

## **Section 10 Procedural Safeguards**

### **A. Procedural Safeguards Notice**

1. Written notification of the procedural safeguards available to the Parent(s) of a child with a disability shall be given to the Parent(s) one time per school year, and:
  - a. Upon referral for an initial evaluation or reevaluation or Parent request for evaluation or reevaluation;
  - b. In accordance with certain disciplinary removals (see Section 11);
  - c. Upon request by a Parent; and
  - d. Upon receipt of the first State complaint and upon first request for a due process hearing in a school year.
2. The procedural safeguards notice shall include a full explanation of all of the procedural safeguards relating to:
  - a. Independent education evaluation;
  - b. Prior written notice to Parents as required by State and federal law;
  - c. Parental consent;
  - d. Access to educational records;
  - e. Opportunity to present and resolve complaints through the due process and State complaint procedures;
  - f. The availability of mediation;
  - g. The child's placement during the pendency of any due process complaint;
  - h. Procedures for children who are subject to placement in an interim alternative educational setting;

- i. Requirements for unilateral placement by Parents of children in private schools at public expense;
- j. Due process hearings, including requirements for disclosure of evaluation results and recommendations;
- k. Civil actions; and
- l. Attorneys' fees.

B. Prior Notice by School District

1. The School District shall provide 10 days written notice to the Parent(s) as required by State and federal law before proposing or refusing to initiate or change the identification, evaluation, or educational placement of, or the provision of free, appropriate public education to, a child. If the notice is related to an action proposed by the School District that also requires informed written parental consent, the School District may give notice at the same time as it requests informed written consent.
2. The notice required by this Section shall include:
  - a. A description of the action proposed or refused by the School District;
  - b. An explanation of why the School District proposes or refuses to take the action;
  - c. A description of any other options that the IEP Team considered and the reason why those options were rejected;
  - d. A description of each evaluation procedure, assessment, record, or report the School District used as a basis for the proposed or refused action;
  - e. A description of any other factors that are relevant to the School District's proposal or refusal;

- f. A statement that the Parent(s) of a child with a disability have protection under the procedural safeguards of the Individuals With Disabilities Education Act, Article 14 of The School Code of Illinois and their respective implementing regulations, and an indication of the means by which a description of those procedural safeguards may be obtained; and
- g. Sources for Parents to contact to obtain assistance and understanding of the provisions of the IDEA, Article 14, and their respective implementing regulations.

C. Notice of Issuance of Diploma

If a student is to receive a regular high school diploma, at least one year prior to the anticipated date of its issuance, both the Parents(s) and the student shall receive written notification that eligibility for public school special education services ends following the granting of a diploma and that the Parent (or student if he or she is 18 or over) may request an IEP meeting to review the recommendation that the student receive a regular diploma.

D. Language of Notifications

- 1. The notices required under the “Procedural Safeguards Notice” and “Notice by School District” Sections above shall be written in language understandable to the general public and provided in the native language of the Parent(s) or other mode of communication used by the Parent(s), unless it is clearly not feasible to do so.
- 2. If the native language or other mode of communication of the Parent(s) is not a written language, the School District shall take steps to insure and document that the notice is translated orally or by other means to the Parent(s) in his/her native language or other mode of communication and that the Parent(s) understands the content of the notice.

E. Opportunity to Examine Records; Parent(s) Participation in Meetings

1. The Parent(s) of a child with a disability shall be afforded an opportunity to inspect and review all education records with respect to their child. The School District shall insure that Parents of children with disabilities have the opportunity to participate in meetings with respect to the identification, evaluation, and educational placement of, and the provision of free, appropriate public education to, the child. A meeting does not include informal or unscheduled conversations involving School District employees or officials or other routine communications or consultation between School District employees or officials, including preparatory activities that school personnel engage in to develop a proposal or a response to a Parent's proposal that will be discussed at an IEP meeting.
2. Whenever a meeting is to be held which a Parent has a right to attend, the following requirements shall apply:
  - a. The School District shall notify in writing the Parent(s) at least ten days prior to the proposed date of the meeting of the purpose of the meeting, the proposed date, time, and place for the meeting, who will be in attendance; and the Parent(s)' right to invite other individuals whom the Parent(s) believe have knowledge or special expertise regarding the child; for the initial IEP meeting of a child who was previously served under Part C of the IDEA, upon request of the Parent, the Part C service coordinator or other representative of the Part C system; and, beginning not later than the first IEP to be in effect when the child turns 14½, or younger if deemed appropriate by the IEP Team, that post-secondary goals and services will be considered, that the student will be invited, and the identity of any other agency that will be invited to send a representative;
  - b. If the Parent(s) indicates that the proposed date or time is inconvenient, the School District shall make reasonable efforts to accommodate the Parent(s)' schedule;
  - c. If neither Parent can attend, the School District shall use other methods to ensure at least one Parent's participation;

