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A World Wide Web Site of Special Education Law For Educators in Illinois

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A World Wide Web Site of Special Education Law

For Educators in Illinois

(TITLE)

BY

Roger L. Epperson

1946 -

FIELD EXPERIENCE

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
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I HEREBY RECOMMEND THAT THIS FIELD EXPERIENCE BE ACCEPTED AS FULFILLING
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Abstract

Any educational decision regarding evaluation, placement, or instruction of special education students involves legal liability and accountability for a school district. Without the special education legal knowledge from primary legal sources needed to make prudent education decisions, school districts are vulnerable to legal challenges. Too often, educators provide services to special education students without critical knowledge of the educators' role in the special education legal process.

In this study, just the preliminary phase of constructing a special education law World Wide Web (W3) site for Illinois educators was considered. There were two objectives in this study. The first objective was to locate the relevant special education constitutional law, statutes, case law, regulations and sub-regulatory guidance for Illinois. The second objective was to construct a W3 site of special education law accessible to educators in Illinois. This qualitative study had four phases. There was first a gearing-up phase, second an initial design phase, third an iterative design phase, and finally a system installation phase.

On this W3 site, hyperlinks connect the primary special education constitutional law, legislative statutes, case law and regulatory laws and sub-regulatory guidance applicable to Illinois to this site. The U. S. Constitution and Illinois Constitution are available on this W3 site. The Federal statutes available on this site include the Individuals with Disabilities Act (IDEA) 1997 Amendments, Section 504 of the 1973 Rehabilitation Act, the Family Education Rights Privacy Act (FERPA), the

Americans with Disabilities Act (ADA), and these statutes respective implementing regulations. The Illinois Compiled Statutes (ILCS) and its implementing regulations are available on this W3 site. Sub-regulatory guidance consisting of memorandum, directives, and policy statements from the U. S. Department of Education (DOE) and the Illinois State Board of Education (ISBE) are available on this site. Finally, judicial opinions from the U. S. Supreme Court, U. S. Appellate Courts, U. S. District Courts and the Illinois Supreme Court, Illinois Appellate Courts, and Illinois Circuit Courts are available on this W3 site.

Table of Contents

List of Tables.....	vi
Chapter 1: An Overview.....	1
Background.....	1
Statement of the Problem.....	2
Objectives.....	3
Assumptions.....	4
Limitations.....	4
Delimitations.....	4
Definition of Terms.....	5
Uniqueness of the Study.....	7
Chapter 2: Rationale, Related Literature and Research.....	8
Rationale.....	8
Related Literature.....	10
Research Reviewed.....	16
Chapter 3: Design of the Study.....	19
Overview.....	19
Gearing-up Phase.....	20
Initial Design Phase.....	24
Iterative Design Phase.....	26
System Installation Phase.....	28
Chapter 4: Results.....	29

Overview.....	29
Objectives.....	29
Chapter 5: Summary, Conclusion, and Recommendations.....	33
Summary.....	33
Conclusions.....	34
Recommendations.....	35
References.....	36
Appendix: Home Page.....	41

List of Tables

Table1 Comparison of LRP and W3.....41

Chapter 1

Overview of the Problem

Background

In concept, the World Wide Web (W3) is an ideal medium to distribute special education law to Illinois educators. Since educators already have access to the W3 in most school buildings, a site of special education law should prove reasonably effortless to access and use. Searching for legal information on the W3 offers clear competitive advantages over the book-publishing model in legal studies. A particular key word, date, court docket number, judge, dissenting opinion, etc. can search cases; something that was significantly more difficult in a paper-based search system. Even with clear advantages in concept, however, implementing a W3 site of special education law for Illinois educators is complex and difficult. One issue in designing a W3 site of special education law, which makes the design difficult, is the range of content and format options available to the web site designer.

To limit the number of initial design choices and to simplify the creation of a W3 site, the development process was divided into manageable phases. The first phase of this study only considered initiating and introducing the W3 site. In this preliminary phase, primary law from government sources, when available, was hyperlinked to this W3 site. This W3 site linked to secondary sites only if primary sites were unavailable.

In this first phase of the study, the primary law remained in original form without

explanations or interpretations. A discussion group or chat room, to talk about the legal nuances and ramifications of special education law, remained for inclusion during a later development phase of the W3 site. Moreover, testing the efficacy or usability of the W3 site for Illinois educators remained for later.

Constructing a W3 site to access special education law from one location is relevant to educators and legal researches throughout the country, not just Illinois educators. As Illinois is a large state, with an impact on what occurs in other states, a W3 site for Illinois educators may be beneficial in designing education W3 sites in other states. Moreover, a W3 site of special education law for educators in Illinois is similar to constructing a W3 site in other niche areas of law. Putting the legal raw materials together in a special education legal W3 site for Illinois educators may prove beneficial to other legal W3 designers. Likewise, learning from other sites may prove beneficial in designing this site.

Statement of the Problem

Even in this Internet era where information is available at the speed of light, special education legal information and resources are sometimes unavailable or difficult to acquire. Due to the sheer size (Al-Kofahi, Jackson, Kreilick, & Grom, 1998) and changeability (Rothstein, 1995; Yell, 1998) of special education law, locating information for educators in Illinois is sometimes problematical. Trying to use the W3 as a resource to find comprehensive, timely and accurate legal information related to Illinois special education law is a formidable task. Bajaj and Coelho (1998) note that an increased resource on the Internet has meant decreased

certainty as to the validity of information. The problem in this study was to access the special education law relevant to Illinois educators and incorporate this information on a W3 site.

