



Illinois State Board of Education

Parents' Bill of Rights

Understanding Your Rights as a Parent/Guardian of a Diverse Learner

Illinois State Board of Education

2018-2019 School Year

Whole Child • Whole School • Whole Community

ISBE PUBLIC INQUIRY & CORRECTIVE ACTION



Illinois
State Board of
Education

Whole Child • Whole School • Whole Community

Public Inquiry - CPS

- **Open Letter to ISBE (November 2017)**
 - Special education advocates representing CPS Parents and families.
 - Raised questions regarding:
Whether CPS had created a special education policy environment which resulted in a violation of student rights.

Public Inquiry - CPS

- **ISBE Response (December 2017)**
 - ISBE initiates a **PUBLIC INQUIRY** into CPS's system and procedures re: special education, focusing on the issues outlined in the Open Letter.
 - Public Inquiry was led by the Office of the General Counsel and allowed ISBE to closely investigate and analyze the issues of public concern in a fair and transparent manner.
 - Evidence gathered from CPS, Advocates, Parents, and the Public in general; affidavits and testimony provided

Public Inquiry - Findings

- **Summary of Issues**

- CPS's **electronic IEP system** – SSM/IMPACT
- CPS's **documentation and data collection requirements** (ESY, paraprofessionals, separate day school, MTSS/Response to Intervention data)
- CPS's **budgeting** system
- CPS's **policies** regarding **transportation**



Public Inquiry - Findings

Systemic Violations, Generally

- Lack of regular, coordinated, and comprehensive trainings provided to CPS staff.
- Lack of consistency between CPS procedural manual/guidelines and SSM system; delays or denials of services.
- District Representatives serving as “gatekeepers” in IEP meetings and not allowing IEP teams to make certain team decisions without the D.R.’s authority to do so.
- Inadequate notice to Parents about changes to procedures and data collection requirements.

Public Inquiry – Corrective Action Topics

- **Corrective Action required via:**
 - **ISBE Appointed Monitor**
 - **IEP Meetings** – ensuring appropriate participants
 - **Electronic IEP Use** – IEP teams need full access
 - **Data Collection** – team-driven, supports team decisions
 - **Procedural Manual and Guidance Documents** - revisions
 - **Budgeting** – changes in staffing and staff request processes
 - **Stakeholder Involvement** – Parent involvement and input
 - **Additional Training Plan** – PD for school staff (ISBE / CPS)
 - **Student Specific Corrective Action** – Compensatory Ed

Corrective Action – ISBE Monitor

ISBE Monitor - CPS

- Implements the provisions of Corrective Action and the recommendations adopted by ISBE.
- Liaison for Special Education between ISBE and CPS.
- Independently monitors IEPs and school-based data via SSM
- Oversees/approves/attends all Special Education policy changes and all CPS trainings related to Special Education
- Attends all Parent Advisory Committee meetings

Accessible to CPS School Staff for all concerns or filing complaints against CPS – Staff who report concerns to the Monitor will NOT suffer retaliation



Public Inquiry – The Positives!



POSITIVE CPS components recognized during the Public Inquiry process

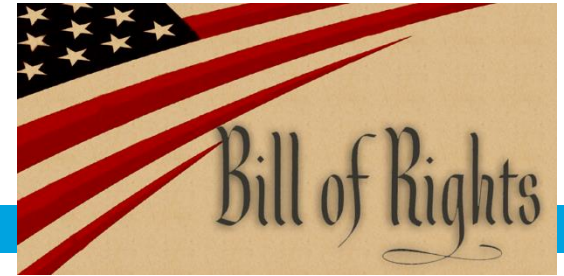
CPS' electronic IEP system is notably advanced and thorough. Great built-in tools and forms.

CPS has one of the most detailed and comprehensive Special Education Procedural Manuals – outstanding resource for schools.

**CPS prioritizes and requires detailed
Data Collection to justify IEP team decisions.**



You have the right to...



1. Know you have specific rights protected by state and federal law.
2. Receive notifications and provide consent.
3. Request an evaluation for specialized services and supports.
4. Participate meaningfully in the IEP process and receive translation support.
5. Voice disagreement and seek resolution.
6. Have your child receive a free and appropriate public education.
7. Seek compensatory services.
8. Receive updates regarding the progress your child is making.
9. Have your child educated with general education peers.
10. Access your child's records.

