

ILLINOIS STATE ADVISORY COUNCIL Annual Report 2006-2007



**ISAC hosted
Legislative Breakfast**

Date: September 12, 2007

Memorandum

To: Governor, Senators, Representatives, and other Interested Parties

From: Suzanne B. Woods, Chair
Illinois State Advisory Council on the
Education of Children with Disabilities

Subject: Annual Report 2006-2007

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 2006-2007 sessions.

ISAC had experienced attrition of members whose terms had expired or who had resigned due to personal reasons. We are pleased to announce in this report that we are now, thanks to recent gubernatorial appointments, nearly a full Council, with the exception of someone to represent the Department of Children and Family Services. We hope soon to have a person named to this position as this department is integral to the work our Council does on behalf of children with disabilities in the state. Members now represent most areas of the state. Members also represent parents of children with disabilities, persons with disabilities, one member at large, educators, and governmental service agencies. We are pleased to announce that now members of the committee will also represent the two teachers' unions, Illinois Federation of Teachers and Illinois Education Association. ISAC committees include: Executive, Access, Bilingual, Comprehensive State Plan, General Supervision/Due Process, Family Communications, Finance, Legislation, Personnel Development, Transition, and Rules and Regulations.

The Council once again provided comment on state and federal proposed rules implementing the *Individuals with Disabilities Improvement Act of 2004* (IDEA). ISAC provided public comment both to ISBE and to other legislative venues in order to get the special education rules into statute. When the rules were held up in JCAR, the chair and vice-chair of ISAC met with Senator Maggie Crotty and Representative Brett Hasert, the chairs of JCAR, to encourage them to lift the prohibition on the rules so they could go into effect. ISAC members also held a legislative breakfast at the Capitol in order to educate legislators about the importance and duties of ISAC. The food at the breakfast, as well as the decorations was completely prepared by special education students in various programs from around the state. ISAC has also continued to analyze the effect of the No Child Left Behind initiatives on students with disabilities, address the critical shortage of highly qualified personnel in special education, express concern about the lack of funding to provide adequate special education services, monitor Illinois' progress regarding education children with disabilities in the least restricted environment, and changes that have been made regarding the Illinois Alternate Assessment and Due Process System. ISAC established a new standing committee, Transition, in order to look closely at this important element of a student's education. ISAC members have also done public testimony at both ISBE board meetings and legislative committee meetings, encouraging the full funding of special education services.

ISAC appreciates your support in making a free and appropriate public education a reality for all students in Illinois. Thank you for your commitment to maintaining the level of services necessary for every student to attain his or her individualized program 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.

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ILLINOIS STATE ADVISORY COUNCIL ON THE EDUCATION OF CHILDREN WITH DISABILITIES

Illinois State Advisory Council on the Education of Children with Disabilities Annual Report for 2006-2007

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:

Mary Kay Ballasiotes	Bolingbrook	03/04
C. Jackson Darnall	Oak Park	11/03
Therese Devine	Orland Park	08/99
Judith Flink	Morton Grove	11/03
Kimberly Jachim	Palos Park	11/03
David Rands	Olney	11/03
Stanley J. Valentine	East Peoria	11/03
Suzanne Woods	Chesterfield	03/04
Vacant		

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.

Katherine Hackett	Shorewood	04/04
Kyle Packer	Effingham	03/04
Linda Prewitt	Jacksonville	03/04

VACANT	(individual with disabilities)		
VACANT	(individual with disabilities)		
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	Vacant		
One superintendent of a public school district	Dr. Eric King	Matteson	08/05
One director of special education cooperative or special education administrator from a school district of less than 500,000 population	Vacant		
One representative of a public charter school	Elizabeth Purvis	Chicago	08/05
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	Sharon Slover	Harvard	08/05
One at-large member from the general public	Elizabeth Conran	St. Charles	01/06

Ex-Officio Members Teresa Garate, Chicago Public Schools District 299
Janet McGovern, Department of Corrections
Vacant, Department of Children and Family Services
Marjorie Olson, Department of Human Services/ORS

ISBE Staff Elizabeth Hanselmann, Assistant Superintendent of Special Education
Kathy Stratton, Program Specialist, Special Education Services