Objectives

There were two objectives in this study. The first objective was to locate the relevant special education constitutional law, statutes, case law, regulations and sub-regulatory guidance for Illinois. The second objective was to construct a W3 site of special education law accessible to educators in Illinois.

On this W3 site, educators can hyperlink to the primary special education constitutional law, legislative statutes, case law and regulatory laws and sub-regulatory guidance applicable to Illinois. The U. S. Constitution and Illinois Constitution are available on this W3 site. The federal statutes available on this site included the Individuals with Disabilities Act 1997 Amendments (IDEA), Section 504 of the 1973 Rehabilitation Act, the Family Education Rights Privacy Act (FERPA), the Americans with Disabilities Act (ADA), and these statutes respective implementing regulations. The Illinois Compiled Statutes (ILCS) and its implementing regulations are available on this W3 site. An educator, on this W3 site, can locate sub-regulatory guidance consisting of memorandum, directives, and policy statements from the U. S. Department of Education (DOE) and the Illinois State Board of Education (ISBE). Finally, judicial opinions from the U. S. Supreme Court, U. S Appellate Courts, U. S. District Courts and the Illinois Supreme Court, Illinois Appellate Courts, and Illinois Circuit Courts are available on this W3 site.

Assumptions

This study assumed that educators know how to access the W3 and utilize electronic mail (e-mail).

Limitations

The limitations of this study were

1. Not all special education law is available on the W3. Federal Appellate, Federal District and the State of Illinois Supreme, Appellate, and Circuit court cases are unavailable on the W3 before 1995.
2. Hyperlinking, indexing, abstracting, and annotating primary documents, within or between documents, is outside the expertise of this writer and beyond the scope of this study.

Delimitations

This site is not comprehensive in its treatment of the law of special education. Social Security Law, Title VI and IX of the Civil Rights Act, Title VI of the Elementary and Secondary Education Act of 1965, Assistance and Bill of Rights Act for Developmental Delay, the United States Code (U.S.C) at 1983, the Perkins Vocational Act, and the Education Department General Administrative Regulations (EDGAR) were not investigated in this study. Special education law for group homes, mental hospitals and correctional facilities was not a topic of investigation in this study.

Definition of Terms

Boolean. A system of logical thought developed by the English mathematician and computer pioneer, George Boole (1815-64). In Boolean searching, an "and" operator between two words means one is searching for documents containing both of the word or values, not just one of them. An "or" operator between two words means one is searching for documents containing either of the words.

Browser. The basic software used to view W3 sites. The two most common browsers are Microsoft's Internet Explorer and Netscape Navigator.

Court Docket Service. A service that charges a rate for accessing federal and state case law. These services include CourtLink, CourtEXPRESS.com, CaseStream, and Pacer.

Fielded Searching. A search technique that allows for more advanced functions, such as limiting results by date or by section.

Fuzzy Logic. An approach to computing based on degrees of truth rather than the usual true or false 1 or 0.

Hypertext Markup Language (HTML). A series of specific ASCII symbols, which when read by a W3 browser, are used to format documents for the W3. Web browsers display text, graphics, and links on web pages by translating the HTML tags inserted into a plain-text file.

Headnotes. A one-paragraph summary of a court decision that is printed just before the opinion to give guidance and bearing to the reader.

Iterative Design. Repeating or making repetitions until the design becomes complete.

Jurimetrics. Lee Loevinger first applied computer technology to legal studies in the 1940's. Arizona State University College of Law presently awards the Loveinger Prize for the outstanding contribution to law and science. In addition, a quarterly Journal of Jurimetrics is published at Arizona State University.

Primary Laws. Administrative rules and regulations, federal and state statutes, and decisions by courts are published in legal records as primary law. These published rules, regulations, and court decisions are the foundation of our legal system.

Secondary Law. Background to legislation, regulations, and case law provided by law reviews, treatises, and legal experts is secondary law. This secondary law aids in understanding and locating primary sources of law.

Special Education. Specially designed instruction, at no cost to the students' parents, to meet the students' unique needs is the essence of special education. Special education includes instruction conducted in the classroom, home, hospitals and institutions, and other settings, and includes instruction in physical education. The term includes speech pathology and vocational education.

Sub-Regulatory Guidance. Generally, when additional details are required to clarify regulations, federal or state agencies will address specific issues in a policy letter or memorandum. Often, the directive states that the letter or memorandum is only for guidance.

Transmission Control Protocol/Internet Protocol (TCP/IP). A basic communication language or protocol of the Internet allows for the transfer of data between two or more computers.

Universal Resource Locator (URL). A standard for specifying the location of an object on the Internet, such as a network of servers on the Internet, each of which has one or more home pages.

Uniqueness of the Study

This was the first study that constructed a free W3 site of special education law for educators in Illinois to this writer's knowledge.

Chapter 2

Rationale, Related Literature, and Research

Rationale

Any educational decision regarding evaluation, placement, or instruction of special education students involves legal liability and accountability for a school district. Without the special education legal knowledge from primary sources needed to make prudent education decisions, school districts are vulnerable to legal challenges. Too often, educators provide services to special education students without critical knowledge of the educators' role in the special education legal process.

