ILLINOIS STATE BOARD OF EDUCATION
100 North First Street
Springfield, Illinois 62777-0001

NOTICE OF PROCEDURAL SAFEGUARDS FOR PARENTS/GUARDIANS OF STUDENTS WITH DISABILITIES (July 2026)

The following procedural safeguards apply to all eligible students with disabilities, including eligible students who require continued public school educational experience to facilitate their successful transition and integration into adult life through age 21, inclusive, unless the student's 22nd birthday occurs during the school year, in which case the student is eligible for such services through the end of the school year. In addition, children who received early intervention services prior to their third birthday and are found eligible for an Individualized Education Program (IEP) and whose birthday falls between May 1 and August 31 may continue to receive early intervention services until the beginning of the school year following their third birthday. As the parent/guardian, you have the right to choose to take the extended option and then reverse your decision and deny this option at a later date so that your child will start early childhood education services prior to the beginning of the school year.

As the parent/guardian of a student or adult student with a disability who is receiving or may be eligible to receive special education and related services, you have rights that are safeguarded by state and federal law. Part B of the Individuals with Disabilities Education Act (IDEA), the federal law concerning the education of students with disabilities, requires schools to provide parents of a child with a disability with a notice containing a full explanation of the procedural safeguards available under IDEA and U.S. Department of Education regulations. The rights to which you are entitled are included in this document. A full explanation of these rights is available from your child's school district. Please review this document carefully and contact the district if you have questions or need additional clarification regarding your child's services or the procedural safeguards available to you.

The notice of your procedural safeguards must be made available to you only one time a year. However, a copy also must be given upon an initial request for an evaluation, upon receipt of the first written complaint or first due process complaint to the Illinois State Board of Education (ISBE), upon a disciplinary removal that constitutes a change in placement, or upon request.

Additional information about your rights is available on the ISBE website in a document entitled The Parent Guide.

PRIOR WRITTEN NOTICE

General Information

The local district is required to provide you with prior written notice (certain information in writing):

- When the district proposes to initiate or change the identification, evaluation, educational placement, or the provision of a free and appropriate public education (FAPE) to your child; or
- When the district refuses to initiate or change the identification, evaluation, educational placement, or the provision of FAPE to your child; or
- One year prior to your child reaching the age of majority (18 years of age). All educational rights transfer from parent(s)/guardian(s) to the student unless determined otherwise.

The written notice must be provided at least 10 school days prior to the proposed or refused action and must include:

1) A description of the action proposed or refused by the agency;
2) An explanation of why the agency proposes or refuses to take the action;
3) A description of each evaluation procedure, assessment, record, or report the agency used as a basis for the proposed or refused action;

4) A statement that the parents of a child with a disability have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained;
5) Sources for parents to contact to obtain assistance in understanding the provisions of this part;
6) A description of other options that the IEP team considered and the reasons why those options were rejected; and
7) A description of other factors that are relevant to the agency's proposal or refusal.

The *Parent/Guardian Notification of Conference Recommendations* (34-57E) form as well as the IEP developed at the meeting, as long as the document(s) that are received meet all of the requirements listed previously, meet the requirements for prior written notice. This notice must be provided to the parent/guardian immediately, unless a later date is agreed upon by the parent and documented in the IEP.

If the IEP team determines at a meeting to develop or revise your child's IEP that a certain service is required in order for your child to receive FAPE — and that service is not implemented within 10 school days after the service was to be initiated as set forth by your child's IEP — then the local school district shall provide you with written notification that the service has not yet been implemented. The notification must be provided to you within three school days of the local school district's non-compliance with your child's IEP and must inform you about the school district's procedures for requesting compensatory services. For the purpose of this section, "school days" does not include days when a child is absent from school for reasons unrelated to a lack of IEP services or when the service is available, but the child is unavailable.

At any time, you may request an IEP meeting to be held at a time convenient for both you and the school. Within 10 days after receipt of a request, the district shall either agree and notify you in accordance with IDEA regulations or notify you in writing of its refusal, including an explanation of the reason no meeting is necessary to ensure the provision of FAPE for your child.

Notice in an Understandable Language
The notice must be written in language understandable to the general public and provided in the native language or other mode of communication used by you, unless it is clearly not feasible. If your native language or other mode of communication is not a written language, the local district shall take steps to ensure that: (a) the notice is translated orally or by other means to you in your native language or other mode of communication, (b) that you understand the content of the notice, and (c) that there is written evidence that these requirements have been met.

Electronic Mail
You may choose to receive the following by email if your school district offers such a choice:
- Prior written notice;
- Procedural safeguards notice; and
- Notices related to a due process complaint.

PARENTAL CONSENT

Overview
Your informed consent indicates that you were given all the relevant information in your native language or other mode of communication. It also indicates that you understand and agree in writing to the activity. The local district must obtain your informed written consent (using state-mandated forms) in the following instances:

- Initial Evaluation – Conducting an initial evaluation to determine eligibility for special education services,
- Initial Services/Placement – Initially providing special education and related services to your child, or
- Reevaluation – Reevaluating your child.

Your consent is not required before your school district reviews existing data as part of an evaluation or reevaluation or before your school district administers a test or other evaluation that is administered to all children, unless consent is required from the parents of all children before that test or evaluation.

Consent is voluntary on your part, and you may withdraw your consent at any time. Your withdrawal of consent does not negate (undo) an action that has occurred after you gave your consent and before you withdrew it. For more information on the revocation of consent, please refer to the "Revocation of Consent" section on page 4 of this document.

Special Rules for Initial Evaluation for Wards of the State or Youth in Care
In Illinois "Ward of the State" may be referred to as "Youth in Care."

Ward of the State, as used in IDEA, means a child who is:

1) A foster child, unless the child's foster parent has been assigned the right to make educational decisions on the child's behalf by a judge overseeing the child's case or a public agency with responsibility for the general care of the child;
2) Considered a ward of the state under state law;
3) Considered a ward of the court under state law; or
4) In the custody of a public child welfare agency.

For initial evaluations only, if the child is a ward of the state and is not residing with the child's parent, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if –

1) Despite reasonable efforts to do so, the school district cannot find the child's parent;
2) The rights of the parents have been terminated in accordance with state law; or
3) A judge or a public agency with responsibility for the general care of the child has assigned the right to make educational decisions and to consent for an initial evaluation to an individual other than the parent.

