

According to Section 1413(a) of the Individuals With Disabilities Education Improvement Act of 2004 (“IDEA 2004”), each local school district in Illinois is expected to have in place policies and procedures that comply with the requirements of IDEA 2004 and the Illinois School Code at Part 226.710. Such policies and procedures must be in place to ensure that each and every child who attends a public school district in Illinois, and who is or may be a child with a disability covered under IDEA 2004 has access to a free appropriate public education. The SOWIC Governing Board, on behalf of all its member districts, adopted procedures to meet this requirement on November 09, 2021. They can be found out [www.sowic.org](http://www.sowic.org)

At the request of the SOWIC Governing Board, the following information is provided to you to offer additional guidance regarding Sections 3 and 6 of the approved procedures.

### **Section 3 - Evaluation and Determination of Eligibility**

***“A.1.e.(5)(a) If an evaluation is to be conducted:***

***(a) The School District shall convene a team of individuals (including the Parent(s)) having the knowledge and skills necessary to administer and interpret evaluation data. The composition of the team will vary depending upon the nature of the child’s symptoms and other relevant factors.”***

Procedural Guidance:

The team of individuals as it is referred to above should always be comprised of direct employees of the member district and/or Cooperative. At no time should an initial evaluation be conducted by staff members not directly employed by SOWIC and/or its member districts. For the purposes of a re-evaluation, it is allowable that in certain instances in which students are placed in private facilities, staff members outside of SOWIC and/or its member districts (i.e., staff working in private facilities) working directly with students be allowed to participate in the re-evaluation in so far as it is on a limited basis and applicable to the provision of a related service (i.e., physical therapy, occupational therapy, etc.). However, never should an evaluation be deferred completely to a team outside of SOWIC and/or its member districts primarily because, in doing so, you may also be limiting the district’s participation in determining the educational placement.

## Section 6. Serving Students in the Least Restrictive Environment

### ***“E1.(a). Determining Educational Placement***

***1. In determining any educational placement of a child, the School District shall ensure that:***

***a. The placement decision is made by a group of persons, including the Parent(s), and other persons knowledgeable about the child, the meaning of the evaluation data, and the placement options, and is made in conformity with the least restrictive environment requirements;”***

Procedural Guidance:

In most cases, the group of persons, as it is referred to above, is the same team of individuals from Section 3(5). Therefore, when you defer the evaluation to non-SOWIC/member district staff members, you are also deferring the placement determination to them as well. This is problematic for 2 specific reasons: 1. Non-SOWIC/member district employees are not bound to comply with our adopted policies and procedures. 2. Non-SOWIC/member district employees are not aware of the full continuum of placement options available within the districts and/or Cooperative.

Therefore, the group of persons, as it is referred to above, should always be comprised of direct SOWIC and/or district employees which will determine the appropriate placement in full compliance with our policies and procedures and in consideration of the continuum of placement options as defined below. If the determination is made that neither the District can meet the needs of the student nor could the needs be met in a SOWIC Program, then the district must consult with SOWIC in order to be able to look outside the Cooperative for available programs.

### ***“D. Continuum of Placement Options***

***The School District will ensure that a continuum of alternative placement options is available to meet the needs of children with disabilities. This continuum will include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. The continuum will also make provision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.”***

Procedural Guidance:

Our districts have a wide continuum of placement options available for all students. This continuum is comprised of in-district programs, SOWIC Programs, and in some cases programs offered through private facility and other placements. How teams determine an educational placement is based upon identifying the needs of the student (i.e., the evaluation or re-evaluation) and then choosing the Least Restrictive Environment available along the continuum that will meet those needs. It is a sequential process that begins by exhausting all placement options available in the child’s home district. As shown in (Figure 1) below, 1. In Home District programs can serve a wide variety of student needs. If in the event, placement option 1 is insufficient, then teams should consider placement option 2. SOWIC Program. If placement option 2 is insufficient, then districts

should consider placement options 3 or 4. It should be noted that Options \*3 and \*4 represent a very small percentage of the student population. If the determination is made that neither the District can meet the needs of the student nor could the needs be met in a SOWIC Program, then the district must consult with SOWIC in order to be able to look outside the Cooperative for available programs.

**FIGURE 1. Continuum of Placement Options**

