



Illinois State Board of Education

Dr. Tony Sanders, State Superintendent of Education
Dr. Steven Isoye, Chair of the Board

100 N. First Street • Springfield, IL 62777 • isbe.net

August 1, 2023

Dear _redacted_

The purpose of this letter is to respond to the questions and concerns you raised about the Illinois Mathematics and Science Academy (IMSA) in your letter dated May 31, 2023. Your letter specifically raised two issues: 1) that IMSA refuses to provide Section 504 Plans and Individualized Education Programs (IEPs) to students with disabilities, and 2) that IMSA excludes some students with disabilities through its residential program. Based on these allegations, you requested additional State oversight for IMSA's policies and procedures, specifically from the State Board of Education.

As you acknowledge in your letter, IMSA is not chartered under the Illinois School Code. It is an independent State agency,¹ established by the Illinois legislature, and governed by a Board of Trustees.² ISBE recently met with representatives from the Office of Special Education Programs (OSEP) to discuss whether ISBE has any authority over special education programming at IMSA, and we are awaiting follow-up from OSEP. In the meantime, we are responding to the other allegations in your letter. First, you claim that IMSA refuses to provide students with 504 Plans. Section 504 Plans are created under Section 504 of the Rehabilitation Act, and complaints related to 504 Plans are appropriately brought through a complaint with the U.S. Department of Education's Office for Civil Rights (OCR), not ISBE. You also state that IMSA excludes some students with disabilities through its requirement for students to participate in the residential program. Primarily, these claims are based on alleged violations of Section 504 and Title II of the ADA. Similar to the issue with 504 Plans above, ISBE does not enforce Section 504 of the Rehabilitation Act or the Americans with Disabilities Act, and as a result, does not have jurisdiction to investigate such complaints.

We hope that this response is helpful in better understanding the relationship between IMSA and ISBE, as well as the appropriate avenues to pursue these issues further should you choose to do so. Please let us know if you have any questions.

Best,

A handwritten signature in cursive script that reads "Barbara A. Moore".

Barbara A. Moore
Director, Department of Special Education Operational Support

CC: Will Hrabe, Assistant Legal Counsel, Illinois State Board of Education
Josiah Wiley, Education Program Specialist, US Department of Education Office of Special Education Programs

¹ 105 ILCS 305/2

² 105 ILCS 305/3