ABSENCE OF PARENTAL CONSENT

Certain conditions are applicable if you refuse to provide consent for the following:

- **Initial Evaluation** – If you do not provide consent for an initial evaluation or fail to respond to a request to provide consent, the district may, but is not required to, pursue having an initial evaluation conducted using mediation and/or due process hearing procedures.

  If a due process hearing is held, a hearing officer may order the school district to proceed in conducting an initial evaluation without your consent. This is subject to your right to appeal the decision and to have your child remain in his/her present educational placement pending the outcome of any administrative or judicial proceeding.

- **Initial Services/Placement** – If you refuse to provide consent for the initial provision of special education and/or related services, the district will not provide these services. Furthermore, the district may not pursue mediation or due process procedures in order to obtain a ruling that services may be provided.

  In the event that you refuse to consent to the initial provision of special education and/or related services, the district will not be considered to be in violation of its requirement to make FAPE available to your child, nor is the district required to convene a meeting to develop an IEP for your child.

Reevaluation – If you refuse to provide consent for a reevaluation, the school district may, but is not required to, pursue override procedures through mediation or a due process hearing. However, the school district may

pursue the reevaluation if it made reasonable efforts to obtain your consent and you failed to respond. If the school district chooses not to pursue such procedures, the school district is not in violation of providing FAPE to your child.

REVOCATION OF CONSENT

If your child is currently receiving special education and related services, you have the right to revoke (take back) your consent for such services at any time. You may revoke consent either orally or in writing. If you revoke your consent orally, the district must provide you with written confirmation within five days of your oral revocation. When you revoke your consent, either orally or in writing, the district must provide you with prior written notice to acknowledge your revocation and the date upon which all special education and related services will cease.

When you revoke consent, your school district:

1) May not continue to provide special education and related services to your child;
2) Must provide you with timely prior written notice, consistent with IDEA regulations, of its proposal to discontinue special education and related services based on receipt of your written revocation of consent;
3) May not use due process procedures (i.e., mediation, resolution meeting, or an impartial due process hearing) in order to obtain agreement or a ruling that the services may be provided to your child;
4) Is not in violation of the requirement to make FAPE available to your child for its failure to provide further special education and related services to your child;
5) Is not required to have an IEP meeting or develop an IEP for your child for the further provision of special education and related services; and
6) Is not required to amend your child's education records to remove any reference to your child's receipt of special education and related services because of the revocation of consent.

Once services have ceased, your child will be considered to be a general education student. All rights and responsibilities previously held by your child (as described in this document), including special education disciplinary protections, will also cease.

NOTE: The effect of your revocation will result in a complete termination of all special education and related services to your child. However, if you are in a disagreement with the type or amount of services your child is receiving, but believe that your child should continue to receive special education and related services, please review the "Complaint Resolution," "Mediation," and "Due Process Hearing" sections to learn about your rights in the case of a disagreement over services.

PARENT PARTICIPATION IN MEETINGS

You must be afforded the opportunity to participate in meetings regarding the identification, evaluation, eligibility, reevaluation, and educational placement of your child. The school district must provide you with a 10-day written notice of the meeting. The notice must inform you of the purpose of the meeting and who will be in attendance. The meeting must be held at a mutually agreeable place and time. The notice for the meeting must also include a statement that you have the right to invite other individuals to the meeting to assist you, including individuals with special knowledge or expertise about your child and advocates for you or your child. You have the right to request that the school district provide an interpreter for the meeting. You have the right to request that the interpreter serve no other role in the IEP meeting other than as an interpreter, and the school district should make reasonable efforts to fulfill this request. If you believe that the school district unreasonably denied your request for an interpreter who serves no other role in the IEP meeting, you have all rights under IDEA and Article 14 of the School Code. These rights include a due process hearing, filing a state special education complaint, mediation, ISBE monitoring, and filing a complaint with the Office for Civil Rights.

You have the right to written translations of vital IEP process documents. The school district is required to notify you through the *Parent/Guardian Notification of Conference* form on how to request translated documents and who to contact with any questions or complaints about the translations.

As a parent, you are an important member of your child's IEP team and are encouraged to be involved in meetings where decisions are made regarding the educational placement of your child. However, if you cannot attend the meeting, the school district must use other methods to ensure your participation, including individual or conference telephone calls. Decisions about your child's services and placement can be made by the IEP team even if you do not attend the meeting, but the district must maintain a record of its attempts to arrange a mutually agreed-upon time and place for the meeting that includes evidence, such as detailed telephone calls made or attempted and the results of those calls, copies of correspondence sent to you and any responses received, or detailed records of visits made to your home or workplace and the results of those visits.

The notice for a child beginning at age 14½ (or younger if determined appropriate by the IEP team) must indicate that one purpose of the meeting will be the development of a statement of the transition service needs of your child and that the school district will invite your child to the meeting and indicate any other agency that will be invited to send a representative to the meeting. The district must take whatever action is necessary to ensure that you and your child understand the proceedings at a meeting, which may include arranging for an interpreter if you or your child is deaf, or your native language is not English.

The IEP team must meet at least once a year and must have an IEP for your child in effect by the beginning of each school year. After the annual meeting, you and the school may agree not to convene an IEP meeting for the purpose of amending your child's IEP. Instead, the IEP may be amended or modified via a written document. The IEP team members must be informed of the changes.

No later than three school days prior to a meeting to determine your child's eligibility for special education and related services or a meeting to review your child's IEP (or as soon as possible if an IEP meeting is scheduled within three school days with your written consent), the local school district must provide you with copies of all written material that will be considered by the IEP team at the meeting so that you may participate in the meeting as a fully informed team member. You have the option of choosing from the available methods of delivery, which must include regular mail and picking up the materials at the school.

You must be informed of your right to review and copy your child's school student records prior to any special education eligibility or IEP review meeting, subject to the requirements of applicable federal and state law.

EVALUATION PROCEDURES

Your school district must use a variety of evaluation tools and strategies when conducting an evaluation of your child. The evaluation must assess your child in all areas related to the suspected disability. The school district must use technically sound instruments and procedures that are not biased against your child because of race, culture, language, or disability. The materials and procedures must be provided and administered in the language and form most likely to provide accurate information on what your child knows and can do.

Initial Evaluation

Either you or the school district may initiate a request for an initial evaluation of your child. Within 14 school days after receiving a request for an evaluation, the district shall determine whether an evaluation is warranted. If the district determines not to conduct an evaluation, it shall provide written notice to you.

