: Letter to Legislators in Reference to IDEA Amendments Regarding Discipline
- **Appendix D**: Letter to Governor Blagojevich in Regards to Public Act 93-0909 Criminal Background/Fingerprinting
- **Appendix E**: Letter to Governor Blagojevich Addressing ISAC Vacancies
- **Appendix F**: Letter to Legislators Outlining ISAC’s Role
- **Appendix G**: Letter to ISBE Requesting ISAC’s Involvement in NCLB Discussions
- **Appendix H**: Letter to Legislators Offering Guidance for HB 160
- **Appendix I**: Letter to Legislators Requesting Restoration of Special Education Funds
- **Appendix J**: List of Due Process Hearing Officers for 2005-2006
- **Appendix K**: Chairperson Devine’s Presentation to OSERS/DOE
Illinois State Advisory Council
on the Education of Children with Disabilities
Annual Report for 2004-2005

Identity and Purpose

Identity The Illinois State Advisory Council on the Education of Children with Disabilities (ISAC) is statutorily mandated by state and federal law to provide advice and policy guidance to the Governor, General Assembly, and the State Board of Education with respect to special education and related services for children with disabilities and the unmet needs of children with disabilities.

Purpose The purpose of the Council is to:

1) Provide advice and policy guidance to the Governor, General Assembly, and the Illinois State Board of Education with respect to:
   a) special education and related services for children with disabilities; and
   b) unmet needs of children with disabilities.

2) Advise the State Board of Education regarding:
   a) all rules and regulations related to the education of children with disabilities that are to be promulgated by the Board;
   b) modifications or additions to county or regional comprehensive plans; and,
   c) qualifications for hearing officers and the rules and procedures for hearings conducted under Section 14-8.02 or Section 14-8.02a.

3) Assist the State Board of Education in developing evaluations and reporting on data to the United States Secretary of Education.

4) Advise the State Board of Education in developing corrective action plans to address findings identified in federal monitoring reports pursuant to the Individuals with Disabilities Education Act.

5) Advise state and local education agencies regarding educational programs and materials that may be provided to children with disabilities to enable them to fully exercise their constitutional and legal rights and entitlements as citizens, including those afforded under the Federal Rehabilitation Act of 1973 as amended, and the Illinois Human Rights Act.
6) Advise the State Board of Education in developing and implementing policies relating to the coordination of services for children with disabilities.

7) Comment publicly on rules and regulations proposed by the State regarding the education of children with disabilities and the procedures for distribution of funds.

**Council Membership**

**Membership** The members must be citizens of the United States and of Illinois and are selected on the basis of their knowledge of, or experience in, the education of children with disabilities. Members are to be broadly representative of Illinois' population in regard to developmental, physical and mental disabilities, race, ethnic background, gender, and geographic location.

The membership of the Council is established by statute and includes twenty-three (23) persons appointed by the Governor and four (4) ex-officio voting members:

**Governor Appointed** Nine parents of children with disabilities between the ages of 3 and 21 years currently receiving special education services at public expense:

<table>
<thead>
<tr>
<th>Parent Name</th>
<th>City</th>
<th>End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mary Kay Ballasiotes</td>
<td>Bolingbrook</td>
<td>03/04</td>
</tr>
<tr>
<td>C. Jackson Darnall</td>
<td>Oak Park</td>
<td>11/03</td>
</tr>
<tr>
<td>Therese Devine</td>
<td>Orland Park</td>
<td>08/99</td>
</tr>
<tr>
<td>Judith Flink</td>
<td>Morton Grove</td>
<td>11/03</td>
</tr>
<tr>
<td>Kimberly Jachim</td>
<td>Palos Park</td>
<td>11/03</td>
</tr>
<tr>
<td>David Rands</td>
<td>Olney</td>
<td>11/03</td>
</tr>
<tr>
<td>Stanley J. Valentine</td>
<td>East Peoria</td>
<td>11/03</td>
</tr>
<tr>
<td>Jeffrey Malcolm Williams</td>
<td>Pecatonica</td>
<td>11/03</td>
</tr>
<tr>
<td>Suzanne Woods</td>
<td>Chesterfield</td>
<td>03/04</td>
</tr>
</tbody>
</table>

Five individuals with disabilities, including one student or former student who is at least 18 and no older than 21 years of age at the time of his or her appointment and who is receiving special education services at public expense or received those services at the time his or her high school program terminated.

