

**Revisions to ICSA's Special Education Procedures Assuring the Implementation of
Comprehensive Programming for Children with Disabilities
("Special Education Procedures")**

Revised May 2015

Published by a Committee of the Illinois Council of School Attorneys¹

Amendments throughout the procedures were made to reflect new IDEA regulations, ISBE requirements and State legislation at the following sections:

1. Section 3, Evaluation and Determination of Eligibility, at letters *C, 11* and *D, 1a* to clarify new ISBE regulatory requirements at 23 Ill.Admin.Code §226-130 (b).
2. Section 4, Individualized Education Programs, at letter *A, 6j* to reflect 105 ILCS 5/14-8.03(a-5), amended by P.A. 98-517.
3. Section 10, Procedural Safeguards, to reflect new provisions in 105 ILCS 5/14-8.02. amended by P.A. 98-383 at:
 - a. Letter *I, 13*, the *Stay-Put* language, and
 - b. Letter *L, 3*, to incorporate the requirements for written complaints.
4. Section 11, is retitled "Establishing the Goal of Full Educational Opportunity; Performance Goals & Indicators" to reflect 34. C.F.R. §300.157 at:
 - a. Letter *C, 1-2*, which is **NEW**, and
 - b. The Legal References.
5. Section 12, Confidentiality of Personally Identifiable Information is updated throughout to reflect 2013 amendments to 23 Ill.Admin.Code Part 375.
6. Section 13, is retitled "Use of Federal Matching Funds under Medicaid (Title XIX) ... Supplementation of State, local and other federal funds; Maintenance of Financial Support" to reflect the March 2013 amendments to 34 C.F.R. §§300.154(d), 300.162, and 300.163:
 - a. Throughout the entire section (most heavily at letter *C, 4-7*), and
 - b. The Legal References.
7. Section 14, Public Participation is **NEW**. It was added to incorporate a new federal regulatory requirement at 34 C.F.R. §165, which requires a public hearing prior to the adoption of any policies or procedures needed to comply with IDEA, Part B. **Consult your board attorney for assistance with this new requirement.**
8. Section 15, Personnel Development is **NEW**. It was added to incorporate a new federal regulatory requirement at 34 C.F.R. §300.156(d).
9. Several other Legal Reference corrections and global semantic updates were made throughout the procedures.

¹ Amy K. Dickerson, Franczek Radelet P.C.; Teri E. Engler, Engler, Baasten & Sraga LLC; Mary Kay Klimesh, Seyfarth Shaw LLP; Merry C. Rhoades, Tueth, Keeney, Cooper, Mohan & Jackstadt, P.C.; Bennett Rodick, Hodges, Loizzi, Eisenhammer, Rodick & Kohn; Melinda L. Selbee, Illinois Association of School Boards; Laura M. Sinars, Robbins, Schwartz, Nicholas, Lifton & Taylor, Ltd.; Kimberly A. Small, Illinois Association of School Boards; Kathryn Vander Broek, Hinshaw & Culbertson LLP; Patricia J. Whitten, Franczek Radelet P.C.; Brandon K. Wright, Miller, Tracy, Braun, Funk & Miller, Ltd.