

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 3. The Illinois Commission on Volunteerism and
5 Community Service Act is amended by changing Sections 1, 6.1,
6 and 7 as follows:

7 (20 ILCS 2330/1) (was 20 ILCS 710/1)

8 Sec. 1. Creation. There is created in the Department of
9 Human Services ~~Public Health~~ the Illinois Commission on
10 Volunteerism and Community Service.

11 (Source: P.A. 98-692, eff. 7-1-14.)

12 (20 ILCS 2330/6.1) (was 20 ILCS 710/6.1)

13 Sec. 6.1. Functions of Commission. The Commission shall
14 meet at least quarterly and shall advise and consult with the
15 Department of Human Services ~~Public Health~~ and the Governor's
16 Office on all matters relating to community service in
17 Illinois. In addition, the Commission shall have the following
18 duties:

19 (a) prepare a 3-year State service plan, developed
20 through an open, public process and updated annually;

21 (b) prepare the financial assistance applications of
22 the State under the National and Community Service Trust

1 Fund Act of 1993, as amended by the Serve America Act;

2 (c) assist in the preparation of the application by
3 the State Board of Education for assistance under that
4 Act;

5 (d) prepare the State's application under that Act for
6 the approval of national service positions;

7 (e) assist in the provision of health care and child
8 care benefits under that Act;

9 (f) develop a State recruitment, placement, and
10 information dissemination system for participants in
11 programs that receive assistance under the national
12 service laws;

13 (g) administer the State's grant program including
14 selection, oversight, and evaluation of grant recipients;

15 (h) make technical assistance available to enable
16 applicants to plan and implement service programs and to
17 apply for assistance under the national service laws;

18 (i) develop projects, training methods, curriculum
19 materials, and other activities related to service;

20 (j) coordinate its functions with any division of the
21 federal Corporation for National and Community Service
22 outlined in the National and Community Service Trust Fund
23 Act of 1993, as amended by the Serve America Act;

24 (k) publicize Commission services and promote
25 community involvement in the activities of the Commission;

26 (l) promote increased visibility and support for

1 volunteers of all ages, especially youth and senior
2 citizens, and community service in meeting the needs of
3 Illinois residents; and

4 (m) represent the Department of Human Services ~~Public~~
5 ~~Health~~ and the Governor's Office on such occasions and in
6 such manner as the Department may provide.

7 (Source: P.A. 98-692, eff. 7-1-14; 99-78, eff. 7-20-15.)

8 (20 ILCS 2330/7) (was 20 ILCS 710/7)

9 Sec. 7. Program transfer. On the effective date of this
10 amendatory Act of the 102nd ~~98th~~ General Assembly, the
11 authority, powers, and duties in this Act of the Department of
12 Public Health ~~Human Services~~ are transferred to the Department
13 of Human Services ~~Public Health~~.

14 (Source: P.A. 98-692, eff. 7-1-14.)

15 Section 5. The Rehabilitation of Persons with Disabilities
16 Act is amended by changing Sections 1b, 3, 5, 5a, 9, 10, 11,
17 12a, and 13a as follows:

18 (20 ILCS 2405/1b) (from Ch. 23, par. 3432)

19 Sec. 1b. Definitions. As used in ~~For the purpose of~~ this
20 Act: ~~, the term~~

21 "Person ~~person~~ with one or more disabilities" means a ~~any~~
22 person who, by reason of a physical or mental impairment, is or
23 may be expected to require assistance to achieve ~~be totally or~~

1 ~~partially incapacitated for~~ independent living or competitive
2 integrated employment.

3 "Vocational rehabilitation" ~~gainful employment; the term~~
4 ~~"rehabilitation" or "habilitation"~~ means those vocational or
5 other appropriate services that ~~which~~ increase the
6 opportunities for competitive integrated employment.

7 "Independent living" ~~independent functioning or gainful~~
8 ~~employment; the term "comprehensive rehabilitation"~~ means
9 those services necessary and appropriate to support community
10 living and independence.

11 "Director" ~~for increasing the potential for independent~~
12 ~~living or gainful employment as applicable; the term~~
13 ~~"vocational rehabilitation administrator"~~ means the head of
14 the designated State unit within the Department responsible
15 for administration of rehabilitation and independent living
16 services provided for in this Act, including but not limited
17 to the administration of the federal Rehabilitation Act of
18 1973, as amended by the Workforce Innovation and Opportunity
19 Act.; ~~the term~~

20 "Department" means the Department of Human Services. ~~;~~ ~~and~~
21 ~~the term~~

22 "Secretary" means the Secretary of Human Services.

23 (Source: P.A. 89-507, eff. 7-1-97; 90-453, eff. 8-16-97.)

24 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

25 Sec. 3. Powers and duties. The Department shall have the

1 powers and duties enumerated herein:

2 (a) To cooperate ~~co-operate~~ with the federal
3 government in the administration of the provisions of the
4 federal Rehabilitation Act of 1973, as amended ~~by,~~ of the
5 Workforce Innovation and Opportunity Act, and of the
6 federal Social Security Act to the extent and in the
7 manner provided in these Acts.

8 (b) To prescribe and supervise such courses of
9 vocational training and provide such other services as may
10 be necessary for the vocational ~~habilitation~~ and
11 rehabilitation of persons with one or more disabilities,
12 including the administrative activities under subsection
13 (e) of this Section; ~~and~~ to cooperate ~~co-operate~~ with
14 State and local school authorities and other recognized
15 agencies engaged in vocational ~~habilitation,~~
16 ~~rehabilitation and comprehensive~~ rehabilitation services;
17 and to cooperate with the Department of Children and
18 Family Services, the Illinois State Board of Education,
19 and others regarding the ~~care and~~ education of children
20 with one or more disabilities.

21 (c) (Blank).

22 (d) To report in writing, to the Governor, annually on
23 or before the first day of December, and at such other
24 times and in such manner and upon such subjects as the
25 Governor may require. The annual report shall contain (1)
26 information on the programs and activities dedicated to

1 vocational rehabilitation, independent living, and other
2 community services and supports administered by the
3 Director; (2) information on the development of vocational
4 rehabilitation services, independent living services, and
5 supporting services administered by the Director in the
6 State; and (3) information detailing a statement of the
7 ~~existing condition of comprehensive rehabilitation~~
8 ~~services, habilitation and rehabilitation in the State;~~
9 ~~(2) a statement of suggestions and recommendations with~~
10 ~~reference to the development of comprehensive~~
11 ~~rehabilitation services, habilitation and rehabilitation~~
12 ~~in the State; and (3) an itemized statement of the amounts~~
13 of money received from federal, State, and other sources,
14 and of the objects and purposes to which the respective
15 items of these several amounts have been devoted.

16 (e) (Blank).

17 (f) To establish a program of services to prevent the
18 unnecessary institutionalization of persons in need of
19 long term care and who meet the criteria for blindness or
20 disability as defined by the Social Security Act, thereby
21 enabling them to remain in their own homes. Such
22 preventive services include any or all of the following:

23 (1) personal assistant services;

24 (2) homemaker services;

25 (3) home-delivered meals;

26 (4) adult day care services;

- 1 (5) respite care;
- 2 (6) home modification or assistive equipment;
- 3 (7) home health services;
- 4 (8) electronic home response;
- 5 (9) brain injury behavioral/cognitive services;
- 6 (10) brain injury habilitation;
- 7 (11) brain injury pre-vocational services; or
- 8 (12) brain injury supported employment.