Other Representative Marva Campbell-Pruitt, Illinois Coordinating Council

Committees

Standing Committees

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

Ad-Hoc Committees

By-Laws Committee
Nominating Committee

Council Meeting Schedule
2006-2007

DATE	TIME	MEETINGS	LOCATION
September 6, 2006 September 7, 2006	2:00 p.m. – 5:00 p.m. 9:00 a.m. – 2:30 p.m.	Committee of the Whole Business Meeting	Springfield
October 3, 2006	1:00 p.m. – 2:00 p.m.	Executive Committee	Telephone Conference
October 25, 2006 October 26, 2006	2:00 p.m. – 5:00 p.m. 9:00 a.m. – 2:30 p.m.	Committee of the Whole Business Meeting	Effingham
November 21, 2006	1:00 p.m. – 2:00 p.m.	Executive Committee	Telephone Conference
December 5, 2006 December 6, 2006	2:00 p.m. – 5:00 p.m. 9:00 a.m. – 2:30 p.m.	Committee of the Whole Business Meeting	Springfield
January 9, 2007	1:00 p.m. – 2:00 p.m.	Executive Committee	Telephone Conference
February 7, 2007 February 7, 2007 February 8, 2007	10:00 a.m. – 12:00 p.m. 2:00 p.m. – 5:00 p.m. 9:00 a.m. – 2:30 p.m.	Joint ICC/ISAC Meeting Committee of the Whole Business Meeting	Springfield
March 6, 2007	1:00 p.m. – 2:00 p.m.	Executive Committee	Telephone Conference
April 10, 2007 April 11, 2007	2:00 p.m. – 5:00 p.m. 9:00 a.m. – 2:30 p.m.	Committee of the Whole Business Meeting	Springfield
May 8, 2007	1:00 p.m. – 2:00 p.m.	Executive Committee	Telephone Conference
June 11, 2007 June 12, 2007	2:00 p.m. – 5:00 p.m. 9:00 a.m. – 2:30 p.m.	Committee of the Whole Business Meeting	Oak Lawn



ILLINOIS STATE ADVISORY COUNCIL ON THE EDUCATION OF CHILDREN WITH DISABILITIES

Critical Issues Identified for Discussion

The Council identified the following as priorities for discussion in 2006-2007:

- Proposed 226 Rules
- Response to Intervention-ASPIRE
- Bilingual concerns
- Transition
- Increased funding for special education
- Continuous Improvement Plan
- Proposed Part 555 Rules
- Proposed Part 401 Rules
- Follow through on Council proposals
- Education of legislators on critical issues

Council Minutes

Copies of approved minutes of the Council meetings from June 8, 2006 through June 12, 2007 are available at the links given below. Individuals having difficulty accessing the minutes are asked to contact Kathy Stratton at: 217/782-5589 (Voice), 217/782-1900 (TTY), or 217/782-0372 (fax).

September 7, 2006

http://www.isbe.net/spec-ed/pdfs/isac_bm_minutes_0906.pdf

October 26, 2006

http://www.isbe.net/spec-ed/pdfs/isac_minutes_bm102606.pdf

December 6, 2006

http://www.isbe.net/spec-ed/pdfs/isac_min_120606.pdf

February 8, 2007

http://www.isbe.net/spec-ed/pdfs/isac_minutes_2-8-07.pdf

April 11, 2007

http://www.isbe.net/spec-ed/pdfs/isac_minutes_4-11-07.pdf

June 12, 2007

http://www.isbe.net/spec-ed/pdfs/isac_min_bm061207.pdf

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 address the various issues and concerns they have.

Council Actions

October 26, 2006

1. The ISAC developed and give public comment at the State Board of Education Finance & Audit Committee FY08 Budget Hearing. *This motion was carried through at the State Board of Education Finance & Audit Committee FY 08 Budget Hearings by ISAC members. The SBE included these suggestions in their budget to the governor. Copy of the Public Comment given is found in the attachments of this document.*
2. The ISAC Legislation Committee developed a plan to carry out a legislative breakfast for the Spring 2007 session at the Capitol building. *The ISAC carried out the legislative breakfast on February 22 of 2007 in the Rotunda of the state capital.*
3. It was determined that ISAC would attend the November meeting of ISBE in order to clarify the position of ISAC as related to class size/caseload as written in the 226 Rules. *ISAC attended the SBE meeting and gave additional Public Comment further explaining ISAC's position.*

