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FOR IMMEDIATE RELEASE

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Governor Signs “Stay Put” Legislation Making it Easier to Resolve Special Education Disputes
HB 2618 Helps Families Pursue Mediation Instead of Lawsuits

CHICAGO, IL – Unanimously passed by the General Assembly in June, Gov. Rauner signed HB 2618 into law last week. The legislation, Public Act [100-0122](#) which was drafted by Legal Council for Health Justice and supported by numerous advocates, ensures continuity of special education services for children with disabilities in Illinois. Sponsors of the bill were Representatives Robyn Gabel and Carol Sente and Senators Don Harmon, Julie A. Morrison, and Donne E. Trotter.

Previously, the Legal Council drafted and helped pass an amendment to the Illinois School Code allowing children to continue to receive special education services (called “stay-put protections”) when there is a disagreement with the school regarding a child’s services and the parent or guardian requests mediation to resolve the dispute. This change was needed because schools were terminating or changing special education services unless a parent or guardian requested a timely due process hearing. However, due process hearings are both expensive and adversarial, and many parents are unable to navigate or participate meaningfully in this type of litigation.

The new legislation clarifies the child’s stay-put protections during mediation.

“Clarification of the ‘stay-put’ process during mediation will promote use of mediation and build trust between schools and families who exercise their right to challenge a school’s proposed changes to their students’ IEP (Individualized Education Program),” says Amy Zimmerman, child health advocate and long-time program director at Legal Council for Health Justice who helped author the bill.

In addition to clarifying the process for children to continue to receive special education services during the entire mediation process, the new law also requires updating of the Notice of Procedural Safeguards for special education that parents must receive which informs them about the rights and protections available under Individuals with Disabilities Education Act (IDEA). This notice had not been updated since 2009.

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