- d. A meeting may be conducted without a Parent in attendance if the School District is unable to convince the Parent(s) that they should attend. In this case, the School District shall maintain a record of its attempt to arrange a mutually agreed-upon time and place;
- e. The School District shall take whatever action is necessary and reasonable to facilitate the Parent(s)' understanding of and participation in the meeting including arranging for and covering the expense of an interpreter for Parents who are deaf or whose native language is other than English; and
- f. Any document generated during the meeting shall be provided to the Parent(s) upon request, unless applicable federal or State statute or federal regulation requires its automatic provision without a request.

F. Consent

- 1. The School District shall document that informed written parental consent is obtained prior to:
  - a. Conducting any initial evaluation;
  - b. The initial provision of special education and related services to a child;
  - c. Conducting any reevaluation;
  - d. Using the Parent(s)' private insurance or Medicaid or other public benefits or insurance programs to pay for services required by the child's IEP;
  - e. Using an IFSP instead of an IEP;
  - f. Disclosing personally identifiable information about a child, consistent with the requirements of federal and State law;
  - g. Disclosing information to officials of participating transition agencies; and
  - h. Disclosing information to officials of a private school or a private school student's district of residence.

2. Consent for a proposed action is written agreement provided by a Parent(s) who has been fully informed of all information relevant to the activity for which consent is sought in his/her native language or mode of communication; who understands and agrees in writing to the carrying out of the activity for which consent is sought, and the consent describes the activity and lists the records (if any) that will be released and to whom; and that the agreement is voluntary and may be revoked at any time.
3. Parental informed written consent is not required before reviewing existing data as part of an evaluation or a reevaluation or administering a test or evaluation that is administered to all children unless parentally informed written consent is required of all children taking the test.

G. Revocation of Consent for Evaluations and Reevaluations

1. Revocation of informed written consent for evaluations or reevaluations may be communicated orally or in writing. If communicated orally, the School District will commit it to writing and provide the Parent(s) with a copy within five days. Any revocation of informed written consent for evaluations or reevaluations is effective immediately, but is not retroactive. The School District will promptly inform all staff members whose activities are affected by the revocation. If the School District disagrees with a Parent's revocation of informed written consent, the School District may request a due process hearing.

H. Revocation of Consent for Special Education and Related Services

1. A Parent may revoke consent for special education and related services.
2. Revocation of consent for special education and related services may be communicated by a Parent in writing or orally. The District will memorialize the Parent's oral revocation of consent in writing and provide a copy to the Parent within five days.

3. Within 10 calendar days after the School District's receipt of written revocation of consent, the School District will provide the Parent with prior written notice at which time all IEP services shall cease. The School District will promptly inform all staff members whose activities are affected by the revocation.
4. When a Parent revokes consent for special education and related services:
  - a. The School District may not utilize mediation or the due process procedures to obtain agreement or a ruling that the services may be provided to the child.
  - b. The School District is not required to convene an IEP meeting or develop an IEP for the child for further provision of special education and related services.
  - c. The School District will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further special education and related services.
  - d. The School District is not required to amend the child's education records to remove any reference to the child's receipt of special education and related services because of the revocation of consent.

#### I. Filing a Due Process Complaint

1. The Parent(s) or the School District may file a due process complaint regarding: the School District's proposal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child; or the School District's refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of FAPE to the child. The due process complaint must allege a violation that occurred not more than two years before the date the Parent(s) or School District knew or should have known about the alleged action that forms the basis of the due process complaint. This two-year limitations period does not apply to a Parent(s) if the Parent(s) was prevented from filing a due process complaint due to a specific misrepresentation by the School District that it had resolved the problem forming the basis of the due process

complaint or due to the School District's withholding of information from the Parent(s) that was required to have been provided.