<table>
<thead>
<tr>
<th>Parent Name</th>
<th>City</th>
<th>End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Katherine Hackett</td>
<td>Shorewood</td>
<td>04/04</td>
</tr>
<tr>
<td>Kyle Packer</td>
<td>Effingham</td>
<td>03/04</td>
</tr>
<tr>
<td>Linda Prewitt</td>
<td>Jacksonville</td>
<td>03/04</td>
</tr>
<tr>
<td>VACANT</td>
<td>(individual with disabilities)</td>
<td></td>
</tr>
<tr>
<td>VACANT</td>
<td>(individual with disabilities)</td>
<td></td>
</tr>
</tbody>
</table>
One regional superintendent of schools
Helen Tolan Springfield 12/97

One representative of an institution of higher education that prepares special education and related services personnel
Brad Hedrick Urbana 11/03

One teacher of students with disabilities
Elizabeth Gianulis Oswego 11/03

One superintendent of a public school district
VACANT

One director of special education cooperative or special education administrator from a school district of less than 500,000 population
Amy Kruppe Morton Grove 01/03

One representative of a public charter school
VACANT

One representative of a private school serving children with disabilities
Mike Otte Orland Park 03/04

One representative of a vocational, community, or business organization that provides transition services to children with disabilities
VACANT

One at-large member from the general public
Vickie Wilson Springfield 03/04

Ex-Officio Members
Jim Lundstrom, Chicago Public Schools District 299
Janet McGovern, Department of Corrections
Dwight Lambert, Department of Children and Family Services
Marjorie Olson, Department of Human Services/ORS
ISBE Staff
James Gunnell, Division Administrator, Special Education Services
Christopher Koch, Assistant Superintendent of Special Education
Elizabeth Brooks, Principal Consultant, Special Education Services
Kathryn Stratton, Program Specialist II, Special Education Services

Committees

Standing Committees
Executive Committee
Access
Comprehensive State Plan
General Supervision
Finance
Legislation/Interagency Communications
Family Communications
Rules and Regulations
Bilingual Special Education
Personnel Development

Ad-Hoc Committees
By-Laws Committee

Council Meeting Schedule
2004-2005

<table>
<thead>
<tr>
<th>DATE</th>
<th>TIME</th>
<th>MEETINGS</th>
<th>LOCATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>August 2, 2004</td>
<td>2:00 p.m. – 5:00 p.m.</td>
<td>Committee of the Whole Business Meeting</td>
<td>ISBE Springfield</td>
</tr>
<tr>
<td>August 3, 2004</td>
<td>9:00 a.m. – 2:30 p.m.</td>
<td>Committee of the Whole Business Meeting</td>
<td>ISBE Springfield</td>
</tr>
<tr>
<td>September 22, 2004</td>
<td>2:00 p.m. – 5:00 p.m.</td>
<td>Committee of the Whole Business Meeting</td>
<td>SIU Carbondale</td>
</tr>
<tr>
<td>September 23, 2004</td>
<td>9:00 a.m. – 2:30 p.m.</td>
<td>Committee of the Whole Business Meeting</td>
<td>ISBE Springfield</td>
</tr>
<tr>
<td>November 3, 2004</td>
<td>2:00 p.m. – 5:00 p.m.</td>
<td>Committee of the Whole Business Meeting</td>
<td>ISBE Springfield</td>
</tr>
<tr>
<td>November 4, 2004</td>
<td>9:00 a.m. – 2:30 p.m.</td>
<td>Committee of the Whole Business Meeting</td>
<td>ISBE Springfield</td>
</tr>
<tr>
<td>February 2, 2005</td>
<td>2:00 p.m. – 5:00 p.m.</td>
<td>Committee of the Whole Business Meeting</td>
<td>ISBE Springfield</td>
</tr>
<tr>
<td>February 3, 2005</td>
<td>9:00 a.m. – 2:30 p.m.</td>
<td>Committee of the Whole Business Meeting</td>
<td>Eisenhower Coop Oak Lawn</td>
</tr>
<tr>
<td>April 6, 2005</td>
<td>2:00 p.m. – 5:00 p.m.</td>
<td>Committee of the Whole Business Meeting</td>
<td>CACC Springfield</td>
</tr>
<tr>
<td>April 7, 2005</td>
<td>9:00 a.m. – 2:30 p.m.</td>
<td>Committee of the Whole Business Meeting</td>
<td>CACC Springfield</td>
</tr>
<tr>
<td>June 1, 2005</td>
<td>2:00 p.m. – 5:00 p.m.</td>
<td>Committee of the Whole Business Meeting</td>
<td>CACC Springfield</td>
</tr>
<tr>
<td>June 2, 2005</td>
<td>9:00 a.m. – 2:30 p.m.</td>
<td>Committee of the Whole Business Meeting</td>
<td>CACC Springfield</td>
</tr>
</tbody>
</table>
Critical Issues Identified for Discussion

The Council identified the following as priorities for discussion in 2004-2005:

- Continuous Improvement Plan
- ILCS 14-301 related to Due process system/hearing officers and rules/regulation related to Springfield joint agreement withdrawal
- NCLB’s impact on education of students with disabilities
- Training for teacher/related service personnel about the legal and constitutional rights of children with disabilities
- Behavior intervention guidelines
- IDEA Reauthorization

ISAC Activities

August 2-3, 2004

- The Committee of the Whole heard a presentation on the Open Meetings Act and the proper way to conduct a meeting.