If the district determines that an evaluation is to be conducted:

A. The district shall convene a team of individuals (including you) having the knowledge and skills necessary to administer and interpret evaluation data. The composition of the team will vary depending upon the nature of the child's symptoms and other relevant factors.

B. The team shall identify the assessments necessary to complete the evaluation and shall prepare a written notification for you. The notification shall either describe the needed assessments for each domain or explain why none are needed.
C. The district shall ensure that the notification of the team's conclusions is transmitted to you within the 14-school day timeline, along with the district's request for the parents' consent to conduct the needed assessments.

If it is determined that an evaluation is necessary, the district must complete the evaluation no later than 60 school days following the date you signed the written consent to perform the needed assessments. If fewer than 60 school days remain in a school year after the date you have provided consent, the eligibility determination shall be made, and the IEP meeting shall be completed prior to the first day of the following school year.

The evaluation must be conducted by a team of qualified individuals and include your input. Your child will not be determined to be a child with a disability if lack of appropriate instruction in reading, math, or limited English proficiency are judged to be determinant factors.

If a district fails to conduct the evaluation, you may appeal this failure in an impartial due process hearing, request consideration of this failure using the state complaint procedures, or request mediation.

Reevaluation

The school must reevaluate your child at least every three years after the initial evaluation, unless you and the school agree a reevaluation is unnecessary.

Independent Educational Evaluation

General

You shall be given a copy of the *Parent/Guardian Notification of Conference Recommendations* form at the conclusion of an IEP meeting. This document specifies the options considered by the team and informs you of your right to obtain an independent educational evaluation (IEE) if you disagree with the findings.

Definitions

- An *independent educational evaluation* means an evaluation conducted by a qualified person who is chosen by you and is not employed by your school district.
- *Public expense* means that the district either pays for the full cost of the evaluation or ensures that the evaluation is otherwise provided at no cost to you.

Parent Right to Evaluation at Public Expense

You have the right to obtain an IEE at public expense if you disagree with evaluation findings conducted or obtained by the school district. You must initiate the request in writing and submit the request to the local school district superintendent.

Once the request is received, the district must either:

- Agree to the request and provide an IEE at public expense, or
- Initiate an impartial due process hearing within seven (7) school days of the written request to show that the district's evaluation was appropriate.

The school district may ask you why you object to its evaluation, but it cannot unreasonably delay or deny the evaluation by requiring you to explain your disagreement.

If the district agrees to pay for the IEE, it must provide information to you upon your request about where an independent educational evaluation may be obtained. Whenever an IEE is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria that the district uses when it initiates an evaluation. An independent

educational evaluation at public expense must be completed within 60 school days of a parent's written request unless the school district initiates an impartial due process hearing or the parent or school district offers reasonable grounds to show that such time period should be extended.

If the district initiates a due process hearing and the hearing officer orders an evaluation, the cost of the evaluation must be at public expense. If the due process hearing decision indicates that the parent is entitled to an independent educational evaluation, it must be completed within 60 school days of the decision unless the parent or the school district offers reasonable grounds to show that such period should be extended. If the final decision of the hearing officer is that the district's evaluation is appropriate, you still have the right to an IEE, but at your own expense.

If you obtain an IEE at public expense or share with the district an evaluation obtained a private expense, the results of the evaluation must be considered by the public agency, if it meets agency criteria, in any decision made with respect to the provision of FAPE to your child.

You may also present the IEE as evidence in a due process hearing.

Within 10 days after receiving a report of an IEE conducted at either public or private expense, the district shall provide written notice stating the date upon which the IEP team will meet to consider the results.

REQUIREMENTS FOR UNILATERAL PLACEMENT BY PARENTS OF CHILDREN IN PRIVATE SCHOOLS

This section describes your child's rights when you voluntarily place him/her in a private (including religious) school/facility.

Overview

All children with disabilities residing in the state who are in need of special education and related services, including children attending private schools, must be located, identified, and evaluated. This process, called *Child Find*, is the responsibility of the public school district where your child's private or home school is located. If your child is determined eligible for special education services, Child Find includes the right to a reevaluation, which must occur once every three years. The rights described in this document related to identification and evaluation apply even when you place your child in a private school/facility.

However, when you choose to place your child with a disability in a private school, your child does not have a right to receive any of the special education or related services he or she would receive if enrolled in the public school. Some special education services may be available to your child while enrolled in the private school, but the type and amount will be limited by how the public school district in which your child's private school is located decides to serve private school students. The school's decision is made after consulting with representatives of private schools and a representative group of parents of private school children with disabilities. The school determines how to use the limited federal funds that are designated for private school services. If a public school elects to provide any type of service to your child, then a *services plan* must be developed and implemented.

Services Plan

The services plan must include the "what, where, and by whom" special education and related services will be provided for your child. A services plan must reflect only the services offered to a parentally placed private school child with a disability designated to receive services, and must, to the extent appropriate, meet the IEP content requirements in IDEA. Since students with disabilities who are entitled to FAPE must receive the full range of services under Part B, their IEPs generally will be more comprehensive than the more limited services plans developed and implemented for those parentally placed private school children with disabilities designated to receive services from a Local Education Agency (LEA). The requirement that a services plan meet the requirements of an IEP, to the extent appropriate, will ensure that the services actually provided to a parentally placed private school child with a disability will meaningfully address the child's individual needs.

Reimbursement for Private School Placement
If you enroll your child in a private elementary or secondary school due to your belief that a FAPE was not being provided by the public school, the following may be applicable:

- A court or hearing officer may require the district to reimburse you for the cost of that enrollment if it is found that the district did not make a FAPE available in a timely manner prior to that enrollment.

The amount of reimbursement awarded by the hearing officer may be reduced or denied:

- If, at the most recent IEP meeting you attended prior to the removal of your child from the public school, you did not inform the IEP team that you were rejecting the placement proposed by the district, including stating your concerns and intent to enroll your child in a nonpublic school or facility;
- If 10 business days (including any holidays that occur on a business day) prior to the removal of the student from the public school, you did not give notice to the district of the information mentioned above;
- If prior to your removal of your child from the public school, the school district informed you of its intent to evaluate your child, but you did not make him/her available for such evaluation; or
- Upon a judicial finding of unreasonableness with respect to actions taken by you.

