

ISBE ISSUES NEW GUIDANCE ON QUALIFIED INTERPRETERS AND EXTENDED SCHOOL YEAR AND AMENDS SPECIAL EDUCATION REGULATIONS

The Illinois State Board of Education (“ISBE”) recently issued a new Notification of Conference form and Guidance regarding qualified interpreters at IEP meetings, issued non-regulatory guidance on Extended School Year Services, and amended its special education regulations to conform to recent legislation.

New Notice of Conference Available and Qualified Interpreter Guidance Issued

ISBE has issued a revised Parent/Guardian Notification of Conference that includes (1) the required notice that a parent has the right to request an interpreter at an IEP meeting and that the interpreter have no other role at the meeting and (2) the required contact information for questions or complaints about interpretation services. This new form is available at https://www.isbe.net/Documents/nc_conf_34-57d.pdf

A March, 2021 Guidance Document regarding Qualified Interpreters is also available. The Guidance sets forth the training and examination requirements for qualified interpreters and notice requirements to parents. See our Priority Briefing at <https://www.hauserizzo.com/priority-briefings/new-special-education-regulations-require-qualified-interpreters-at-iep-meetings/> ISBE will select a training entity and make training and examinations available in the future. In the meantime, school districts should ensure that interpreters understand special education terminology and processes.

To assist school districts to provide competent interpreters, Hauser, Izzo, Petrarca, Gleason & Stillman, LLC offers a six hour training in special education terminology and protocol.

Extended School Year Frequently Asked Questions Guidance

Non-regulatory guidance on Extended School Year (“ESY”) was issued in March, 2021 by ISBE. Highlights of the Frequently Asked Questions Guidance include:

- ESY cannot consist of related services only. Related services may be provided if needed for the student to benefit from special education services received during ESY.
- An IEP team should collect data related to student progress (whether the student made progress on IEP goals, the extent to which goals were met, whether the student’s rate of progress declined during breaks in instruction, whether the student’s rate of progress was commensurate with his or her ability, and whether the student is beginning to master an important skill such that an interruption in instruction will lead to loss of mastery) and the student’s regression and recoupment.

- If a student qualifies for ESY, the student's IEP must include the type and amount of services to be provided and the goals to be implemented during ESY.
- The team must consider the least restrictive environment when determining ESY services. A student receiving ESY in a nonpublic special education facility must receive at least 120 hours of instruction during ESY.
- A student may receive regular summer school as ESY, if so determined by the IEP team, at no cost to the parent. If a student does not qualify for ESY, the student with a disability may enroll in regular summer school if the student satisfies the school's summer school requirements and pays any required summer school fees.

Amendments to Special Education Regulations

Effective March 2, 2021, ISBE has amended its special education regulations to conform to changes to the School Code. Most significantly, the regulations are amended to include the requirement that the school provide a child's parent with copies of all written materials to be discussed at an eligibility meeting or IEP meeting no later than three school days prior to the meeting using the method of delivery requested by the parent. For eligibility meetings, the school must provide the parent with all evaluations and collected data to be discussed at the meeting. For IEP meetings, the school must provide the parent all draft IEP components, *except services minutes and placement*, to be discussed at the meeting. Parents must also be informed of their right to review and copy their child's student records prior to any eligibility or IEP meeting.

The regulations require that related service logs for speech-language, occupational therapy, physical therapy, social work, counseling, psychology, and school nursing services that record the type of service and minutes delivered, be made available to the child's parent at any time upon request. The District must inform the parent, within twenty school days from the beginning of the school year, or upon establishment of an IEP, of the parent's ability to request these logs.

Amendments were also made to the regulations concerning procedures for a school district to petition to withdraw from a special education cooperative.

If you have any questions concerning any of these new ISBE special education documents, please contact one of our attorneys.