September 22-23, 2004

- The Committee of the Whole heard two presentations on finance.
- The Council heard presentations from ISBE staff on: New Leadership at ISBE, Due Process Hearing Officer Evaluations, Extension of NCLB Guidelines, Mental Health Act, Parent Survey Update, Vacancies within ISBE, Corey H.
- The Council heard a presentation on The Illinois Board of Higher Education Project.

November 3-4, 2004

- The Committee of the Whole heard presentations from the Inter-Agency Coordinating Council on: transition services, DHS/DMH involvement with the Children Mental Health Act of 2003, DDD, the disability navigator initiative, Department of Employment Security’s One Stop Training Centers, Federal Medicaid program, STEP, President’s Freedom Initiative.
- The Council heard presentations from ISBE staff on: Social Emotional Health Standards, update on Parent Survey, and ISBE vacancies.
February 2-3, 2005

- The Committee of the Whole heard a presentation on the Council’s roll in the procedures for withdrawal of a district from a joint agreement.
- The Council heard a presentation from Wilmette School District #39 staff regarding their petition to withdraw from NSSED.

April 6-7, 2005

- The Committee of the Whole heard a presentation on IePoint from Darrell Snedecor.
- The Committee of the Whole heard a presentation on the T.A. Center Project.
- The Committee of the Whole heard a presentation on Changes to State Accountability Workbook and AYP from Gail Lieberman.
- The Council heard a presentation from Niles Township High School District #219.
- The Council heard a presentation from staff regarding Niles Township High School District #219’s petition to withdraw from NTDSE.

June 1-2, 2005

- The Committee of the Whole heard a presentation from two parents on progress of the Parent & Educator Partnership (T.A. Center Project) within their areas.
- The Committee of the Whole heard a presentation from ISBE staff on possible restoration of some discretionary funding, proposed modifications to the Illinois Accountability Workbook, and the IDEIA application.
- The Council heard a presentation from ISBE staff on the Continuous Improvement and Focused Monitoring System, proposed rules for highly qualified special education teachers, the State Personnel Development Grant Program and Due Process Hearing Officer recommendations.

Public Participation

The Council provides an opportunity for public participation at every business meeting. During this period of time, participants sign in and are provided five minutes to present the various issues and concerns they have.
Council Actions

August 3, 2004

- The Council recommended that the parent survey deadline be extended to December, 2004.
- The Council recommended a methodology for distribution of the results of the parent survey to the public.
- The Council approved the establishment of an ad hoc by-laws committee for the purpose of updating the current ones.
- The Council approved the extension of time for the Committee of the Whole meeting from 4:00 p.m. to 5:00 p.m.

September 23, 2004

- The Council approved a letter be sent by the Chair to the Interim Superintendent of the Illinois State Board of Education (ISBE) in support of the leadership of Dr. Koch and Mr. Gunnell in special education.
- The Council recommended approval of the ISBE response to HR 359 with the recommended modifications suggested by the Rules and Regulations Committee.
- The Council recommended that ISBE provide consultative support to the IBHE project and collaborate with their investigators in determining the viability of interfacing the IBHE disability metrics system with the emerging ISBE transitional dataset on students with disabilities and the ISBE student identifier system.
- The Council recommended that ISBE work with transitional services, student information system, the Illinois Community College Board, and IBHE in collaboration with the HECA grant project to track post secondary outcomes of students with disabilities.

November 4, 2004

- The Council recommended that ISBE recruit and train a sufficient number of hearing officers to ensure 20 active hearing officers and a reserve pool of five at all times.
- The Council recommended that the ISAC Chair and the Legislative Committee Chair develop a letter of support for the Senate version of IDEA as it relates to discipline.
- The Council supported the October 27, 2004 draft of the social and emotional learning standards with the recommendation to make parent organizations aware of the public comment opportunity.
- The Council approved a recommendation that Dr. Koch work with the Family Communications Committee to redesign and implement a new ISAC web resource to increase the council’s effectiveness and efficiency.
- The Council recommended a letter be sent to ISBE, the Governor, legislators and the state police expressing concern with the slow turn around for finger print checks of personnel.
- The Council recommended that ISAC monitor progress with regards to special education staff, parental involvement and effectiveness of transition programs.
- The Council approved the 11/04/04 documented Federal and State legislative goals as an ISAC priority for the coming year.
February 3, 2005

- The Council recommended that ISBE approve the withdrawal request of Wilmette District 39.
- The Council approved a letter drafted by the legislative committee introducing ISAC and its committees as a resource be sent to all state legislators.
- The ISAC approved that a letter be sent to ISBE requesting ISAC involvement in any discussion formal or otherwise of NCLB.
- The Council approved that the legislative committee be authorized to present the ISAC position on HB 160.
- The Council approved that a coffee be organized for “Champions of Education”.
- The Council granted authority for the Executive Committee to communicate ISAC’s position regarding proposed legislation when time does not allow for the whole council to meet.
- The Council approved the addition of the Access Committee to the standing committees.
- The Council approved coordinating with ISBE and facilitating public discussion groups for six critical areas of IDEIA.

