

Overview of the Provision of Services for Students with Disabilities

Under the Individuals with Disabilities Education Improvement Act of 2004 (IDEA), the federal regulations, and Illinois statutes and regulations, all students with disabilities ages 3 through 21 have a right to receive a *free appropriate public education* (FAPE) in the *least restrictive environment* (LRE).

These legal requirements provide procedural safeguards regarding the identification, evaluation, and placement of students with disabilities. Essential to these procedural safeguards is the involvement of parents. The term "parent" means one or both of a student's parents (natural or adoptive); the student's legal guardian; a foster parent, the student's surrogate parent appointed by ISBE, or an individual acting in place of a natural or adoptive parent, including grandparents, stepparents or other relative, with whom the child lives or an individual legally responsible for the child's welfare. It may be presumed that a student's parent has the authority to act for the student unless a school official has been advised that the parent does not have the authority under applicable laws governing such matters as guardianship, separation and divorce.

The IDEA is a statute that authorizes funds to states and public school systems, such as Chicago Public Schools (CPS), under certain conditions. To receive these funds, school systems must ensure they will comply with specific mandates regarding the education of students with disabilities.

23 Illinois Administrative Code 226

The ISBE has promulgated rules to implement Article 14 of the School Code of Illinois, which applies to the education of students with disabilities. These rules provide further specificity regarding requirements for the identification, evaluation, programming, placement, and provision of procedural safeguards. In addition, rules are provided for the administration of special education, design of special education programs (including class size), home or hospital programs, state operated or private programs, special education personnel, transportation and residential care facilities.

Section 504 of the Rehabilitation Act of 1973 (Section 504)

The purpose of Section 504 of the Rehabilitation Act of 1973 is to (1) eliminate discrimination on the basis of disability in any program or activity provided by schools districts and other educational providers that receive federal financial assistance, and (2) ensure that students who are Section 504 eligible have educational opportunities equivalent to those of their nondisabled peers. Unlike the IDEA, Section 504 does not limit coverage to certain categories of disabilities and no categorical labels are necessary. Instead, a student with a disability under Section 504 is defined as one who (1) has a physical or mental health impairment that substantially limits a major life activity; or (2) has a record of such an impairment; or (3) is regarded as having such an impairment. 29 U.S.C. §794; 34 C.F.R. § 104, *et seq.*

Americans with Disabilities Act (ADA)

Students with disabilities are also protected under the ADA. The educational requirements under the ADA for students with disabilities are not significantly different than under Section 504.

Student Opportunities

All students with disabilities are eligible to apply to (FILL IN NAME) program(s). Appropriate services within these programs will be provided to meet the student's individual needs as delineated on the Individualized Education Program.

Addendum

Chicago Public Schools prohibits schools from creating individual IB Diverse Learner Policies. Schools are asked to submit this document instead.