9 The Department shall establish eligibility standards
10 for such services taking into consideration the unique
11 economic and social needs of the population for whom they
12 are to be provided. Such eligibility standards may be
13 based on the recipient's ability to pay for services;
14 provided, however, that any portion of a person's income
15 that is equal to or less than the "protected income" level
16 shall not be considered by the Department in determining
17 eligibility. The "protected income" level shall be
18 determined by the Department, shall never be less than the
19 federal poverty standard, and shall be adjusted each year
20 to reflect changes in the Consumer Price Index For All
21 Urban Consumers as determined by the United States
22 Department of Labor. The standards must provide that a
23 person may not have more than \$10,000 in assets to be
24 eligible for the services, and the Department may increase
25 or decrease the asset limitation by rule. The Department
26 may not decrease the asset level below \$10,000.

1 The services shall be provided, as established by the
2 Department by rule, to eligible persons to prevent
3 unnecessary or premature institutionalization, to the
4 extent that the cost of the services, together with the
5 other personal maintenance expenses of the persons, are
6 reasonably related to the standards established for care
7 in a group facility appropriate to their condition. These
8 non-institutional services, pilot projects or experimental
9 facilities may be provided as part of or in addition to
10 those authorized by federal law or those funded and
11 administered by the Illinois Department on Aging. The
12 Department shall set rates and fees for services in a fair
13 and equitable manner. Services identical to those offered
14 by the Department on Aging shall be paid at the same rate.

15 Except as otherwise provided in this paragraph,
16 personal assistants shall be paid at a rate negotiated
17 between the State and an exclusive representative of
18 personal assistants under a collective bargaining
19 agreement. In no case shall the Department pay personal
20 assistants an hourly wage that is less than the federal
21 minimum wage. Within 30 days after July 6, 2017 (the
22 effective date of Public Act 100-23), the hourly wage paid
23 to personal assistants and individual maintenance home
24 health workers shall be increased by \$0.48 per hour.

25 Solely for the purposes of coverage under the Illinois
26 Public Labor Relations Act, personal assistants providing

1 services under the Department's Home Services Program
2 shall be considered to be public employees and the State
3 of Illinois shall be considered to be their employer as of
4 July 16, 2003 (the effective date of Public Act 93-204),
5 but not before. Solely for the purposes of coverage under
6 the Illinois Public Labor Relations Act, home care and
7 home health workers who function as personal assistants
8 and individual maintenance home health workers and who
9 also provide services under the Department's Home Services
10 Program shall be considered to be public employees, no
11 matter whether the State provides such services through
12 direct fee-for-service arrangements, with the assistance
13 of a managed care organization or other intermediary, or
14 otherwise, and the State of Illinois shall be considered
15 to be the employer of those persons as of January 29, 2013
16 (the effective date of Public Act 97-1158), but not before
17 except as otherwise provided under this subsection (f).
18 The State shall engage in collective bargaining with an
19 exclusive representative of home care and home health
20 workers who function as personal assistants and individual
21 maintenance home health workers working under the Home
22 Services Program concerning their terms and conditions of
23 employment that are within the State's control. Nothing in
24 this paragraph shall be understood to limit the right of
25 the persons receiving services defined in this Section to
26 hire and fire home care and home health workers who

1 function as personal assistants and individual maintenance
2 home health workers working under the Home Services
3 Program or to supervise them within the limitations set by
4 the Home Services Program. The State shall not be
5 considered to be the employer of home care and home health
6 workers who function as personal assistants and individual
7 maintenance home health workers working under the Home
8 Services Program for any purposes not specifically
9 provided in Public Act 93-204 or Public Act 97-1158,
10 including but not limited to, purposes of vicarious
11 liability in tort and purposes of statutory retirement or
12 health insurance benefits. Home care and home health
13 workers who function as personal assistants and individual
14 maintenance home health workers and who also provide
15 services under the Department's Home Services Program
16 shall not be covered by the State Employees Group
17 Insurance Act of 1971.

18 The Department shall execute, relative to nursing home
19 prescreening, as authorized by Section 4.03 of the
20 Illinois Act on the Aging, written inter-agency agreements
21 with the Department on Aging and the Department of
22 Healthcare and Family Services, to effect the intake
23 procedures and eligibility criteria for those persons who
24 may need long term care. On and after July 1, 1996, all
25 nursing home prescreenings for individuals 18 through 59
26 years of age shall be conducted by the Department, or a

1 designee of the Department.

2 The Department is authorized to establish a system of
3 recipient cost-sharing for services provided under this
4 Section. The cost-sharing shall be based upon the
5 recipient's ability to pay for services, but in no case
6 shall the recipient's share exceed the actual cost of the
7 services provided. Protected income shall not be
8 considered by the Department in its determination of the
9 recipient's ability to pay a share of the cost of
10 services. The level of cost-sharing shall be adjusted each
11 year to reflect changes in the "protected income" level.
12 The Department shall deduct from the recipient's share of
13 the cost of services any money expended by the recipient
14 for disability-related expenses.

15 To the extent permitted under the federal Social
16 Security Act, the Department, or the Department's
17 authorized representative, may recover the amount of
18 moneys expended for services provided to or in behalf of a
19 person under this Section by a claim against the person's
20 estate or against the estate of the person's surviving
21 spouse, but no recovery may be had until after the death of
22 the surviving spouse, if any, and then only at such time
23 when there is no surviving child who is under age 21 or
24 blind or who has a permanent and total disability. This
25 paragraph, however, shall not bar recovery, at the death
26 of the person, of moneys for services provided to the

1 person or in behalf of the person under this Section to
2 which the person was not entitled; provided that such
3 recovery shall not be enforced against any real estate
4 while it is occupied as a homestead by the surviving
5 spouse or other dependent, if no claims by other creditors
6 have been filed against the estate, or, if such claims
7 have been filed, they remain dormant for failure of
8 prosecution or failure of the claimant to compel
9 administration of the estate for the purpose of payment.
10 This paragraph shall not bar recovery from the estate of a
11 spouse, under Sections 1915 and 1924 of the Social
12 Security Act and Section 5-4 of the Illinois Public Aid
13 Code, who precedes a person receiving services under this
14 Section in death. All moneys for services paid to or in
15 behalf of the person under this Section shall be claimed
16 for recovery from the deceased spouse's estate.
17 "Homestead", as used in this paragraph, means the dwelling
18 house and contiguous real estate occupied by a surviving
19 spouse or relative, as defined by the rules and
20 regulations of the Department of Healthcare and Family
21 Services, regardless of the value of the property.

22 ~~The Department shall submit an annual report on~~
23 ~~programs and services provided under this Section. The~~
24 ~~report shall be filed with the Governor and the General~~
25 ~~Assembly on or before March 30 each year.~~

26 ~~The requirement for reporting to the General Assembly~~

1 ~~shall be satisfied by filing copies of the report as~~
2 ~~required by Section 3.1 of the General Assembly~~
3 ~~Organization Act, and filing additional copies with the~~
4 ~~State Government Report Distribution Center for the~~
5 ~~General Assembly as required under paragraph (t) of~~
6 ~~Section 7 of the State Library Act.~~

7 (g) To establish such subdivisions of the Department
8 as shall be desirable and assign to the various
9 subdivisions the responsibilities and duties placed upon
10 the Department by law.

