



# Illinois State Board of Education

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## **MEMORANDUM #05-8**

**To:** District Superintendents  
Directors of Special Education

**From:** Christopher A. Koch, Ed.D.  
Assistant Superintendent for Special Education

**Date:** August 12, 2005

**Subject:** Guidance for Compliance with P.A. 94-0376 (SB 87)

The recent enactment of P.A. 94-0376 resulted in changes to 105 ILCS/14-8.02(b) of the School Code regarding IEP development for students with hearing impairments or vision impairments. The language of that statute now reads in relevant part:

If the child is deaf, hard of hearing, blind, or visually impaired and he or she might be eligible to receive services from the Illinois School for the Deaf or the Illinois School for the Visually Impaired, the school district shall notify the parents or guardian, in writing, of the existence of these schools and the services they provide and shall make a reasonable effort to inform the parents or guardian of the existence of other, local schools that provide similar services and the services that these other schools provide. This notification shall include without limitation information on school services, school admissions criteria, and school contact information.

105 ILCS 14/8.02(b) (emphasis added). In order to comply with the new requirements, school districts shall, at a minimum, document in the IEP the team's discussion regarding the existence of private and public schools in the district's immediate area (e.g., contiguous districts/cooperatives) that provide services similar to the Illinois School for the Deaf or the Illinois School for the Visually Impaired and the services provided by those schools. It is further suggested, but not required, that each district develop fact sheets for each such private and public school similar to those fact sheets provided on ISBE's website for the ISD and ISVI ([www.isbe.net/spec-ed](http://www.isbe.net/spec-ed)).

While the law requires school districts to inform parents/guardians of the existence of other local schools providing similar services and the services provided, the law does not require districts to offer those services if the resident district is able to meet the language and communication needs of the student. Districts are reminded to reference Guidance Memorandum #05-3 issued June 10, 2005 regarding services and placement determinations for students who are Deaf or Hard of Hearing.

Additionally, it is important to note that P.A. 94-0376 does not in any way affect the requirement that, to the maximum extent appropriate, students with disabilities are to be educated in the least restrictive environment ("LRE"). Districts are therefore encouraged to discuss LRE requirements and their application to the student at issue in IEP

meetings and include LRE references in any fact sheets or other notifications related to P.A. 94-0376.

If you have further questions or concerns regarding this guidance, please contact Barbara Sims at 217/782-5589 or [bsims@isbe.net](mailto:bsims@isbe.net)