The cost of reimbursement may **not** be reduced or denied for failure to provide such notice if:

- A parent/guardian cannot read and write in English;
- Compliance with the notice requirements would likely result in physical or serious emotional harm to your child;
- The school prevented you from providing such notice; or
- You were not made aware of the notice requirement mentioned above.

DISCIPLINE OF STUDENTS WITH DISABILITIES

If your child's behavior impedes his/her learning or the learning of others, strategies that include positive behavioral interventions and supports must be considered in the development of your child's IEP. If your child violates the student code of conduct, school personnel may remove him/her from the current placement.

Definition of Suspensions
When you, as the parent, are asked to come to the school and pick up your student due to a disciplinary infraction, this removal is counted as a "suspension" under the regulations. ***Suspension or expulsion may include suspension or expulsion from school and all school activities and a prohibition from being present on school grounds.***

Short-Term Removals (10 School Days or Fewer Over the Course of a School Year)

If your child violates the student code of conduct, school personnel may remove him/her from the current placement for 10 days or fewer in a school year. The school district is not required to provide educational services during these removals unless services are provided to students without disabilities under similar circumstances.

Long-Term Removals (For a Total of More Than 10 School Days Within a School Year)
A removal of a child with a disability from the child's current educational placement is a **change of placement** if:

1) The removal is for more than 10 consecutive school days; **or**
2) The child has been subjected to a series of removals that constitute a pattern because:
   a) The series of removals total more than 10 school days in a school year;

b) The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and
c) Of such additional factors as the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one another.

Whether a pattern of removals constitutes a change of placement is determined on a case-by-case basis by the school district and, if challenged, is subject to review through due process and judicial proceedings.

Once the disciplinary removals total more than 10 school days, the school district must continue to provide educational services. School personnel, in consultation with at least one of your child's teachers, must determine the extent to which services are needed so as to enable your child to continue to participate in the general education curriculum — although in another setting — and to progress toward meeting the goals set out in the IEP during the removals.

Disciplinary removals beyond a total of 10 school days during the school year may be considered a change in placement by school officials. If this occurs, the school district must notify you of its decision and provide you with a copy of the procedural safeguards on the same day that the decision to remove is made. School personnel, in consultation with at least one of your child's teachers, must determine the extent to which services are needed during the period of removal. Your child shall receive, as appropriate, a functional behavioral assessment (FBA) and behavioral intervention services and modifications, which are designed to address the behavior violation so that it does not recur. Additionally, an IEP meeting must be convened as soon as possible, but no later than 10 school days after the decision to remove has been made, in order to conduct a manifestation determination review (MDR).

Manifestation Determination Review

When conducting an MDR, the IEP team shall consider all relevant information in your child's file, including your child's IEP, staff observations, and any relevant information supplied by you. The IEP team determines:

- If the behavior was caused by or had a direct and substantial relationship to your child's disability, or
- If the behavior was the direct result of the school district's failure to implement your child's IEP.

If the team determines that either of the above statements is applicable, then your child's behavior must be considered a manifestation of his/her disability.

The district shall be required to review the student's behavioral intervention plan (BIP) or, if a BIP has not yet been developed, to develop one.

A. Manifestation of the Disability

Upon determination that the behavior was a manifestation of your child's disability, the IEP team shall:

- Conduct an FBA and implement a BIP, provided that the school district had not already conducted such an assessment prior to the determination of the behavior that resulted in change of placement;
- In the situation where a BIP is in place, review and/or modify the plan as necessary to address the behavior; and
- Return your child to the placement from which he/she was removed, unless you and the school district agree to a change of placement, except when the student has been removed to an interim alternative education setting for drugs, weapons, and/or serious bodily injury. (See the next page for more information on interim alternative educational setting [IAES].)

B. Not a Manifestation of the Disability

If it is determined that the behavior of your child was not related to his/her disability, pertinent disciplinary procedures may be applied in the same manner they would be for students without disabilities — **except** that

students with disabilities must continue to receive a FAPE if removed for more than 10 school days in that school year.

If the local district initiates pertinent disciplinary procedures that apply to all students, the district must ensure that special education and disciplinary records of your child are transmitted for consideration by the person(s) making the final determination about the action.

Expedited Due Process Hearing

If you disagree with any decision regarding disciplinary placement or the MDR, you have the right to request an expedited due process hearing. The local district or ISBE must arrange for an expedited hearing when you make a request in writing.

Additionally, if the school district believes that maintaining your child in his or her current placement is substantially likely to result in injury to your child or to others, the school may request an expedited due process hearing to change your child's placement to an IAES. The hearing officer may order the placement even if your child's behaviors are a manifestation of his or her disability.

The expedited hearing must occur within 20 school days of the date the hearing is requested and must result in a determination within 10 school days after the hearing.

Interim Alternative Educational Setting

An IAES is a different location where educational services are provided for a specific time period for disciplinary reasons. This setting will be determined by the IEP team and must be selected so as to enable your child to continue to progress in the general curriculum, although in another setting, and to continue to receive those services and modifications including those described in the current IEP that will enable him or her to meet IEP goals. The alternative setting must also include services and accommodations to address the behavior that resulted in the removal.

School personnel may remove your child from his/her current educational placement to an IAES without your consent if he/she:

- Carries a weapon to school or to a school function;
- Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or at a school function; and/or
- Has inflicted serious bodily injury upon another person while at school or at a school function.

Removal to an IAES shall not be more than 45 school days without regard to whether the behavior is determined to be a manifestation of his/her disability.

If you disagree with the decision and request an expedited due process hearing to challenge the decision, your child will remain in the interim alternative educational setting during the pendency of the hearing unless you and the school district agree otherwise or until the 45-school day time period expires. A school district may seek subsequent expedited hearings and alternative placements if after the first 45-school day term has expired the school district believes your child is still dangerous.

Protections for Students Not Yet Eligible for Special Education and Related Services

If your child has not been found eligible for special education but the district has knowledge that your child is disabled before a behavior occurred for which disciplinary action is being taken, you may assert the same protections in discipline afforded to a student with a disability.

The school district is considered to have knowledge of a disability if:

- You have expressed concerns in writing that your child needs special education and related services;
- Your child's behavior or school performance shows the need for special education;
- You have requested an evaluation to determine if your child needs special education; or

- One of your child's teachers or other district staff has made a request for special education services to the special education director or other appropriate district personnel.