Parental Right 1

You have rights protected by
State and Federal law.



Illinois
State Board of
Education

Whole Child • Whole School • Whole Community

Laws Related to Students with Disabilities

- **Federal**

1. Section 504 of the Rehabilitation Act of 1973
2. Individuals with Disabilities Education Improvement Act
3. Title II of the Americans with Disabilities Act
4. Family Educational Rights and Privacy Act (FERPA)

- **State (Illinois)**

1. Illinois School Code, Article 14: Children with Disabilities
2. Illinois Administrative Code: Part 226
3. Illinois School Student Records Act (ISSRA)

IEP versus Section 504 Plans

▪ **Section 504 Eligibility**

- Does the child have a mental or physical impairment?
- Does the impairment substantially limit the child in one or more major life activities (inclusive of learning)?

▪ **IEP Eligibility**

- Does the child meet one or more of 14 defined disability categories?
- Does the child's disability adversely impact educational performance?
- Does the child require special education and related services?

IDEA Disability Categories

1. Autism Spectrum Disorder
2. Deaf/Blindness
3. Deafness
4. Developmental Delay (3 through age 9 only)
5. Emotional Disability (ED)
6. Hearing Impairment
7. Intellectual Disability (ID): Mild, Moderate, Severe, or Profound
8. Multiple Disabilities
9. Other Health Impairment (OHI)
10. Physical (Orthopedic) Impairment
11. Specific Learning Disability (SLD)
12. Speech/Language Impairment
13. Traumatic Brain Injury
14. Visual Impairment, Including Blindness



“SCHOOL SPEAK”

What are they talking about?



Illinois
State Board of
Education

Whole Child • Whole School • Whole Community

Acronyms / Terms - Generally

- **ADA:** Americans with Disabilities Act
- **IDEA:** Individuals with Disabilities Education Improvement Act
- **504 Plan:** Outlines accommodations for a child with a disability to ensure academic success and access to learning environment.
- **IEP:** Individual Education Program / Plan
- **FAPE:** Free Appropriate Public Education
- **LRE:** Least Restrictive Environment
- **BIP:** Behavior Intervention Plan
- **FBA:** Functional Behavioral Analysis
- **ESY:** Extended School Year
- **IEE:** Independent Educational Evaluation

Acronyms / Terms – Generally (cont.)

- **FIE:** Full and Individual Evaluation (Case Study Evaluation)
- **IAES:** Interim Alternative Education Setting
- **SEL:** Social Emotional Learning
- **MTSS:** Multi-Tiered Systems of Support
 - **RTI:** Response to Intervention
- **ESL:** English as a Second Language
- **EL:** English Learner

Resource for You: [Glossary of Key Terms](#)

Acronyms / Terms – Illinois & CPS

- **ISBE:** Illinois State Board of Education
- **CPS:** Chicago Public Schools
- **ODLSS:** Office of Diverse Learner Supports and Services
- **DR:** District Representative
- **AP:** Assistant Principal
- **RSP:** Related Service Provider (Clinicians)
- **TDS:** Therapeutic Day School / Separate Day School
- **SECA:** Special Education Classroom Assistant
- **Para/Aide:** Paraprofessional

Parental Right 2

Receive notifications and provide consent regarding certain school actions related to your child.



Notices/Drafts Prior to IEP Meetings

Per agreement

Notification of an IEP Amendment

When you and the school agree to revise the IEP without convening an IEP meeting.

At least 10 days prior

Notification of Conference

- For eligibility and IEP meetings
- Must indicate if data has been or will be collected for parapro support, ESY, SLD, transportation, and/or separate day school.

At least 5 school days prior

Draft copies of:

- The IEP (areas of need, general considerations, goals, grades, transition, and accommodations & modifications.
- Evaluation reports (if applicable).
- Data collection forms or reports (if applicable).

