

**Procedural Guidance for School Districts Withdrawing  
From a Special Education Joint Agreement Formed  
Under 105 ILCS 5/10-22.31**

**Illinois State Board of Education  
Department of Special Education**

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**Procedural Guidance for a School District  
Withdrawing from a Special Education Joint Agreement  
Formed Under 105 ILCS 5/10-22.31**

**Legal Obligation: Withdrawal**

105 ILCS 5/10-22.31 of the School Code establishes the authority for the formation of a special education joint agreement and for the withdrawal of a district from such agreement. Articles of agreement are to include a provision for the withdrawal of districts by petition to the applicable regional board(s) of school trustees for all counties having jurisdiction over one or more of the districts in the joint agreement. A hearing process and a 2/3 approval vote from all applicable trustees are required by this section. The details of the hearing process and related action are found in 105 ILCS 5/7-6 of the School Code.

105 ILCS 5/10-22.31 provides for school boards to operate joint special education programs either through a designated agency or by appointing a governing board comprised of school board members. In either form, the school districts retain ultimate responsibility and liability for the program, although the use of a governing board places the authority for operations under the separate entity which avoids the need for approval of specific actions by the member districts.

Under 105 ILCS 5/10-22.31, the creation of a joint program is voluntary on the part of the participants. Therefore, the participants may modify or dissolve the joint program in accordance with the agreement. 105 ILCS 5/10-22.31 provides a mechanism for the competent Regional Board(s) of School Trustees to review a request to withdraw.

**Legal Obligation: Comprehensive Plan**

105 ILCS 5/14-4.01 requires all special education entities to submit comprehensive plans for the provision of special education services, or modifications thereto, to the State Board of Education via the Regional Superintendent. The comprehensive plans must include all the components identified at 23 IL Admin. Code 226.700 and must comply with all other applicable federal and state regulations.

Whenever a change occurs in the comprehensive plan, such as withdrawal from a special education joint agreement, significant modifications being made in the delivery system (amount or type) or a new entity being formed, revised comprehensive plans must be submitted by all entities affected, including each district individually or through the joint agreement of which it is a member. The Illinois State Board of Education (ISBE – for purposes of this document ISBE shall refer to the ISBE Division of Special Education Services) staff reviews proposed comprehensive plans based upon the requirements of the law and the Illinois State Board of Education rules, including the plan’s ability to ensure that a comprehensive program of special education services will be available to all students with disabilities within the proposed catchments area and that all applicable state

and federal requirements are met. Approval of a comprehensive plan is a prerequisite for approval to receive federal special education funds.

105 ILCS 5/14-3.01 requires (ISBE) to seek the advice of the Illinois State Advisory Council on the Education of Children with Disabilities (ISAC) with regard to modifications or additions to comprehensive plans.

### **Purpose of this Guidance**

The purpose of the following guidance is to:

1. Outline the activities required when a local school district withdraws from a special education joint agreement.
2. Identify the role and responsibility of ISAC and ISBE as relates to modifications of the Comprehensive Plan which are necessitated by the withdrawal process.

### **General Requirements**

1. A district may terminate its participation in a special education joint agreement in the manner set forth by 105 ILCS 5/10-22.31. Any changes in the membership of a special education joint agreement must also be consistent with the articles of agreement for the joint agreement.
2. A district must submit a petition to withdraw to the Regional Board(s) of School Trustees of all counties having jurisdiction over one or more of the districts in the special education joint agreement. Upon receipt of a petition for withdrawal, the Regional Board(s) of School Trustees having jurisdiction over the cooperative districts shall publish notice of and conduct a joint hearing on the issue as provided in Section 5/7-6 of the School Code. No such petition may be considered however, unless in compliance with Section 5/7-8 of the School Code. If approved by a 2/3 vote of the Trustees of those Regional Boards, at a joint meeting, the withdrawal takes effect as provided in Section 5/7-9 of the School Code.
3. Because withdrawal from a special education joint agreement causes a significant change in how a district delivers special education services, when a district is planning to withdraw, or is withdrawing from a special education joint agreement, it must submit to ISBE, a comprehensive plan addressing all of the components identified at 23 IL Admin. Code 226.700. ISBE evaluates the proposed comprehensive plan to ensure compliance with all state and federal requirements and to assure the availability of comprehensive programming to all students with disabilities residing within the district's catchment area. Approval of a comprehensive plan is a prerequisite for approval to receive federal special education funds. ISBE shall seek the advice of ISAC on modifications or additions to comprehensive plans submitted under Section 5/14-4.01 of the School Code.

## **Procedure and Timeline for Withdrawing School District Submission of Required Comprehensive Plan When Separating from a Special Education Joint Agreement**

Submission of a comprehensive plan may occur prior to, concurrent with, or directly after the withdrawal process mandated by Section 10-22.31; however, in order to avoid any potential interruption in eligibility for federal special education funds, withdrawing districts are highly encouraged to complete the comprehensive plan submission process prior to, or concurrent with, the submission of their petition to withdraw to the competent Regional Board of School Trustees. Submission of a comprehensive plan following the timeline outlined below is recommended in order to ensure that the withdrawing district meets its obligations under Section 5/14-4.01, including allowing sufficient time to meet the requirement of 5/14-3.01 (i.e., that new or modified comprehensive plans be submitted to ISAC).