11 (h) To cooperate and enter into any necessary
12 agreements with the Department of Employment Security for
13 the provision of job placement and job referral services
14 to clients of the Department, including job service
15 registration of such clients with Illinois Employment
16 Security offices and making job listings maintained by the
17 Department of Employment Security available to such
18 clients.

19 (i) To possess all powers reasonable and necessary for
20 the exercise and administration of the powers, duties and
21 responsibilities of the Department which are provided for
22 by law.

23 (j) (Blank).

24 (k) (Blank).

25 (l) To establish, operate, and maintain a Statewide
26 Housing Clearinghouse of information on available

1 government subsidized housing accessible to persons with
2 disabilities and available privately owned housing
3 accessible to persons with disabilities. The information
4 shall include, but not be limited to, the location, rental
5 requirements, access features and proximity to public
6 transportation of available housing. The Clearinghouse
7 shall consist of at least a computerized database for the
8 storage and retrieval of information and a separate or
9 shared toll free telephone number for use by those seeking
10 information from the Clearinghouse. Department offices and
11 personnel throughout the State shall also assist in the
12 operation of the Statewide Housing Clearinghouse.
13 Cooperation with local, State, and federal housing
14 managers shall be sought and extended in order to
15 frequently and promptly update the Clearinghouse's
16 information.

17 (m) To assure that the names and case records of
18 persons who received or are receiving services from the
19 Department, including persons receiving vocational
20 rehabilitation, home services, or other services, and
21 those attending one of the Department's schools or other
22 supervised facility shall be confidential and not be open
23 to the general public. Those case records and reports or
24 the information contained in those records and reports
25 shall be disclosed by the Director only to proper law
26 enforcement officials, individuals authorized by a court,

1 the General Assembly or any committee or commission of the
2 General Assembly, and other persons and for reasons as the
3 Director designates by rule. Disclosure by the Director
4 may be only in accordance with other applicable law.

5 (Source: P.A. 99-143, eff. 7-27-15; 100-23, eff. 7-6-17;
6 100-477, eff. 9-8-17; 100-587, eff. 6-4-18; 100-863, eff.
7 8-14-18; 100-1148, eff. 12-10-18.)

8 (20 ILCS 2405/5) (from Ch. 23, par. 3436)

9 Sec. 5. The Department is authorized to receive such gifts
10 or donations, either from public or private sources, as may be
11 offered unconditionally or under such conditions related to
12 the comprehensive vocational rehabilitation services,
13 independent living services, and other community services and
14 supports administered by the Director for ~~habilitation and~~
15 rehabilitation of persons with one or more disabilities, as in
16 the judgment of the Department are proper and consistent with
17 the provisions of this Act.

18 (Source: P.A. 94-91, eff. 7-1-05.)

19 (20 ILCS 2405/5a) (from Ch. 23, par. 3437)

20 Sec. 5a. The State of Illinois does hereby (1) accept the
21 provisions and benefits of the act of Congress entitled the
22 Rehabilitation Act of 1973, as amended by the Workforce
23 Innovation and Opportunity Act ~~heretofore and hereafter~~
24 ~~amended~~, (2) designate the State Treasurer as custodian of all

1 moneys received by the State from appropriations made by the
2 Congress of the United States for comprehensive vocational
3 rehabilitation services and related services for persons
4 ~~habilitation and rehabilitation of persons~~ with one or more
5 disabilities, to be kept in a fund to be known as the
6 Vocational Rehabilitation Fund, and authorize the State
7 treasurer to make disbursements therefrom upon the order of
8 the Department, and (3) empower and direct the Department to
9 cooperate with the federal government in carrying out the
10 provisions of the Rehabilitation Act of 1973, as amended by
11 the Workforce Innovation and Opportunity Act.

12 (Source: P.A. 88-500.)

13 (20 ILCS 2405/9) (from Ch. 23, par. 3440)

14 Sec. 9. Whenever, in the course of its vocational
15 rehabilitation program, ~~rehabilitation and habilitation~~
16 ~~program,~~ the Department has provided tools, equipment, initial
17 stock or other supplies to a person with one or more
18 disabilities to establish a business enterprise as a
19 self-employed person, other than a business enterprise under
20 the supervision and management of a non-profit agency, the
21 Department may, in its discretion, convey title to such tools,
22 equipment, initial stock or other supplies at any time after
23 the expiration of 6 months after such items are provided to
24 that person.

25 (Source: P.A. 86-607.)

1 (20 ILCS 2405/10) (from Ch. 23, par. 3441)

2 Sec. 10. Residential schools; visual and hearing
3 disabilities.

4 (a) The Department of Human Services shall operate
5 residential schools for the education of children with visual
6 and hearing disabilities who are unable to take advantage of
7 the regular educational facilities provided in the community,
8 and shall provide in connection therewith such academic,
9 vocational, and related services as may be required. Children
10 shall be eligible for admission to these schools only after
11 proper diagnosis and evaluation, in accordance with procedures
12 prescribed by the Department.

13 (a-5) The Superintendent of the Illinois School for the
14 Deaf shall be the chief executive officer of, and shall be
15 responsible for the day to day operations of, the School, and
16 shall obtain educational and professional employees who are
17 certified by the Illinois State Board of Education or licensed
18 by the appropriate agency or entity to which licensing
19 authority has been delegated, as well as all other employees
20 of the School, subject to the provisions of the Personnel Code
21 and any applicable collective bargaining agreement. The
22 Superintendent shall be appointed by the Governor, by and with
23 the advice and consent of the Senate. In the case of a vacancy
24 in the office of Superintendent during the recess of the
25 Senate, the Governor shall make a temporary appointment until

1 the next meeting of the Senate, when the Governor shall
2 nominate some person to fill the office, and any person so
3 nominated who is confirmed by the Senate shall hold office
4 during the remainder of the term and until his or her successor
5 is appointed and qualified. The Superintendent shall hold
6 office (i) for a term expiring on June 30 of 2015, and every 4
7 years thereafter and (ii) until the Superintendent's successor
8 is appointed and qualified. The Superintendent shall devote
9 his or her full time to the duties of the office, shall not
10 serve in any other capacity during his or her term of office,
11 and shall receive such compensation as the Governor shall
12 determine. The Superintendent shall have an administrative
13 certificate with a superintendent endorsement as provided for
14 under Section 21-7.1 of the School Code, and shall have a
15 degree in educational administration, together with at least
16 10 years of experience in either deaf or hard of hearing
17 education, the administration of deaf or hard of hearing
18 education, or a combination of the 2. Preference shall be
19 given to candidates with a degree in deaf education. The
20 Superintendent must be fluent in American Sign Language
21 ~~degrees in both educational administration and deaf education,~~
22 ~~together with at least 15 years of experience in either deaf~~
23 ~~education, the administration of deaf education, or a~~
24 ~~combination of the 2.~~

25 (a-10) The Superintendent of the Illinois School for the
26 Visually Impaired shall be the chief executive officer of, and