I
E
P



Prior Written Notice Required of School Districts

When a school district **proposes to initiate or change the identification/evaluation/placement or provision of FAPE to your child**

When a school district **refuses to initiate or change the identification/evaluation/placement or provision of FAPE to your child**

- **WHEN:** At least 10 days prior to the proposed/refused action.

Notice must include:

A description of the action proposed/refused and corresponding explanation
A description of other options considered and why they were rejected
A description of the evaluation procedure, test, record or report utilized as its basis for proposal/refusal
A description of other factors relevant to the SD's proposal/refusal
A statement that you have Due Process rights and your Procedural Safeguards
Sources for you to contact to obtain assistance in understanding your Due Process rights



Other Notices and Provisions

Notification of Decision Regarding a Request for an Evaluation

- WHEN:
Within 14 school days of the date of request.
- PURPOSE:
To provide you with specific reasons regarding why the request was approved or denied.

Explanation of Procedural Safeguards

- WHEN:
Once per school year or upon request.
- PURPOSE:
To review the rights afforded to you by law as the Parent/Guardian of a student with a disability.



Procedural Safeguards

NOTICE OF PROCEDURAL SAFEGUARDS FOR PARENTS/GUARDIANS OF STUDENTS WITH DISABILITIES (As of July 2018)

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

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

Additional information regarding your rights is available on the ISBE website: <https://www.isbe.net/Pages/Special-Education-Parents-of-Students-with-Disabilities.aspx> in a document entitled, "Parent's Guide - Educational Rights and Responsibilities: Understanding Special Education in Illinois (06/09)

PRIOR WRITTEN NOTICE

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

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

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

- A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take action, and a description of any other options the district considered and the reasons why those options were rejected;
- A description of each evaluation procedure, test, record or report the district used as a basis for the proposed or refused action;



Other Notices and Provisions (cont.)

Notification of Transfer of Rights at Majority

- WHEN:
Prior to your child's 18th birthday.
- PURPOSE:
Transfer of SpEd rights to the Student unless a Delegation of Rights has been executed by the Student.

Notice of Non-Implementation

- WHEN:
Within 10 school days after the IEP meeting IF a portion of your child's IEP is not implemented.
- PURPOSE:
To alert you to the fact of non-implementation and provide an explanation/strategy/solution.



Types of Consent You Should Provide

- Consent for an **Initial Evaluation**
- Consent for **Re-evaluation**
- Consent for **Initial Provision of Special Education and Related Services**
- **Mutual Written Agreement to Extend Evaluation Timeline**
- **Excusal of an IEP Team Member**
- Consent to **release your child's records to a third party**



Parental Right 3

You may request an evaluation for specialized services and supports.



Illinois
State Board of
Education

Whole Child • Whole School • Whole Community

“Child Find”

- **School Districts are REQUIRED TO:**
 - Locate, identify, and evaluate all children ages 3 through 21 within their boundaries who may be eligible for special education and related services.
- **School Districts do this by:**
 - Conducting screenings
 - Collaborating with agencies during transitions from early intervention services
 - Progress monitoring and data collection
 - Responding to requests for evaluations or referring students for evaluations

“What can I do if my child is struggling?”

You may request a conference

- After discussing your concerns, the school team may decide to initiate **MTSS (or RtI) process**.
 - A process designed to provide high-quality instruction and interventions to students who may be struggling with learning; helps to avoid a “wait to fail” situation because students receive prompt help within the general education setting.
 - Intervention: a specific type of instruction matched to specific student needs to address a specific type of problem; student progress is monitored.
 - Data is collected to shape instruction and make educational decisions

“What can I do if my child is struggling?”

You have the right to request an evaluation.

