



ISBE Issues Preschool Initial Eligibility Guidance, Focusing on Meeting Timelines and Responding to Requests--On March 1, 2012, the Illinois State Board of Education ("ISBE") issued a new [guidance document](#) to provide clarification regarding the role of local education agencies ("LEAs") when receiving requests for initial special education evaluations for children ages three through five.

In its guidance, ISBE first reminds districts that they must have procedures for receiving requests for special education evaluations for children ages three through 21 years, and must make those procedures known to all concerned

persons.

In addition to conducting annual screenings for all children under the age of five to identify those who may need early interventions, districts must also conduct screenings at the request of a parent/guardian or other permissible requester (e.g., an employee of the ISBE or an LEA). ISBE clarified the distinction between screening (to determine if a child may be at risk for learning difficulties) and a full individual evaluation (to determine whether a disability exists).

ISBE further explained that the school district of residence is
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ISBE Hearing Officer Upholds Dismissal of Tenured Teacher For Improper Administration of ISAT--In a major decision involving issues of the integrity of administration of the Illinois Standard Achievement Test ("ISAT"), an ISBE-appointed hearing officer issued a final decision upholding a school board's dismissal of a tenured teacher charged with copying the 2006 ISAT and using the copies to prepare her students for subsequent ISAT exams.

In *Triad Community Unit School District No. 2 v. Julie Ackerman*, successfully defended by HLERK's **Tina Christofalos, Stephanie Jones** and **Chris Hoffman**, the primary issue was whether the teacher, Julie Ackerman, willfully violated test security protocols to give her students an unfair advantage or whether she simply made a remediable mistake because she did not know that copying the ISAT was wrong.

This case arose when administrators at Triad were informed in March 2011, by two of Ackerman's co-workers, that they had received old ISAT test questions from Ackerman to use to prepare their students. Unbeknownst to the teachers, Ackerman had made copies of the ISAT administered in 2006 and used the copies to create prompts for her own students. After making the copies, Ackerman whited-out

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Consumer Price Index

Percent change for the month of **March 2012**, for the urban wage earners & clerical indices as reported by the Bureau of Labor Statistics.

	All Urban (CPI-U)	Workers (CPI-W)
Chicago Mthly	1.2	1.4
12 Mth	2.1	2.3
St. Louis, 2nd Half		
6 Mth	1.1	1.1
12 Mth	3.1	3.6
U.S. Mthly	0.8	0.9
12 Mth	2.7	2.9

April CPI figures will be released May 14, 2012. For the most recent CPI, visit our website at: www.hlerk.com.

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Reminders & Notes

- HLERK congratulates IAASE on its receipt of the National Award for Professional Development from the National Council of Administrators of Special Education. HLERK is proud to have served as IAASE's general counsel since the formation of the organization.
- HLERK has updated its Student Handbook Checklist and Model Student Records Policy. Send in the attached Order Form to purchase your copy today.
- Attached is a reprint of a recent LRP article featuring **Bennett Rodick** on media relations in special education disputes. We hope you find it useful during "annual review" season.

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ISAT Cont. the information that identified the materials as an actual ISAT exam. During the first day of ISAT testing in 2011, Ackerman's colleagues recognized several of the exam questions from the materials they received from Ackerman. Once the teachers realized that Ackerman gave them secured test material, they reported the issue to their building principal.

During the district's investigation, Ackerman initially denied copying the ISAT but soon admitted to making the copies. The district concluded that Ackerman violated several board policies in addition to violating ISAT test security protocols. The district sent a report of its investigation to ISBE, explaining that secured test materials had been used to prepare students for the ISAT. ISBE responded by suppressing the ISAT scores for students exposed to the secure test material.

Ackerman challenged her dismissal before an ISBE appointed hearing officer. Ackerman argued that she

did not know that copying the ISAT was wrong.

The hearing officer rejected Ackerman's excuse, noting that she had received a copy of the 2006 Test Administration Manual, which clearly stated that copying the exam was absolutely prohibited.

The hearing officer did, however, note that additional written directives and in-house training sessions could have made an attempt to copy the test less likely to occur. Nonetheless, the hearing officer also explained, "No one should need to tell a teacher not to take an unfair advantage or to use prohibited materials in prepare (sic) students for a standardized test."

This teacher dismissal decision highlights the importance of adopting and distributing clear policies to inform staff of the district's test administration expectations. Please contact Tina Christofalos or Stephanie Jones with your employment policy or test administration issues.

Guidance Cont. responsible for conducting special education evaluations of preschool age children. As such, districts can require parents to furnish proof of residency.

Districts also need to designate the appropriate school personnel for parents to contact regarding preschool age screenings and evaluations and have procedures in place for handling these requests.

ISBE also provided a detailed explanation for what steps districts must take upon receiving a request for a special education evaluation for a child age three through five.

This ISBE Guidance also contains several illustrative examples of evaluation procedures, providing further elaboration on district determinations to proceed, or

not proceed, with an evaluation and parents' refusal to consent to an evaluation.

Finally, ISBE offered a variety of tips for avoiding delays in special education evaluations, including, among other things, ensuring all staff members are aware of the referral and evaluation process and have access to the written policies, offering parents/guardians more than one option (date/time) for the domain meeting, documenting the date of receipt of the signed consent form from parents, and keeping track of all timelines in order to ensure completion of the evaluation, eligibility conference and IEP within the required timelines.

Contact Bennett Rodick or Jay Kraning with your special education evaluation or referral inquiries.