December 6, 2006

1. The ISAC referred the December 5, 2006 letter of (parent's name omitted for privacy reasons) to Chairperson Therese Devine to ISBE for appropriate action. *This was done in December of 2006 by Chairperson Therese Devine.*
2. The ISAC encourages the State Board legal staff research the existence of a legal opinion regarding the rights of parents dealing in matters of IEP's and other educational issues when the child has reached age of majority, and child has provided written documentation stating parent holds educational power of attorney. If such opinion does not exist, we are requesting that an opinion be forthcoming. *The ISBE staff forwarded the case to ISBE legal pending legal advice.*
3. It was determined that ISAC would sponsor a legislative breakfast to be held Thursday, February 22, 2007 from 8:00 – 9:00 a.m. *(See October notes)*
4. The ISAC encouraged the State Board to disseminate the Summary of Performance and the directions for filling out the SOP immediately by attaching it to the Weekly Superintendent's Report.

February 8, 2007

1. The ISAC accepted the 2005-2006 Annual Report with the change under #4 Barrier to Success: Staffing levels within the Department of Special Education at ISBE 'remain' inadequate to meet the educational

needs of students with disabilities, families, school personnel and ISAC. *The Annual Report was completed and available for distribution following this meeting.*

2. The ISAC submitted to ISBE the two page IEP 'Transition Plan' form attached, suggested a request that the ISBE recommend its inclusion (in both form and substance) in the iePoint IEP form being developed by ISBE. ISAC expressed concern that the IEP forms be accessible. ISBE staff assured members that ISBE would be working to make iePoint accessible. *(ISBE made the SOP available on their web site.)*
3. The ISAC suggested that ISBE use people-first language and institute a process for reviewing documents from this point forward to ensure that they are in line with people-first language, specifically on page two of the drafted transition plan referring to "Home-Based Services Program for Mentally Disabled Adults" as it should read "Home-Based Services Program for Adults with Cognitive Disabilities.
4. The ISAC suggested to the Governor the initiation of a the statutory procedure required in order that additional appointments to the Council can be made. *The governor appointed new members to the Council as requested resulting in the Council being almost completely assigned.*
5. The ISAC identified members to an Ad hoc Nominating Committee. *Nominations occurred members voted Susy Woods to the Chairperson position and Elizabeth Conran to the Assistant Chairperson position. Both accepted.*

April 11, 2007

1. The ISAC agreed to publicly support through letters to the General Assembly, HB816 (when student reaches the majority age of 18, may appoint an educational surrogate) and HB817 (allows for special education services through the day before a student's 22nd birthday). *The letter supporting the Bills were sent to the appropriate State Legislators. (See Attachments)*
2. The ISAC encouraged the ISBE to request the Governors office to appoint the chair of ISAC or his/her designee, the parent of a child with a disability and the parent of a child without a disability to the Illinois Roundtable mandated by SB1. *There has been no response from the Governors Office.*
3. The ISAC encouraged that the Draft Proposed Amendments for Part 401 of Regulations, "Subpart A: Approval of Program," be amended to explicitly provide that the data to be collected pursuant to Section 401.10(a)(1) and the data to be used in the implementation of Section 401.250(a) be driven by the IEPs of the students being served. *The Rules passed by the SBE and subsequently JCAR reflect the suggested changes.*
4. ISAC encouraged ISBE to consider language that will maintain 120 minimum hours of services and offer a waiver. ISAC members might volunteer to develop criteria for those waivers. *The Rules passed by SBE and subsequently JCAR reflect the suggested changes.*
5. ISAC submitted to ISBE the two page IEP "Transition Plan" form attached submitted by Sue Walter, amended by IAASE.

June

1. ISAC recommended that ISBE implement the LEA determination procedures presented at the meeting. *The ISBE did enact the LEA Determinations as presented during the summer of 2007 conducting trainings in late Summer and early Fall to stakeholder groups.*
2. ISAC recommended to ISBE that the Part 555 Rules be passed as written. *The SBE and subsequently JCAR passed the Rules as written.*
3. ISAC recommended that the proposal of School District 81 to withdraw from Leyden Area Special Education Cooperative (LASEC) not be approved by the ISBE.

4. ISAC accepted the list of hearing officers with a one year contract assigned to each.
5. ISAC recommended that the ISBE Assessment Division explore the possibility of having all required and standardized tests be made available in digital format.
6. ISAC assigned Susy Woods as Chair and Elizabeth Conran as Vice Chair to ISAC. *Both accepted and will hold office for the upcoming year.*
7. ISAC approved the meeting Calendar with the October meeting being held in Springfield.