2. Notification to Parent(s)

The School District shall notify Parent(s) in writing of the procedures for requesting a due process hearing which includes a requirement that the due process complaint contain the following information:

- a. The name and address of the residence of the child or in the case of a homeless child or youth (within the meaning of the McKinney-Vento Homeless Assistance Act), available contact information for the child;
- b. The name of the school that the child attends;
- c. A description of the nature of the problem of the child relating to the proposed or refused initiation or change of the identification, evaluation, or educational placement of the child or the provision of FAPE to the child, including facts relating to such problem; and
- d. A proposed resolution of the problem to the extent known and available to the party filing the due process complaint at the time.
- e. This written notice must be provided to the Parent by the School District upon the School District's receipt of a due process complaint.

3. Content of the Due Process Complaint

The filing, basis for, and content of the due process complaint, whether by a Parent, a student, or the School District, must contain items specified in Section 10, L and a party may not have a hearing on a due process complaint until the party, or the attorney representing the party, files a due process complaint that meets these requirements. If a party believes that the due process complaint does not meet these requirements, a party can challenge the sufficiency of the due process by notifying the hearing officer and the other party in writing within 15 days of receipt of the due process complaint. The due process complaint must be deemed sufficient

unless such a challenge is made. The hearing officer must make a determination on the face of the due process complaint of whether the due process complaint meets the requirements within 5 days of receipt of the challenge and must immediately notify the parties in writing of that determination.

4. Notification of Free or Low Cost Legal Services or Other Related Services in the Area

The School District shall inform the Parent(s) in writing of any free or low-cost legal services and other publicly-funded services available in the area if the Parent(s) requests the information or the Parent(s) or the School District files a due process complaint.

5. Forwarding of Parent Due Process Complaint to ISBE

The School District's Superintendent shall, within 5 days after its receipt of the due process complaint, forward the complaint by certified mail or another means that provides written evidence of delivery to the Illinois State Board of Education in Springfield.

6. School District Response to Due Process Complaint

If the School District has not sent a "prior written notice" under IDEA's implementing regulations at 34 C.F.R. § 300.503 to the Parent(s) regarding the subject matter contained in the Parent(s)' due process complaint, the School District must, within 10 days of receiving the due process complaint, send to the Parent a response that includes:

- a. An explanation of why the School District proposed or refused to take the action raised in the due process complaint;
- b. A description of other options that the IEP Team considered and the reasons why those options were rejected;
- c. A description of each evaluation procedure, assessment, record, or report the School District used as the basis for the proposed or refused action; and

- d. A description of the other factors that are relevant to the School District's proposed or refused action.
  - e. The School District's submission of a response to the Parent's due process complaint does not preclude the School District from challenging the sufficiency of such complaint, where appropriate.
7. Other Party Response to Due Process Complaint

The party receiving a due process complaint must, within 10 days of receiving the due process complaint, send to the other party a response that specifically addresses the issues raised in the due process complaint.

8. Resolution Meeting

Within 15 days of receiving notice of the Parent(s)' due process complaint, and prior to the initiation of a due process hearing, the School District must convene a meeting with the Parent(s) and the relevant member or members of the IEP Team who have specific knowledge of the facts identified in the due process complaint. This meeting must include a representative of the School District who has decision-making authority on its behalf and cannot include the School District's attorney unless the Parent(s) is accompanied by an attorney. The purpose of this meeting is for the Parent(s) of the child to discuss the due process complaint, and the facts that form the basis of the due process complaint, so that the School District has an opportunity to resolve the dispute that is the basis of the complaint. The Resolution Meeting need not be held if the Parent(s) and the School District agree in writing to waive the meeting or to use the mediation process. Except where the parties have jointly agreed to waive the resolution process or to use mediation, the failure of the Parent(s) filing a due process complaint to participate in the resolution meeting will delay the timelines for the resolution process and due process hearing until the meeting is held. If the School District is unable to obtain the participation of the Parent(s) in the Resolution Meeting after reasonable efforts have been made, the School District may, at the conclusion of the 30-day period, request that a hearing officer dismiss the Parent(s)' due process complaint. If the School District fails to

hold the Resolution Meeting within 15 days of receiving notice of a Parent(s)' due process complaint or fails to participate in the Resolution Meeting, the Parent(s) may seek the intervention of the hearing officer to begin the due process hearing timeline. If a resolution to the dispute is reached at the Resolution Meeting, the parties must execute a legally binding agreement that is signed by both the Parent(s) and a representative of the School District who has the authority to bind the School District. The Resolution Agreement shall be enforceable in a State court of competent jurisdiction or a Federal district court. A party may void the Resolution Agreement within 3 days of its execution.