1 shall be responsible for the day to day operations of, the
2 School, and shall obtain educational and professional
3 employees who are certified by the Illinois State Board of
4 Education or licensed by the appropriate agency or entity to
5 which licensing authority has been delegated, as well as all
6 other employees of the School, subject to the provisions of
7 the Personnel Code and any applicable collective bargaining
8 agreement. The Superintendent shall be appointed by the
9 Governor, by and with the advice and consent of the Senate. In
10 the case of a vacancy in the office of Superintendent during
11 the recess of the Senate, the Governor shall make a temporary
12 appointment until the next meeting of the Senate, when the
13 Governor shall nominate some person to fill the office, and
14 any person so nominated who is confirmed by the Senate shall
15 hold office during the remainder of the term and until his or
16 her successor is appointed and qualified. The Superintendent
17 shall hold office (i) for a term expiring on June 30 of 2015,
18 and every 4 years thereafter and (ii) until the
19 Superintendent's successor is appointed and qualified. The
20 Superintendent shall devote his or her full time to the duties
21 of the office, shall not serve in any other capacity during his
22 or her term of office, and shall receive such compensation as
23 the Governor shall determine. The Superintendent shall have an
24 administrative certificate with a superintendent endorsement
25 as provided for under Section 21-7.1 of the School Code, and
26 shall have a degree in educational administration, together

1 with at least 10 years of experience in either blind or
2 visually impaired education, the administration of blind or
3 visually impaired education, or a combination of the 2.
4 Preference shall be given to candidates with a degree in blind
5 or visually impaired education. ~~degrees in both educational~~
6 ~~administration and blind or visually impaired education,~~
7 ~~together with at least 15 years of experience in either blind~~
8 ~~or visually impaired education, the administration of blind or~~
9 ~~visually impaired education, or a combination of the 2.~~

10 (b) In administering the Illinois School for the Deaf, the
11 Department shall adopt an admission policy which permits day
12 or residential enrollment, when resources are sufficient, of
13 children with hearing disabilities who are able to take
14 advantage of the regular educational facilities provided in
15 the community and thus unqualified for admission under
16 subsection (a). In doing so, the Department shall establish an
17 annual deadline by which shall be completed the enrollment of
18 children qualified under subsection (a) for admission to the
19 Illinois School for the Deaf. After the deadline, the Illinois
20 School for the Deaf may enroll other children with hearing
21 disabilities at the request of their parents or guardians if
22 the Department determines there are sufficient resources to
23 meet their needs as well as the needs of children enrolled
24 before the deadline and children qualified under subsection
25 (a) who may be enrolled after the deadline on an emergency
26 basis. The Department shall adopt any rules and regulations

1 necessary for the implementation of this subsection.

2 (c) In administering the Illinois School for the Visually
3 Impaired, the Department shall adopt an admission policy that
4 permits day or residential enrollment, when resources are
5 sufficient, of children with visual disabilities who are able
6 to take advantage of the regular educational facilities
7 provided in the community and thus unqualified for admission
8 under subsection (a). In doing so, the Department shall
9 establish an annual deadline by which the enrollment of
10 children qualified under subsection (a) for admission to the
11 Illinois School for the Visually Impaired shall be completed.
12 After the deadline, the Illinois School for the Visually
13 Impaired may enroll other children with visual disabilities at
14 the request of their parents or guardians if the Department
15 determines there are sufficient resources to meet their needs
16 as well as the needs of children enrolled before the deadline
17 and children qualified under subsection (a) who may be
18 enrolled after the deadline on an emergency basis. The
19 Department shall adopt any rules and regulations necessary for
20 the implementation of this subsection.

21 (Source: P.A. 99-143, eff. 7-27-15.)

22 (20 ILCS 2405/11) (from Ch. 23, par. 3442)

23 Sec. 11. Illinois Center for Rehabilitation and Education.
24 The Department shall operate and maintain the Illinois Center
25 for Rehabilitation and Education for the care and education of

1 educable young adults ~~children~~ with one or more physical
2 disabilities and provide in connection therewith nursing and
3 medical care and academic, occupational, and related training
4 to such young adults ~~children~~.

5 Any Illinois resident under the age of 22 ~~21~~ years who is
6 educable but has such a severe physical disability as a result
7 of cerebral palsy, muscular dystrophy, spina bifida, or other
8 cause that he or she is unable to take advantage of the system
9 of free education in the State of Illinois, may be admitted to
10 the Center or be entitled to services and facilities provided
11 hereunder. Young adults ~~Children~~ shall be admitted to the
12 Center or be eligible for such services and facilities only
13 after diagnosis according to procedures approved for this
14 purpose. The Department may avail itself of the services of
15 other public or private agencies in determining any young
16 adult's ~~child's~~ eligibility for admission to, or discharge
17 from, the Center.

18 The Department may call upon other agencies of the State
19 for such services as they are equipped to render in the care of
20 young adults ~~children~~ with one or more physical disabilities,
21 and such agencies are instructed to render those services
22 which are consistent with their legal and administrative
23 responsibilities.

24 (Source: P.A. 88-172.)

25 (20 ILCS 2405/12a) (from Ch. 23, par. 3443a)

1 Sec. 12a. Centers for independent living.

2 (a) Purpose. Recognizing that persons with significant
3 disabilities deserve a high quality of life within their
4 communities regardless of their disabilities, ~~the Department,~~
5 ~~working with~~ the Statewide Independent Living Council, shall
6 develop a State Plan for Independent Living for approval by
7 the Department and subsequent submission to the Administrator
8 based on federally prescribed timeframes. ~~plan for submission~~
9 ~~on an annual basis to the Commissioner.~~ The Department shall
10 adopt rules for implementing the State Plan for Independent
11 Living ~~plan~~ in accordance with the federal Act, including
12 rules adopted under the federal Act governing the award of
13 grants.

14 (b) Definitions. As used in this Section, unless the
15 context clearly requires otherwise:

16 "Administrator" means the Administrator of the
17 Administration for Community Living in the United States
18 Department of Health and Human Services.

19 ~~"Federal Act" means the federal Rehabilitation Act of~~
20 ~~1973, as amended.~~

21 "Center for independent living" means a consumer
22 controlled, community based, cross-disability,
23 non-residential, private non-profit agency that is designated
24 and operated within a local community by individuals with
25 disabilities and provides an array of independent living
26 services.

1 "Consumer controlled" means that the center for
2 independent living vests power and authority in individuals
3 with disabilities and that at least 51% of the directors of the
4 center are persons with one or more disabilities as defined by
5 this Act.

6 ~~"Commissioner" means the Commissioner of the~~
7 ~~Rehabilitation Services Administration in the United States~~
8 ~~Department of Education.~~

9 "Council" means the Statewide Independent Living Council
10 appointed under subsection (d).

11 "Federal Act" means the federal Rehabilitation Act of
12 1973, as amended.

13 "Individual with a disability" means any individual who
14 has a physical or mental impairment that substantially limits
15 a major life activity, has a record of such an impairment, or
16 is regarded as having such an impairment.

17 "Individual with a significant disability" means an
18 individual with a significant physical or mental impairment,
19 whose ability to function independently in the family or
20 community or whose ability to obtain, maintain, or advance in
21 employment is substantially limited and for whom the delivery
22 of independent living services will improve the ability to
23 function, continue functioning, or move toward functioning
24 independently in the family or community or to continue in
25 employment.

26 "State Plan for Independent Living plan" means the

1 materials submitted by the Statewide Independent Living
2 Council, after receiving the approval of the Department, to
3 the Administrator based on federally prescribed timeframes
4 ~~Department to the Commissioner on an annual basis~~ that contain
5 the State's proposal for:

6 (1) The provision of statewide independent living
7 services.

8 (2) The development and support of a statewide network
9 of centers for independent living.