In 1996, Riley revealed that administrators need training in special education law. Seventy-four percent of responding administrators in the study failed to answer a satisfactory number of basic questions related to the application of special education laws. In fact, many public school administrators regarded special education legal principles with apathy or disinterest (Riley, 1996). Frohoff (1998) suggests that teachers lack critical knowledge of their legal role in the development and implementation of IEP'S, the characteristics, capabilities, and range of needs of students with disabilities, and individualized instructional strategies. Fundamentally, school districts must assure a reasonable standard of physical and educational care for all children (Essex, 1999).

Since passage of Public Law 94-142, the number of special education lawsuits, nationwide, has increased six-fold (Zirkel, 1997). Illinois courts saw a 30.1%

increase in special education litigation and the Seventh Circuit Appellate Court, which includes the Illinois Court of Appeals, saw an 8.7% increase in special education litigation (Maloney & Shenker, 1996). These special education court cases involve a multiplicity of issues, are highly complex, and lawsuits are costly to defend.

Federal and state courts and the Office of Civil Rights (OCR) have decided cases relating to: mislabeling of students through an improper assessment procedure; failing to maintain a student in the mainstream class with supplemental aids and services; absence of a teacher at an IEP meeting; inadequately writing objectives of a behavioral management plan in the IEP; being out of compliance due to architectural barriers in the school, and negligent placing a student in a special education class. For these legal oversights in special education cases, courts have determined consequences ranging from loss of funding for a district to personal liability for teachers and administrators (Frohoff, 1998).

In essence, simple court cases and due process hearings, over simple disagreements, can last for years with staggering costs incurred by both sides. Conversely, distinct advantages accrue to districts that can access the laws of special education and apply these laws to the problems they face in everyday school-related situations.

Sperry (1999) notes, for example, that understanding regulations, statutes and case law can sensitize educators to situations they may encounter in their classrooms and districts. Heubert (1997) observes that accessing Internet legal information can

offer useful and helpful guidance in those situations when an educator is undecided or unknowing about what to do. A direct benefit accrues to districts that can reduce legal challenges and concentrate on educational objectives. The more time spent on instruction in the classroom, the less time is required to prepare for costly lawsuits. Saving on operational budgets can lower administrative costs (LaMorte, 1999).

Related Literature

Before the digital dawn of computer aided legal research (CALR), a lawyer searching for special education case law, codes, or regulations, might consult a local courthouse law library. Searching through stack upon stack of scholarly treaties, row after row of legal reporters, and volumes of printed statute books and regulations for legal resources was still time-consuming and expensive. Searching out law delivered through a law library required specialized skills. Katsh (1989) notes that until World War II the law was synonymous with the printed book.

During the 1940s, the federal government and commercial legal publishers quickly realized the significance and potential of CALR systems as a means of storing, retrieving, and distributing legal information. Hibbitts (1996) observes that outside of the physics community, the legal community was the first profession to appreciate the potential and substance of CALR.

In early CALR research, Loevinger (cited in De Mulder & Noortwijk, 1997) examined the relationship between law and computer technologies. Using scientific and quantitative methods, jurimetrics studied the electronic processing of legal data, use of logic in the legal field, and automation of all dimensions of legal activity. In

jurimetrics research, a model of the legal system was constructed and the efficacy of the model was tested. Early jurimetrics research was concerned with the systematic and quantitative analysis of judicial decision making. “It is the empirical, quantitative and economical approach to law that will enable lawyers to come up with advice that will be relevant, reliable and comprehensible to their clients” (De Mulder & Noortwijk, 1997, p. 4).

One of the first generation of CALR publishers to apply jurimetrics research was John Harty, Director of the University of Pittsburgh Health Law Center. In the late 1950s and early 1960s, Harty constructed a database of selected laws. All Pennsylvania statutes, opinions on education from the Pennsylvania Attorney General, the complete statutes of New York State, health law statutes from 11 other states, and decisions of the U.S. Supreme Court and the Pennsylvania Court of Common Pleas were included in Harty’s system (Hibbits, 1996).

In April 1972, Lexis launched the first commercial legal database. Lexis, initially, offered its subscribers a database of full-text federal statutes and case law, a federal tax library, and selected federal and state judicial cases on CD ROM. In 1980, Lexis expanded its database. With the addition of NEXIS, a massive database of news and business information became available to subscribers (Lexis-Nexis, 2000).

The same year that Lexis began its computer-based system, the West Publishing Group began to work on a CALR system of its own called Westlaw. The first Westlaw system went into operation in April 1975. In December 1976, Westlaw

started a full text service of primary legal resources that could effectively compete with Lexis (McKenna, 1996). As Westlaw's CALR service grew, it spanned a variety of jurisdictions, practice areas and disciplines including education law. Using Westlaw, a subscriber could retrieve federal and state case law, regulations and statutes, determine whether a case was good law using West's citation system, read legal periodicals and treatises, and stay abreast of news developments on CD ROM (McKenna, 1996).

In 1997, Labor Relations Press (LRP) publications of Horsham, Pennsylvania, began publishing labor information and several years thereafter added special education legal information and resources for their commercial customers. LRP provides the complete text of the IDEA 1997 Amendments; Section 504 of the Rehabilitation Act of 1973; the ADA; the FERPA, and these statutes' respective implementing regulations. The Education Department General Administrative Regulations (EDGAR) is provided on the LRP W3 site (LRP, 2000).