The school district is not considered to have knowledge of a disability if:

- You have not allowed an evaluation of your child;
- You have refused services;
- An evaluation was conducted, and it was determined that your child does not have a disability; or
- It was determined that an evaluation was not needed, and you were informed in writing of the determination.

If, prior to taking disciplinary action against a student, the local district had no knowledge that the student was a student with a disability, the student may be subjected to the same disciplinary procedures as those applied to students without disabilities who engaged in comparable behaviors.

An evaluation requested during the time period in which the student is subjected to disciplinary procedures must be conducted in an expedited manner. However, the student must remain in the educational placement determined by school authorities pending results of the evaluation. If the student is determined to be a student with a disability based on the evaluation, the local district must provide appropriate special education and related services.

Referral to and Action by Law Enforcement and Judicial Authorities

Local districts or other agencies are not prohibited from reporting a crime committed by a student with a disability to appropriate authorities. In addition, state law enforcement and judicial authorities are not prevented from exercising their responsibilities regarding the application of federal and state law to crimes committed by a student with a disability.

Local districts or other agencies reporting a crime committed by a student with a disability must ensure that copies of the special education and disciplinary records of the student are transmitted to the appropriate authorities for their consideration.

DISPUTE RESOLUTION

Concerns with respect to any matter relating to the identification, evaluation, or educational placement of a student or the provision of FAPE to a student should be directed to the local school district.

State Special Education Complaint

An organization or individual may file a signed written complaint that includes a statement that the public agency has violated a requirement of Part B of IDEA or its implementing regulations, including Title 34 of the Code of Federal Regulations (CFR), Article 14 of the Illinois Compiled Statutes (105 ILCS 5/14), or Part 226 of Title 23 of the Illinois Administrative Code (IAC). The following information must be included in a formal complaint:

- A statement alleging that a responsible public entity has committed a violation of a special education requirement;
- The facts on which the statement is based;
- The names and addresses of the involved students and schools of attendance;
- The signature and contact information for the complainant;
- A description of the nature of the problem, including the facts relating to the problem; and
- A proposed resolution for the problem, to the extent known.

The complaint must allege that the violation occurred not more than one year prior to the date on which the complaint is received. Within 60 days after receiving a complaint that meets the requirements listed above, ISBE shall:

- Carry out an independent on-site investigation, if deemed necessary by ISBE.
- Give you an opportunity to submit additional information regarding the allegations.
- Require that the public entity that is the subject of the complaint submit a written response to the complaint. The public entity shall submit its response and all other documentation, including corrective action compliance documentation, to ISBE and the complainant (as applicable).
- Provide the public entity, during the complaint process, with the opportunity to offer a proposal to resolve the complaint and/or offer to engage you in mediation or alternative means of dispute resolution.
- Review all relevant information and make a determination as to whether the public entity violated a special education requirement.
- Issue a written decision that addresses each allegation and includes findings of fact and conclusions, the reasons for ISBE's decisions, and orders for any corrective actions.

These actions will be conducted within a 60-day timeline, unless that time limit is extended under exceptional circumstances or if you and the district engage in another method of dispute resolution, such as mediation.

If a complaint is filed involving one or more issues that are also the subject of a due process hearing, those portions of the complaint will be held in abeyance pending the completion of the hearing. In addition, if an issue has been previously decided in a due process hearing involving the same parties, the decision from the hearing will be binding and that issue will not be investigated through the complaint process.

Further information on the dispute resolution processes and resources can be found on ISBE's website at the following link: https://www.isbe.net/Pages/Special-Education-Effective-Dispute-Resolution.aspx

Mediation

Illinois' mediation service is designed as a means of resolving disagreements regarding the appropriateness of special education and related services to children. You may request mediation whether or not there is a pending due process hearing, but mediation cannot be used to delay or deny a due process hearing. Both you and the school district must *voluntarily* agree to participate in the mediation process. This service is administered and supervised by the ISBE and is provided at no cost to either you or the school district.

The mediation will be conducted by a qualified and impartial mediator who is trained in effective mediation techniques and is knowledgeable in laws and regulations relating to the provision of special education and related services. The mediator is an impartial third party and has no authority to force any action by either party.

The number of participants shall generally be limited to three persons per party. You may bring an attorney, advocate, interpreter, and other relevant parties. All discussions that occur during the mediation process shall be confidential and may not be used as evidence in *any subsequent due process hearing or civil proceeding.*

You will not be asked to abandon basic beliefs about your child's ability during mediation; rather you will be asked to (a) consider alternatives which could be included in your child's program, (b) listen to the concerns expressed by the other party, and (c) be realistic about your child's capabilities and the local district's obligations and resources.

If you resolve a dispute through the mediation process, an agreement will be written and signed by both you and a representative of the school district who has the authority to bind such agreement. Mediation agreements are legally binding and enforceable in any state court of competent jurisdiction or in a district court of the United States.

A request for mediation by a parent challenging a district proposal to change the child's educational placement shall invoke the "stay-put" provision. The "stay-put" placement shall be the last agreed-upon placement between the parties. In the event a party declines to use mediation, the parent (or student if 18 years of age or older or emancipated) shall have 10 days from the date of the refusal to request a due process hearing in

order to continue the "stay-put" placement. If mediation fails to resolve the dispute between the parties, the parent (or student if 18 years of age or older or emancipated) shall have 10 days after the mediation concludes to file a request for a due process hearing in order to continue to invoke the "stay-put" provision.

Efforts to mediate the disagreement will not be admissible as evidence at any subsequent administrative or civil proceeding except for the purpose of noting the mediation that did occur and the terms of any written agreement(s) that were reached as a result of mediation. The mediator may not be called as a witness at *any subsequent administrative or civil proceeding.*

If you wish to request mediation services or to learn more about the mediation system, you may contact the ISBE Special Education Department at (217) 782-5589 or toll-free for parents at (866) 262-6663.

Further information on the dispute resolution processes and resources can be found on ISBE's website at the following link: https://www.isbe.net/Pages/Special-Education-Effective-Dispute-Resolution.aspx

DUE PROCESS HEARING

Requesting a Due Process Hearing

In addition to the use of mediation and the state complaint procedures, you also have the right to request an impartial due process hearing. A due process hearing is a legal process in which a hearing officer gathers evidence and hears testimony from both you and the school district in order to make a legally binding decision. You may initiate a due process hearing regarding the district's proposal or refusal to initiate or change the identification, evaluation, or educational placement of a student or the district's provision of FAPE. Your request for a due process hearing must discuss matters that have occurred within the past two years or within two years of the date you reasonably should have known about the district's actions concerning your child's placement of services. You may request that your school district provide a list of free or low-cost legal and other relevant services available locally to assist you in initiating an impartial due process hearing.