April 7, 2005

- The Council recommended that the State Board approve the request for withdrawal of District 219 form NTDSE upon agreement between the two on distribution of assets.
- The Council recommended that ISBE include ISAC members and parents in an advisory group in the event multi-year IEP and/or Reduction in Paperwork become available.
- The Council approved sending a letter to the state legislative bodies urging them to fund at a minimum of $3,000,000 unfunded state mandates be added to the budget line.
- The Council recommended that ISBE conduct a comprehensive on-site monitoring visit of a district and cooperative one year after said district withdraws from the cooperative.

June 2, 2005

- The Council approved the slate of officers for the following year: Terri Devine as Chair and Amy Kruppe as Vice-Chair.
- The Council approved the 2005-2006 ISAC calendar of meetings.
- The Council approved that the Access Committee review issues regarding parent/professional representatives access to classrooms and provide recommendations to Council.
- The Council approved the reappointment of 14 impartial hearing officers, appointment of six new officers, and the appointment of five individuals to the reserve rotation.

Barriers to Success

- Delay in Council appointments
- Understaffing in ISBE - Special Education Unit
- Staffing changes in ISBE - Special Education Unit
- Finance
- Time sensitive responses
**Council Minutes**

APPENDIX A

Letter in Support of ISBE Leadership
September 30, 2004

Dr. Randy J. Dunn
Illinois State Board of Education
100 N. First Street S-405
Springfield, IL 60177

Re: Special Education Department

Dear Dr. Dunn:

I am the chair of the Illinois State Advisory Council on the Education of Children with Disabilities (ISAC). ISAC was established by statute and is required by IDEA to serve in an advisory capacity to the Governor, the General Assembly and the Illinois State Board of Education on policies that impact the education of students with disabilities in Illinois. The majority of members of ISAC are either parents of students with disabilities or individuals with disabilities and have been appointed by the Governor to serve.

By unanimous vote at ISAC’s meeting of September 23, 2004, I have been asked to communicate our support of the efforts of the Department of Special Education under the leadership of Dr. Chris Koch. It is without reservation that I do so. ISAC’s experience with Dr. Koch has been very productive, a reflection of his unflagging dedication to the needs of students and the sensitivity he exhibits to their families.

Dr. Koch and the Department of Special Education have shown a deep commitment to accountability for how its responsibilities are met and ensuring that the Department of Special Education’s actions are transparent to those who are served by it. At every turn, he encourages the input and perspective of parents of children who receive special education services. The Department has created and is implementing a Continuous Improvement Plan for Special Education. This plan has served as a blueprint for ISBE; its implementation is key to improvement in services provided to children with disabilities.

We look forward to meeting you and the new board members over the upcoming months. ISAC will make every effort to have a representative at each meeting of the ISBE. We look forward to working with you.

Very truly yours,

Therese M. Devine, Chair

cc: Hon. Rod Blagojevich, Governor
Jesse Ruiz, ISBE Chair
ISBE Board Members
Eamon P. Kelly, ISBE Chief of Staff
Dr. Chris Koch, ISBE Dept. of Special Education
ISAC Members
100 North First Street, Springfield, Illinois 62777
APPENDIX B

Letter to State Representative Ruth Munson re HR 359
October 25, 2004

The Honorable Ruth Munson
State Representative
226-N Stratton Office Building
Springfield, IL 62706

Re: HR 359

Dear Representative Munson:

On behalf of the Illinois State Advisory Council on the Education of Children with Disabilities (ISAC), we wish to thank you for your attention to the rules and regulations that govern services for all of our students with disabilities. It is under these rules that the rights of students have been protected. We hope that we can count on your support as new rules may need to be written after the Reauthorization of IDEA takes place.

Last year, you championed HR 359 which requested ISAC to make recommendations to possible rules and regulations changes. We responded to this with a letter expressing our concerns relating to performing such action during the Reauthorization process. Furthermore, ISAC waited most of the year for the appointment of all of its council members. In June of 2004, a majority of the council appointments were filled, allowing us to begin to work with ISBE on the major areas of concerns as you requested. ISAC sent a survey to the Special Education Directors in the field requesting suggestions for changes to the state rules and regulations.

ISAC and ISBE staff collaboratively developed the attached document with recommended changes to the rules and regulations in response to survey responses. Several of these recommendations are simply changes in wording that align Illinois rules with the Federal rules. However, some of the changes are more significant, and they will ultimately benefit students with disabilities.

