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BOYLE & IZZO, LLC
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HB 3586: New Disclosure Requirements for IEP Meetings and Related Service Logs

On August 23, 2019, the Governor signed into law HB 3586, which requires districts to provide additional disclosure and notification to parents of students who are or may be eligible for special education services into law. The Public Act is effective immediately.

The Act requires that the school district provide certain documents to parents before IEP eligibility meetings and IEP review meetings:

What documents must be provided to the parent before an IEP meeting? The District must provide the parent with "all written material that will be considered by the IEP team at the meeting" so that the parent may participate in the meeting as a fully-informed team member.

Written material includes, but is not limited to:

19730 Governors Highway, Suite 10, Flossmoor, IL 60422-2083
Telephone: **708.799.6766** | Facsimile: 708.799.6866

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- All evaluations and collected data that will be considered at the meeting
- If the student already has an IEP, a copy of all IEP components that will be discussed by the IEP team, other than the components related to the educational and related services proposed for the student and the student's educational placement.

How soon before an IEP meeting must the documents be provided to the parent?

The documents must be provided to the parent no later than three school days prior to the student's eligibility meeting or IEP meeting. However, if the IEP meeting is scheduled in three days after parents waive the ten-day notice requirement, the documents must be provided to the parent as soon as possible.

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The law also establishes new requirements for producing related service logs to parents and for reporting missed related services:

What information must service logs include? Service logs must record the type of related service provided and the minutes of service provided.

When must related service logs be provided to the parent?

Related service logs must be provided:

- At the student's annual review; and
- At any time at the request of the parent

What notice must the school district provide the parent about production of logs?

The District must inform parents within 20 school days from the start of the school year or upon the establishment of an IEP of the parent's ability to request a copy of related service logs.

What reporting is required if related services are missed?

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If related services required by the IEP are not provided within ten school days after a "date or frequency" set forth by the student's IEP, the District, within 3 school days, must provide the parent with notice of the District's noncompliance with the student's IEP and include information about the parent's ability to request compensatory services in the notice. "School days" do not include days when the child is absent from school for reasons unrelated to a lack of IEP services.

HB 3586 also requires all districts to utilize Response to Intervention when determining whether a student is eligible for special education. It amends the definition of student "temporary records" to include information contained in service logs.

If you have questions regarding HB 3586 or would like recommendations on implementing these new requirements, please call one of our attorneys in Flossmoor at 708-799-6766 or in Oak

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BOYLE & IZZO, LLC
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Brook at 630-928-1200.