A request for a hearing must be made in writing to the superintendent of the district in which you and your child reside and must include the following information:

- The name and address of the student;
- The name of the school attended;
- A description of the nature of the problem about which you are complaining that relates to the proposed initiation or change, including facts relating to the problem; and
- A proposed resolution of the problem to the extent known and available to you at the time.

Within five school days of receipt of the request for a hearing, the district will contact ISBE by certified mail to request the appointment of an impartial due process hearing officer. A model form for requesting a due process hearing shall be made available upon request.

Within five calendar days of filing your hearing request with the district, you are permitted the right to file an amended hearing request that may cover issues that were not raised in your initial hearing request. After five calendar days, you will only be allowed to file an amended hearing request with the agreement of the district or with the authorization of the hearing officer. If you file an amended hearing request that raises issues other than issues in your initial hearing request, you will be required to restart all hearing timelines and potentially complete new resolution sessions and prehearing conferences. (See below.)

Resolution Meetings

Prior to the impartial due process hearing, the district will convene a meeting with you and relevant members of the IEP team who have specific knowledge of the facts identified in the request for a due process hearing. The purpose of the resolution meeting is for you to discuss your request for the hearing and the facts that form the basis of the request so that the school district has the opportunity to resolve the dispute.

The resolution meeting shall:

- Be conducted within 15 days of receiving the district's notice of the request for a due process hearing;
- Include a representative of the district who has decision-making authority;
- Not include district attorney unless you are also accompanied by an attorney;
- Allow you to discuss your request for a due process hearing.

You and the district may mutually agree in writing to waive the resolution meeting or agree in writing to use the mediation process as described previously. Please note that you may use mediation at a later date if the resolution session proves unsuccessful.

If a resolution is reached, the parties must execute a legally binding agreement that is signed by both you and a representative of the district who has the authority to bind the district. The signed agreement is normally enforceable in any state court of competent jurisdiction or in a district court of the United States. However, either party may void such agreement within three business days of signing the agreement by providing notice of the intent to void the agreement in writing to the other party.

If the school district has not resolved the request for due process hearing to your satisfaction within 30 days of the receipt of the request, the due process hearing will continue. The due process hearing timelines will begin at the expiration of the 30-day period.

Your failure to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held unless you and the school district have jointly agreed to waive the resolution meeting or have agreed to use mediation and you have filed a request for a due process hearing. In rare instances, a hearing officer could dismiss your hearing request if it is determined that you have intentionally hindered the district's ability to conduct the resolution session.

Appointment of an Impartial Due Process Hearing Officer

An impartial hearing officer will be appointed by ISBE to conduct the hearing. The hearing officer cannot be an employee of any agency involved in the education or care of your child and cannot have any personal or professional interest that would conflict with objectivity in the hearing.

A party to a due process hearing will be permitted one substitution of a hearing officer as a matter of right. A request for a substitute hearing officer must be made in writing to ISBE within five days after you receive notification of the hearing officer's appointment. In the event that you and the district submit written requests on the same day — and these are received simultaneously — ISBE will consider the substitution to have been at the request of the party initially requesting the hearing. The right of the other party to a substitution will be absolutely protected. When a party to the hearing submits a proper request for substitution, ISBE will select and appoint another hearing officer at random within three (3) days.

ISBE will appoint a new hearing officer if the appointed hearing officer is unavailable or removes himself/herself before the parties are notified of his/her appointment.

Prehearing Conference

If you and the district are unable to reach an agreement through the resolution process, the due process hearing requirements shall proceed. Unless a permissible extension of time is granted by the hearing officer, a hearing decision must be rendered within 45 days after the close of the resolution session process described previously. Prior to conducting the hearing, the hearing officer must conduct a prehearing conference with the parties.

Within five (5) days after receiving written notification by ISBE, the appointed hearing officer must contact the parties to determine a time and place to convene the prehearing conference. The prehearing conference may be conducted by telephone or in-person at the discretion of the hearing officer in consultation with both you

and the district. At the prehearing conference, you, as well as the district, will be expected to disclose the following:

1) The issues believed to be in dispute at the hearing;
2) The witnesses that may be called at the hearing;
3) The list of documents that may be submitted to present the case at the hearing.

Please note that if you raise issues at the prehearing conference that were not included in your hearing request, you may be required to submit an amended hearing request and to complete a new resolution session and prehearing conference at a later date. An amended hearing request may also result in a delay of the hearing. (See "Requesting a Due Process Hearing" on page 13.)

At the conclusion of the prehearing conference, the hearing officer must prepare a report of the conference and enter it into the hearing record. The report must include, but need not be limited to:

- The issues, the order of presentation, and any scheduling accommodations that have been made for the parties or witnesses;
- A determination of the relevance and materiality of documents or witnesses, if raised by a party or the hearing officer; and
- A listing of the stipulated (or agreed) facts as discussed during the prehearing conference.

Rights Prior to the Hearing

You have the right to:

- Be accompanied and advised by counsel and by individuals with special knowledge with respect to the problems of students with disabilities;
- Inspect and review all school records pertaining to the student and obtain copies of any such records;
- Have access to the district's list of independent evaluators and obtain an independent evaluation of the student at your own expense;
- Be advised at least five days prior to the hearing of any evidence to be introduced;
- Compel the attendance of any local school district employee at the hearing, or any other person who may have information relevant to the needs, abilities, proposed program, or the status of the student;
- Request that an interpreter be available during the hearing;
- Maintain the placement and eligibility status of the student until the completion of all administrative and judicial proceedings; and
- Request an expedited hearing to change the placement of your child or if you disagree with the district's manifestation determination or the district's removal of the student to an interim alternative educational setting.

Rights During the Hearing

You have the right to:

- Have a fair, impartial, and orderly hearing;
- Have the opportunity to present evidence, testimony, and arguments necessary to support and/or clarify the issue in dispute;
- Close the hearing to the public;
- Have your child present at the hearing;
- Confront and cross-examine witnesses; and
- Prohibit the introduction of evidence not disclosed at least five days prior to the hearing.