It is our hope that ISAC will have your support when these recommendations reach the rule making process. We are conveying these rule change recommendations to Christopher Koch, Assistant Superintendent for Special Education for ISBE to consider in the rulemaking process.
Again, we appreciate your attention to students with special education needs as one of your high priority areas. Please feel free to contact us if we can support your work in any way.

Very truly yours,

Therese M. Devine
ISAC Chair

cc: Christopher Koch
APPENDIX C

Letter to Legislators in Reference to IDEA Amendments Regarding Discipline
November 12, 2004

The Honorable Jerry Costell
2424 Rayburn House Office Building
Washington, D.C. 20215-1312
202-225-0285

Dear Congressman Costell,

We, the members of the Illinois State Advisory Council on the Education of Children with Disabilities (ISAC) urge you to encourage the members of the conference committee convening on H.R. 1350, the Reauthorization of the Individuals with Disabilities Education Act (IDEA), to retain the Senate amendments regarding discipline.

As you may know, both the House and Senate bills change certain aspects of the current IDEA statute regarding the issue of discipline. While the Senate bill, in large measure, maintains a process for manifestation determination, the House bill deletes this requirement altogether. ISAC believes that preserving a manifestation determination -- the process to determine whether a child's action is a manifestation of his or her disability -- is a fundamental step to protect the rights of children with disabilities and must be retained.

ISAC represents a diverse group of members which include individuals with disabilities, parents of children with disabilities, special education representatives, superintendents, representatives of the higher education community and state agencies. ISAC agrees that establishing and maintaining a safe environment within the schools is critical to the well being of all children. But ISAC also recognizes that children with disabilities require special consideration and the Senate bill balances these interests.

The Senate bill better maintains the fine line between protecting the rights of individuals against the rights of the whole. We accept the need for schools to unilaterally place a child with a disability in an alternative educational setting if the action involves weapons, illegal drugs or serious bodily injury. However, for all other disciplinary action, we strongly believe that a manifestation determination is critical to settle whether the action is a result of the child's disability.

ISAC believes eliminating the manifestation determination provision, as the House bill proposes, risks adversely punishing a child with a disability for an action that he or she may have committed unknowingly. We believe this would prove to be a severe set back for the positive strides IDEA has contributed to the protection and advocacy of children with disabilities.

Again, please urge the conferees to maintain the Senate amendments to H.R. 1350 regarding discipline. Thank you for your consideration of our concerns.

Sincerely,

Therese M. Devine
Chair of ISAC
APPENDIX D

Letter to Governor Blagojevich in Regards to
Public Act 93-0909 Criminal Background/Fingerprinting
November 9, 2004

Hon. Rod Blagojevich
Office of the Governor
207 Statehouse
Springfield, IL 62706

Re: Public Act 93-0909 Criminal Background/Fingerprinting

Dear Governor Blagojevich:

It has come to the attention of the Illinois State Advisory Council on the Education of Children with Disabilities (ISAC) that there are issues of safety dealing with the timely return of fingerprint reports to school personnel by Illinois State Police (ISP) and the Federal Bureau of Investigation (FBI). As Chair of ISAC, I have been asked to formally articulate the Council's concern.

While we applaud the roles that the Illinois State Police, the General Assembly and your office have had in legislating this important process, we need assistance from you to increase the speed with which results of fingerprinting are finalized to ensure the protections that engendered this law, especially for this vulnerable population of Illinois citizens. All too often, children with disabilities are the targets of sexual or other forms of abuse.

It is imperative to shorten the time from printing of potential employees to delivery of results to administrators' hands. Currently, those local education agencies who have invested in using live scan technology are waiting two weeks for results. Results to districts who utilize ink-rolled prints take at least twice that amount of time.

ISAC was also informed by its representative from the Illinois Department of Corrections that that agency receives the same type of results from the Illinois State Police and the FBI within 24 hours.

We appreciate your hard work on the behalf of our children. We know that all children are a primary concern of your administration. Children with disabilities in Illinois must be afforded the highest level of protection available.

Very truly yours,

Therese M. Devine, ISAC Chair
devineford@comcast.net

cc: Larry G. Trent, Director, Illinois State Police /
Christopher Koch, Assistant Superintendent of Special Education, ISBE

100 North First Street, Springfield, Illinois 62777
APPENDIX E

Letter to Governor Blagojevich Addressing ISAC Vacancies
MEMORANDUM

TO: Governor Blagojevich

FROM: Randy J. Dunn
State Superintendent of Education (Interim)

DATE: December 28, 2004


As part of Illinois' application to the U.S. Department of Education, ISBE must provide an assurance that the state has established and maintained an advisory panel for the purpose of providing policy and guidance with respect to special education and related services for children with disabilities in Illinois, consistent with the requirements of 20 U.S.C. 1412(a)(20) and 34 CFR 300.28-0-300.284.