Moreover, LRP publishes complete texts including concise headnotes of judicial decisions. Rulings and memoranda from the federal and state courts, the Office of Special Education and Rehabilitative Services (OSERS); the Office for Special Education Programs (OSEP); the Office of Civil Rights (OCR), and; the State Education Agencies including due process hearing officers' opinions are available on the LRP W3 site (Education Administration Online, 2000).

Furthermore, LRP publishes a number of magazines including the Individuals with Disabilities Education Law Report (IDELR), the Early Childhood Law and

Policy Reporter, Today's School Psychologist, Section 504 Compliance Advisor, Your School and the Law, Educating for Employment, and School Violence. The content of these magazines can be searched along with the primary law (Education Administration Online, 2000).

First generation legal publishers such as Westlaw, Lexis-Nexus, LRP rely on a highly trained, in-house staff to check the accuracy of legal information before distributing it. Legal information is edited, indexed, and digested. Spelling, grammar and other possible errors or inconsistencies are checked. Cases are annotated and headnotes are provided. These commercial legal publishers offer a well-developed system of comprehensive publication and retrieval in hard copy (Gerson, 1999). In essence, these first generation legal publishers were traditional book publishers who would eventually use the W3 primarily as a means to disseminate information (Hibbits, 1996).

During the period that commercial legal providers were distributing legal information on CD ROMs, researchers developed a system to disseminate data through computer networks. As noted by Leiner, Cerf, Clark, Kahn, Kleinrock (2000), the U.S. Department of Defense Advanced Research Project developed the Internet infrastructure to maintain military command and control in the event of a nuclear attack. By transmitting packets of data, with arcane names like transmission control protocol/internet protocol (TCP/IP) to computers connected to each other from remote locations throughout the world, virtually unlimited information resources became available to anyone with a modem and computer

In 1989 the W3, an Internet based system of interlinked pages of information, was born (Leiner, Cerf, Clark, Kahn, Kleinrock, 2000). The European Center for Particle Research received general credit for development of the experimental web infrastructure.

In 1992, a programming team at the National Center for Supercomputing Applications at the University of Illinois began working on Mosaic, a graphical browser for the Web. This user-friendly browser, which replaced an archaic search interface, took the computer world by storm. “The excitement of being able to provide images, sound, video clips and multifont text in a hypertext system was irresistible” (Cerf, 1997, p.3).

The W3 quickly became the most used and rapidly expanding component of the Internet. Today, web developers post hundreds of millions of web pages on the W3; thousands of W3 pages, related to special education law, are available from wide-ranging and diverse sites on the W3. As Martin (1995) notes, not only is the information on the W3 almost instantaneous, it arrives on the desktop virtually in any form possible, (e.g., documents, diagrams, graphics, photographs, sounds, video, and software).

A second generation of legal publishers began disseminating legal information in the early 1990s (Hibbits, 1996). The Legal Information Institute (LII) at Cornell University was one of the first non-commercial W3 legal sites. In 1992, the LII constructed the first non-commercial W3 dedicated to the dissemination of legal information in the United States. Established with a \$250,000 multi-year startup

grant from the National Center for Automated Information Research, LII began the first e-mail legal current awareness service: liibulletin (Bruce 1998).

Began in 1995, FindLaw piloted the non-commercial dissemination of legal information on the Internet (Findlaw, 2000). Essentially, Findlaw is a one stop-shopping site for federal and state legal sites. Access to W3 search utilities, cases and codes, legal news, community-oriented tools such as mailing lists, message boards, and free e-mail, a constitutional law center, a government information center, and the University Law Review Project are supported at the Findlaw W3 site. Findlaw provides an online library of legal resources with over 10,000 documents covering over 200 topics, including education law (Findlaw, 2000).

By contrast, with the first-generation legal publishers, fledgling Internet legal publishers such as Findlaw rely primarily on the power of W3 to access information from secondary sources. These publishers do not provide the same level of checking for accuracy of information as the first-generation publishers. Instead, these second generation publishers use the W3 as a network to connect information available from nearly limitless sources. New search capabilities link legal materials from sundry locations. A citation in a court case may link to a discussion of the court case from a completely different source. Locating one relevant site may lead to finding other relevant sites such as a law school or government archive. Thus, legal researchers can follow a trail of links in the subject matter (Hibbits, 1996). Susskind (1996) notes that access to associated information adds a powerful dimension to document-based research.

During the late 1990s, advances in computer technology hastened the merger of conventional computer technologies and W3 technologies. The term legal informatics began to appear, for the first time in the late 1990s, in the legal and computer literature (Binazzi, Ciampi, & Fameli, 1999; De Mulder & Noortwijk, 1997). Legal informatics refers to legal databases on mainframe and microcomputers. Techniques for document analysis, abstracting, classification and representation of the contents of legal documents; legal thesauri; automated analysis of legal language; formalization of legal language; symbolic logic and law; theory of legal decision-making; techniques for simulating legal and administrative decisions; artificial intelligence and legal reasoning; intelligent data banks, and; legal expert systems are phrases associated with legal informatics (Binazzi et al., 1999; De Mulder & Noortwijk, 1997).

Research Reviewed

With the rapid advance in computer technology, systems became available that not only disseminate information over the W3 but organize and assemble the information so that a user is presented with answers to legal questions. Five research studies examined, in this study, provide a snapshot of the power of computer technology to analyze and examine legal information.