1. **Six months** prior to the district's intent to withdraw or change its membership in a special education joint agreement, a written acknowledgment may be sent to the Illinois State Board of Education, Special Education Services Division and to the chairperson of the board of the special education joint agreement affected by the withdrawal.
2. **Within one month** of receipt of the District's written acknowledgment of its intent to withdraw or change its membership, ISBE shall schedule a meeting with the Superintendent of the district or other staff assigned by the District Superintendent to discuss the procedures for withdrawal. This meeting is scheduled at a time convenient with the District and ISBE, but not later than 6 weeks following receipt of the written acknowledgment.
3. **At the meeting**, the District Superintendent or designee shall be given copies of the Criteria for the Evaluation of Comprehensive Plans and Components of the Comprehensive Plan, included here as **Attachments #1 and #2**. A timetable shall be established for submitting required documentation and information to ISAC. A lead time of at least 6 months is recommended, or longer, if required by the articles of agreement for the joint agreement.
4. **(Optional) Immediately** following the meeting, the district may request time on the agenda at the next regularly scheduled ISAC meeting. If the district wishes to present, the presentation shall include the following:
  - A. Status of district's petition to withdraw
  - B. Timeline for revision of comprehensive plan
  - C. Timeline for intended implementation of revised comprehensive plan
5. **Within six weeks** following the District's initial meeting with ISBE, the district shall prepare and submit a summary of revised comprehensive plan, including the components outlined in **Attachment #2**, to ISBE's Special Education Services Division.

6. **Within one month** of receipt of the Comprehensive Plan, the Special Education Services Division, using the evaluation criteria found in Attachment #1, shall review the plan and prepare a written report to the district superintendent. A copy of the evaluation report shall be mailed simultaneously to the chairperson of ISAC.
7. **Within one month** of receipt of the evaluation report, the District shall modify and revise its plan as required.
8. **Within one month** of receipt of the revised plan, the Special Education Services Division shall review the modified Comprehensive Plan. If acceptable, the plan will be presented to the Comprehensive Plan Committee of ISAC for comment and suggested revision. Following this comment/revision, a letter acknowledging that the plan complies with all state and federal standards shall be mailed to the chairperson of ISAC for final action at their next regularly scheduled meeting.
9. **Simultaneously**, the Special Education Services Division shall notify the Superintendent of the District, the Regional Superintendent of Schools, and the Director of the Special Education Joint Agreement, when applicable that the district's comprehensive plan, if implemented as written, is in compliance with federal and state requirements. This letter will also invite these representatives to the regularly scheduled ISAC meeting where ISAC will make a recommendation concerning the Comprehensive Plan.
10. **Immediately** following ISAC's recommendation on the plan, a letter is issued to the district with a copy to the director of special education of the joint agreement, acknowledging notice of the withdrawal, approving of the district's comprehensive plan, and establishing a date for the conducting of an on-site monitoring review to occur the following school year. The purpose of this review is to ensure the delivery of special education and related services as outlined in the withdrawing district's comprehensive plan and those outlined in the joint agreement's comprehensive plan.

Due to the modification in the scope and, potentially, method of delivery of services, the special education joint agreement must submit to the Illinois State Board of Education any modifications or changes in its comprehensive plan resulting from the district's withdraw from the joint agreement. If no changes to the joint agreement's comprehensive plan are required as a result of the withdrawal, the director of special education for the joint agreement must submit a letter assuring that the comprehensive plan remains in effect as written and approved by ISBE.

11. The Special Education Services Division conducts the combined monitoring review in accordance with the timeline established above.
12. Upon completion of the monitoring review a separate report of the findings for each entity (e.g. withdrawing district and joint agreement) will be shared with ISAC.

13. When all corrective action items identified in the monitoring report have been resolved and all other contingencies met, final approval of the comprehensive plan by the Illinois State Board of Education is issued to the superintendent of the district. A copy of the approval letter is maintained with the district's comprehensive plan.

**Criteria for the Evaluation of Comprehensive Plans**  
Attachment #1

Review checklist of Special Education Policies and Procedures Assuring the  
Implementation of Comprehensive Programming for Students with Disabilities  
and Suspected Disabilities

**Components of the Comprehensive Plan**  
**Attachment #2**

(Components Derived from Requirements of 23 Ill.Admin.Code 226.700)

Section #1: Statistical Documentation:

Graphically the district must illustrate the following:

- Number of children served by the district by grade level
- Number of children with disabilities by category, age and LRE (placement)
- Student/teacher ratio for each grade level
- Per pupil expenditure for the past fiscal year
- Number of special education teachers and support personnel by position title, case load, certification requirements
- Number of buildings and description of the special education services provided in each

Section #2: Overview of Administrative Structure:

- Description of organizational structure, including organizational chart
- Description of financial resources, local, state and federal
- Description of the administrative services available to support and supervise the provision of special education. This shall include a listing of all administrative personnel by position title and certification

Section #3: Continuum of Program Options:

- Description of the program options including resource, instructional and related services available to meet the individual needs of students with disabilities.
- Description of the functional relationships with those public and private agencies which can supplement or enhance the special education programs of the public schools.
- Description of the process to be instituted to ensure that parents and other concerned individuals have input into the educational planning process.
- Description of the ongoing evaluation process to ensure continuous planning program growth and improvements.

Section #4: The District's Special Education Policies and Procedures for:

- Full Educational Opportunity Goal
- Confidentiality of Personally Identifiable Information
- Child Identification
- Evaluation and Determination of Eligibility
- Individualized Education Program (IEP)
- Least Restrictive Environment
- Transition of Children from Part C to Part B Programs
- Performance Goals
- Public Participation, Including Parental Involvement
- Procedural Safeguards
- Personnel Development
- Use of Part B Funds, Priorities, Excess Cost Nonsupplanting and Comparability

Section #5: A Copy of all District Special Education Forms:

Examples:

- Referral
- IEP
- Other locally developed forms designed to facilitate the delivery of services to students with disabilities and students with suspected disabilities