

Explanation of Form Changes December 2021

ISBE's Special Education Department revised Form 34-57J, *Notice of Procedural Safeguards for Parents/Guardians of Students with Disabilities*, in the following ways:

Page 1: Introduction

- Statement added in regard to regulatory requirements at 325 ILCS 20/11(h) for the extended early intervention option.
- Statement added in regard to regulatory requirements at 105 ILCS 5/14-1.02 for provision of services after a student's 21st birthday.

Pages 1-2: Prior Written Notice

- Included all seven components required for prior written notice.
- Statement added: "A public agency may use the IEP as part of the prior written notice as long as the document(s) that you receive meet all of the requirements listed previously."
- Section added: "Electronic Mail."
- Statement added in regard to regulatory requirement at 23 IAC §226.220(b) for services not implemented within 10 school days.
- Statement added: Within 10 days after receipt of a request, the district shall either agree and notify the parent in accordance with 34 CFR 300.503 or notify the parents in writing of its refusal, including an explanation of the reason no meeting is necessary to ensure the provision of FAPE for the child.

Pages 2-3: Parental Consent

- Added introductory language for revocation of consent.
- Added content/formatting to the "Special Rules for Initial Evaluation of Wards of the State or Youth in Care" section.

Page 4: Revocation of Consent

- Added list to include information for the district's responsibility when a parent revokes consent.

Page 4-5: Parent Participation in Meetings

- Statement added in regard to new regulatory requirements from 23 IAC §226.530(a) for the provision of written materials to be considered at the IEP meeting three school days prior to the meeting.
- Statement added in regard to new regulatory requirements from 23 IAC §226.530(b) for interpretation services at IEP team meetings.

Pages 5-6: Evaluation Procedures

- Added regulation components with timelines to the "Initial Evaluation" section.
- Updated the Independent Educational Evaluation section to reflect language in ILCS 5/14 and 23 IAC §226.180.
- Section added: "Parent Right to Evaluation at Public Expense."

Pages 7-8: Requirements for Unilateral Placement by Parents of Children in Private Schools

- Updated definition of a private school and the requirements for a services plan per the federal regulation at 34 CFR §300.131-2.

Pages 8-11: Discipline

- Updated the definition for “suspension.”
- Statements added in regard to the regulatory requirements from 34 CFR §300.530 for long-term removals.

Page 11-16: Dispute Resolution Sections

- Added relevant links from ISBE website for dispute resolution options.

Page 24-26: Access to Educational Records

- Updated “Definitions” section.
- Sections added: “Records on More Than One Child,” “Disclosure,” “Safeguards,” “Destruction of Information,” and “Student’s Rights.”
- Updated information per the state regulation at 23 IAC §375.90 in the “Amendment of Records” section.
- Statement added in regard to regulatory requirement at 23 IAC §226.310 for related services logs.