In the first study, Frantz (1995) conducted a controlled experiment to test whether special education regulations loaded onto a computer could effectively train special education administrators in special education legal issues. A hypertext program was designed which allowed the user to maneuver sequentially through a

document or to move through the document using either a word find feature or by programmed links made within the document. After a two-month experimental period, software users evaluated the effectiveness of the system. The software agreed with the original document and was user friendly. To determine whether administrator's knowledge of regulations improved after the two-month experimental period, system users were given a pre and post-measure of effectiveness. A significant effect, between those who used the software and those who did not use the software, was found.

In the second study, Haft (1987) in the Legal Expert System (LEX) project constructed a computer program to enable lawyers to input in natural language a set of case facts. A user of the system could ask questions on the judicial issues connected to those facts. Based on the theoretical assumption that the process of deciding a law case is analogous to applying a set of existing rules to the facts of a case, new cases were compared to precedents by defining an abstract rule of the precedent and subsuming the new case under this rule. The study concluded that the computer-judge is not yet a possibility within the civil law system.

In the third study, Noortwijk, Van Piepers, Wees, and DeMulder (1991) designed the Juricas system, a legal computer advice system, to handle routine government decisions. The purpose of the system was to improve routine customer service. The program had the following functions: input of client data, checking the internal consistency of the input data, making calculations, drawing conclusions, reporting the conclusions of the system on the screen or on the printer. In this study, a

distinction was made between a legal advice system and a legal knowledge system. The authors concluded that more research into the syntactical characteristics of legal texts should lead to a better understanding of legal rules. One application of the program was used by the Social Security Service in the Netherlands for clients who needed information to basic questions.

In the fourth study, Di Giorgi and Nannucci (1992) developed a hypertext system prototype. The hyperdocuments consisted of three different types: legislation, case law and legal authority. By clicking on the legislation icon, for example, the user gained access to the collection of legislative statutes. From the retrieved documents, it was possible to move horizontally to the connected documents of the other two collections, case law and legal authority.

In the fifth study, Susskind (1996) made predictions concerning the future of computer technology and legal studies. Legal advice over the Internet will include a range of systems from electronic checklists through automated document assembly systems to diagnostic expert systems (Susskind, 1996). While not a replacement for conventional legal service delivery, these Internet systems may provide affordable and accessible entry to legal guidance. Courtrooms may soon be able to hyperlink to associated cases while typing their respective court summaries. Hyperlinking may become to the law what spreadsheets are to accounting. "It is an ideal mechanism for enabling users to follow up cross references, for providing context sensitive help and generally for offering a navigational tool through which a user can browse around legal and related information" (Susskind, 1996, p. 117).

Chapter 3

Design of the Study

Overview

In this qualitative study, the problem was to access the special education law relevant to Illinois educators and incorporate this information on a W3 site. There were two objectives. The first objective was to locate the relevant special education statutes, regulations, case law, and sub-regulatory guidance for Illinois. The second objective was to construct a W3 site of special education law accessible to educators in Illinois.

Since this was a first attempt by this writer to construct any kind of W3 site, an array of academic studies was examined for design ideas. An art museum web site (West, 1999), a resource center for a college of education (Huang, 1998), an allied health care profession web site for high school students (Murdach, 1998), and a professional development web site for music teachers (Nord, 1998) were considered for design features. Although these W3 sites differ in methods, guidelines, protocols and assessment models, common threads emerge from these studies. Each study employed iterative design concepts; each study organized the design process as ongoing and evolving.

Given the complexity of web design and the uniqueness of the study, adhering to a design model that incorporated flexibility, (i.e. iterative design) and provided a structure or sequence for design, (e.g., so as not to get lost in the process) seemed prudent. Gould's (1995) ideas of iterative design became a model of design for this

W3 site. Gould offers a four-phase chronological framework for enacting a W3 design. There is first a gearing-up phase, second an initial design phase, third an iterative design phase, and finally a system installation phase.

Gearing-Up Phase

The gearing-up phase of this study focused on locating the primary special education statutes, case law, and regulations. A simple search on the W3 turned up hundreds of sites devoted to law in general. Governments at all levels post free material. Many law schools, law libraries, law journals, and other legal organizations make significant amounts of legal information W3 accessible. Universities promote the distribution of government documents. Numerous public-spirited individuals provide directories, lists and indexes of information including lists of W3 users, mailing lists, and lists of newsgroups, databases, home pages and electronic periodicals. Depending on the specific special education law needed, the process of locating legal information on the W3 can sometimes be moderately simple and other times comparatively difficult.

In this study, case law was the most difficult special education legal resource to access on the W3. Special education court cases that occurred before 1995 are generally unavailable on non-commercial W3 sites. Specifically, most Federal Appellate and Federal District Court cases and State of Illinois Supreme Court, Appellate and Circuit cases decided before 1995 are unavailable from non-commercial W3 sources. A greater percentage of U. S. Supreme Court special education

decisions are accessible from the W3 than opinions from the other federal and state courts.

To access special education case law, the Findlaw site provides the most comprehensive and authoritative non-commercial selection of court cases available on the W3. On the case law section of the Findlaw site, decisions of the U. S. Supreme Court from 1883 to the present are available. U. S Appellate cases are available on the Findlaw Site from 1995 to the present. These U. S. Supreme Court and U. S. Appellate Court cases are searchable by citation, party name and a full text search. Free e-mail case law summaries are available for Supreme Court cases from Findlaw. It is also possible to back link to the Findlaw site for U. S. Supreme Court decisions by inserting HTML code on the local web page.

