

ILLINOIS STATE BOARD OF EDUCATION
Special Education and Support Services Division

PROCEDURES FOR
PROGRESSIVE ENFORCEMENT ACTIONS AND
SANCTIONS
September 2010

The Illinois State Board of Education (ISBE), Special Education and Support Services Division, is responsible for ensuring a Free Appropriate Public Education (FAPE) for all eligible students with disabilities. It meets this responsibility in part through general supervision activities, including, but not limited to, focused monitoring, complaint investigations, and due process.

Consistent with its requirement to enforce compliance, in the event that a Local Education Agency (LEA) fails to meet ongoing compliance within required timelines, ISBE has developed the following enforcement actions and sanctions. When determining whether to initiate enforcement actions and sanctions, the Special Education and Support Services Division shall take into consideration the nature of the noncompliance, the LEA's history of noncompliance and the reason the LEA has failed to meet the required corrective action and/or timelines.

STEP 1

ISBE

If the LEA fails to meet the ISBE prescribed compliance requirements, the following actions will occur:

- An ISBE staff member will conduct preliminary interactions with the LEA, such as a telephone call to discuss and/or provide a reminder of the timeline.
- An ISBE staff member will then send a letter which may include the issues, corrective action, timelines and next steps for continued noncompliance.

DISTRICT

The district will submit documentation which addresses all areas of noncompliance immediately and/or no later than any timeline prescribed by ISBE.

STEP 2

ISBE

If noncompliance persists beyond the timeline set by the ISBE staff member's preliminary interaction with the LEA and subsequent letter, the following actions will occur:

- ISBE Administration will issue a letter to the District Superintendent and State-Approved Director of Special Education which may include:
 - the continued areas of noncompliance and chronology of events,
 - a specific date and time for a conference call between the LEA and ISBE staff to allow the district to report on the status of corrective action and their plans for resolution,
 - a copy of the *Procedures for Progressive Enforcement Actions and Sanctions*.

DISTRICT

- The district will immediately submit documentation which addresses all areas of noncompliance.
- The district will participate in the teleconference scheduled with ISBE staff, as required and outlined in the letter.

STEP 3

ISBE

If noncompliance persists beyond the timeline set in Step 2, the following actions will occur:

- The ISBE Assistant Superintendent for Special Education Services will send a certified letter to the LEA Superintendent and Local Board of Education President with a carbon copy to the State-Approved Director of Special Education which will include:

- The continued areas of noncompliance and chronology of events,
 - Language requiring the District Superintendent to inform his/her Local Board of Education of the continued noncompliance, which must include reading aloud a statement prepared by ISBE,
 - Information regarding confidentiality of student-specific information,
 - Information regarding next steps should the LEA continue to fail to meet the ISBE prescribed timelines.
- The ISBE State Superintendent will be notified at this step in order to initiate preparation for any subsequent enforcement procedures that must be taken.

DISTRICT

- The district will immediately submit documentation which addresses all areas of noncompliance.
- Immediately following, and no later than ten (10) business days of, receipt of the ISBE's certified letter, the LEA must initiate ISBE's prescribed steps, up to and including,
 - Preparing, and sending by certified mail, a letter to the local Board of Education explaining the district's noncompliance and the steps the district will take to immediately remedy the situation. This letter must include a copy of ISBE's letter, and if applicable, a prepared statement by ISBE
 - Submit, to ISBE, a copy of the LEA's letter and certified mail receipt.
- The district will read aloud the letter regarding the continued noncompliance at the next scheduled Board Meeting and include a status of the correction of noncompliance.
- Within two (2) business days of the Board Meeting, the district will provide the draft Board minutes which reflects the required content of the ISBE prepared statement.
- Upon adoption of the Board minutes, the district will provide the approved Board minutes which reflects the required content of the ISBE prepared statement.

STEP 4

ISBE

If noncompliance persists beyond the prescribed timeline set in Step 3, the following actions will occur:

- The ISBE Assistant Superintendent, in collaboration with any other necessary Division within ISBE, shall determine the appropriate sanction, which may include, but not be limited to, withholding of special education funds or review of a school district's recognition status pursuant to Section 1.20 of ISBE's Administrative Rules [23 Ill. Admin. Code 1.20].
- Notice will be provided to the LEA, consistent with any applicable regulatory or procedural requirements, as to the sanction to be imposed.