The Hearing

ISBE and the hearing officer must ensure that a hearing is held within 45 days after receipt of a request for a hearing, unless the hearing officer grants a specific time extension at the request of either party. Within 10 days after the conclusion of the hearing, the hearing officer must issue a written decision that sets forth

the issues in dispute, findings of fact based upon the evidence and testimony presented, and the hearing officer's conclusions of law and orders. The hearing officer must make a determination about all issues raised in the hearing request (unless settled by the parties prior to hearing) as well as the overall determination of whether the district has provided the student FAPE based on the facts of the case.

Expedited Hearings

As described in the "Discipline of Students with Disabilities" section starting on page 8, an expedited hearing may be requested when you have a disagreement about the district's decision to remove your child from the current educational placement due to disciplinary issues. Expedited hearings have a number of similarities with, but several major differences from, regular due process hearings. The principal differences with regular due process hearings are the following:

- The resolution session must be convened within seven calendar days of the filing of the expedited hearing request;
- The hearing must be conducted within 20 school days of the filing of the hearing request;
- The hearing decision must be rendered within 10 school days of the close of the hearing;
- No substitution of the appointed hearing officer may be requested.

Request for Clarification

After a decision is issued, the hearing officer will retain jurisdiction over the case for the sole purpose of considering a request by either party for clarification of the final decision. You may request clarification of the final decision by submitting the request in writing to the hearing officer within five days after receipt of the decision. The request for clarification must specify the portions of the decision for which you seek clarification. A copy must be mailed to all parties involved in the hearing and to ISBE. The hearing officer must issue a clarification of the specified portion of the decision or issue a denial of the request in writing within 10 days of receipt of the request.

Appealing the Decision

Following a due process hearing, a party dissatisfied with the hearing officer's final order has the right to initiate a civil action. Civil action can be brought in any state court of competent jurisdiction or a United States District Court within 120 days after a copy of the decision is mailed to the parties. Procedures for filing such actions are available from the office of the clerk for the court in which the filing is to be made.

Stay of Placement

During a pending due process hearing or any judicial proceeding, your child must remain in his/her present educational placement with the eligibility status and special education and related services that were provided at the time of the filing of the hearing request. However, if the district changed the student's placement in response to a disciplinary incident and this placement is subject to an expedited hearing, the district's new placement will be maintained pending the final decision in the expedited hearing. (Please see the "Discipline of Students with Disabilities" section starting on page 8.)

Award of Attorney Fees

In any action or proceeding brought under IDEA, a court of competent jurisdiction may award reasonable attorney fees. These are fees incurred by your attorney (not including an unlicensed advocate or other non-attorney representative) in connection with his or her representation of your interests in the due process hearing proceedings. A court may award such fees:

- To the parent or guardian of a student with disabilities who is the prevailing party;
- To the prevailing party that is a State Education Agency (SEA) or district against the attorney of a parent who files a complaint or subsequent case of action that is frivolous, unreasonable, or without foundation;
- To a prevailing SEA or district against the attorney of a parent, or against the parent, if the parent's complaint or subsequent cause of action was presented for any improper purpose, such as to harass, to cause unnecessary delay, or to needlessly increase the cost of litigation.

Fees awarded shall be based on rates prevailing in the community in which the action or proceeding arose for the kind and quality of services furnished. Attorney fees may be reduced by the court based on a number of factors, including unreasonable rates charged, unnecessarily protracted proceedings, or the existence of a settlement agreement between the parties. You are urged to discuss these matters with your attorney.

Further information on the dispute resolution processes and resources can be found on ISBE's website at the following link: https://www.isbe.net/Pages/Special-Education-Effective-Dispute-Resolution.aspx

EDUCATIONAL SURROGATE PARENTS

Upon enrollment of a student, the resident school district must make reasonable attempts to contact the parent or legal guardian of any student referred for or receiving special education services. If the parent cannot be identified or located, or the child is a youth in care residing in a residential facility and the residential facility has not done so already, a representative of that district shall submit to ISBE a request for an appointment of an educational surrogate parent (ESP) to ensure the educational rights of the child are protected. In cases where the student is a youth in care, an educational surrogate may also be appointed by the judge overseeing the student's care. If a student is an unaccompanied homeless youth, the school district is responsible for requesting an ESP from ISBE.

Students placed in foster homes or with relative caregivers do not require an ESP. In these cases, the foster parent or relative caregiver assumes the role of educational decision maker for the child. Should a student move to a foster home or relative caregiver's home, ISBE must be notified in writing that the ESP is no longer required. Additionally, if the child is removed from a foster home or a relative caregiver's home, a request should be made to ISBE to appoint an ESP.

If you have been appointed as an educational surrogate parent, all of the rights explained in this document belong to you. You may not be an employee of the state or LEA or any other agency that is involved in the education of the student, may not have any personal or professional conflicts of interest, and must have the knowledge and skills to ensure adequate representation of the student.

As an educational surrogate parent, you may represent the student in all matters relating to the identification, evaluation, educational placement, and the provision of FAPE.

ACCESS TO EDUCATIONAL RECORDS

Your local district is responsible for protecting the confidentiality of your child's educational records.

Definitions

- *Destruction* means physical destruction or removal of personal identifiers from information so that the information is no longer personally identifiable.
- *Education records* is defined by the Family Educational Rights and Privacy Act (FERPA) as records that are directly related to a student and maintained by an educational agency or by a party acting for the agency.
- *Participating agency* means any school district, agency, or institution that collects, maintains, or uses personally identifiable information, or from which information is obtained.
- *Personally identifiable* means information that has:
  a) Your child's name, your name as the parent, or the name of another family member;
  b) Your child's address;
  c) A personal identifier, such as your child's Social Security number or student number; or
  d) A list of personal characteristics or other information that would make it possible to identify your child with reasonable certainty.

Access Rights

As a parent, you have a right to inspect and review any educational records relating to your child that are collected, maintained, or used by the district. The district shall comply with a request to review the educational record without unnecessary delay and before any meeting relating to the identification, evaluation, or placement of the student. The request to inspect and copy records must be granted within 10 business days after the request has been received by the official records custodian. The school district may extend this by not more than an additional five business days for one of the following reasons:

- The records are stored off site or at multiple locations;
- The request requires the collection of a substantial number of specified records;
- The request requires an extensive search;
- Additional efforts are needed to locate the records;
- The request creates an undue burden on the school district; or
- There is a need for consultation with another public body or school district regarding the request.