10 (3) Working relationships between (i) programs
11 providing independent living services and independent
12 living centers and (ii) the vocational rehabilitation
13 program administered by the Department under the federal
14 Act and other programs providing services for individuals
15 with disabilities.

16 (c) Authority. The unit of the Department headed by the
17 Director, or his or her designee, ~~vocational rehabilitation~~
18 ~~administrator~~ shall be designated the State unit under Title
19 VII of the federal Act and shall have the following
20 responsibilities:

21 (1) To receive, account for, and disburse funds
22 received by the State under the federal Act based on the
23 State Plan for Independent Living ~~plan~~.

24 (2) To provide administrative support services to
25 centers for independent living programs.

26 (3) To keep records, and take such actions with

1 respect to those records, as the Administrator
2 ~~Commissioner~~ finds to be necessary with respect to the
3 programs.

4 (4) To submit additional information or provide
5 assurances the Administrator ~~Commissioner~~ may require with
6 respect to the programs.

7 The ~~vocational rehabilitation administrator and the~~
8 Chairperson of the Council is ~~are~~ responsible for ~~jointly~~
9 developing ~~and signing~~ the State Plan for Independent Living
10 ~~plan~~ required by Section 704 of the federal Act. The Director,
11 or his or her designee, is responsible for approving the State
12 Plan for Independent Living prior to its submission to the
13 Administrator. The State Plan for Independent Living ~~plan~~
14 shall conform to the requirements of Section 704 of the
15 federal Act.

16 (d) Statewide Independent Living Council.

17 The Governor shall appoint a Statewide Independent Living
18 Council, comprised of 18 members, which shall be established
19 as an entity separate and distinct from the Department. The
20 composition of the Council shall include the following:

21 (1) At least one director of a center for independent
22 living chosen by the directors of centers for independent
23 living within the State.

24 (2) A representative from the unit of the Department
25 of Human Services responsible for the administration of
26 the vocational rehabilitation program and a representative

1 from another unit in the Department of Human Services that
2 provides services for individuals with disabilities and a
3 representative each from the Department on Aging, the
4 State Board of Education, and the Department of Children
5 and Family Services, all as ex officio, nonvoting
6 ~~ex officio, non voting~~ members who shall not be counted in
7 the 18 members appointed by the Governor.

8 In addition, the Council may include the following:

9 (A) One or more representatives of centers for
10 independent living.

11 (B) One or more parents or guardians of individuals
12 with disabilities.

13 (C) One or more advocates for individuals with
14 disabilities.

15 (D) One or more representatives of private business.

16 (E) One or more representatives of organizations that
17 provide services for individuals with disabilities.

18 (F) Other appropriate individuals.

19 After soliciting recommendations from organizations
20 representing a broad range of individuals with disabilities
21 and organizations interested in individuals with disabilities,
22 the Governor shall appoint members of the Council for terms
23 beginning July 1, 1993. The Council shall be composed of
24 members (i) who provide statewide representation; (ii) who
25 represent a broad range of individuals with disabilities from
26 diverse backgrounds; (iii) who are knowledgeable about centers

1 for independent living and independent living services; and
2 (iv) a majority of whom are persons who are individuals with
3 disabilities and are not employed by any State agency or
4 center for independent living.

5 The council shall elect a chairperson from among its
6 voting membership.

7 Each member of the Council shall serve for terms of 3
8 years, except that (i) a member appointed to fill a vacancy
9 occurring before the expiration of the term for which the
10 predecessor was appointed shall be appointed for the remainder
11 of that term and (ii) terms of the members initially appointed
12 after the effective date of this amendatory Act of 1993 shall
13 be as follows: 6 of the initial members shall be appointed for
14 terms of one year, 6 shall be appointed for terms of 2 years,
15 and 6 shall be appointed for terms of 3 years. No member of the
16 council may serve more than 2 consecutive full terms.

17 Appointments to fill vacancies in unexpired terms and new
18 terms shall be filled by the Governor or by the Council if the
19 Governor delegates that power to the Council by executive
20 order. The vacancy shall not affect the power of the remaining
21 members to execute the powers and duties of the Council. The
22 Council shall have the duties enumerated in subsections (c),
23 (d), and (e) of Section 705 of the federal Act.

24 Members shall be reimbursed for their actual expenses
25 incurred in the performance of their duties, including
26 expenses for travel, child care, and personal assistance

1 services, and a member who is not employed or who must forfeit
2 wages from other employment shall be paid reasonable
3 compensation for each day the member is engaged in performing
4 the duties of the Council. The reimbursement or compensation
5 shall be paid from moneys made available to the Department
6 under Part B of Title VII of the federal Act.

7 ~~In addition to the powers and duties granted to advisory~~
8 ~~boards by Section 5-505 of the Departments of State Government~~
9 ~~Law (20 ILCS 5/5-505), the Council shall have the authority to~~
10 ~~appoint jointly with the vocational rehabilitation~~
11 ~~administrator a peer review committee to consider and make~~
12 ~~recommendations for grants to eligible centers for independent~~
13 ~~living.~~

14 (e) Grants to centers for independent living. Each center
15 for independent living that receives assistance from the
16 Department under this Section shall comply with the standards
17 and provide and comply with the assurances that are set forth
18 in the State plan and consistent with Section 725 of the
19 federal Act. Each center for independent living receiving
20 financial assistance from the Department shall provide
21 satisfactory assurances at the time and in the manner the
22 Director, or his or her designee, requires. Centers for
23 independent living receiving financial assistance from the
24 Department shall comply with grant making provisions outlined
25 in State and federal law, and with the requirements of their
26 respective grant contracts. ~~vocational rehabilitation~~

1 ~~administrator requires.~~

2 Beginning October 1, 1994, the Director, or his or her
3 designee, ~~vocational rehabilitation administrator~~ may award
4 grants to any eligible center for independent living that is
5 receiving funds under Title VII of the federal Act, unless the
6 Director, or his or her designee, ~~vocational rehabilitation~~
7 ~~administrator~~ makes a finding that the center for independent
8 living fails to comply with the standards and assurances set
9 forth in Section 725 of the federal Act.

10 If there is no center for independent living serving a
11 region of the State or the region is underserved, and the State
12 receives a federal increase in its allotment sufficient to
13 support one or more additional centers for independent living
14 in the State, the Director, or his or her designee, ~~vocational~~
15 ~~rehabilitation administrator~~ may award a grant under this
16 subsection to one or more eligible agencies, consistent with
17 the provisions of the State plan setting forth the design of
18 the State for establishing a statewide network for centers for
19 independent living.

20 In selecting from among eligible agencies in awarding a
21 grant under this subsection for a new center for independent
22 living, the Director, or his or her designee, ~~vocational~~
23 ~~rehabilitation administrator~~ and the chairperson of (or other
24 individual designated by) the Council acting on behalf of and
25 at the direction of the Council shall jointly appoint a peer
26 review committee that shall rank applications in accordance

1 with the standards and assurances set forth in Section 725 of
2 the federal Act and criteria jointly established by the
3 Director, or his or her designee, ~~vocational rehabilitation~~
4 ~~administrator~~ and the chairperson or designated individual.
5 The peer review committee shall consider the ability of the
6 applicant to operate a center for independent living and shall
7 recommend an applicant to receive a grant under this
8 subsection based on the following:

9 (1) Evidence of the need for a center for independent
10 living, consistent with the State plan.

11 (2) Any past performance of the applicant in providing
12 services comparable to independent living services.

