

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by adding Section
5 14-17 as follows:

6 (105 ILCS 5/14-17 new)

7 Sec. 14-17. COVID-19 post-secondary transition recovery
8 eligibility.

9 (a) Eligible students who reached or will reach their 22nd
10 birthday between March 17, 2020 and the end of the 2021-2022
11 school year have been and will be uniquely impacted by the
12 COVID-19 pandemic and resulting closures or significant
13 limitations on in-person instruction, activities, and
14 services. These students have had limited or no opportunity to
15 engage in the in-person activities and services required by
16 their individualized education programs, have been limited in
17 achieving their transition goals, and have lost or will lose
18 eligibility by the end of the regular 2021-2022 school year.

19 (b) Accordingly, these students or, if applicable, their
20 guardians or designated representatives, shall be afforded the
21 option of extending the student's eligibility through the end
22 of the regular 2021-2022 school year to provide the student
23 with an opportunity to participate in post-secondary

1 transition activities and services and pursue the goals under
2 the student's most recent individualized education program
3 (IEP). Nothing in this Section shall be construed to restrict
4 the student's IEP team, including the student and the
5 student's guardian or designated representative, from
6 modifying the student's IEP goals or developing new goals to
7 address regression or newly identified student needs during
8 the period of extended eligibility. If a program, service,
9 activity, or placement provided in the student's most recent
10 IEP is no longer available, the student's IEP team shall
11 convene a meeting to consider comparable services that address
12 appropriate transition goals for the student. A request to opt
13 for an extension of eligibility must be submitted to the
14 school district no later than December 1, 2021. Services shall
15 resume no later than 10 school days after receipt of the
16 request for an extension of eligibility.

17 (c) If a student or guardian or designated representative
18 opts for an extension of eligibility under this Section, that
19 person waives any claims for compensatory services due to
20 events that occurred between March 17, 2020 and the resumption
21 of services in the 2021-2022 school year.

22 (d) A student or, if applicable, a student's guardian or
23 designated representative who chooses not to opt for an
24 additional year of eligibility must be notified of the right
25 to request a meeting with the student's IEP team to discuss the
26 student's need for compensatory services. The meeting must

1 occur no later than November 15, 2021. If the student,
2 guardian, or designated representative disagrees with the
3 outcome of the IEP meeting, the student, guardian, or
4 designated representative shall have the option of (i)
5 extending the student's eligibility under this Section or (ii)
6 seeking relief through the procedural safeguards available
7 under the federal Individuals with Disabilities Education Act
8 and this Code for resolving disputes, including mediation, due
9 process, or State complaint.

10 (e) The special education and related services, including
11 transition services, provided under this Section shall, to the
12 extent allowed, be paid for from the moneys received by the
13 State or school district under the federal Coronavirus Aid,
14 Relief, and Economic Security Act, the federal Coronavirus
15 Response and Relief Supplemental Appropriations Act, the
16 federal American Rescue Plan Act of 2021, or any other federal
17 funding provided to address the impact of the COVID-19
18 pandemic on elementary and secondary schools and students, as
19 funds become available.

20 (f) Each school district shall provide written
21 notification of the options under this Section to each student
22 to whom this Section applies or the student's guardian or
23 designated representative within 30 days after the effective
24 date of this amendatory Act of the 102nd General Assembly. The
25 notification shall be mailed to the last known address of the
26 student, or, if applicable, of the student's guardian or

1 designated representative, and shall be identical to or
2 substantially the same as the following form:

3 NOTIFICATION TO STUDENT AND GUARDIAN/DESIGNATED
4 REPRESENTATIVE OF EXTENDED SPECIAL EDUCATION
5 ELIGIBILITY OPTIONS DUE TO COVID-19

