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Round-Up of New Public Acts Affecting Special Education

Public Act 98-0219 (effective 8/09/13): Initial IEPs and Part-Time Student IEPs Must Be Implemented Within 10 School Attendance Days

Section 14-6.01 of the *School Code* has been amended to provide that initial IEPs and IEPs for part-time students must be implemented no later than 10 school attendance days after prior written notice is given to the parents (rather than previous “no later than the beginning of the next school semester”).

Public Act 98-0338 (effective 8/13/13): Expansion Of School Social Worker Qualifications And Services

Section 14-1.09.2 of the *School Code* has been amended to provide that school social work services may include implementing social and emotional education programs and services, establishing and implementing bullying prevention and intervention programs, and evaluating program effectiveness. Also, social work services may be provided by individuals who have a Type 73 School Service



Personnel Educator License or a Professional Educator License with a school support service endorsement in the school social worker area.

Public Act 98-0383 (effective 8/16/13): Mediation Now Triggers “Stay-Put” Placement; District Responses To State Complaints Must Be Provided To Parents

Section 14-8.02a of the *School Code* has been amended to provide that a student must remain in his or her present educational placement and continue to receive special education and related services when a school district and parent voluntarily agree to participate in mediation, unless the district and parent agree otherwise. The amendment further provides that if the parties’ dispute is not resolved through mediation, the parent has 10 days after conclusion of mediation to file a due process request in order to continue the “stay-put” placement and services.

This Act also creates a new Section 14-8.02e that requires the ISBE to adopt State complaint procedures consistent with the *IDEA* regulations and that such procedures must require a school district to submit a written response to a complaint, a copy of which must be provided simultaneously to the parent or parent’s



attorney, within the time line prescribed by ISBE.

Public Act 98-0517 (effective 8/22/13): Transition Plans Must Include Goal(s) For Independent Living Skills

Section 14-8.03 of the *School Code* has been amended to provide that transition plans for all students with disabilities must now include at least one post-secondary goal in the area of independent living skills (rather than previous “as appropriate”), in addition to post-secondary goals for education or training and employment.

Public Act 98-0339 (effective 12/31/13): Prescriptions No Longer Required For School-Based OT Services

Effective December 31, 2013, the *Occupational Therapy Practice Act* (225 ILCS 75/3.1) has been amended to provide that a referral from a physician or other health care provider is not required for evaluation or intervention for children and youths if an occupational therapist or occupational therapy assistant provides services in a school-based or educational environment, including the child’s home.

Please contact our attorneys in our Oak Brook (630/928-1200) or

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Flossmoor (708/799-6766) offices if you have any questions about these new Public Acts.