

Annual Report on the Illinois Special Education Due Process System
(School Year 2022-23)

Section 14-8.02d of Illinois School Code (105 ILCS 5/14-8.02d) specifies that the Illinois State Board of Education is required to publish a report on the performance of the Special Education Due Process Hearing system. This document serves as the report on the state of the system during the 2022-23 school year.¹

Overview

Pursuant to Section 14-8.02a and 14-8.02b of the School Code, Illinois is mandated to provide a forum for adjudication of special education due process disputes in order to fulfill the requirements of Section 1415 of the federal Individuals with Disabilities Education Act. The system must allow parents to file due process complaints against Illinois school districts to adjudicate disputes concerning the eligibility and placement of a child who receives special education services, or who may be eligible to receive such services. In addition, under limited circumstances set forth in the School Code and related regulations, school districts may also file due process complaints concerning certain children who fall within the limited circumstances.²

Filings, Issues, and Disabilities

A total of 274 due process complaints were filed during the 2022-23 school year, with 13 filed as expedited hearings. This is a slight increase over the 266 that were filed in the previous school year. The increase continues the modest but steady increase in the number of filings since the return to in-person instruction following the extended closure of schools during the COVID-19 pandemic that occurred in the 2021-22 school year.

Approximately 80% of the 274 filings during the 2022-23 school year were initiated by parents and 20% by school districts. The general categories pertaining to the issue for which filings were made are listed below. Please note that many hearing requests raise multiple issues so the total below may exceed the total number of hearing requests filed.

Issue	Number of Cases
Placement Determination	141
Sufficiency of Instructional Services Offered	74
Independent Educational Evaluation	70
Placement of Children by Parents when FAPE is an Issue	32
Disagreement over Eligibility	25
Sufficiency of Related Services Offered	23
FAPE	18
Discipline Appeal	13

¹ The data reported covers the period from July 1, 2022, to June 30, 2023.

² The limited circumstances are cases in which (a) the parent has made a demand on the district to pay for an independent educational evaluation in response to the district's full individual evaluation of the student, (b) where the parent refuses to give consent for the district to conduct a full individual evaluation of the student, or (c) where the district is seeking removal of the student due to conduct dangerous to the student, other students, or school district staff (23 IAC 226.655).

Issue	Number of Cases
LRE Requirements	12
Child Find	10
IEP Implementation-Spec Ed Services/Program	9
Behavioral Intervention Policies and Procedures	9
IEP Implementation- Related Services/Programs	8
IEP Determination of Setting (IAES)	8
Suspension/Expulsion (Including in-School and Bus), Manifestation Determination, Weapons	7
Parent Participation(examine records, meetings, placement decisions)	6
Reevaluations (General, Who Can Request, Timelines)	5
Change in Placement Due to Disciplinary Removals	5
Transportation	4
Medical Services	4
Occupational Therapy	3
IEP Implementation- Accommodations/Modifications	3
Consent – Parental (2 initial evaluations, services, reevalations)	3
Suspension of Ten Cumulative Days – Development of Behavioral Intervention Plan	2
Social Work	2
Facilities	2
IEP Implementation-Support from School Personnel	2
Transfer IEPs – Same State	2
Transition Services – Content of IEP	2
Content of IEP (PLAAFP, Goals, Reporting on Goals, Statement of Services, Participation, Assessment, Services Dates)	2
Development of IEP (Considerations of Special Factors, Amending IEP)	2
Initial Evaluations (General, Who Can Request)	2
Speech Language Pathology	2
Assistive Technology/Equipment	2

Issue	Number of Cases
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Academic Standards/Grading	1
Participation in Graduation Ceremonies/Activities	1
Transition Services – Definition	1
IEP Implementation-Assistive Technology/Equipment	1
Extended School Year Services	1
Eligibility Determination (General, Copy of Report, Determinant Factors, Procedures)	1
Disability Area Definitions	1

FAPE Exceptions-Graduation/Incarcerations	1
Initial IEP - Provisions of Services	1
Supplementary Aids - Definition	1
Notification (prior notice, content of notice understandable language)	1
Filing a Complaint (general, information for parents)	1
Destruction of Information	1
Lack of Qualified Personnel	1
Age Range	1
District Policies and Procedures	1
Placement During Appeals	1
Protection for Students Not Yet Eligible	1
Referral to Law Enforcement/Judicial Authorities	1

The following disabilities were identified on the hearing requests received by ISBE during the 2022-23 school year. Again, note that the total may exceed the number of hearing requests received as some hearing requests identified more than one disability category in the hearing request.

Disability:	Number of Cases:
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Other Health Impairment	86
Specific Learning Disabilities	58
Autism	57
Emotional Disability	53
Unknown/None	49
Developmental Delay	20

Disability	Number of Cases
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Intellectual Disability	17
Speech/Language Impairment	13
Multiple Disabilities	9
Visual Impairment	4
Orthopedic Impairment	3
Hearing Impairment	3
Deaf-Blindness	2
Traumatic Brain Injury	1

Due Process Hearing Timelines

Analysis of associated timelines for the 274 filings during the 2022-23 school year requires a consideration of two separate categories: general hearing requests and expedited hearing requests. General requests work on a bifurcated timeline where the first 30 days are part of a statutorily required resolution period, followed by a 45-day hearing timeline. The timeline for the hearing can be extended at the request of a party. Expedited hearings work on a strict, 20-school-day timeline that allows for a brief resolution period that runs concurrent with the hearing timeline. Decisions in expedited hearings must be issued within 10 school days of the end of the hearing. No timeline extensions of any kind are permitted in expedited hearings.

As of the date this report is published, 18 of the 274 cases filed during 2022-23 are still pending (all 18 are general requests). Of the general cases that were completed, the average timeline was approximately 111 days, indicating that a significant majority of the cases had extended timelines following a request by one or both of the parties. None of the 13 expedited hearing requests filed during the 2022-23 school year exceeded the required timelines.

All decisions for cases that went to hearing (both general and expedited) have been published in redacted form on the [ISBE website](#), which is available to the public.