Barriers to Success

1. There is inadequate economic support to school districts to implement the mandates of IDEA04 and NCLB. The level of services and the quality of services available to Illinois school age children who have disabilities is significantly uneven throughout the state. A fair and equitable formula which would improve the ability of some smaller and rural districts to cope with the mandates resulting from IDEA04 and NCLB, is imperative. Programs to train those “highly qualified” teachers mandated by NCLB are victims of this inadequate funding.
2. Staffing levels within the Department of Special Education at ISBE remain inadequate to meet the educational needs of students with disabilities, families, school personnel and ISAC.
3. ISAC is often requested to provide advice on special education matters without adequate time to meet, evaluate, discuss and make recommendations.
4. Education of legislators regarding critical issues in special education locally, state wide and nation wide.

Accomplishments

During the period covered by this report, ISAC has accomplished the following:

1. ISBE has worked in collaboration with ISAC to improve stakeholder involvement regarding ISBE initiatives in special education vastly improving parent access and input in the field. The ISBE staff are to be commended for their outstanding efforts to increase parental and other stakeholders in their management of education across the state of Illinois.
2. ISAC member attended the OSEP Leadership Conference giving feedback to the Council regarding the impact of IDEA 2004.
3. ISAC gave Public Comment on the Part 226 Rules and responded to questions from members of JCAR regarding specific areas of concern within the 226 Rules.
4. An ISAC participated in the stakeholder group convened by ISBE to address areas of concern noted by members of JCAR regarding the Part 226 Rules. This collaborative effort resulted in the passing of the 226 Rules by JCAR.
5. ISAC members were active participants in the planning and organizing of the State Transition Conference.
6. ISAC had a representative present at the ISBE Budget Hearings held around the state.
7. ISAC hosted a Legislative Breakfast in the Rotunda of the Capitol Building with special education students from schools across the state greeting the legislators, preparing and serving the breakfast.

8. Members of ISAC continue to be active participants on the ISBE Alliance for School-based Problem-solving and Intervention Resources in Education.
9. Members of ISAC participated in the LEA Determination Stakeholder group. The stakeholder group meetings identified the means by which an LEA would be identified to one of four categories: meets requirements, needs assistance, needs intervention, or needs substantial intervention in regards to explicit sections in the State Performance Plan.
10. ISAC members continued to participate in finalizing the Summary of Performance and Transition Planning Guide documents and instructions adopted by the ISBE.
11. ISAC continued to review the Comprehensive Plan of Schiller Park to withdraw from Leyden Special Education Cooperative, made specific inquiries and disapproved comprehensive plan.
12. ISAC reviewed and gave public comment on the Part 555 Rules and the Part 401 Rules.

APPENDICES

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Appendix A

September 12, 2006 Public Comment
Regarding Proposed Part 226 Rules
Given Release of Federal Rules.

September 12, 2006

Introduction

The Illinois State Advisory Council on the Education of Children with Disabilities (ISAC) is mandated by law to comment publicly on proposed State and Federal rules. ISAC's members represent a wide variety of stakeholders, including educators, administrators, parents, individuals with disabilities, and state agency representatives.

Though we previously provided comment on an early draft of these rules, our comment was made prior to the Illinois State Board of Education's (ISBE) official release of the proposed rules and, of course, prior to the release of the final Federal rules.

Area of Primary Concern

ISAC is deeply concerned with the viability of the State's regulations to serve as a functional tool for end-users. Because most rules are noted by statutory references to the Federal code, rather than including the code provision itself, the format of the proposed rules is generally untenable for practical use. Requiring the user to refer to both the United States Code as well as the state rules in order to understand the content of the Illinois rules is both inefficient and unnecessarily difficult. This approach abandons that which has served educators, administrators, parents and their attorneys well in the past. The state regulations must be a complete document, in and of itself.

