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SPECIAL EDUCATION DISCLOSURES REVISED BY SCHOOL CODE AMENDMENTS

On June 18, 2020, the Governor signed into law SB 1569, which includes revisions to the special education disclosure and notification provisions enacted in August 2019. The Public Act is effective immediately.

The Requirement to provide parents certain documents *at least three school days* before an eligibility or IEP meeting *is effective again beginning July 1, 2020.*

Districts must provide parents 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."

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Written material includes, but is not limited to:

- All evaluations and collected data that will be considered at an eligibility 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.

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.

The new Public Act mandates that districts give parents options for how these materials are provided, including, but not limited to regular mail and allowing the parent to pick the materials up

at school.

P.A. 101-643 also revises and clarifies the previous Act's requirements for producing related service logs to parents and for reporting missed related services:

Related Service Logs are no longer required to be provided at annual reviews but must be made available to parents upon request. Additionally, prior to every eligibility and IEP meeting, districts must inform parents of their right to review and copy their child's student records.

The Act clarifies that related service logs should record the delivery of related services and the minutes provided. Related service logs must be maintained for speech-language services, occupational therapy, physical therapy, social work, counseling, psychology, and nursing services.

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The requirement remains that districts 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.

The Act clarifies required reporting if related services are missed and explains that days the student is unavailable for service do not constitute missed days of service.

If related services required by the IEP are not provided *within ten school days after the date the service was required to be implemented,* the district, within 3 school days, must provide the parent with notice that services have not yet been provided and must inform the parent of the district's procedures for requesting compensatory services.

"School days" do not include days when the child is absent from school for reasons unrelated to a lack of IEP services and do not include days when the student is absent, or when services

are available, but the child is not available.

Regarding Response to Intervention, the Act indicates that districts should use a collaborative team approach that includes regular communication with the parent. The district must provide written notice to the parent of the district's use of scientific, research based interventions or MTSS and must provide the parent with all data collected and reviewed by the district in providing the child Response to Intervention.

If you have questions regarding P.A. 101-643 or would like recommendations on implementing these requirements, please contact one of our attorneys.

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