13 (3) The applicant's plan for complying with, or
14 demonstrated success in complying with, the standards and
15 assurances set forth in Section 725 of the federal Act.

16 (4) The quality of key personnel of the applicant and
17 the involvement of individuals with significant
18 disabilities by the applicant.

19 (5) The budgets and cost effectiveness of the
20 applicant.

21 (6) The evaluation plan of the applicant.

22 (7) The ability of the applicant to carry out the
23 plan.

24 The Director, or his or her designee, ~~vocational~~
25 ~~rehabilitation administrator~~ shall award the grant on the
26 basis of the recommendation of the peer review committee if

1 the actions of the committee are consistent with federal and
2 State law.

3 (f) Evaluation and review. The Director, or his or her
4 designee, ~~vocational rehabilitation administrator~~ shall
5 periodically review each center for independent living that
6 receives funds from the Department under Title VII of the
7 federal Act, or moneys appropriated from the General Revenue
8 Fund, to determine whether the center is in compliance with
9 the standards and assurances set forth in Section 725 of the
10 federal Act, other applicable State and federal laws, and the
11 provisions of the grant contract. If the Director, or his or
12 her designee, ~~vocational rehabilitation administrator~~
13 determines that any center receiving those federal or State
14 funds is not in compliance ~~with the standards and assurances~~
15 ~~set forth in Section 725,~~ the Director, or his or her designee,
16 ~~vocational rehabilitation administrator~~ shall immediately
17 notify the center that it is out of compliance. The Director,
18 or his or her designee, shall recommend to the Secretary, or
19 his or her designee, that all funding to that center be
20 terminated ~~vocational rehabilitation administrator shall~~
21 ~~terminate all funds to that center~~ 90 days after the date of
22 notification or, in the case of a center that requests an
23 appeal, the date of any final decision, unless the center
24 submits a plan to achieve compliance within 90 days and that
25 plan is approved by the Director, or his or her designee,
26 ~~vocational rehabilitation administrator~~ or (if on appeal) by

1 the Secretary, or his or her designee ~~Commissioner~~.

2 (Source: P.A. 91-239, eff. 1-1-00; 91-540, eff. 8-13-99;
3 92-16, eff. 6-28-01.)

4 (20 ILCS 2405/13a) (from Ch. 23, par. 3444a)

5 Sec. 13a. (a) The Department shall be responsible for
6 coordinating the establishment of local Transition Planning
7 Committees. Members of the committees shall consist of
8 representatives from special education; vocational and regular
9 education; post-secondary education; parents of youth with
10 disabilities; persons with disabilities; local business or
11 industry; the Department of Human Services; public and private
12 adult service providers; case coordination; and other
13 consumer, school, and adult services as appropriate. The
14 Committee shall elect a chair and shall meet at least
15 quarterly. Each Transition Planning Committee shall:

16 (1) identify current transition services, programs,
17 and funding sources provided within the community for
18 secondary and post-secondary aged youth with disabilities
19 and their families as well as the development of
20 strategies to address unmet needs;

21 (2) facilitate the development of transition
22 interagency teams to address present and future transition
23 needs of individual students on their individual education
24 plans;

25 (3) develop a mission statement that emphasizes the

1 goals of integration and participation in all aspects of
2 community life for persons with disabilities;

3 (4) provide for the exchange of information such as
4 appropriate data, effectiveness studies, special projects,
5 exemplary programs, and creative funding of programs;

6 (5) develop consumer in-service and awareness training
7 programs in the local community; and

8 (6) assist in staff training for individual transition
9 planning and student transition needs assessment.

10 (b) Each Transition Planning Committee shall select a
11 chair from among its members who shall serve for a term of one
12 year. Each committee shall meet at least quarterly, or at such
13 other times at the call of the chair.

14 (c) (Blank). ~~Each Transition Planning Committee shall~~
15 ~~annually prepare and submit to the Interagency Coordinating~~
16 ~~Council a report which assesses the level of currently~~
17 ~~available services in the community as well as the level of~~
18 ~~unmet needs of secondary students with disabilities, makes~~
19 ~~recommendations to address unmet needs, and summarizes the~~
20 ~~steps taken to address unmet needs based on the~~
21 ~~recommendations made in previous reports.~~

22 (d) The name and affiliation of each local Transition
23 Planning Committee member ~~and the annual report~~ required under
24 subsection (c) of this Section shall be filed with the
25 administrative office of each school district served by the
26 local Transition Planning Committee, be made available to the

1 public upon request, and be sent to each member of the General
2 Assembly whose district encompasses the area served by the
3 Transition Planning Committee.

4 (Source: P.A. 92-452, eff. 8-21-01.)

5 (20 ILCS 2405/12 rep.)

6 Section 10. The Rehabilitation of Persons with
7 Disabilities Act is amended by repealing Section 12.

8 (20 ILCS 2407/Art. 4 rep.)

9 Section 15. The Disabilities Services Act of 2003 is
10 amended by repealing Article 4.

11 Section 20. The School Code is amended by changing Section
12 14-8.02 as follows:

13 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

14 Sec. 14-8.02. Identification, evaluation, and placement of
15 children.

16 (a) The State Board of Education shall make rules under
17 which local school boards shall determine the eligibility of
18 children to receive special education. Such rules shall ensure
19 that a free appropriate public education be available to all
20 children with disabilities as defined in Section 14-1.02. The
21 State Board of Education shall require local school districts
22 to administer non-discriminatory procedures or tests to

1 English learners coming from homes in which a language other
2 than English is used to determine their eligibility to receive
3 special education. The placement of low English proficiency
4 students in special education programs and facilities shall be
5 made in accordance with the test results reflecting the
6 student's linguistic, cultural and special education needs.
7 For purposes of determining the eligibility of children the
8 State Board of Education shall include in the rules
9 definitions of "case study", "staff conference",
10 "individualized educational program", and "qualified
11 specialist" appropriate to each category of children with
12 disabilities as defined in this Article. For purposes of
13 determining the eligibility of children from homes in which a
14 language other than English is used, the State Board of
15 Education shall include in the rules definitions for
16 "qualified bilingual specialists" and "linguistically and
17 culturally appropriate individualized educational programs".
18 For purposes of this Section, as well as Sections 14-8.02a,
19 14-8.02b, and 14-8.02c of this Code, "parent" means a parent
20 as defined in the federal Individuals with Disabilities
21 Education Act (20 U.S.C. 1401(23)).

22 (b) No child shall be eligible for special education
23 facilities except with a carefully completed case study fully
24 reviewed by professional personnel in a multidisciplinary
25 staff conference and only upon the recommendation of qualified
26 specialists or a qualified bilingual specialist, if available.