Listed on page 2 are the present members of the Illinois State Advisory Council on the Education of Children with Disabilities (ISAC) followed by a date in which that person's term officially expired or will expire. You will note that there are presently five vacancies on the council and that a number of persons are serving on expired terms or soon to be expired terms. Your office has the authority to fill these vacancies pursuant to ILCS 105:5/14-3.01. State law provides for staggered terms of members so as to ensure the continuity of ISAC's work.

My staff will assist you in any way possible to ensure that these vacancies are filled in the near future. Please let me know how I may be of assistance to ensure the continuity of this very important advisory council.
VACANT (6/30/02)  
Transition Services

Mary Kay Ballasiotes (6/30/05)  
Parent of Child with Disabilities

VACANT (6/30/02)  
Individual with Disability

Amy Kruppe (6/30/05)  
Director of Special Education

Jeffrey M. Williams (6/30/06)  
Parent of Child with Disabilities

Therese Devine, Chair (6/30/07)  
Parent of Child with Disabilities

Elizabeth Gianulis (6/30/06)  
Teacher of Students with Disabilities

Linda Prewitt (6/30/06)  
Individual with Disability

Michael Otte (6/30/07)  
Private Provider

VACANT  
District Superintendent

Katherine Hackett (6/30/05)  
Student with Disability

Kyle Packer (6/30/07)  
Individual with Disability

VACANT (6/30/07)  
Individual with Disability

Brad Hedrick (6/30/05)  
Higher Education Representative

C. Jackson Darnall (6/30/05)  
Parent of Child with Disabilities

Judith N. Flink (6/30/07)  
Parent of Child with Disabilities

Stanley J. Valentine (6/30/07)  
Parent of Child with Disabilities

Helen Tolan (6/30/01)  
Regional Superintendent

David Rands (6/30/07)  
Parent of Child with Disabilities

Vickie E. Wilson (6/30/07)  
General Public

Kimberly Jachim (6/30/06)  
Parent of Child with Disabilities

VACANT  
Charter Schools Representative

Susy Woods (6/30/05)  
Parent of Child with Disabilities

Attachment:  
- School Code and Federal Register Citation
APPENDIX F

Letter to Legislators Outlining ISAC’s Role
Dear State Legislator,

As the chair of the State Advisory Council on the Education of Children with Disabilities (ISAC), I am writing to introduce myself to you and invite you to use ISAC as a resource in matters concerning the education of children with disabilities within Illinois.

ISAC’s enacting charter is found in the Individuals with Disabilities Education Act (IDEA), the federal statute that governs the education of students with disabilities. Since 1976, IDEA has required that every state create an advisory council to provide policy guidance with respect to special education and related services for children with disabilities within its state. In each of the subsequent reauthorizations, the role of advisory councils has been renewed.

Appointed by the governor, ISAC represents a diverse group of members which include individuals with disabilities, parents of children with disabilities, special education representatives, teachers, superintendents, representatives of the higher education community, state agencies, representatives from private and vocational schools, as well as representatives from the juvenile and adult correction agencies.

With such a diverse group of members, ISAC provides a forum for open dialogue on the various points of view concerning these issues. This unique composition requires that any policy recommendation put forward is formulated on a consensus driven basis. In an arena of multiple interests, ISAC attempts to provide a unified voice regarding special education within Illinois.

Please take a moment to review the attached documents, which outline the goals of the legislative committee of ISAC and provide the statutory language for ISAC’s charter. I would encourage you to use ISAC as a resource for policy guidance on proposed state legislation or assistance in clarifying current statutes or regulations at the state or federal level. I look forward to hearing from you, and working with you in the future to provide the best opportunities possible for citizens with disabilities within Illinois.

Sincerely,

Therese M. Devine
Chair of ISAC
Illinois State Advisory Council (ISAC)
Goals

ISAC council will focus on Federal and State Legislation, and rule making that impact services for individuals with disabilities in schools and communities

➢ To identify and develop relationships with key members of all legislative bodies that will champion the cause and initiative of Special Education

➢ To increase ISAC visibility to the legislature

➢ To continue to stay apprised of Federal and State funding as it relates to special education and give input as appropriate

➢ Monitor the impact of NCLB and the school districts accountability for the education of students with disabilities

➢ To provide input to rules and regulations for Reauthorization of IDEA at the State and Federal level as action takes place.

Approved on 11/4/2004
(A. Kruppe Group on Legislation)
APPENDIX G

Letter to ISBE Requesting ISAC’s Involvement in NCLB Discussions
March 2, 2005

Dr. Randy J. Dunn
Interim State Superintendent
ISBE
100 N. First Street
Springfield, IL 62777

Dear Dr. Dunn,

It is the Illinois State Advisory Council for Students with Disabilities (ISAC) understanding that over 200 school districts did not make adequate yearly progress under the No Child Left Behind Act (NCLB) due to the subgroup of special education. This has raised concerns throughout the state among educators, policy makers and parents. Members of ISAC are equally concerned and would like to be active participants representing students with disabilities as you discuss NCLB requirements and possible solutions to this issue.