Concern Regarding Response To Intervention (RTI) Administration

Finally, ISAC supports the concurrent use of RTI strategies and the Discrepancy Model for diagnosing (or ruling out) specific learning disabilities. §226.130. We remain concerned, however, that there is significant risk for using RTI strategies inefficiently and thus, delaying both diagnosis and needed service delivery. In light of this adverse potential, the following recommendations are put forward:

1. The evaluation timeline should commence once RTI strategies are initiated;
2. Clarify that the RTI approach is but one strategy for diagnosing SLD.
3. Ongoing training of those implementing RTI is fundamental to its success as a diagnostic tool. Ensuring fidelity to the RTI model must be understood as the responsibility of the entire evaluation team.
4. Accurate data collection and interpretation must be an integral part of any diagnostic method used.
5. ISAC specifically recommends that the ISBE include SLD diagnostic methods, evaluations, and RTI implementation as areas of emphasis when conducting monitoring visits.

Support of Class Size changes, with reservations

The revision of class size is a positive step and reflects progress away from placing children in classes and setting class size based on eligibility category and/or nature of disability. ISAC does, however, have reservations about the possibility of a class having too many students overall, regardless of whether or not students receive special education services. At this time, we are unable to recommend language that would protect against such occurrence, but agree that the proposed rule is an improvement over the existing Class Size Regulation. §226.730.

Recommendations for Change or Clarification

ISAC recommends the following changes or clarifications:

1. Restore the language that identifies those who have standing to make a request for evaluation. Limiting this language serves no apparent purpose and could create situations in which children are not referred for evaluation. §226.110(b).
2. The term “Day” is very ambiguous, particularly in the definitions section (§226.75). That section provides no actual language and only refers to the federal rule by statutory reference. ISAC recommends incorporating the language into the definition, as well as in each specific instance that the term “day or days” is used. A concomitant clarifier could be provided (e.g. business day, school day, calendar day) to simplify interpretation and application.
3. In all places where there is reference to “regular education” or “regular education classroom,” the ISAC recommends changing the language to “general education.”
4. Rules pertaining to the evaluation team specifically include “bilingual specialists as team members, as needed.” §226.150

Areas of Support

ISAC’s comment regarding specific content areas is, for the most part, supportive. ISAC is in agreement with, and thoroughly favors, the following items:

1. Transition planning in Illinois should remain at age 14 1/2. §226.230(c).
2. An eligible student may continue receiving services through age 21 – defined as “through the day before the student’s 22nd birthday” §226.50(c)(1).
3. If a student completes the minimum state graduation requirements, such student shall be eligible to receive a regular diploma upon exiting school. An IEP team may elect to defer issuance of such diploma until the student exits school, so that the student may continue to be eligible for transition planning and other services as specified in his or her IEP. §226.50(c)(3).
4. The definition of “developmental delay” may include children up to age 7 §226.75.
5. IEP retention of the use of short-term objectives. §226.230(a)(1).

Appendix B

November 29, 2006 FY 08 Budget Hearing
Public Comment to Finance Committee of the ISBE

**Presentation to State Board of Education Finance and Audit Committee
FY 08 Budget Hearing
November 29 – Chicago 2-4**

I am here on behalf of the Illinois State Advisory Council on the Education of Children with Disabilities. ISAC is responsible for advising the State Board of Education as well as the Governor and Legislature on Special Education issues in the state of Illinois. ISAC’s mandate is to ensure appropriate special education services are provided to all students in Illinois. My purpose today is to advocate for students by requesting that funding for Special Education be a priority for FY 08.

The number of children served in special education has doubled since 1977. According to the Illinois House Republican Research Staff’s findings, as stated in the “Special Education Funding, A National and State Perspective,” nearly 14% of children nationally are identified as having disabilities, and in Illinois 322,000 children are identified as having disabilities. The more significant increases have occurred in the areas of more challenging disabilities where costs are also greater. The number of children in Illinois diagnosed with autism spectrum disorder increased by 125% in the last five years. The number of students with multiple impairments was not a recognized category 5 years ago, but has increased by 23% since 2002. These two categories, Autism Spectrum Disorder, and Multiple Impairments are 2 of the highest cost categories on a national average.

