

For any questions or comments you might have regarding this newsletter, please feel free to contact:

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LEGAL ALERT

ISBE Guidance on Special Education Services

On March 18, 2020 the Illinois State Board of Education released updated Guidance on Special Education services during the mandatory statewide school closure. You can find the guidance [here](#). This Guidance does not cover e-learning.

The Guidance covers (1) timelines and IEP team meetings; (2) non-discrimination; (3) the fact that provision of FAPE is not required during the statewide closure; (4) the fact that the potential obligation for compensatory services can be treated the same as after any other similar break, such as Christmas or Spring breaks; (5) related services, including home/hospital (same as FAPE above); and (6) private residential programming issues. A key takeaway is that the mandatory statewide school closure does not count as “school days” for special education purposes and all timelines tied to “school days” are tolled. However, to the best of a district’s ability, timeline requirements that apply to calendar or business days would still be followed. Some of the “School” and “Calendar” day timelines to keep in mind are:

- Within 14 school days after receiving a request for an evaluation, the district must determine if one is warranted and notify the parent w/in that time period of the team’s conclusions (along with request for parent consent to conduct any needed assessments)
- If fewer than 60 school days remain in school year after the date of parental consent, the eligibility determination is to be made and IEP meeting held prior to the first day of the following school year
- Within 10 calendar days of the receipt of an independent evaluation, the district is to notify the parent of the date of the IEP meeting to consider the results
- Within 10 calendar days of the receipt of a request for an IEP meeting, the district is to notify the parents that it will schedule the meeting, or why such a meeting is not needed

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- Within 5 school days of the receipt of a physician statement for homebound, the IEP services are to be provided; instructional time is only to be scheduled on days when school is in session.
- The written notice that the district must provide prior to any proposal or refusal to initiate or change the identification, evaluation or educational placement of (or provision of FAPE) is 10 calendar days.

Those items for which timelines are not tolled include IEP meetings, due process proceedings and early intervention transitions. This may require greater reliance on electronic participation of school staff and parents, whether by teleconference or other means, than otherwise would occur. Feel free to contact your KTJ attorney with any questions.