9. Amendment of the Due Process Complaint

A party may amend its due process complaint only if: the other party consents in writing to the amendment and is given an opportunity to resolve the due process complaint through a resolution meeting; or, the hearing officer grants permission, except that the hearing officer may only grant permission to amend at any time not later than five days before the due process hearing begins.

10. Rights of the Parties Related to the Impartial Due Process Hearing

Any party to a due process hearing has the following rights:

- a. To be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
- b. To present evidence and confront, cross-examine, and compel the attendance of witnesses;
- c. To prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;
- d. To obtain a written, or, at the option of the Parent(s), electronic, verbatim record of the hearing;
- e. To obtain written, or, at the option of the Parent(s), electronic findings of fact and decisions; and

- f. To receive disclosure of all evaluations completed by five business days prior to the hearing and recommendations based on the offering party's evaluations that the party intends to use at the hearing.

11. Parental Rights Related to the Due Process Hearing

Parent(s) involved in hearings must be given the right:

- a. To have the child who is the subject of the hearing present;
- b. To open the hearing to the public;
- c. To have the record of the hearing and the findings of fact and decisions provided at no cost to the Parent; and
- d. To have access to the School District's list of independent evaluators and may obtain an independent evaluation of their child at their own expense. The Parent(s) may ask the hearing officer to determine whether an independent evaluation is needed. If the hearing officer concludes, after reviewing the available information, that an independent evaluation is necessary, the hearing shall be delayed.

12. Participant's Right to Interpreter

Either party, or any other person participating in the hearing, may request that an interpreter be available during the hearing because one of the participants is hearing impaired and/or uses a primary language other than English. Interpreters shall be provided at the expense of the School District.

13. Stay-Put

During the pendency of any administrative or judicial proceeding related to mediation (if the School District voluntarily agrees to participate in mediation), except as provided below, unless the School District and the Parent(s) of the child agree otherwise, the child shall remain in his/her current educational placement. If mediation fails to resolve the dispute between the parties, the parent (or Student if

18years of age or emancipated) will 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” provisions of federal and State law. If the hearing involves the initial admission of the child to the public school, the child must be placed in the public school, with the Parent’s informed written consent, until the completion of all the proceedings. If the due process complaint involves an application for initial services under Part B of IDEA for a child who is transitioning from Part C of IDEA and is no longer eligible for Part C services, the School District is not required to provide Part C services that the child has been receiving. If the child is found eligible for special education and related services under Part B and the informed Parent consents in writing to the initial provision of special education and related services, then the School District must provide those special education and related services that are not in dispute between the Parent and the School District. If the decision of the hearing officer agrees with the Parent(s) that a change of placement is appropriate, that placement shall be treated as agreement between the State or School District and the Parent(s) for purposes of this Section.

14. School District Authority to Change a Student’s Placement

School personnel have the authority to change the current educational placement of a child with a disability:

- a. For not more than 10 consecutive school days for any violation of school rules, and additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct (as long as those removals do not constitute a change of placement as defined in the IDEA and related federal and State regulations); and
- b. To an appropriate interim alternative educational setting for the same amount of time that a child without a disability would be subject to discipline, but for not more than 45 school days, if:
  - (1) The child carries a weapon to or possesses a weapon at school, on school premises, or to or at a school function; or

- (2) The child knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function; or
- (3) The child has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function; or
- (4) Ordered by a hearing officer in accordance with the expedited hearing procedures set forth below.

15. Hearing Timelines

The School District will fully cooperate with the timelines set forth by the hearing officer to ensure that the hearing process is completed within 45 days from: the expiration of the 30-day resolution period; or, the date both parties agree in writing to waive the Resolution Meeting; or, after either the Mediation or Resolution Meeting starts but before the end of the 30-day period, the parties agree in writing that no agreement is possible.

16. Right to Appeal Hearing Decision

The Parent(s) or the School District may appeal the due process hearing findings and decision, within 120 days from the date the decision was mailed to the parties, by commencing a civil action in any court of competent jurisdiction.