NCLB and IDEA reauthorization present a new set of challenges for local school districts to provide funding. The move from a comprehensive monitoring model to be more focused on student achievement places pressure on school districts. According to the Center for Special Education Finance’s Special Education Expenditure Project (SEEP), the national average cost of educating a child in special education is roughly twice the cost of a student in regular education. Federal funding was set at 40% of the excess cost of educating the child. The cost of education is determined by the National Average per Pupil Expenditure (APPE). In reality, however, federal funding has never exceeded 18%. In Illinois, mandated categoricals are continually funded at less than 100%. Reimbursement rates for services are decades old and haven’t kept pace with inflation. In 1985, the \$8,000 personnel reimbursement represented 35% of the average teacher salary. In 2004, that \$8,000 reimbursement represented 15% of the average teacher salary. Despite increased demands on school districts to meet Special Education needs, state and federal funding remains stagnant. If school districts are expected to provide free and appropriate public education services in the least restrictive environment for all children with disabilities including those with the most intensive needs, the Illinois State Board of Education must look for ways to adequately and equitably fund all mandated categoricals. On behalf of the ISAC I urge your support for full funding of mandated Special Education categoricals for the FY 2008 and into the future.

Thank you for listening,

Respectfully submitted,

**Mike Otte
Illinois State Advisory Council**

Appendix C

January 8, 2007 Letter to
Joint Committee on Administrative Rules

Proposed Special Education Rules (Ill. Adm. Code 226)



ILLINOIS STATE ADVISORY COUNCIL ON THE EDUCATION OF CHILDREN WITH DISABILITIES

100 NORTH FIRST STREET, SPRINGFIELD, ILLINOIS 62777

VIA FAX: 217-785-8998

To: Joint Committee on Administrative Rules
From: Therese Devine, Chair
Subject: Proposed Special Education Rules (23 Ill. Adm. Code 226)
Date: January 8, 2007

The Illinois State Advisory Council on the Education of Children with Disabilities (ISAC) is mandated by law to comment publicly on proposed State and Federal rules. ISAC's members represent a wide variety of stakeholders, including educators, administrators, parents, individuals with disabilities, and state agency representatives.

While we have been involved in the development of the proposed rules and have provided public comment per statutory requirement, we would like to repeat our position with the Joint Committee on Administrative Rules (JCAR). These remarks are simply a reiteration of our public comment made to ISBE during the rule-making process.

Area of Primary Concern

ISAC remains deeply concerned with the ability of the State's 226 Rules to serve as a functional tool for end-users. Because most rules are noted by statutory reference to the Federal code, rather than including the actual language, the format of the proposed rules is generally untenable for practical use. Requiring the user to refer to both the United States Code as well as the state rules in order to understand the content of the Illinois rules is both inefficient and unnecessarily difficult. This approach abandons that which has served educators, administrators, parents and their attorneys well in the past. The proposed Part 226 Rules do not stand as a complete document.

Support of Class Size changes, with reservations

The revision of class size is a positive step and reflects progress away from placing children in classes and setting class size based on eligibility category and/or nature of disability. ISAC does have reservations about the possibility of a class having too many students, regardless of whether or not students receive special education services. We were, however, unable to recommend specific language, but agree that the proposed rule is an improvement over the existing Class Size Regulation. Therefore ISAC reiterates its support of the new class size rule and stresses once again that we support this rule given its emphasis on determining class size not by emphasis on disability label, but on the number of minutes the child is removed from the general education classroom. §226.730.

Additional Areas of Support

ISAC's comment regarding specific content areas is, for the most part, supportive. ISAC is in agreement with, and thoroughly favors, the following items:

1. Transition planning in Illinois should remain at age 14 1/2. §226.230(c).
2. An eligible student may continue receiving services through age 21 – defined as “through the day before the student’s 22nd birthday” §226.50(c)(1).
3. If a student completes the minimum state graduation requirements, such student shall be eligible to receive a regular diploma upon exiting school. An IEP team may elect to defer issuance of such diploma until the student exits school, so that the student may continue to be eligible for transition planning and other services as specified in his or her IEP. §226.50(c)(3).
4. The definition of “developmental delay” may include children up to age 7 §226.75.
5. IEP retention of the use of short-term objectives. §226.230(a)(1).

Recommendations for Change or Clarification

ISAC recommends the following changes or clarifications:

1. Restore the language that identifies those who have standing to make a request for evaluation. Limiting this language serves no apparent purpose and could create situations in which children are not referred for evaluation. §226.110(b).
2. The term “Day” is very ambiguous, particularly in the definitions section (§226.75). That section provides no actual language and only refers to the federal rule by statutory reference. ISAC recommends incorporating the language into the definition, as well as in each specific instance that the term “day or days” is used. A concomitant clarifier could be provided (e.g. business day, school day, calendar day) to simplify interpretation and application.
3. In all places where there is reference to “regular education” or “regular education classroom,” the ISAC recommends changing the language to “general education.”
4. Rules pertaining to the evaluation team specifically include “bilingual specialists as team members, as needed.” §226.150