6 DATE: (INSERT DATE)

7 STUDENT'S NAME: (INSERT NAME)

8 STUDENT'S ADDRESS: (INSERT ADDRESS)

9 STUDENT'S DATE OF BIRTH: (INSERT DATE OF BIRTH)

10 Dear (INSERT NAME OF STUDENT AND GUARDIAN/DESIGNATED
11 REPRESENTATIVE):

12 A new Illinois law gives certain students the option of
13 extending their special education eligibility due to the
14 COVID-19 public health emergency that has limited in-person
15 transition activities and services. The extended period of
16 eligibility lasts up to the end of the regular 2021-2022
17 school year and is intended to allow the student to continue
18 the student's participation in IEP activities, receive IEP
19 services, and pursue IEP goals according to the IEP that was in
20 effect immediately before the student's 22nd birthday. The
21 student's IEP team, which includes the student and the
22 student's guardian or designated representative, may agree to

1 modify the student's goals or IEP activities or goals to
2 address loss of progress during the COVID-19 pandemic or to
3 write new goals to address newly identified student needs.

4 You have the right to request a meeting with the IEP team
5 to discuss compensatory services.

6 To qualify for extended eligibility, the student must meet
7 the following requirements:

8 1. The student reached or will reach age 22 between
9 March 17, 2020 and the end of the 2021-2022 school year.

10 2. The student had an IEP in effect on the day before
11 the student's 22nd birthday.

12 3. The student or the student's guardian or designated
13 representative waives any claims the student may have for
14 compensatory services due to events that occurred between
15 March 17, 2020 and the date the student's IEP services and
16 activities resume in the 2021-2022 school year.

17 () BY CHECKING THIS BOX AND RETURNING THIS DOCUMENT ON OR
18 BEFORE DECEMBER 1, 2021, THE STUDENT OR THE STUDENT'S GUARDIAN
19 OR DESIGNATED REPRESENTATIVE CHOOSES THE OPTION OF EXTENDING
20 THE STUDENT'S ELIGIBILITY FOR SPECIAL EDUCATION UNTIL THE END
21 OF THE 2021-2022 SCHOOL YEAR AND UNDERSTANDS THEY ARE WAIVING
22 ANY CLAIMS FOR COMPENSATORY SERVICES THAT AROSE DUE TO EVENTS
23 THAT OCCURRED BETWEEN MARCH 17, 2020 AND THE DATE SERVICES ARE
24 RESUMED IN THE 2021-2022 SCHOOL YEAR.

1 IF YOU DO NOT CHECK THE BOX ABOVE YOU DO NOT WAIVE ANY CLAIMS
2 FOR COMPENSATORY SERVICES AND MAY SEEK RELIEF THROUGH THE
3 PROCEDURAL SAFEGUARDS AVAILABLE UNDER IDEA AND THE ILLINOIS
4 SCHOOL CODE, INCLUDING AN IEP TEAM MEETING, MEDIATION, STATE
5 COMPLAINT, OR DUE PROCESS.

6 IN ADDITION, IF YOU DO NOT CHECK THE BOX ABOVE, THE SCHOOL
7 DISTRICT MUST SCHEDULE AND HOLD AN IEP MEETING NO LATER THAN
8 NOVEMBER 15, 2021 IF YOU REQUEST A MEETING TO CONSIDER
9 COMPENSATORY SERVICES FOR THE STUDENT DUE TO THE COVID-19
10 PUBLIC HEALTH EMERGENCY.

11 IF YOU ARE NOT SATISFIED WITH THE OUTCOME OF THE IEP MEETING,
12 YOU CONTINUE TO HAVE THE OPTION OF CHECKING THE BOX AND
13 RETURNING THIS DOCUMENT TO THE SCHOOL DISTRICT ON OR BEFORE
14 DECEMBER 1, 2021 TO RECEIVE AN EXTENSION OF ELIGIBILITY UP TO
15 THE END OF THE REGULAR 2021-2022 SCHOOL YEAR.

16 IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, PLEASE CONTACT ME
17 AT (INSERT PHONE NUMBER AND E-MAIL ADDRESS).

18 SINCERELY,

19 (INSERT NAME)

20 (INSERT TITLE)

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.