1 At the conclusion of the multidisciplinary staff conference,
2 the parent of the child shall be given a copy of the
3 multidisciplinary conference summary report and
4 recommendations, which includes options considered, and be
5 informed of his or her ~~their~~ right to obtain an independent
6 educational evaluation if he or she disagrees ~~they disagree~~
7 with the evaluation findings conducted or obtained by the
8 school district. If the school district's evaluation is shown
9 to be inappropriate, the school district shall reimburse the
10 parent for the cost of the independent evaluation. The State
11 Board of Education shall, with advice from the State Advisory
12 Council on Education of Children with Disabilities on the
13 inclusion of specific independent educational evaluators,
14 prepare a list of suggested independent educational
15 evaluators. The State Board of Education shall include on the
16 list clinical psychologists licensed pursuant to the Clinical
17 Psychologist Licensing Act. Such psychologists shall not be
18 paid fees in excess of the amount that would be received by a
19 school psychologist for performing the same services. The
20 State Board of Education shall supply school districts with
21 such list and make the list available to parents at their
22 request. School districts shall make the list available to
23 parents at the time they are informed of their right to obtain
24 an independent educational evaluation. However, the school
25 district may initiate an impartial due process hearing under
26 this Section within 5 days of any written parent request for an

1 independent educational evaluation to show that its evaluation
2 is appropriate. If the final decision is that the evaluation
3 is appropriate, the parent still has a right to an independent
4 educational evaluation, but not at public expense. An
5 independent educational evaluation at public expense must be
6 completed within 30 days of a parent written request unless
7 the school district initiates an impartial due process hearing
8 or the parent or school district offers reasonable grounds to
9 show that such 30-day ~~30-day~~ time period should be extended. If
10 the due process hearing decision indicates that the parent is
11 entitled to an independent educational evaluation, it must be
12 completed within 30 days of the decision unless the parent or
13 the school district offers reasonable grounds to show that
14 such 30-day ~~30-day~~ period should be extended. If a parent
15 disagrees with the summary report or recommendations of the
16 multidisciplinary conference or the findings of any
17 educational evaluation which results therefrom, the school
18 district shall not proceed with a placement based upon such
19 evaluation and the child shall remain in his or her regular
20 classroom setting. No child shall be eligible for admission to
21 a special class for children with a mental disability who are
22 educable or for children with a mental disability who are
23 trainable except with a psychological evaluation and
24 recommendation by a school psychologist. Consent shall be
25 obtained from the parent of a child before any evaluation is
26 conducted. If consent is not given by the parent or if the

1 parent disagrees with the findings of the evaluation, then the
2 school district may initiate an impartial due process hearing
3 under this Section. The school district may evaluate the child
4 if that is the decision resulting from the impartial due
5 process hearing and the decision is not appealed or if the
6 decision is affirmed on appeal. The determination of
7 eligibility shall be made and the IEP meeting shall be
8 completed within 60 school days from the date of written
9 parental consent. In those instances when written parental
10 consent is obtained with fewer than 60 pupil attendance days
11 left in the school year, the eligibility determination shall
12 be made and the IEP meeting shall be completed prior to the
13 first day of the following school year. Special education and
14 related services must be provided in accordance with the
15 student's IEP no later than 10 school attendance days after
16 notice is provided to the parents pursuant to Section 300.503
17 of Title 34 of the Code of Federal Regulations and
18 implementing rules adopted by the State Board of Education.
19 The appropriate program pursuant to the individualized
20 educational program of students whose native tongue is a
21 language other than English shall reflect the special
22 education, cultural and linguistic needs. No later than
23 September 1, 1993, the State Board of Education shall
24 establish standards for the development, implementation and
25 monitoring of appropriate bilingual special individualized
26 educational programs. The State Board of Education shall

1 further incorporate appropriate monitoring procedures to
2 verify implementation of these standards. The district shall
3 indicate to the parent and the State Board of Education the
4 nature of the services the child will receive for the regular
5 school term while waiting placement in the appropriate special
6 education class. At the child's initial IEP meeting and at
7 each annual review meeting, the child's IEP team shall provide
8 the child's parent or guardian with a written notification
9 that informs the parent or guardian that the IEP team is
10 required to consider whether the child requires assistive
11 technology in order to receive free, appropriate public
12 education. The notification must also include a toll-free
13 telephone number and internet address for the State's
14 assistive technology program.

15 If the child is deaf, hard of hearing, blind, or visually
16 impaired or has an orthopedic impairment or physical
17 disability and he or she might be eligible to receive services
18 from the Illinois School for the Deaf, ~~or~~ the Illinois School
19 for the Visually Impaired, or the Illinois Center for
20 Rehabilitation and Education-Roosevelt, the school district
21 shall notify the parents, in writing, of the existence of
22 these schools and the services they provide and shall make a
23 reasonable effort to inform the parents of the existence of
24 other, local schools that provide similar services and the
25 services that these other schools provide. This notification
26 shall include without limitation information on school

1 services, school admissions criteria, and school contact
2 information.

3 In the development of the individualized education program
4 for a student who has a disability on the autism spectrum
5 (which includes autistic disorder, Asperger's disorder,
6 pervasive developmental disorder not otherwise specified,
7 childhood disintegrative disorder, and Rett Syndrome, as
8 defined in the Diagnostic and Statistical Manual of Mental
9 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall
10 consider all of the following factors:

11 (1) The verbal and nonverbal communication needs of
12 the child.

13 (2) The need to develop social interaction skills and
14 proficiencies.

15 (3) The needs resulting from the child's unusual
16 responses to sensory experiences.

17 (4) The needs resulting from resistance to
18 environmental change or change in daily routines.

19 (5) The needs resulting from engagement in repetitive
20 activities and stereotyped movements.

21 (6) The need for any positive behavioral
22 interventions, strategies, and supports to address any
23 behavioral difficulties resulting from autism spectrum
24 disorder.

25 (7) Other needs resulting from the child's disability
26 that impact progress in the general curriculum, including

1 social and emotional development.

2 Public Act 95-257 does not create any new entitlement to a
3 service, program, or benefit, but must not affect any
4 entitlement to a service, program, or benefit created by any
5 other law.

6 If the student may be eligible to participate in the
7 Home-Based Support Services Program for Adults with Mental
8 Disabilities authorized under the Developmental Disability and
9 Mental Disability Services Act upon becoming an adult, the
10 student's individualized education program shall include plans
11 for (i) determining the student's eligibility for those
12 home-based services, (ii) enrolling the student in the program
13 of home-based services, and (iii) developing a plan for the
14 student's most effective use of the home-based services after
15 the student becomes an adult and no longer receives special
16 educational services under this Article. The plans developed
17 under this paragraph shall include specific actions to be
18 taken by specified individuals, agencies, or officials.

19 (c) In the development of the individualized education
20 program for a student who is functionally blind, it shall be
21 presumed that proficiency in Braille reading and writing is
22 essential for the student's satisfactory educational progress.
23 For purposes of this subsection, the State Board of Education
24 shall determine the criteria for a student to be classified as
25 functionally blind. Students who are not currently identified
26 as functionally blind who are also entitled to Braille

1 instruction include: (i) those whose vision loss is so severe
2 that they are unable to read and write at a level comparable to
3 their peers solely through the use of vision, and (ii) those
4 who show evidence of progressive vision loss that may result
5 in functional blindness. Each student who is functionally
6 blind shall be entitled to Braille reading and writing
7 instruction that is sufficient to enable the student to
8 communicate with the same level of proficiency as other
9 students of comparable ability. Instruction should be provided
10 to the extent that the student is physically and cognitively
11 able to use Braille. Braille instruction may be used in
12 combination with other special education services appropriate
13 to the student's educational needs. The assessment of each
14 student who is functionally blind for the purpose of
15 developing the student's individualized education program
16 shall include documentation of the student's strengths and
17 weaknesses in Braille skills. Each person assisting in the
18 development of the individualized education program for a
19 student who is functionally blind shall receive information
20 describing the benefits of Braille instruction. The
21 individualized education program for each student who is
22 functionally blind shall specify the appropriate learning
23 medium or media based on the assessment report.