Other non-commercial sites that make case law available over the W3 include the U.S. Supreme Court site, which began disseminating case law in March 2000. The Kent College of Law site distributes 7th Federal Circuit Appellate cases from 1995 until the present. The U. S. District Courts began freely disseminating opinions in late 1999. The State of Illinois server issues State of Illinois Supreme Court and Appellate Courts decisions since 1995.

Locating federal legislative and administrative law from non-commercial sites on the W3 is easier than finding special education case law. Three main non-commercial W3 sites offer especially innovative and attractive options for accessing Federal statutes and regulations.

To find special education regulations and statutes over the W3, the DOE offers the IDEA 1997 amendments and implementing Code of Federal Regulations (CFR) on their W3 site. A section index, topic index and glossary provide an explanation and discussion of the regulations. The W3 site links information from the DOE W3 site to the Legal Information Institute (LII) W3 site at Cornell University. Clicking on a particular section of the U.S. Code transports the user from the DOE site to the LII site. The DOE W3 site even allows for searching words that sound like other words, (i.e., misspelled words).

A second site that offers statutes and regulations over the W3 is the U. S. House of Representatives W3 site. The U. S. House of Representatives W3 site provides a fully searchable Internet law library with accurate updates of the U. S Code available. Changes made to the CFR are noted by section. A convenient on-screen update service integrates the services of the U. S. House of Representatives server and the Library of Congress Thomas server. The Library of Congress Thomas server supplies access to the Congressional Record. When using the U. S. House of Representatives W3 site to find a particular phrase such as “least restrictive environment,” a user can search for parallel authorities from the CFR. At the U. S. House of Representatives W3 site, the user can do a concept related or fuzzy dictionary search.

A third site that offers regulations and federal statutes over the W3 is the Legal II at Cornell University. The LII displays sections of the CFR that contain a hypertext outline for browsing. Links for section notes, updates, and parallel authorities from

the CFR are viewable in a frame to the right of the text. The update service, available on a screen for each section of the code, integrates the services of the House of Representatives servers and the Library of Congress Thomas service. Finding a phrase such as least restrictive environment in the U. S. Code makes it possible to search for parallel authorities from the CFR. The notes section on the LII contains a brief history of the legal topic. The LII Internet database includes all Federal Registers since 1995. One or more sections of the CFR and all the Federal Register are searchable.

At this LII site, the CFR is searchable by title number, title and part number or title, part number and page number. The LII site provides keyword searching, field searching, and hypertext links from the LII table of contents to the CFR sections. A user of the LII site can search for Federal Register updates to the sections retrieved from the CFR.

Other sites that provide access to Federal statutes and regulations include the Government Printing Office (GPO). GPO allows for fielded searches in select databases such as the Congressional Bills and the Congressional Directory.

To access State of Illinois legislation over the W3, the legislative reference service of the Illinois General Assembly allows searches by Senate and House Bill and resolutions numbers and keywords. By knowing the bill number, an option is presented for the full text version or the bill status. The full text option provides a help page describing the steps needed to construct a search of the site. A template allows the user of the site to view the bill as introduced, the engrossed version, and

any House or Senate amendments. The Illinois General Assembly site includes introduced bills and resolutions, adopted amendments, engrossed bills and resolutions, conference committee reports adopted by both the House and the Senate, enrolled bills and resolutions, and re-enrolled bills for the 90th General Assembly which began in January 1997.

The implementing regulations for the Illinois Compiled Statutes (ILCS) are not available at the current time from a non-commercial W3 site. Through the Illinois Secretary of States Office, the table of contents of the administrative rules and weekly update of the highlights in the register are provided for a fee.

To locate letters of guidance and fact-finding memorandum on the W3, the Office of Civil Rights (OCR), Office of Special Education Programs (OSEP), Rehabilitation Services Administration (RSA), and the National Council on Disability (NCD) and the ISBE provide information on their W3 sites

Initial Design Phase

In the initial design phase, FrontPage was chosen as the web-authoring tool. Employing an iterative design concept made it critically important to incorporate rapid, significant, and extensive changes in the W3 site design. A W3 site developer can view sites as they are created using FrontPage.

To aid in organizing the primary special education resources on this W3 site, an overview of the resources was needed. On the home page, special education laws were posted by level and branch of government (see Appendix). The table creating

function of FrontPage was used to create the home page, which was linked to individual W3 sites.

Linking the home page with select web sites provided a user access to specific federal and state legal resources. When a user clicked on an underlined word or phrase from the home page (i.e., IDEA, U. S. Supreme Court, sub-regulatory guidance) the link transported the user directly to a W3 site. To hyperlink to a website, the host site's Universal Resource Locator (URL) was copied and pasted into the hyperlink box in FrontPage using the Control V command.

A navigation structure was incorporated throughout the W3 site by means of the shared borders feature of FrontPage. From the navigation bar a site patron could access the home, law, or e-mail buttons. Clicking one of these buttons transported the client to a specific page that provided additional information or added service.

In addition to the navigation bar, a banner placed on each page identified the site as Special Education Law- Illinois. A legal disclaimer positioned at the top of each web page cautioned the user to seek a qualified attorney before making legal judgments based on the legal material presented. The shared border feature of the FrontPage program was used to add the banner and legal disclaimer to the W3 site.

To individualize and make the W3 site attractive, the theme option in FrontPage was chosen. A legal notepad design was downloaded to appear as a background. Color was added to make the noteworthy parts of the law stand out. Bold print, italics, and shading were incorporated on the W3 site to mark the significance of a word or phrase. To allow both Netscape Navigator and Internet Explorer browsers to

view the W3 site, the tools and page options and compatibility tab in the options dialog box were chosen.