Concern Regarding Response To Intervention (RTI) Administration

ISAC supports the concurrent use of RTI strategies and the Discrepancy Model for diagnosing (or ruling out) specific learning disabilities. §226.130. We remain concerned, however, that there is significant risk for using RTI strategies inefficiently and thus, delaying both diagnosis and needed service delivery. In light of this adverse potential, the following recommendations are put forward:

1. The evaluation timeline should commence once RTI strategies are initiated;
2. Clarify that the RTI approach is but one strategy for diagnosing SLD.
3. Ongoing training of those implementing RTI is fundamental to its success as a diagnostic tool. Ensuring fidelity to the RTI model must be understood as the responsibility of the entire evaluation team.
4. Accurate data collection and interpretation must be an integral part of any diagnostic method used.
5. ISAC specifically recommends that the ISBE include SLD diagnostic methods, evaluations, and RTI implementation as areas of emphasis when conducting monitoring visits.

Thank you for your attention and concern about the education of students in Illinois who have special learning needs. If you wish to contact me, I may be reached at devineford@comcast.net.

cc: Sen. Maggie Crotty, Co-Chair
Rep. Brent Hassert, Co-Chair

Appendix D

April 16, 2007

Letter to Senate Education Committee
on Support of HB 816, HB 817 and SB 398.



ILLINOIS STATE ADVISORY COUNCIL ON THE EDUCATION OF CHILDREN WITH DISABILITIES

April 16, 2007

Senate Education Committee
% Senator Kimberly Lightford
M114 Capitol Building
Springfield, Illinois 62706

The Illinois State Advisory Council on the Education of Children with Disabilities (ISAC) supports passage HB 816, HB817, and SB 398. As an advisory council we are mandated by state and federal statute to advise the State Board of Education, the Governor, and the Legislature on issues that impact children with disabilities and their education.

We support these particular bills for the following reasons:

HB 816: This bill would allow students upon reaching majority age of 18 to designate a parent or other person to act as their educational advocate. This is of importance to those families who do not want to take guardianship of their child but who still, in accordance with the student's wishes, want to guide and advise him or her in educational decisions. This bill would give students with disabilities independence while still allowing the family, if the student so wishes, to be involved in the educational process.

HB 817: This bill would allow students who have an Individualized Education Plan (IEP) to remain in school until the day before their 22nd birthday if that is the decision of the I.E.P. team. This bill is an attempt to clarify for families and school districts across Illinois what is already in I.D.E.A., explicitly defining what "through age 21" means.

SB 398: This bill would allow school districts to be reimbursed for the cost of children placed in their district by order of a state agency or the court system. This bill is subject to appropriation and would allow districts to be more fully recompensed for children whose families do not live in the district and therefore are not supporting the schools by way of property taxes.

HB 816 and HB 817 have passed the House and are now in the Senate. SB 398 has passed the Senate and is now in the House. ISAC the passage of these bills, given their importance in enhancing the education of children with disabilities in Illinois. We appreciate your efforts in the past and trust we can count on you to continue.

Sincerely,

A handwritten signature in black ink that reads "Therese M. Devine".

Therese Devine, Chair

Appendix E

April 16, 2007

Letter to

House of Representatives Education Committee
on support of HB 816, HB 817 and SB 398.



ILLINOIS STATE ADVISORY COUNCIL ON THE EDUCATION OF CHILDREN WITH DISABILITIES

April 16, 2007

Education Committee, House of Representatives
% Representative Mike Smith
253-S Stratton Office Building
Springfield, Illinois 62706

The Illinois State Advisory Council on the Education of Children with Disabilities (ISAC) supports passage HB 816, HB817, and SB 398. As an advisory council we are mandated by state and federal statute to advise the State Board of Education, the Governor, and the Legislature on issues that impact children with disabilities and their education.

We support these particular bills for the following reasons:

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HB 816 and HB 817 have passed the House and are now in the Senate. SB 398 has passed the Senate and is now in the House. ISAC the passage of these bills, given their importance in enhancing the education of children with disabilities in Illinois. We appreciate your efforts in the past and trust we can count on you to continue.

Sincerely,

A handwritten signature in cursive script that reads "Therese M. Devine".