J. Expedited Due Process Hearings

1. The School District may request an expedited due process hearing if school personnel believe that maintaining the current placement of the child is substantially likely to result in injury to the child or others.
2. The Parent(s) or child (if he or she is at least 18 years of age or emancipated) may request an expedited due process hearing if there is disagreement with regard to:
  - a. The School District's determination that a child's behavior was not a manifestation of his/her disability;

- b. The decision of the School District to move the child to an interim alternative educational setting; or
    - c. The interim alternative educational setting selected.
  3. When requesting an expedited hearing the requesting party must provide the following:
    - a. Name of legal counsel if the party is represented by counsel or intends to retain counsel;
    - b. Matters in dispute and specific relief sought;
    - c. Names of all witnesses to be called to testify at the hearing; and
    - d. Relevant documents.
  4. No later than two days prior to the hearing, both parties involved in the expedited hearing must disclose to the hearing officer and to each other any evidence, which is intended to be submitted into the hearing record.
  5. Unless the Parents and the School District agree in writing to waive a Resolution Meeting, a Resolution Meeting must occur within seven days of receiving notice of the due process complaint and the due process may proceed unless the matter has been resolved to the satisfaction of both parties.

K. Mediation

1. The purpose of mediation is to attempt to informally resolve disputes regarding the identification, evaluation, or placement of, or the provision of free, appropriate public education to, a child. The School District shall inform Parent(s), at least whenever a due process hearing is requested, that ISBE offers a process of mediation that may be used to resolve such disputes.
2. ISBE's Special Education Unit shall appoint a trained impartial mediator upon the request of the Parent(s) or the School District. Mediation sessions shall be scheduled in a timely manner and held in a location that is convenient to the parties.

3. Mediation is entirely voluntary. In no way shall mediation be used as a means to deny or delay a Parent's right to a hearing or any other rights afforded under IDEA, Article 14 of The School Code, or their implementing regulations.
4. Any resolution reached as part of the mediation process must be set forth in writing, is legally binding, and is enforceable by a court of competent jurisdiction.
5. Discussions that occur during mediation shall be confidential and may not be used as evidence in any subsequent due process hearings or civil proceedings.

L. Complaints

1. A Parent, individual, organization, or advocate may file a signed, written complaint with ISBE alleging that the School District has violated the rights of one or more children with disabilities. Such a complaint must include:
  - a. A statement that the School District has violated a requirement of the IDEA, Article 14, or their implementing regulations;
  - b. The facts on which the statement is based;
  - c. The signature and contact information for the complainant;
  - d. The names, addresses, and schools of attendance of the students involved, if known;
  - e. A description of the nature of the problem of the child, including facts relating to the problem; and
  - f. A proposed resolution to the problem to the extent known and available to the party at the time the complaint is filed.
2. A complaint to ISBE must allege only violations that occurred not more than one year prior to the date on which ISBE receives the complaint.
3. Consistent with State Board of Education procedures, the School District will submit a written response to a complaint. A copy of the response and all

documentation submitted by the School District to the State Board of Education will be simultaneously provided to the complainant. If the complaint was filed by someone other than the parent of a child who is the subject of the complaint (or the child if he or she has reached majority or is emancipated and has assumed responsibility for his or her own educational decisions) and the complaint is about a specific identifiable child or children, appropriate written signed releases must be obtained prior to the release of any documentation or information to the complainant or the attorney representing the complainant.

M. Surrogate Parents

1. The School District shall ensure that the rights of a child with a disability are protected through the appointment of a qualified surrogate Parent(s) when:
  - a. The Parent(s) cannot be identified or located; or
  - b. The child is a ward of the State; or
  - c. The child is an unaccompanied youth as defined in the McKinney-Vento Homeless Assistance Act (42 U.S.C.A. §11434a(6)) .
2. The School District shall undertake reasonable efforts to identify and discover the whereabouts of the Parent(s) of the child with a known or suspected disability. Such reasonable efforts may include documented phone calls, letters, certified letters with return receipts, visits to the home, and interviews with relatives and other individuals who may have knowledge of the whereabouts of the child's Parent(s).
3. If, after reasonable efforts have been made, the Parent(s) cannot be located, the School District shall take similar steps to establish contact with a relative, or an individual with whom the child resides and/or the individual or agency which is legally responsible for the child's care and education.
4. If, after reasonable efforts have also been made to identify a guardian of the child or a person acting as the Parent(s) of the child, no such person has been either

identified or located, the School District shall make a written request to ISBE to appoint a surrogate Parent(s) for the child in matters relating to the identification, evaluation, and educational placement of, and provision of free, appropriate public education to, him or her.

