

Chicago Public Schools Policy Manual

Title: EDUCATION OF STUDENTS WITH DISABILITIES POLICY

Section: 601.10

Board Report: 19-1211-PO7

Date Adopted: December 11, 2019

Policy:

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Chicago Board of Education (“Board”) adopt a New Education of Students with Disabilities Policy.

PURPOSE: The purpose of this policy is to ensure the Chicago Public Schools (“District”) provides a free appropriate public education in the least restrictive environment and necessary related services to all students with disabilities enrolled in the District, as required by the Individuals With Disabilities Education Act (IDEA) and implementing provisions of the School Code, Section 504 of the Rehabilitation Act of 1973 (Section 504), and the Americans With Disabilities Act (ADA).

POLICY TEXT:

I. APPLICABILITY

This policy applies to all students with disabilities for whom it is determined, through definitions and procedures described in the IDEA, Section 504, the ADA, and the Illinois State Board of Education’s Special Education rules that require special education services from the District. The term “students with disabilities” as used in this policy means students between the ages of 3 and 21, which is the day before the student’s 22nd birthday.

II. STUDENTS WITH DISABILITIES ELIGIBLE UNDER THE IDEA

For students eligible for services under the IDEA, the District shall follow procedures for identification, evaluation, placement, and delivery of services to students with disabilities provided in the Illinois State Board of Education’s Special Education rules. The District’s Office of Diverse Learners Supports and Services (ODLSS) will develop a procedural manual establishing the procedures and guidelines for providing special education and related services to students with disabilities in accordance with the IDEA. All District schools, including charter, contract and option schools, must comply with the ODLSS IDEA procedural manual and ensure staff attend all mandated ODLSS training on students with disabilities.

III. STUDENTS WITH DISABILITIES ELIGIBLE UNDER SECTION 504/ADA

Students may be disabled within the meaning of Section 504/ADA even though they do not require services pursuant to the IDEA. The District will develop procedures to ensure that students who are disabled within the definition of Section 504/ADA are identified, evaluated, and provided with appropriate educational services. The District shall also establish and implement a system of procedural safeguards which cover students’ identification, evaluation, educational placement, and a complaint resolution process. ODLSS will develop a Section 504 procedural manual establishing the procedures and guidelines for identification, evaluation, educational placement and complaint resolution options for students covered under Section 504/ADA. All District schools, including charter, contract and option schools, must comply with the ODLSS Section 504 procedural manual and ensure staff attends all mandated ODLSS training on students with disabilities.

IV. PUBLICATION OF PROCEDURES.

The ODLSS IDEA and Section 504 procedural manuals shall be available on the ODLSS website. The ODLSS IDEA and Section 504 procedural manuals will be posted in English and the top five other languages.

V. LIMITATIONS

All terms above shall be interpreted as they are interpreted in the IDEA, Section 504, ADA and Illinois School Code. This policy is not intended to expand or limit rights created by the IDEA, Section 504, ADA and Illinois School Code. Nothing in this policy is intended nor shall be construed to create a private right of action against the Board or any of its employees. Furthermore, no part of this policy shall be construed to create contractual or other rights or expectations. Nothing herein is intended to affect the right of any person to make a charge of disability discrimination at any agency with jurisdiction over such claims.

Amends/Rescinds:

Cross References:

Legal References:

Americans with Disabilities Act (42 §§ U.S.C. 12101 et seq.); Individuals with Disabilities Education Act (20 U.S.C. § 1400); Section 504 of the Rehabilitation Act of 1973 (29 U. S. C. § 794); Illinois School Code (105 ILCS 5/Art. 14)

Public Comment:

Pursuant to Board Rule 2-6 this Policy was subject to Public Comment from 9/27/19 -11/8/19 and adopted at the December 11, 2019 Board Meeting [Board Report 19-1211-PO7].