- Do so in writing by requesting a **Full & Individual Evaluation** (FIE or “case study evaluation”)
 - Your request need not be submitted on a particular form
 - Submit a copy of your request to your school’s Case Manager and Principal
 - If you submit your request via email, ask that the recipient confirm his/her receipt

The Evaluation Process

- **Response to an Evaluation Request** (from you or school staff):
 - If the school **DENIES** the evaluation:
 - They owe YOU within 14 school days of the request:
 - A written **Notice of Referral Decision**, which must include:
 - Date and source of the referral
 - Reasons evaluation was requested
 - Reasons why school decided NOT to conduct it
 - Any plan to address your child's needs (e.g. general education classroom interventions)
 - Contact person (typically the Case Manager)
 - A copy of your **Procedural Safeguards**

The Evaluation Process

- Response to an Evaluation Request:
 - If the school **AGREES** to the evaluation:
 - They owe YOU within 14 school days of referral:
 - A written **Notice of Referral Decision**
 - A copy of your **Procedural Safeguards**
 - Notification of a “**Domains**” or **Assessment Planning meeting**:

The team convenes to discuss and prepare an Assessment Planning Form, which includes the domain areas to be evaluated, as well as a Consent Decision Form for your signature which allows the evaluation to move forward.
 - An **Eligibility Meeting** must be convened within **60 school days** of the date you provide consent to evaluate.



Once My Child is Eligible, Then What?

- **School Districts are REQUIRED TO:**
 - Develop an IEP reasonably calculated to ensure your child can make educational progress.
- **School Districts do this by:**
 - Providing supplementary supports and services
 - Providing modifications and/or accommodations
 - Providing specialized instruction in the Least Restrictive Environment (LRE)
 - Providing any necessary related services (e.g. social work, speech-language therapy, etc.)

Parental Right 4

Participate meaningfully in the IEP process and receive translation support if needed.



The IEP Meeting

You are an equal member of the IEP team with unique expertise regarding your child, SO . . .

. . . collaborate with school personnel to determine a mutually convenient date and time for the any/all meetings; and,

. . . prepare for meetings by reviewing all available information regarding your child's education.



Types of Meetings

Domain Meetings to discuss assessment planning

Eligibility Meetings - Initial Evaluations and Re-evaluations

IEP Annual Reviews

Other Meetings

- Parent-requested conference or IEP meeting
- Evaluation to consider a related service
- IEP Revision Meeting – amend services prior to A.R.

Student's IEP Team



Participants in an IEP Meeting

Who **MUST** attend?

- **Parent(s) / Guardian**
- A **general education teacher** who knows/teaches your child
- A **special education teacher** who provides services to your child
- Local **School District Representative** (e.g. Case Manager, Principal, AP, OLDSS District Representative)
- **Those who conducted / can interpret evaluations** (Initial Eligibility/new evaluations/reevaluations)

Only a Parent/Guardian can excuse a required IEP team member from an IEP meeting – in writing.

Participants in an IEP Meeting

Who MIGHT attend?

- **ODLSS District Representative or ODLSS Attorney**
 - When you bring an Advocate or Attorney, or when the team will be discussing placement at a therapeutic day school.
- **Related Service Provider(s)**
 - If your child receives services from a school's provider, such as a Social Worker, Speech-Language Pathologist, Occupational/Physical Therapist, or Psychologist.
- **Bilingual Specialist or Bilingual Teacher**
- **A Behavior Specialist**
- **A Specialist for a specific disability** (e.g. Autism, Severe/Profound Intellectual Disabilities, physical disability)
- **An Interpreter** for those who have limited English proficiency or are deaf.
- **Student** – students must be invited to attend if transition goals and services are being considered; student interests and plans must be considered.
- **A Teacher qualified to teach pre-school** – if your child is 3-5 years old.



What You Should Receive Before the IEP Meeting

You have the right to receive these items before the IEP meeting:

- Notice of Conference – at least 10 days prior
- Draft of current IEP – at least 5 school days prior

Note: not all sections should/need to be completed within the Draft prior to the IEP meeting

- Data collection forms (if applicable)
- Evaluation report drafts (if applicable)
- Progress notes from teachers

At the IEP Meeting

- **Prepare to talk about the following on behalf of your child at the IEP meeting:**
 - Your child's strengths & struggles
 - If appropriate, discuss this with your child as well
 - Long-term goals and expectations
 - Medical needs
 - Specific ways the school can support your child
 - How you would like to collaborate & communicate with the school between IEP meetings
 - Inform the school of best way for the school to contact you and the best times for the school to reach you.

Be an Active Participant

Do not be afraid to speak up . . .

. . . but also try be patient with your fellow IEP team members.

Share Your Homework!

