

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

R.J., et al.	)	
	)	
Plaintiffs,	)	Case No.: 12-cv-07289
	)	
vs.	)	Hon. Matthew F. Kennelly
	)	
CANDICE JONES,	)	
	)	
Defendant.	)	

**DEFENDANT’S SUBMISSION OF POLICY PURSUANT TO  
PARAGRAPH I(3) OF THE REMEDIAL PLAN**

Defendant Candice Jones, Director of the Illinois Department of Juvenile Justice (“DJJ”), by her attorney, Lisa Madigan, Attorney General of Illinois, submits the attached policy for the Court’s review and approval.

1. The remedial plan in this case (Dkt. No. 73) requires the DJJ to develop certain policies. For each such policy, paragraph I(3) of the plan requires the DJJ to provide a draft to the court-appointed experts and plaintiffs’ counsel at least 30 days prior to the deadline specified in the plan, consider in good faith any proposed revisions and meet and confer upon request, submit the policy to the Court for its review and approval, and implement the policy.

2. Pursuant to the remedial plan and related court orders, a policy addressing special education is due on December 5, 2014. (Dkt. No. 73 at Part III(8); *see also* Dkt. Nos. 87, 95)

3. In compliance with the remedial plan and related court orders, DJJ submits Exhibit A. This exhibit includes the required policy.

<b>Remedial Plan Requirement</b>	<b>Relevant Exhibit(s)</b>
Policy re special education (III(8))	Exhibit A ( <b>NEW</b> ) (AD 04.10.118, Special Education Services)

4. The DJJ provided Exhibit A to the court-appointed experts and plaintiffs' counsel on November 3, 2014, as required by the plan and related court orders. (The deadline was November 5; DJJ provided the policy two days early.) Plaintiffs and the experts have not proposed any revisions. The DJJ respectfully requests court approval of Exhibit A.

Dated: December 5, 2014

LISA MADIGAN  
Attorney General of Illinois

Respectfully submitted,

*/s/ Michael T. Dierkes*

Michael T. Dierkes  
Office of the Illinois Attorney General  
100 West Randolph Street, 13<sup>th</sup> Floor  
Chicago, Illinois 60601  
(312) 814-3000

Counsel for Defendant

<b>Illinois</b> Department of <b>Juvenile Justice</b>	<b>ADMINISTRATIVE DIRECTIVE</b>		Number	04.10.118
			Page	1 of 5
			Effective	DRAFT
Section	04	Programs and Services		
Subsection	10	Department of Juvenile Justice School District		
Subject	118	Special Education Services		

**I. POLICY**

**A. Authority**

20 U.S.C. § 1400, 29 U.S.C. § 794, and 24 U.S.C. § 126.12101 et al.

105 ILCS 5/13-40 and 5/14

34 CFR 300 and 23 Ill. Admin. Code 226

**B. Policy Statement**

The Illinois Department of Juvenile Justice School District, hereinafter the School District, shall provide a free appropriate education in the least restrictive environment and necessary related services to all children with disabilities enrolled in the School District as required by the Individuals with Disabilities Education Act (IDEA) and implementing provisions of the Illinois School Code, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act.

**II. PROCEDURE**

**A. Purpose**

The purpose of this directive is to establish written guidelines governing the provision of special education services, including the (a) timely obtaining youths' IEPs and related materials from their prior schools, (b) identification and assessment of youth with learning disabilities, (c) development and implementation of IEPs, and (d) monitoring to ensure that youth are receiving the services specified in their IEPs.

**B. Applicability**

This directive is applicable to all youth centers schools and contractual educational programs within the Department School District.

**C. Facility Reviews**

A facility review of this directive shall be conducted at least annually.

**D. Designees**

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

<b>ADMINISTRATIVE DIRECTIVE</b>	Effective <b>DRAFT</b>	Page <b>2 of 5</b>	Number <b>04.10.118</b>
-------------------------------------	---------------------------	-----------------------	----------------------------

**E. General Provisions**

1. For students eligible for services under IDEA, the School District shall follow procedures for identification, evaluation, placement, and delivery of services to children with disabilities provided in the Illinois State Board of Education's Rules and Regulations to Govern the Administration of Special Education.
2. For those students who are not eligible for services under IDEA, but, because of a disability as defined by Section 504 of the Rehabilitation Act of 1973, need or are believed to need special instruction or related services, the School District shall establish and implement a system of procedural safeguards. The safeguards shall cover students' identification, evaluation, and educational placement.

**F. Requirements****1. Policy and Procedures Development**

- a) The Director of Special Education, in consultation with the School District Superintendent, shall develop procedures implementing federal and state requirements regarding the education of children with disabilities and the provisions of this directive.
- b) The foregoing procedures will be initially adopted by the Board of Education of the School District.
- c) The Director of Special Education is authorized to revise these procedures, as needed, provided the revisions comply with State and federal law, the School District Superintendent advises the Board of Education of such revisions in writing, and the Board approves said revisions.
- d) All special education policies and procedures are public documents and shall be available at the School District Administrative Office.

**2. Obtaining Educational Records from Youth's Prior Schools**

- a) Within 5 business days of a youth's commitment to the Department, the school counselor assigned to the Reception and Classification (R&C) center shall:
  - (1) Request the youth's school records from the youth's prior school using the School Records Request, Release of Student Information (Form 22 or 23) and;
  - (2) Attempt to determine whether or not the youth had an IEP at his or her prior school, and if so obtain a copy of the IEP by checking the Illinois State Board of Education IEP Tracking and Reporting System (I-Star) records, and if no IEP records exist calling the prior school and/or youth's parent/guardian.
- b) The school counselor assigned to the R&C center shall make at least three documented attempts to request IEP records within ten days of youth's

<b>ADMINISTRATIVE DIRECTIVE</b>	Effective <b>DRAFT</b>	Page <b>3 of 5</b>	Number <b>04.10.118</b>
-------------------------------------	---------------------------	-----------------------	----------------------------

commitment to the Department. Such attempts shall be documented on the Record of Attempt to Obtain Consent/Notification (Form 3a).

