

MEMORANDUM

TO: Regional Superintendents
District Superintendents
Directors of Special Education

FROM: Christopher A. Koch, Ed.D.
Deputy Superintendent
for Special Education

DATE: November 8, 2001

SUBJECT: Students with Disabilities in Regional Safe Schools Programs

This memorandum is sent to clarify the responsibilities of school districts and special education cooperatives in providing services to students with Individual Education Programs (IEPs) enrolled in the Regional Safe Schools Program (RSSP) and in meeting relevant reporting requirements. In addition, this memorandum summarizes the requirements that must be followed if a regular education student enrolled in the RSSP is referred for a special education evaluation.

Public Act 89-383 (105 ILCS 5/13.A) provides for alternative programs for disruptive youth in grades six through twelve. Regional Safe Schools Programs were created in response to this Act. More than 120 Regional Safe Schools Program sites are located throughout Illinois and are administered by the Regional Offices of Education, the three intermediate service centers in Suburban Cook County, the Chicago Public School District and the Peoria Public School District.

Placement of Students with Disabilities in a Regional Safe School Program

Students with disabilities may, on a case-by-case basis, be administratively transferred to the RSSP provided that the RSSP is determined by the IEP team to be the appropriate placement for the student. Students with disabilities are eligible for placement in a RSSP if they meet the criteria of the RSSP and are approved for placement in accordance with the standard procedures used by the school and Regional Superintendent. A student with a disability may not be discriminated against based on his/her disability. If a student with a disability meets all of the criteria for placement in a RSSP, he/she cannot be denied placement based on the need for special education services.

The IEP team, which includes parents, must agree that the RSSP is an appropriate placement for the student. Placement consideration should always first be given to the general education classroom with accommodations and modifications in accordance with federal law and state regulations. At all times, students with disabilities retain the procedural safeguard protections afforded them under the state and federal rules for special education.

Interventions to address disruptive student behavior should be attempted prior to referring students to alternative placements. For students with disabilities whose IEPs require them, such interventions are described in 23 Illinois Administrative Code Part 226.750.

Service Requirements for Students with Disabilities

Once placed in the RSSP, a student with a disability must receive all of the special education and related services listed on his/her IEP. The student's district of residence remains responsible for ensuring that the IEP services are provided during placement in the RSSP. All services must be provided by appropriately qualified staff. The provision of services, including payment for those services, is a matter to be arranged between the district of residence and the RSSP. The special education cooperative may also be involved in the provision of services depending on the ongoing service relationship between the district and the cooperative.

Students with disabilities are required to be reported by the resident district on the Special Education Funding and Child Tracking System (FACTS). Further, assuming that the resident district/special education cooperative provides the services or reimburses for the services provided, personnel reimbursement can be claimed by the resident district/special education cooperative for the special education teacher and/or related services staff. Extraordinary reimbursement pursuant to Section 14-7.02a of the School Code can also be claimed if the cost of services paid by the resident district equals or exceeds 1.5 per capita tuition rate of the resident district. Information regarding these funding sources can be found on the ISBE website at <http://www.isbe.net/Funding/specialed1.htm>.

Students Identified for Services while Attending a Regional Safe Schools Program

If a student who is placed in the RSSP is subsequently referred for a special education evaluation, the evaluation and eligibility determination must be conducted in accordance with the requirements of the 23 Illinois Administrative Code Part 226 special education rules. These rules require that a general education teacher be a member of the IEP team. For a student attending the RSSP, this teacher would be one of the RSSP teachers currently serving the student. Other representatives from the RSSP may also need to attend the IEP meeting if they have information or knowledge that will assist in making the eligibility and placement determination.

Should the student be determined eligible for special education, an IEP must be developed and the appropriate placement identified. The IEP team is responsible for deciding whether the RSSP is the appropriate placement for the student or if the student should be moved to a different program in order to receive the services listed on his/her IEP in accordance with the least restrictive environment requirements of IDEA and the School Code. The district of the student's residence is administratively responsible for the evaluation, IEP process and the placement determination. As referenced above, the district may involve the special education cooperative in this process depending upon the nature of their service arrangement.

Local Districts and Regional Safe Schools Programs are encouraged to develop procedures for addressing the provision of services, including fiscal responsibility, for students with disabilities who are placed in these programs.

Any questions regarding this letter should be addressed to:

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Special education funding: Marcia Sailsbury
Division Administrator
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Thank you for your continued service to students with special needs.