Moreover, the changes to IDEA law made by the 2004 reauthorization reinforces the NCLB requirements that students with disabilities have access to the regular education curriculum and holds schools accountable for their success. The overlap between these two bills necessitates greater coordination and communication between the State Board of Education and special educators.

The presence of ISAC members at ISBE meetings pertaining to NCLB will ensure that school administrators and special education providers have current information regarding NCLB. Inclusion of members from ISAC during such meetings would be informative as well as reduce the possibility of confusion and redundancy as special educators work to implement the new IDEA law and assessment standards.

Thank you for your consideration of this matter. I look forward to hearing from you as we work together to form as seamless an education system as possible.

Sincerely,

Theresa M. Devine
Chair of ISAC
APPENDIX H

Letter to Legislators Offering Guidance for HB 160
March 11, 2005

The Honorable Roger L. Eddy
222-N Stratton Office Building
Springfield, IL 62706

Dear Representative Eddy,

As the chair of the State Advisory Council on the Education of Children with Disabilities (ISAC), I am writing to request the opportunity to provide input and guidance on HB 160 as the legislation is considered by you and your colleagues.

As you may know, ISAC is appointed by the governor and includes a diverse group of individuals representing the needs of children with disabilities. Among the duties outlined in our federal charter is to comment publicly on proposed state and federal policy affecting special education. I believe we are in a unique position to provide such input because the varied views of our membership requires that any policy recommendation put forward is formulated on a consensus driven basis and represents the viewpoints of all our members. In an arena of multiple interests, ISAC attempts to provide a unified voice regarding special education within Illinois.

This is a time of tremendous change and transition within special education both because of the No Child Left Behind Act and the reauthorization of the Individuals with Disabilities Education Act. As a result, it is imperative that any proposed legislation be thoroughly reviewed and analyzed. I believe ISAC can provide a valuable contribution towards that end and I look forward to the opportunity to speak with you about HB 160. I can be reached at 708-349-9669.

Sincerely,

Therese M. DeLine
Chair of ISAC

100 North First Street, Springfield, Illinois 62777
APPENDIX I

Letter to Legislators Requesting Restoration of Special Education Funds
May 2, 2005

The Hon. Kathleen L. Wojcik
105E Capitol Building
Springfield, IL 62706

Dear Senator Wojcik,

I am writing to you on behalf of the Illinois State Advisory Council on the Education of Children with Disabilities (ISAC) to express our grave concerns over the planned cuts to programs serving students with disabilities. Specifically, discretionary IDEA funds available for special education programs have been reduced by half, from approximately $12 million to $6 million. In addition, legislative action signed into law in August 2004 eliminated additional funding that was used to supplement the funding of discretionary programs under IDEA.

While fully aware of the budgetary crisis faced by the state of Illinois, ISAC is deeply alarmed that special education programs designed to serve our neediest children are facing such drastic cuts.

Some of these reductions were necessitated as a direct result of State legislative action. House Bill 4225, which was signed into law last year, redirects IDEA Room and Board carryover funds to school districts. Historically, these IDEA carryover funds have been used by the Illinois State Board of Education to supplement special education programs that served students and schools across the state. Because of their creativity and effectiveness, many of the programs facing elimination are nationally recognized examples of best practice in educating students with special needs.

Compounding the fiscal challenge has been the General Assembly’s elimination from general revenue funds, the line item for Corey H., which previously was used to pay legal fees and other costs associated with this litigation. Payments total approximately $3 million annually are obligated from federal IDEA discretionary dollars – severely depleting an already insufficient appropriation.

As you are well aware, programs serving students with disabilities have never received adequate funding. Cutting already scarce dollars will result in the elimination of highly effective programs and the loss of service to over eight hundred school districts across Illinois. These important programs are critical to the well-being and educational advancement of all students. From a merely fiscal standpoint, cutting programs now will result in much greater costs later. Illinois simply cannot afford, for the sake of our special needs community and the state at large, to further reduce scarce funding for these critical programs.

ISAC urges you to prioritize the restoration of special education funds that had to be cut this year by fully funding state-mandated programs with state dollars and by re-establishing a line item for Corey H. to cover costs associated with this litigation. I look forward to hearing from you on this important issue. Feel free to contact me if you have any questions.