- c) The school counselor assigned to the R&C center shall make at least three documented attempts to request IEP records within ten days of youth's commitment to the. Such attempts shall be documented on the Record of Attempt to Obtain Consent/Notification (Form 3a).
- d) If within 10 business days, the school counselor assigned to the R&C center has not been able to determine whether or not a youth had an IEP or has discovered that an IEP exists but has been unable to obtain a copy of the IEP, the school counselor shall notify the R&C center principal and the Director of Special Education.
- e) If the School District does not receive a copy of the youth IEP or verbal or written confirmation of requirements of the IEP from the former School District before the youth receives his or her program assignment at the parent youth center, the Director of Special Education shall ensure that the parent youth center school initiates the process to develop a new IEP.
- f) If a youth had an IEP at his or her prior school district within Illinois, the School District shall provide education services comparable to those in the IEP from the former School District, until the School District either: (1) adopts the IEP from the former School District, or (2) develops, adopts and implements a new IEP.
- g) If a youth had an IEP at his or her prior school district from another state, the School Districts shall and provide education services comparable to those in the IEP from the former School District, until the School District: (1) conducts an evaluation, if determined to be necessary, and (2) develops, adopts and implements a new IEP, if appropriate.

### **3. Identification and Evaluation of Children with Disabilities**

- a) The Director of Special Education shall establish systematic procedures for identifying and evaluating youth who may be eligible for special education and related services, which shall include but not be limited to screening activities such as informal academic achievement testing, observations, and teaching intervention strategies are completed for all students in order to identify those that may be eligible for special education and related services.
- b) All youth shall be screened for vision and hearing problems while in Reception and Classification or within one month of assignment to parent youth center.
- c) All School District personnel are responsible for identifying youth who may be eligible for special education and related services, and shall refer youth for an evaluation using Referral for Evaluation (Form 1) to determine eligibility when appropriate.
  - (1) Teachers shall observe a newly placed youth for a period of time

<b>ADMINISTRATIVE DIRECTIVE</b>	Effective <b>DRAFT</b>	Page <b>4 of 5</b>	Number <b>04.10.118</b>
-------------------------------------	---------------------------	-----------------------	----------------------------

consistent with generally accepted practice and professional judgment. A minimum of ten (10) attendance days of observation is recommended for most students, but where evidence warrants, shorter observation periods may be appropriate. Such observations shall be documented on the Student Observation Checklist (Form 1a) and, when appropriate, the Intervention Strategies Pre-Referral (Form 1b).

- (2) Teachers and other professional personnel shall review each student's performance and progress on an on-going basis in order to refer those students who exhibit problems that interfere with their educational progress and/or their adjustment to the educational setting, suggesting that they may be eligible for special education.
- c) Evaluation to determine eligibility for special education and related services shall be conducted in accordance with the procedures established by the Director of Special Education.

#### **4. Individualized Educational Plans**

- a) IEPs shall be developed in accordance with the procedures established by the Director of Special Education.
- c) Once an IEP is developed or adopted, no delay shall occur in implementing a youth's IEP and all special education and related services shall be provided according to the youth's IEP.
- b) Staff responsible for the development and updating of IEPs shall in-put and maintain all IEPs on I-Star.
- d) The special education teacher(s) responsible for monitoring the youth's IEP shall complete a Report of progress on Annual Goals (Form 13p) and review student's progress with youth's parent/guardian at least quarterly.
- e) At least once a year or at the request of the youth or youth's parent/guardian an annual review shall be conducted in accordance with procedures established by the Director of Special Education.
- f) On or before the three year anniversary of a youth's date of eligibility a reevaluation shall be conducted in accordance with procedures established by the Director of Special Education.

#### **5. Monitoring of Special Education Services**

- a) By the 5<sup>th</sup> day of each month, the school psychologist or special education instructional specialist shall complete, for each student with an IEP, and forward to the school Principal and Director of Special Education a Student Monitor Log (Form 17), Student Monitor Records Status Report (Form 16), and when appropriate, a Near/Out-of-Compliance Log.

<b>ADMINISTRATIVE DIRECTIVE</b>	Effective <b>DRAFT</b>	Page <b>5 of 5</b>	Number <b>04.10.118</b>
-------------------------------------	---------------------------	-----------------------	----------------------------

- b) The assigned special education teacher or special education instructional specialist shall complete, at least quarterly for each student with an IEP who is enrolled in all general education classes, and forward to the school Principal and Director of Special Education a Consultative Services Progress Report.
- c) The School District Superintendent shall designate persons to serve on a Special Education Review Team for each youth center school and conduct an annual review for compliance with this directive and all School District policies related to the school's special education services. Each Special Education Review Team shall, at a minimum, consist of:
- (1) The School District Superintendent;
  - (2) The Director of Special Education;
  - (3) A special education instructional specialist from another youth center;
  - (4) A school psychologist from another youth center; and
  - (6) Other persons designated by the School District Superintendent.

Such reviews shall be conducted once each fiscal year and include an audit of at least 20% of educational files of youth receiving special education services at the youth center school and observations of the educational services being provided to such youth. Within one month of completion of the review, the Special Education Review Team shall submit a summary of its findings to the Department of Juvenile Justice School Board.

---

**Authorized by:**

---

**Candice Jones**  
**Director**