Iterative Design Phase

Many hardened web designers no longer insert under construction pages on their web sites. Digital technology changes so rapidly that a site is always under construction. This special education law W3 site evolved through a series of iterative design decisions.

Beginning in January 2000, the IDEA 1997 Amendments and its implementing regulations, the ILCS and its implementing regulations, and Section 504 of the 1973 Rehabilitation Act regulations were downloaded from various sites across the Internet to this writer's computer. Originally, searching the special education law from one search engine rather than searching individual W3 sites from different search engines seemed most efficacious.

To make these downloaded files smaller and easier for a browser to upload, sections of the CFR were copied to this writer's computer clipboard. One at a time, the paragraphs from the CFR were pasted into a lengthened line format using the paste special feature, which allowed for varying the look of the page. Copying and pasting was a time consuming and tedious process. An index created for each of the statutes and regulations provided an overview of and link to the individual pages. Creating the links between the individual pages and index page was accomplished by book marking the text target page and hyperlinking it back to the index.

In March 2000, a W3 site became available from the DOE that provided the IDEA 1997 Amendments and 1999 CFR in a searchable format, complete with internal links and a section on legislative background. In addition, the DOE site linked to the LII site to provide detailed information not possible to duplicate from the resources downloaded to this writer's computer. Until March 2000, to this writer's knowledge, a non-commercial site of the technological sophistication of the DOE site was unavailable.

In June 2000, a decision was made to remove the special education law previously downloaded to this writer's computer. Two sets of data on the same web site was too confusing for the user, especially since the IDEA1997 Amendments and CFR are the defining law in most special education legal cases. Rather than searching the special education law through one-search engine, an advantage of originally downloading the relevant statutes and regulations to a single site, search engines from the individual sites were used to search each web site in turn. The exception to using already existing W3 sites was the Illinois special rules and regulations adopted on September 25, 2000.

These rules and regulations are not available in searchable form on the W3 from a non-commercial site. Therefore, the Illinois special education rules and regulations were copied to this writer's computer clipboard, one at a time, and then pasted into a lengthened line format using the paste special feature, as the previous federal statutes and regulations had been copied. The Illinois special education rules and regulations were uploaded to a separate web address then hyperlinked to the index page to

appear seamless with the other sites. In other words, the Illinois special education rules and regulations were then searchable as a separate site, similar to the other W3 sites.

System Installation Phase

In October 2000, the Special Education Law--Illinois W3 site was uploaded to the Tripod site, a free site offering 50 megabytes of space, from this writer's computer. The site was uploaded using the FrontPage extension with the Hypertext Text Markup Language (HTML) protocol. [Http://members.tripod.com/cgrle](http://members.tripod.com/cgrle) is the URL for the Special Education Law—Illinois W3 site.

To update the Tripod site it was decided to maintain two sets of files, one on this writer's computer, in networking terms known as a mirror, and one at the web server. Both have identical directory structures. When new material and resources are discovered, the files are changed on this writer's computer. The altered files are uploaded to the server. Using this writer's computer as a mirror provides a complete backup copy of the site should anything happen to the web server.

Chapter 4

Results

Overview

The problem in this study was to access the special education law relevant to Illinois educators and incorporate this information on a W3 site. There were two objectives in this study. The first objective was to locate the relevant special education statutes, case law, regulations and sub-regulatory guidance for Illinois. The second objective was to construct a W3 site of special education law accessible to educators in Illinois.

Evaluating this W3 site was accomplished in two ways. First, the W3 site was compared with an established legal W3 site to make certain that relevant sections of the law were present. Second, the W3 site was tested for general web compatibility using commercial products available on the Internet to make certain that it was accessible to Illinois educators.

Objective

The results of the first objective were obtained by comparing the special education legal information provided on this site with information offered on a competitive commercial site. Labor Relations Press (LRP) publications of Horsham Pennsylvania, the premier provider of special education legal information on the W3, was used for comparison. The content of LRP's W3 site was matched against the legal content provided to Illinois educators.

When compared to the LRP site, all of the federal and state of Illinois primary statutes and regulations, not limited in the study, were available on the Illinois special education W3 site. As Table 1 indicated, not all of the State of Illinois primary law was available on the LRP site. Access to the proposed Illinois administrative statutes, for example, is unavailable from the LRP site. Clearly, LRP has more case law available and secondary law on their site, but this is because they have been amassing law cases since 1974. As more cases become available on the Internet, this W3 site will incorporate this case law.

Table 1

Comparison of the LRP and W3

Source of Law	LRP	Home
Federal Legislation	Yes	Yes
Federal Regulations	Yes	Yes
Illinois Legislation	Yes	Yes
Illinois Regulations	No	Yes
Case Law (Federal and State)	Yes	No

The results of the second objective were obtained by a series of browser tests. To evaluate site accessibility, Web Garage checked the page load time, dead links, and accuracy of HTML design code. A number of tests employing commercial products freely available on the Internet were utilized.