5. The written request to ISBE shall include information on the racial, linguistic or cultural background of the child.

N. Independent Educational Evaluations

1. Parent(s) have the right to obtain an independent educational evaluation of their child, subject to the provisions of federal and State law.
2. The School District shall provide to the Parent(s), upon their request, the list of independent educational evaluators developed by ISBE.
3. If the Parent(s) disagree with the School District's evaluation and wish to obtain an independent educational evaluation at public expense, they shall submit to the superintendent a written request to that effect.
4. If the School District disagrees with the need for an independent educational evaluation, it shall initiate a due process hearing to demonstrate that its evaluation is appropriate. Such a hearing shall be initiated by the School District within five days following receipt of a written parental request.
5. An independent educational evaluation at public expense shall be completed within 30 days after receipt of a Parent's written request, unless the School District initiates a due process hearing or the parties agree that the 30-day period should be extended. If either party wishes such an extension and is unable to obtain the other party's agreement, the School District shall initiate a due process hearing.
6. If the final decision of the hearing and review process is that the School District's evaluation is appropriate, the Parent(s) shall have the right to an independent educational evaluation, but not at public expense.

7. If the School District's evaluation is shown to be inappropriate, the School District shall pay for the independent educational evaluation or reimburse the Parent(s) for the cost of said evaluation.
8. If the Parent(s) are entitled to an independent educational evaluation at public expense, it shall be completed within 30 days after the decision is rendered, unless the parties agree that the 30-day period should be extended. If either party wishes such an extension and is unable to obtain the other party's agreement, the School District shall initiate a due process hearing.
9. When an independent evaluation is obtained at public expense, the party chosen to perform the evaluation shall be either:
  - a. An individual whose name is included on the list provided by ISBE with regard to the relevant type(s) of evaluation; or
  - b. Another individual possessing the credentials required by 23 Ill. Admin. Code § 226.840.
10. If the Parent(s) wishes an evaluator to have specific credentials in addition to those required by 23 Ill. Admin. Code § 226.840, the Parent(s) and the School District shall agree on the qualifications of the examiner and the specific evaluation(s) to be completed prior to the initiation of an independent educational evaluation at public expense. If agreement cannot be reached, the School District shall initiate a due process hearing subject to the time constraints set forth in this Section.
11. The conditions under which an independent evaluation is obtained at public expense, including the location of the evaluation and the qualifications of the examiner, shall meet the criteria that the School District uses when it initiates an evaluation, to the extent that those criteria are consistent with the Parent's right to an independent evaluation.
12. If the Parent(s) obtains an independent educational evaluation, the written results of that evaluation shall be considered by the IEP Team and may be presented as evidence at a due process hearing as provided by law. The School District shall

send the notice convening the IEP Team’s meeting within ten days after receiving the evaluation report or after the Parent(s) requests a meeting to consider the results of an independent evaluation.

O. Transfer of Parental Rights

1. All rights accorded to Parent(s) under the IDEA, Article 14 of The School Code, and their implementing regulations transfer to the child when he or she reaches 18 years of age or becomes an emancipated minor, unless a legal guardian has been appointed for the child or the child delegates his/her rights to the Parents or another adult after the child turns 18 years of age. The School District shall notify the child and the Parent(s) of such transfer of rights and the process for delegating such rights, and shall provide the student with a Delegation of Rights form, at least one year prior to the date that the child reaches the age of majority.
2. The School District shall provide any notice required by the IDEA, Article 14 of The School Code, and their implementing regulations to the child and the Parent(s).

LEGAL REF.: 20 U.S.C. §§ 1412(a)(6) (State eligibility), 1412(a)(7), 1413(a)(1) (local educational agency eligibility), 1415 (procedural safeguards).

34 C.F.R. §§300.500-300.520 (procedural safeguards and due process), 300.610-300.627 (confidentiality of information), 300.322 (Parent participation), 300.154(d) (methods of ensuring services), 300.320(c) (notification of transfer of rights).

105 ILCS 5/ 8.02, 5/14-8.02a, 5/14-8.02b, 5/14-6.10.

23 Ill. Admin. Code §§ 226.500-226.690 (procedural safeguards, State complaints, and due process), 226.180 (independent educational evaluations), 226.230(d) (age of majority for transfer of rights).

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