- Vision and hopes for your child's school year
- What motivates your child?
- Home and community life highlights
- Medical and personal care needs, other special needs

Be an Active Participant

Ask Questions

- Evaluation reports and/or other testing results
- Present levels of performance
- Behavior and social-emotional learning
- Functional skills and organization

Ask for explanations when needed

Translation Supports



If English is not your primary language, and your child is an English Learner, you have the right to:

- Request documents related to the IEP process (e.g. Procedural Manual), in your native language.
- Request that an ESL/EL/Bilingual Certified Specialist attend the IEP meeting.
- Request translation services at an IEP meeting
 - You may also request translation services in Due Process matters and at mediation.

Parental Right 5

Voice disagreement
and seek resolution.



Entitlement to Counsel / Advocate

- **You have the right to bring representation to a meeting.**
 - Attorney OR Advocate
 - Advocate
 - Typically no law degree
 - Attend IEP meetings with you
 - Help with crafting goals, accommodations etc.
 - Typically less expensive than an attorney
 - Attorney
 - Attend IEP meetings with you
 - Due Process cases
 - Could be more expensive

Challenging the Outcome of the Evaluation.

- **If you disagree with the school's evaluation of your child:**
 - You have the right to request an Independent Educational Evaluation (IEE) *at the district's expense*:
 - In writing, to the Superintendent (CPS CEO).
- **In response, the school can:**
 - Grant your request for an IEE, OR
 - Deny your request, and initiate due process within 5 days.

Disagreeing with the IEP

- If you disagree with the IEP or particular components of the the IEP . . .
 - You may submit a dissent at or after the meeting:
 - The IEP contains a Dissent Section – this becomes a permanent part of the IEP; if you submit a written dissent after the meeting, the school must attach/incorporate it into the IEP.
 - *NOTE: a dissent does not prevent the IEP from being implemented.*
 - You may explore your Dispute Resolution Options.

Dispute Resolution Options

- **Request a Conference / IEP Meeting**

An opportunity to resolve issues at the school level with possible assistance from the Principal, ODLSS District Rep, or other participant

- **State-Sponsored IEP Facilitation**

A trained, neutral facilitator assists with whole-team participation and effective communication between parents and schools.

- **State-Sponsored Mediation**

An impartial Mediator assists with the resolution process.

- **Written Complaint to ISBE**

A formal process where you submit a signed, written complaint alleging a violation on the part of the District

- **Due Process**

A request for a formal legal hearing adjudicated by a Hearing Officer



Dispute Resolution Options



Illinois
State Board of
Education

System Quick Links ▾

Illinois Report Card

Careers at ISBE

Contact Us



Search...

Translate ▾



HOME



ADMINISTRATORS



TEACHERS



FAMILIES & STUDENTS



COMMUNITY & PARTNERS



NEWS & MEDIA



TOPICS

Home > Special Education Programs > Effective Dispute Resolution

SPECIAL EDUCATION PROGRAMS

Effective Dispute Resolution

- State-Sponsored IEP Facilitation
- State-Sponsored Mediation
- Complaint Investigation Process
- Due Process

RESOURCES

- Consortium Appropriate Dispute Resolution in Special Education (CADRE)
Additional information on resolving disputes at the local level can be found by visiting the CADRE website.
- Special Education Parent Guide
 - Chapter 11: Conflict Resolution
 - Español

SPECIAL EDUCATION PROGRAMS

EFFECTIVE DISPUTE RESOLUTION

EARLY RESOLUTION

Early resolution is an informal means for districts and parents to resolve issues at the local level. It is not uncommon for disagreements to occur between parents and school districts regarding a child's special education services. Those disagreements can often be resolved at the local level with open communication between the parties. The process of resolving disagreements at the local level can be a quick alternative to using a state-sponsored dispute resolution system, and can have the added benefit of improving communication between both parties in the future.

If an individual believes that a school district has not complied with the law or that a child's educational rights has been violated, the individual should try to resolve the issues with the local school district, through the following steps:

- Communicating directly with the school staff, principal, superintendent, or director of the special education cooperative.
- Requesting an Individualized Education Program (IEP) meeting to discuss the issues with the IEP team.
- Utilizing the following systems to resolve the areas of concern:

State-Sponsored IEP Facilitation ▾

State-Sponsored Mediation ▾

Complaint Investigation Process ▾

Due Process ▾



Illinois
State Board of
Education

Whole Child • Whole School • Whole Community

Parental Right 6

To have your child receive FAPE.