Web Garage, available at <http://websitegarage.netscape.com/>, checked how well W3 pages displayed when viewed with different browsers. The browser compatibility check rated the site as excellent. Web garage found zero compatibility issues with Netscape Navigator 4.0; three compatibility issues with Netscape Navigator 3.0; zero compatibility issues with Microsoft Internet Explorer 4.0; three compatibility issues with Microsoft Internet Explorer 3.0; three compatibility issues with American Online; zero compatibility issues with American Online 4.0, and; one compatibility issue with Web TV. These compatibility issues have to do with particular HTML coding in FrontPage that may be unrecognized, particularly by older browsers. The HTML coding for designing the length of a table, for example, is unrecognized by some of the older browsers.

Web Garage checked the page load time under six common modem speeds. This rating was satisfactory. The following description represented the connect rates in seconds with different modem speeds: 25.14 seconds with a 14.4 K modem; 14.40 seconds with a 28.8 K modem; 12.52 seconds with a 33.6K modem; 10.07 with a 56 K modem; 4.18 with a ISDN 128K modem, and 1.65 seconds with a T1 1.44Mbps modem.

The dead link check run by Web Garage rated the site as excellent having found no failed links. This test is especially important if a URL is not operating. It is frustrating for a user not to find a site after accessing its URL.

Finally, Web Garage checked the accuracy of the HTML design code on the web site. The test rated HTML coding as excellent. One concern, pointed out by the test,

was the speed at which the table loaded. It was suggested that a width attribute be added to the HTML coding.

Of course, the ultimate test of this site usability is educators' perceptions of the usefulness and ease of locating special education law. This test is, however, beyond the scope of this study in this initial and preliminary phase of web development.

Chapter 5

Summary, Conclusions and Recommendations

Summary

In this qualitative study, the problem was to access the special education law relevant to Illinois educators and incorporate this information on a W3 site. There were two objectives. The first objective was to locate the relevant special education statutes, regulations, case law, and sub-regulatory guidance for Illinois. The second objective was to construct a W3 site of special education law accessible to educators in Illinois. Gould's (1995) ideas of iterative and integrated design were used to create this W3 site. Gould offered a four-phase chronological framework for enacting the principles. There is first, a gearing-up phase, second an initial design phase, third an iterative design phase, and finally a system installation phase.

On this W3 site, hyperlinks are available to the primary special education constitutional law, legislative statutes, case law and regulatory laws and sub-regulatory guidance applicable to Illinois. The U. S. Constitution and Illinois Constitution are available on this W3 site. The federal statutes available on this site included the Individuals with Disabilities Act (IDEA) 1997 Amendments, Section 504 of the 1973 Rehabilitation Act, the Family Education Rights Privacy Act (FERPA), the Americans with Disabilities Act (ADA), and these statutes respective implementing regulations. The Illinois Compiled Statutes (ILCS) and its implementing regulations are available on this W3 site. Sub-regulatory guidance consisting of memorandum, directives, and policy statements from the U. S.

Department of Education (DOE) and the Illinois State Board of Education (ISBE) are available on this site. Finally, judicial opinions from the U. S. Supreme Court, U. S. Appellate Courts, U. S. District Courts and the Illinois Supreme Court, Illinois Appellate Courts, and Illinois Circuit Courts are available on this W3 site.

Conclusions

After amassing the special education legal information from sites across the W3, linking and searching the information became a major problem. At present, on this W3 site, a user can access IDEA 1997 amendments from one web site and the Illinois Special Education Rules and Regulations from another web site. Hyperlinking between these documents is impossible given the current web structure. Similarly, to find a citation to the federal or state statutes and regulations from a court case requires a separate search of the statutes and regulations.

One of the problems with iterative design is simply that no definitive plan exists on how to proceed in the design phase. Leaving unresolved design issues such as how to hyperlink together the individual sites, until the iterative phase of the research, might have compromised the design process. Choosing a different set of sites to hyperlink in the initial planning phase, for example, may have made it easier to link them.

Perhaps, iterative design increases flexibility, but this writer is less convinced of the efficacy of this technique when faced with solving specific technical problems. To accomplish technical tasks may require more control than available in iterative

design. Knowing exactly what is wanted and how to proceed to the objective may be an applicable design principle for creating a website of legal information.

Recommendations

The following are the recommendations of this writer resulting from the study

1. More exploration on ways to hyperlink sections of case law, statutes, and the code is needed.

2. A more sophisticated search engine is required to do fielded searching as well as search multiple sites from different servers at the same time.

3. A system to track changes in case law, statute and regulations is needed on the W3 site.

4. More investigation is needed of expert systems that will not only link information but also provide answers to simple legal questions.

5. More exploration of the possibilities of a discussion group, forum, and listserv to communicate with others interested in special education law in Illinois is required.

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Appendix

Home Page

[United States Constitution](#)[Illinois Constitution](#)**Federal**

LEGISLATION

[Individuals with Disabilities Act \(IDEA\)](#)[Family Education Rights Privacy Act](#)[Americans with Disabilities Act](#)[Section 504 of the 1973 Rehabilitation Act](#)

REGULATIONS

[Individuals with Disabilities Act \(IDEA\)](#)[Family Education Rights Privacy Act \(FERPA\)](#)[Americans with Disabilities Act \(ADA\)](#)[Section 504 of the 1973 Rehabilitation Act](#)

COURTS

United States Supreme Court

United States Appellate Courts

United States District Court-Illinois

SUB-REGULATORY GUIDANCE

State of Illinois

LEGISLATION

Illinois Compiled Statutes

REGULATIONS

Illinois Administrative Code

COURTS

Illinois Supreme Court

Illinois Appellate Courts

Illinois District Courts

SUB-REGULATORY GUIDANCE