In no case will a request to inspect and copy records be granted more than 15 business days after the request is made unless the parent and the school district have agreed in writing to an extension of the time period.

The right to inspect and review educational records includes:

- The right to a response from the school district to reasonable requests for explanations and interpretations of the records;
- The right to have your representative inspect and review the records; and
- The right to request that the school district provide copies of education records, if failure to provide those copies would effectively prevent you from exercising your right to inspect and review the records at a location where they are normally maintained.

A local school district may presume that you have authority to inspect and review records relating to your child unless the school district has been advised that you do not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

A local school district must provide you, upon request, a list of the types and locations of the educational records collected, maintained, or used by the district.

Local school districts must make logs that record the delivery of related services administered under your child's IEP and the minutes of each type of related service that has been administered available to you at any time upon your request. The local school district must inform you within 20 school days from the beginning of the school year or upon establishment of an IEP that you have the option to request those related service logs. A local school district must make logs for speech and language services, occupational therapy services, physical therapy services, school social work services, school counseling services, school psychology services, and school nursing services.

You shall be provided all data collected and reviewed by the school district with regard to your child in the scientific, research-based intervention or multi-tiered system of support process.

Fees for Searching, Retrieving, and Copying Records

A local school district may not charge a fee to search for or retrieve information. However, a local school district may charge a reasonable cost (but not more than $.35 per page) for the copying of a student's school records. No parent or student shall be denied a requested copy of records due to the inability to bear the cost of such copying.

Record of Access

A district may only release information with your consent unless otherwise allowed by state or federal law. A local school district must keep a record of parties obtaining access to educational records collected;

maintained; or used (except for parents and authorized employees of the local district), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

Records on More Than One Child
If any education record includes information on more than one child, the parents of those children have the right to inspect and review only the information relating to their child or to be informed of that specific information.

Amendment of Records at Parent's Request
If you believe that information in your child's records is inaccurate, misleading, or violates the privacy or other rights of your child, you may ask the school district to amend the record. The local school district must decide whether to amend the information within 15 school days from the date of receipt of your request. If the district refuses to amend the information in accordance with the request, the district must inform you of the refusal and advise you of your right to a record's hearing as set forth below.

Records Hearing
The school district must, upon request, provide you with an opportunity for a records hearing to challenge information in your child's records. This is not a due process hearing and is not held before a hearing officer appointed by ISBE; rather, it is a hearing held at the local level.

If, as the result of a records hearing, it is decided that the information is inaccurate, misleading, or violates your child's rights, the school district must amend the information and inform you in writing that it has done so.

If, as a result of the records hearing, it is decided that the information is not inaccurate, misleading, or violates your child's rights, the school district must inform you of your right to place a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the school district. Any explanation placed in the records of your child must be maintained by the school district as part of your child's records for as long as the record or contested portion is maintained by the school district. If the records are disclosed by the district to any party, the explanation must also be disclosed.

Consent for Disclosure of Personally Identifiable Information
Your consent must be obtained before personally identifiable information is disclosed to parties other than officials of participating agencies unless disclosure of such information contained in education records is authorized under FERPA.

Except under the circumstances specified below, your consent is not required before personally identifiable information is released to officials of participating agencies for purposes of meeting a requirement of IDEA.

- Your consent, or consent of an eligible child who has reached the age of majority under state law, must be obtained before personally identifiable information is released to officials of participating agencies providing or paying for transition services.

- If your child is enrolled or is going to enroll in a private school that is not located in the same school district that you reside in, your consent must be obtained before any personally identifiable information about your child is released between officials in the school district where the private school is located and officials in the school district where you reside.

Safeguards
The following safeguards are in place for maintaining the confidentially of student's records:

- Each participating agency must protect the confidentiality of personally identifiable information at collection, storage, disclosure, and destruction stages.
- One official at each participating agency must assume responsibility for ensuring the confidentiality of any personally identifiable information.

- All persons collecting or using personally identifiable information must receive training or instruction regarding confidentiality under Part B of IDEA and FERPA.
- Each participating agency must maintain, for public inspection, a current listing of the names and positions of those employees within the agency who may have access to personally identifiable information.

Destruction of Information
Your school district must inform you when personally identifiable information collected, maintained, or used under Part B of IDEA is no longer needed to provide educational services to your child.

- Each school shall maintain student permanent records and the information contained therein for not less than 60 years after the student has transferred, graduated, or otherwise permanently withdrawn from the school.
- Each school shall maintain student temporary records and the information contained in those records for not less than five years after the student has transferred, graduated, or otherwise withdrawn from the school

Student Rights
FERPA specifies that the rights of parents regarding education records are transferred to the student at age 18. The rights of parents under Part B of IDEA regarding education records are also transferred to the student at age 18. However, a public agency must provide any notice required under Part B of IDEA to both the student and to the parents.

A parent/guardian (or the designated representative of a student over the age of 18 that receives special education services) may access the mental health records of a minor, regardless of the minor's age, if the minor is involved in special education services, and only for the purpose of inspecting and copying a record of the specific mental health or developmental services that the parent/guardian consented to on the student's behalf for special education services.

TRANSFER OF PARENTAL RIGHTS

Your child becomes an adult student at the age of 18. All of the parental rights discussed in this document will transfer to him/her at that time unless the school district is notified otherwise. You will share the right to receive all of the required prior written notices and the school will provide these notices to both you and your child.

IDEA requires that both parent(s)/guardian(s) and the student receive notice of the transfer of educational rights one year prior to the student's 18th birthday. If the student will turn 17 while school is not in session (e.g., during summer break), and this notice cannot be provided on the student's 17th birthday as a result, then this notice must be provided to the parent(s)/guardian(s) and student during the last school session prior to the student's birthday. However, the parent(s)/guardian(s) will continue to receive the 10-day notice prior to the date of any special education meeting after the student turns 18.

Additionally, at this meeting, you will receive a *Delegation of Rights to Make Educational Decisions* form. Your child may decide to use this form to delegate you or another individual to represent his/her educational interests upon his or her reaching the age of majority. This form must then be presented to the local school district.

The *Delegation of Rights to Make Educational Decisions* form must identify the individual designated to represent your child's educational rights and include both the individual's signature as well as your child's signature (or by other means, such as audio or video format compatible with his/her disability). Your child may terminate the Delegation of Rights at any time and begin making his/her own educational decisions. The Delegation of Rights will remain in effect for one year after signing it and may be renewed annually.