



Rep. Robyn Gabel

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09800HB4407ham002

LRB098 17231 KTG 57400 a

1 AMENDMENT TO HOUSE BILL 4407

2 AMENDMENT NO. _____. Amend House Bill 4407 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Early Intervention Services System Act is
5 amended by changing Section 12 as follows:

6 (325 ILCS 20/12) (from Ch. 23, par. 4162)

7 Sec. 12. Procedural Safeguards. The lead agency shall adopt
8 procedural safeguards that meet federal requirements and
9 ensure effective implementation of the safeguards for families
10 by each public agency involved in the provision of early
11 intervention services under this Act.

12 The procedural safeguards shall provide, at a minimum, the
13 following:

14 (a) The timely administrative resolution of State
15 complaints, due process hearings, and mediations as
16 defined by administrative rule.

1 (b) The right to confidentiality of personally
2 identifiable information.

3 (c) The opportunity for parents and a guardian to
4 examine and receive copies of records relating to
5 evaluations and assessments, screening, eligibility
6 determinations, and the development and implementation of
7 the Individualized Family Service Plan provision of early
8 intervention services, individual complaints involving the
9 child, or any part of the child's early intervention
10 record.

11 (d) Procedures to protect the rights of the eligible
12 infant or toddler whenever the parents or guardians of the
13 child are not known or unavailable or the child is a ward
14 of the State, including the assignment of an individual
15 (who shall not be an employee of the State agency or local
16 agency providing services) to act as a surrogate for the
17 parents or guardian. The regional intake entity must make
18 reasonable efforts to ensure the assignment of a surrogate
19 parent not more than 30 days after a public agency
20 determines that the child needs a surrogate parent.

21 (e) Timely written prior notice to the parents or
22 guardian of the eligible infant or toddler whenever the
23 State agency or public or private service provider proposes
24 to initiate or change or refuses to initiate or change the
25 identification, evaluation, placement, or the provision of
26 appropriate early intervention services to the eligible

1 infant or toddler.

2 (f) Written prior notice to fully inform the parents or
3 guardians, in their native language or mode of
4 communication used by the parent, unless clearly not
5 feasible to do so, in a comprehensible manner, of these
6 procedural safeguards.

7 (g) During the pendency of any State complaint
8 procedure, due process hearing, or mediation proceedings
9 ~~or action~~ involving a complaint, unless the State agency
10 and the parents or guardian otherwise agree, the child
11 shall continue to receive the appropriate early
12 intervention services currently being provided, or in the
13 case of an application for initial services, the child
14 shall receive the services not in dispute.

15 (Source: P.A. 98-41, eff. 6-28-13.)

16 Section 99. Effective date. This Act takes effect upon
17 becoming law."