

**RESOLUTION REGARDING ISBE PROCEDURAL CHANGE****IN THE ALLOCATION OF IDEA FLOW-THROUGH AND PRE-SCHOOL FUNDS**

**WHEREAS**, the Special Education District of McHenry County (“SEDOM”) is a special education joint agreement organized and existing under Section 5/10-22.31 of the *Illinois School Code*; and

**WHEREAS**, SEDOM and its member school district boards of education are reliant upon IDEA Flow-Through and Preschool funds to serve children with disabilities in SEDOM and member school district programs; and

**WHEREAS**, by Memorandum dated July 24, 2018 to District Superintendents and State-Approved Directors of Special Education (Subject: Procedural Change in Allocating IDEA Flow-Through and Preschool Funds) (hereinafter “the Memorandum”), the Illinois State Board of Education’s (hereinafter “ISBE”) Executive Director of Special Education informed Illinois special education joint agreements and school districts of a redirection of IDEA Flow-Through and Preschool Funds from joint agreements to school districts beginning July 1, 2019; and

**WHEREAS**, the Memorandum indicates the intent of ISBE to deny IDEA Flow-Through and Preschool Funds assistance to Illinois special education joint agreements beginning July 1, 2019; and

**WHEREAS**, Illinois special education joint agreements meet the definition of “local educational agency” (hereinafter “LEA” or “LEAs”) under Sections 1401(19) and 1411(e)(3)(A)(ii) of the *Individuals with Disabilities Education Act*, 20 USCA §1401 *et seq.* (hereinafter “IDEA”), and are eligible to receive IDEA Flow-Through and Preschool Funds assistance; and

**WHEREAS**, the option of requesting a six-month extension to implement the procedural changes described in the Memorandum until December 31, 2019, mid-fiscal year, based on criteria not yet developed by ISBE, is insufficient for adequate transition and inadequate to fulfill ISBE’s responsibilities under the IDEA as a State Educational Agency to provide assistance to special education joint agreements; and

**WHEREAS**, the July 1, 2019 timeline for implementation established in the Memorandum, and the option of requesting a six-month extension to implement the procedural changes described in the Memorandum until December 31, 2019, are also insufficient and inadequate for the following reasons:

- A six-month extension complicates joint agreement and school district budget processes which are based on a fiscal year, as budgets would reflect expenditures for the first half of the year; and
- Unnecessarily complicates the annual audits of special education joint agreements and their member school districts; and
- Cash flow for special education joint agreements relies on IDEA funds for salaries. The proposed implementation adds as second layer of responsibility for school districts by completing expenditure reports and then making timely payment to joint agreements; and
- Offers inadequate time for special education joint agreements and member boards of education to study organizational and funding structures which may be necessary to implement the procedural change, and to develop and approve amendments of articles of joint agreement consistent with such local determinations; and
- A full budget cycle is necessary required to address articles of joint agreement, joint agreement structure, responsibility for application and disbursement of IDEA funds, and the staffing considerations necessary to shift responsibilities to school districts; and
- Additional time is required for ISBE-provided training of school district staff unfamiliar with the IDEA grant process in order to ensure application for maximum funding and IDEA compliance; and
- Additional time is required for ISBE-provided training of school district staff regarding maintenance of effort compliance and procedures under the IDEA and compliance with the *Grant Accountability and Transparency Act*; and
- Special education joint agreements and school districts have not been provided with additional ISBE guidance and technical assistance regarding shared/contracted services.

**NOW, THEREFORE,** It Is Hereby Resolved by the Executive Board of the Special Education District of McHenry County, McHenry County, Illinois, as follows:

**Section 1.** That the foregoing paragraphs are incorporated herein as the Board's findings.

**Section 2.** That the Board hereby opposes the ISBE Procedural Change in Allocating IDEA Flow-Through and Preschool Funds described in the Memorandum.

**Section 3.** That in the event that ISBE determines to implement any Procedural Change in Allocating IDEA Flow-Through and Preschool Funds, the Board opposes implementation prior to July 1, 2020.


**Section 4.** That without regard to any Procedural Change in Allocating IDEA Flow-Through and Preschool Funds, the Board urges ISBE to consider special education joint agreements as LEAs for purposes of IDEA Flow-Through and Preschool Funds.

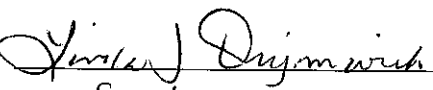
**Section 5.** That the Board authorizes the Executive Director to provide a copy of this Resolution to the ISBE's Executive Director of Special Education, the State Superintendent of Schools, the Illinois Governor, local legislators, and the U.S. Department of Education's Office of Special Education Programs, and post a copy thereof on the joint agreement's website.

**Section 6.** That the Executive Director is hereby authorized to engage with the executive directors and superintendents of other special education joint agreements and school districts, and with ISBE, for reasons which include but are not limited to the following purposes:

- A. To address and resolve the Board's opposition to a Procedural Change; and
- B. To address and resolve the Board's opposition to the timeline for implementation of a Procedural Change; and
- C. To consider funding special education joint agreements as LEAs for the purpose of flowing through IDEA and Pre-School Funds permissible under the federal definition of LEA in the Individuals with Disability Act

**Section 8.** That this Resolution shall be in full force and effect forthwith upon its adoption.

  
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President

Attest:   
\_\_\_\_\_  
Secretary

STATE OF ILLINOIS        )  
  ) SS  
COUNTY OF MCHENRY )

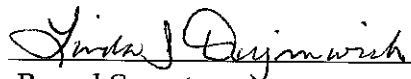
**CERTIFICATION**

I, the undersigned, do hereby certify that I am the duly qualified and acting Secretary of the Executive Board of SEDOM, McHenry County, Illinois, and that as such Secretary I am the keeper of the records and files of the Board.

I do further certify that the foregoing is a full, true and complete copy of a Resolution adopted by the Board at a meeting of said Board held on the 17th day of December 2018.

I do further certify that the deliberations of the Board on the adoption of said Resolution were conducted openly, that the vote on the adoption of said Resolution was taken openly, that said meeting was called and held in strict compliance with the provisions of the *Open Meetings Act* and the *School Code* of the State of Illinois, as amended, and that the Board has complied with all of the applicable provisions of said Act and said Code and with all of the applicable procedural rules of the Board in the conduct of said meeting.

IN WITNESS WHEREOF, I have here unto affixed my official signature this 17<sup>th</sup> day of December 2018.

  
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Board Secretary