24 (d) To the maximum extent appropriate, the placement shall
25 provide the child with the opportunity to be educated with
26 children who do not have a disability; provided that children

1 with disabilities who are recommended to be placed into
2 regular education classrooms are provided with supplementary
3 services to assist the children with disabilities to benefit
4 from the regular classroom instruction and are included on the
5 teacher's regular education class register. Subject to the
6 limitation of the preceding sentence, placement in special
7 classes, separate schools or other removal of the child with a
8 disability from the regular educational environment shall
9 occur only when the nature of the severity of the disability is
10 such that education in the regular classes with the use of
11 supplementary aids and services cannot be achieved
12 satisfactorily. The placement of English learners with
13 disabilities shall be in non-restrictive environments which
14 provide for integration with peers who do not have
15 disabilities in bilingual classrooms. Annually, each January,
16 school districts shall report data on students from
17 non-English speaking backgrounds receiving special education
18 and related services in public and private facilities as
19 prescribed in Section 2-3.30. If there is a disagreement
20 between parties involved regarding the special education
21 placement of any child, either in-state or out-of-state, the
22 placement is subject to impartial due process procedures
23 described in Article 10 of the Rules and Regulations to Govern
24 the Administration and Operation of Special Education.

25 (e) No child who comes from a home in which a language
26 other than English is the principal language used may be

1 assigned to any class or program under this Article until he
2 has been given, in the principal language used by the child and
3 used in his home, tests reasonably related to his cultural
4 environment. All testing and evaluation materials and
5 procedures utilized for evaluation and placement shall not be
6 linguistically, racially or culturally discriminatory.

7 (f) Nothing in this Article shall be construed to require
8 any child to undergo any physical examination or medical
9 treatment whose parents object thereto on the grounds that
10 such examination or treatment conflicts with his religious
11 beliefs.

12 (g) School boards or their designee shall provide to the
13 parents of a child prior written notice of any decision (a)
14 proposing to initiate or change, or (b) refusing to initiate
15 or change, the identification, evaluation, or educational
16 placement of the child or the provision of a free appropriate
17 public education to their child, and the reasons therefor.
18 Such written notification shall also inform the parent of the
19 opportunity to present complaints with respect to any matter
20 relating to the educational placement of the student, or the
21 provision of a free appropriate public education and to have
22 an impartial due process hearing on the complaint. The notice
23 shall inform the parents in the parents' native language,
24 unless it is clearly not feasible to do so, of their rights and
25 all procedures available pursuant to this Act and the federal
26 Individuals with Disabilities Education Improvement Act of

1 2004 (Public Law 108-446); it shall be the responsibility of
2 the State Superintendent to develop uniform notices setting
3 forth the procedures available under this Act and the federal
4 Individuals with Disabilities Education Improvement Act of
5 2004 (Public Law 108-446) to be used by all school boards. The
6 notice shall also inform the parents of the availability upon
7 request of a list of free or low-cost legal and other relevant
8 services available locally to assist parents in initiating an
9 impartial due process hearing. The State Superintendent shall
10 revise the uniform notices required by this subsection (g) to
11 reflect current law and procedures at least once every 2
12 years. Any parent who is deaf, or does not normally
13 communicate using spoken English, who participates in a
14 meeting with a representative of a local educational agency
15 for the purposes of developing an individualized educational
16 program shall be entitled to the services of an interpreter.
17 The State Board of Education must adopt rules to establish the
18 criteria, standards, and competencies for a bilingual language
19 interpreter who attends an individualized education program
20 meeting under this subsection to assist a parent who has
21 limited English proficiency.

22 (g-5) For purposes of this subsection (g-5), "qualified
23 professional" means an individual who holds credentials to
24 evaluate the child in the domain or domains for which an
25 evaluation is sought or an intern working under the direct
26 supervision of a qualified professional, including a master's

1 or doctoral degree candidate.

2 To ensure that a parent can participate fully and
3 effectively with school personnel in the development of
4 appropriate educational and related services for his or her
5 child, the parent, an independent educational evaluator, or a
6 qualified professional retained by or on behalf of a parent or
7 child must be afforded reasonable access to educational
8 facilities, personnel, classrooms, and buildings and to the
9 child as provided in this subsection (g-5). The requirements
10 of this subsection (g-5) apply to any public school facility,
11 building, or program and to any facility, building, or program
12 supported in whole or in part by public funds. Prior to
13 visiting a school, school building, or school facility, the
14 parent, independent educational evaluator, or qualified
15 professional may be required by the school district to inform
16 the building principal or supervisor in writing of the
17 proposed visit, the purpose of the visit, and the approximate
18 duration of the visit. The visitor and the school district
19 shall arrange the visit or visits at times that are mutually
20 agreeable. Visitors shall comply with school safety, security,
21 and visitation policies at all times. School district
22 visitation policies must not conflict with this subsection
23 (g-5). Visitors shall be required to comply with the
24 requirements of applicable privacy laws, including those laws
25 protecting the confidentiality of education records such as
26 the federal Family Educational Rights and Privacy Act and the

1 Illinois School Student Records Act. The visitor shall not
2 disrupt the educational process.

3 (1) A parent must be afforded reasonable access of
4 sufficient duration and scope for the purpose of observing
5 his or her child in the child's current educational
6 placement, services, or program or for the purpose of
7 visiting an educational placement or program proposed for
8 the child.

9 (2) An independent educational evaluator or a
10 qualified professional retained by or on behalf of a
11 parent or child must be afforded reasonable access of
12 sufficient duration and scope for the purpose of
13 conducting an evaluation of the child, the child's
14 performance, the child's current educational program,
15 placement, services, or environment, or any educational
16 program, placement, services, or environment proposed for
17 the child, including interviews of educational personnel,
18 child observations, assessments, tests or assessments of
19 the child's educational program, services, or placement or
20 of any proposed educational program, services, or
21 placement. If one or more interviews of school personnel
22 are part of the evaluation, the interviews must be
23 conducted at a mutually agreed upon time, date, and place
24 that do not interfere with the school employee's school
25 duties. The school district may limit interviews to
26 personnel having information relevant to the child's

1 current educational services, program, or placement or to
2 a proposed educational service, program, or placement.

3 ~~(h) (Blank).~~

4 ~~(i) (Blank).~~

5 ~~(j) (Blank).~~

6 ~~(k) (Blank).~~

7 ~~(l) (Blank).~~

8 ~~(m) (Blank).~~

9 ~~(n) (Blank).~~

10 ~~(o) (Blank).~~

11 (Source: P.A. 100-122, eff. 8-18-17; 100-863, eff. 8-14-18;
12 100-993, eff. 8-20-18; 101-124, eff. 1-1-20; revised 9-26-19.)

13 Section 95. Illinois Compiled Statutes reassignment. The
14 Legislative Reference Bureau shall reassign the following Act
15 to the specified location in the Illinois Compiled Statutes
16 and file appropriate documents with the Index Division of the
17 Office of the Secretary of State in accordance with subsection
18 (c) of Section 5.04 of the Legislative Reference Bureau Act:

19 Illinois Commission on Volunteerism and Community Service
20 Act, reassigned from 20 ILCS 2330/ to 20 ILCS 1345/.

21 Section 99. Effective date. This Act takes effect upon
22 becoming law, except that Sections 3 and 95 take effect
23 January 1, 2022.