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k12  
focus  
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## Significant Changes Ahead in Special Education

A flurry of activity during the spring legislative session has resulted in significant changes relating to special education mandates.

The vast majority of the amendments apply only to Chicago Public Schools. One of these bills — HB 3586 (affectionately referred to as the RTI bill), passed both houses on June 1, 2019 and was sent to Governor Pritzker on June 28, 2019. The Governor has 60 calendar days to take action on the bill.

As reported recently by our friends at IAASE, a drafting error resulted in a handful of requirements contained in HB 3586 applying to ALL school districts in Illinois instead of CPS only.

The drafting error was discovered as the spring 2019 legislative session came to a close. Due to time constraints, legislators passed HB 3586 as it was written with a commitment to "fix it" during the legislative veto session in October/November 2019.

Looking for more detailed information and analysis?

- [HB 3586](#) (Crespo/Koehler) bill status/full text
- [That Pesky RTI and Special Education Bill](#) 7/28/19 IAASE blog

### HB 3586 specific requirements

*\* stay tuned for updates on potential revisions and effective date*

1

#### Advance copies of IEP documents

At least 3 school days prior to a student's IEP meeting, parents must be provided with copies of all written materials that will be considered by the IEP team (excluding placement and related service minutes).

2

#### Related service logs

Parents must be provided with a copy of their child's related service log(s) at each annual review IEP meeting that lists the date(s) of the service and the minutes provided. Copies of related service logs must also be provided to parents at any time upon request.

3

#### Related service lapse / compensatory education

If there is a lapse in the delivery of a related service (presumably due to the absence of a staff member), the school district must provide parents with written notification, including information about the right to request compensatory education services.

## Additional Legislation of Interest to Special Educators

[HB 2627](#) prohibits a student from being **questioned or detained at school** in connection with criminal activity without a parent, social worker, or licensed mental health professional present. Adopted in memory of 16-year-old [Corey Walgren](#), who lost his life by suicide after being questioned by a school staff member and SRO on January 11, 2017. Effective immediately when signed by the Governor.

[SB 1731](#) requires licensed K-12 school personnel and administrators to be trained to identify the warning signs of **mental illness and suicidal behavior in children** at least once every 2 years (first effective on January 1, 2019). This amendment allows (but does not require) staff to participate in the 8-hour Illinois Mental Health First Aid training program. Effective immediately when signed by the Governor.

[HB 2822](#) (Public Act 101-0068) requires that **ISBE school report cards** include data on the percentage of students (general education and special education) who participate in job shadowing opportunities and internships, including whether the school offers vocational training opportunities. Effective January 1, 2020.

### Be the Change

Kriha Law is proud to be a vocational work training site for special education eligible high school students in partnership with Glenbard Township High School District 87. To date, we have provided paid employment to three young adults.

[HB 0424](#) (Public Act 101-0124) requires ISBE to adopt rules to establish the criteria, standards, and competencies for a **bilingual language interpreter** who attends an IEP meeting to assist a parent who has limited English proficiency. Effective January 1, 2020.

[HB 1475](#) (Public Act 101-0050) creates the “**Seizure Smart School Act**” [105 ILCS 5/27A-5]. Importantly, the Act does not require a school district, charter school, or nonpublic school to hire additional personnel to serve as delegated care aides for students with epilepsy or seizure-related disorders. Parents are responsible for creating a “seizure action plan” with the student’s school. Effective July 1, 2020.

[SB 0209](#) (Public Act 101-0164) contains significant revisions to the process by which school districts can **withdraw from special education cooperatives**, including a new requirement for a public hearing held by the withdrawing school board. Effective immediately on July 26, 2019.

### Contact us!



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*Kriha Law LLC is an education law firm that represents boards of education, public school districts, special education cooperatives, charter schools, and private schools. This is attorney advertising and should not be considered legal advice. Please contact an attorney for advice on specific legal issues.*

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