Illinois
State Board of
Education

Whole Child • Whole School • Whole Community

Your Child Should Receive FAPE

What is FAPE?

“A Free Appropriate Public Education”

What Does it Mean?

F

Free – special education and related services are provided at public expense.

A

Appropriate – education designed to meet your child’s unique needs as stated in his/her IEP.

P

Public – services are provided under public supervision and direction.

E

Education – measurable annual academic & functional goals to enable your child to make progress and meet individual needs based on his/her disability.



Parental Right 7

Seek compensatory education if
your child has not received
his/her IEP services.



Compensatory Services – When Should They Be Discussed?

- **2018-19 School Year – “Student Specific Corrective Action”**
 - Due to ISBE’s 2018 Public Inquiry findings, all IEP teams should be prepared to discuss whether or not a student should receive compensatory services due to delayed or denied IEP services that were, or would have been, deemed appropriate by the IEP Team.
 - NOTE: Discussions continue regarding details of this process
- **Compensatory education should always be considered when:**
 - A student’s IEP services are delayed, interrupted, or improperly denied.



How do IEP Teams Determine Compensatory Education?

- **Question: Were any IEP services delayed, interrupted, or improperly denied despite the IEP Team's recommendation(s)?**
 - If “**No**,” then compensatory education is not required.
 - If “**Yes**,” the Team must then discuss:
 - What **impact** the delay/interruption/denial had on the Student
 - What was the harm imposed on the Student?
 - Did a wider gap result regarding the Student's expected and actual performance?
 - What services should the school provide to make the Student “whole” due to a lack of services?
- **If the Student was negatively impacted by the delay/interruption/denial of services, the team must determine what type of compensatory services should be provided and how/when they will be delivered.**



How do IEP Teams Determine Compensatory Education?

**Parents are IEP Team Members and should be a
key participant in this discussion!**

Share your input and perspective

Ensure the narrative in the ***Compensatory Education Form***
(which becomes part of the IEP) captures your input.

Parental Right 8

You should receive updates regarding the progress your child is making.



Your Right to Know Your Child's Progress

- You should be provided with your child's **IEP Report cards**.
 - **When?**
 - At the time standard report cards being issued.
 - Upon your request.
 - **What** should they include?
 - Progress monitoring details per the benchmark goals and Evaluation Criteria/Procedures.
 - Clear analysis of whether your child is making progress and has met the IEP goal's benchmarks / annual goal.
 - An explanation to describe your student's success or lack of progress.
 - Next steps to support continued or improved success.

Your Right to Know Your Child's Progress

- You should be provided with access to your child's **progress monitoring information** and related data collection
 - When?
 - Per the Schedule for Determining Progress criteria within the IEP goals.
 - Upon your request.
 - What should this include?
 - Data collection that aligns with the progress monitoring criteria in the IEP.
 - If necessary, an accompanying discussion to describe and interpret the data for you.
 - An explanation or clear road map regarding expectations for future and ongoing data collection



Parental Right 9

To have your child educated to the
greatest extent possible with
his/her general education peers.



Your Child Should Be Educated in the LRE

What is LRE?

“Least Restrictive Environment”

What Does it Mean?

- To the maximum extent appropriate, a child with a disability should be educated with his/her peers who are nondisabled.

What Drives the Decision?

- DATA – progress, response to specialized instruction.
- A discussion on why your child’s academic, functional, and/or social-emotional needs can/cannot be met through supplementary aids and services within the general education classroom.
- The LRE decision is revisited each year at the IEP Annual Review.

Parental Right 10

Access to and release of student records related to your child.



Student Records Requests

- You have the right to request copies of your students' records AND receive them within 10 business days from the District.
- The request should be in writing.
- A school cannot release your child's records without your written consent.



QUESTIONS?



Illinois
State Board of
Education

Whole Child • Whole School • Whole Community