Therese Devine, Chair

Appendix F

May 8, 2007

Public Comment on Proposed Part 401 Rules

To: Sally Vogl, Rules, ISBE
From: Therese Devine, Chair
Subject: Proposed Part 401 Rules
Date: May 8, 2007

The Illinois State Advisory Council on the Education of Children with Disabilities (ISAC) is mandated by law to comment publicly on proposed State and Federal rules. ISAC's members represent a wide variety of stakeholders, including educators, administrators, parents, individuals with disabilities, and representatives from state agencies.

We are providing our input on the proposed Part 401 Rules governing ILS 14-7.02 non-public special education facilities.

AREAS OF SUPPORT

1. ISAC commends the agency's inclusion of data collection requirements for facilities governed under this part. The regulations will provide for continuous quality improvement for children served in these facilities.
2. ISAC supports the proposed changes to the Part 401 Rules requiring facilities under this section to include descriptions and training of behavior interventions and strategies in initial applications. Additionally, we support alignment of these rules to 23 Ill. Adm. Code 1.280 and 23 Ill. Adm Code 1.285 with regards to isolated time out and physical management.
3. Given the severe nature of the disabilities of children who attend these types of facilities, ISAC supports the changes to section 401.140.c. Provision of Educational Program which retains the maximum class size at a 5:1 student to teacher ratio. Classroom enrollment may be increased by a maximum of five students when a full-time paraprofessional is provided.
4. ISAC additionally supports the added language allowing these facilities to administer state tests to the students they serve, with each district retaining responsibility for their placed students.
5. Further, ISAC supports the additional staff training requirements under Section 401.250 of this part.

AREAS OF PRIMARY CONCERN AND SUGGESTED CHANGES

1. ISAC would like to see language added to Section 401.10.a.1. Application for Eligibility. The rules require that the initial application include a description of the data that will be collected on student outcomes. ISAC would like to see language that requires the facility to collect data that are derived from student IEP's. We understand that this section of the rules is for the initial application and the provider will not yet have specific data to reference. However, it is important to note in this section that the data that will be

collected must be tied to the IEP's of the students who will attend the facility. Suggested change:

- the data that will be collected on the outcomes achieved by those students must be derived from the IEP's of the students placed in the facility.
2. ISAC does not support the change under Section 401.10.a.3. Application for Eligibility which reduces the minimum Extended School Year from 120 hours to 60 hours. Extended school year services must be provided if a child's IEP team determines, on an individual basis, in accordance with CFR 300.340-300.350, that the services are necessary for the provision of FAPE. Due to the severe nature of the disabilities of students placed in these facilities, it is critical that they receive sufficient services so as to access FAPE. Decreasing the minimum hours may not provide the student with sufficient time to effectively decrease the potential for regression of skills or increase the recoupment of skills. We suggest that the language for this section remain at 120 minimum hours of services during ESY. We understand that there may be a need in some instances for a shorter ESY and therefore we propose that language be added to this section such as:
- the facility may apply for a waiver to this section based on the needs of the students served at the facility and approved by ISBE staff.

Appendix G

May 18, 2007
Public Comment on Proposed Part 555 Rules

VIA E-MAIL: rules@isbe.net

To: Sally Vogl, Rules, ISBE
From: Therese Devine, Chair
Subject: Proposed Part 555 Rules
Date: May 18, 2007

Introduction

The Illinois State Advisory Council on the Education of Children with Disabilities (ISAC) is mandated by law to comment publicly on proposed State and Federal rules. ISAC's members represent a wide variety of stakeholders, including educators, administrators, parents, individuals with disabilities, and state agency representatives.

We are providing our input on the proposed Part 555 Rules Children's Mental Health Grants.

AREAS OF SUPPORT

1. The Rules are comprehensive and serve an excellent purpose.
2. The integration of Social Emotional Learning into our schools is imperative for student learning.
3. Requirement of developing a coordinated effort for SEL integration into the child's life is necessary to address the many needs of our children.

AREAS OF SUGGESTED CHANGES

1. Include language which requires grant recipients to develop fidelity measures that utilize data to identify program efficacy.
 - a. Data to be collected could include federal indicators under NCLB & ISBE State Improvement Plan i.e. drop out, graduation rate, suspension, expulsion, indicator data points for special education. Other data sources could include office referrals, in school suspension rates, teacher turn over, training hours, inclusion in SIP, etc.