Very truly yours,

Therese M. Devine
ISAC Chair
708-349-9669
devineford@comcast.net

cc: Hon. Rod Blagojevich, Governor
Dr. Randy Durr, ISBE Superintendent
Dr. Christopher Koch, ISBE Special Education

100 North First Street   Springfield, Illinois 62777
APPENDIX J

List of Due Process Hearing Officers for 2005-2006
DUE PROCESS HEARING OFFICERS

The following Impartial Hearing Officers are recommended to the Illinois State Advisory Council for reappointment for another year, beginning July 1, 2005:

Marie Bracki  
Ann Breen-Greco  
Julia Quinn Dempsey  
Alan Cook  
Gail Friedman  
Vivian Gordon  
Sheana Hermann  
Venita Hervey  
Marian McElroy  
Kathleen Plesko  
Carolyn Ann Smaron  
Stacey Stutzman  
James Wolter  
Robert Ladenson

The following individuals are recommended for appointment to the active rotation as new Impartial Hearing Officers, effective July 1, 2005:

1) Kristine Anderson  
2) Susan Cox  
3) Janet Kidd  
4) Jeff Plesko  
5) Mary Schwartz  
6) Alfred Spitzzeri

The following individuals are recommended for appointment to the reserve rotation in the following rank-order:

1) Yvette Sanders  
2) Robert Lehrer  
3) Linda Mastandrea  
4) Joan Grossman  
5) Nila Grahl
APPENDIX K

Chairperson Devine’s Presentation to OSERS/DOE
June 29, 2005

My name is Therese Devine. I am the Chair of the Illinois State Advisory Council on the Education of Children with Disabilities (ISAC). On behalf of ISAC, I have been authorized to provide the following public comment on the proposed regulations for IDEA - Part B to the Office of Special Education and Rehabilitation Services, United States Department of Education.

1. **Highly Qualified** §300.156(c): ISAC is concerned that these changes will continue to make it difficult to maintain adequate numbers of special education teachers in the field. Additionally, it is difficult for current teachers to meet the criteria to become highly qualified within the timeframe that the regulations propose. For special education teachers to meet similar content-area standards as general education teachers, there should be a longer phase-in period. Unfortunately, the difficulty in getting “highly qualified” teachers in special education will only serve to encourage negative press and scapegoating of students with special education needs under NCLB.

The exclusion of private schools from the requirement of having highly qualified teachers is troubling. In essence, the proposed regulations condone placing children who have the most complex education needs with - possibly - lesser qualified teachers.

2. **Due Process** §300.510, §300.515: Meeting the 45 day time line can be challenging in the best of circumstances. The “Resolution Session” process seems to add another layer for parents, further complicating an already intimidating process. Additionally, it seems that a 45 day time frame could turn into a 75 days process. With the addition of a resolution session, there would be a longer delay for services to students. While we agree with the resolution session in theory, to work as envisioned, there must be clear guidance in place for parents and schools, and an understanding of the importance of coming together in a positive and productive manner.

3. **Placement Neutral Funding** §300.114(b)(1), Note 89, Conference Report: ISAC commends the federal government in encouraging states to provide funding neutral reimbursement. Students should be placed based on their needs and the requirements of FAPE and LRE, not by financial incentives to the LEA.
4. **Discipline** §300.530(g): ISAC supports the addition of the 45 day placement for students who cause serious bodily injury. However, ISAC is deeply concerned that the comments section implies that schools will be a safer place for all if students with disabilities are disciplined in the same manner as general education students.

§300.530(b): Clarity is needed as to what constitutes a “violation of the school code of conduct” such that removal would be allowed. In the absence of a definition, individual LEAs could adopt varying codes and standards for enforcement, leaving confusion and potential abuse in its wake. This section further blurs what would constitute a change in placement - e.g. for students who are removed from school more than ten days in a school year, but not ten consecutive days.

5. **Private parochial services** §§300.130 - 300.139, §300.148: ISAC finds it disconcerting that in the comments section, schools are encouraged to provide services at the parochial site. It appears that the concept of the choice of site is eliminated. Additionally, the change of responsibility to the LEA in which the school is located, rather than the place of residence of the child, places undue burden on school districts as the proportional share. The distribution of funds is not consistent, and could - in practice - cause a child to receive fewer services than if the LEA of the child’s residence were responsible. Additionally, the requirement of Child Find responsibility to be that of the LEA in which the school is located creates an undue burden on that district as well.

6. **Consent** §300.300: The regulations indicate that an IEP will not be developed if parents do not consent. ISAC is concerned that parents are being placed in a situation in which they will be forced to give consent for special education services before they understand what those is being proposed. Parents should not be faced with a decision to approve or reject services without having participating in an adequate discussion of their child’s needs and how they may best be met.

7. **IEP addendum** §300.324(a)(6): Though ISAC commends efforts to reduce paperwork, the regulation on IEP addendums should REQUIRE that parents be given copies of any and all changes made to their child’s program. The requirement of simply informing parent that they have the right to a document does not insure that parents have an understanding of the changes that have been made to their child’s program.

Therese M. Devine: devineford@comcast.net