



Rep. Suzanne Ness

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10200HB2748ham001

LRB102 05136 CMG 25312 a

1 AMENDMENT TO HOUSE BILL 2748

2 AMENDMENT NO. _____. Amend House Bill 2748 by replacing
3 everything after the enacting clause with the following:

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

1 achieving their transition goals, and have lost or will lose
2 eligibility by the end of the regular 2021-2022 school year.

3 (b) Accordingly, these students or, if applicable, their
4 guardians or designated representatives, shall be afforded the
5 option of extending the student's eligibility through the end
6 of the regular 2021-2022 school year to provide the student
7 with an opportunity to participate in post-secondary
8 transition activities and services and pursue the goals under
9 the student's most recent individualized education program
10 (IEP). Nothing in this Section shall be construed to restrict
11 the student's IEP team, including the student and the
12 student's guardian or designated representative, from
13 modifying the student's IEP goals or developing new goals to
14 address regression or newly identified student needs during
15 the period of extended eligibility. If a program, service,
16 activity, or placement provided in the student's most recent
17 IEP is no longer available, the student's IEP team shall
18 convene a meeting to consider comparable services that address
19 appropriate transition goals for the student. A request to opt
20 for an extension of eligibility must be submitted to the
21 school district no later than December 1, 2021. Services shall
22 resume no later than 10 school days after receipt of the
23 request for an extension of eligibility.

24 (c) If a student or guardian or designated representative
25 opts for an extension of eligibility under this Section, that
26 person waives any claims for compensatory services due to

1 events that occurred between March 17, 2020 and the resumption
2 of services in the 2021-2022 school year.

3 (d) A student or, if applicable, a student's guardian or
4 designated representative who chooses not to opt for an
5 additional year of eligibility must be notified of the right
6 to request a meeting with the student's IEP team to discuss the
7 student's need for compensatory services. The meeting must
8 occur no later than November 15, 2021. If the student,
9 guardian, or designated representative disagrees with the
10 outcome of the IEP meeting, the student, guardian, or
11 designated representative shall have the option of (i)
12 extending the student's eligibility under this Section or (ii)
13 seeking relief through the procedural safeguards available
14 under the federal Individuals with Disabilities Education Act
15 and this Code for resolving disputes, including mediation, due
16 process, or State complaint.

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

1 (f) Each school district shall provide written
2 notification of the options under this Section to each student
3 to whom this Section applies or the student's guardian or
4 designated representative within 30 days after the effective
5 date of this amendatory Act of the 102nd General Assembly. The
6 notification shall be mailed to the last known address of the
7 student, or, if applicable, of the student's guardian or
8 designated representative, and shall be identical to or
9 substantially the same as the following form:

10 NOTIFICATION TO STUDENT AND GUARDIAN/DESIGNATED

11 REPRESENTATIVE OF EXTENDED SPECIAL EDUCATION

12 ELIGIBILITY OPTIONS DUE TO COVID-19

13 DATE: (INSERT DATE)

14 STUDENT'S NAME: (INSERT NAME)

15 STUDENT'S ADDRESS: (INSERT ADDRESS)

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

17 Dear (INSERT NAME OF STUDENT AND GUARDIAN/DESIGNATED
18 REPRESENTATIVE):

19 A new Illinois law gives certain students the option of
20 extending their special education eligibility due to the
21 COVID-19 public health emergency that has limited in-person
22 transition activities and services. The extended period of

1 eligibility lasts up to the end of the regular 2021-2022
2 school year and is intended to allow the student to continue
3 the student's participation in IEP activities, receive IEP
4 services, and pursue IEP goals according to the IEP that was in
5 effect immediately before the student's 22nd birthday. The
6 student's IEP team, which includes the student and the
7 student's guardian or designated representative, may agree to
8 modify the student's goals or IEP activities or goals to
9 address loss of progress during the COVID-19 pandemic or to
10 write new goals to address newly identified student needs.

11 You have the right to request a meeting with the IEP team
12 to discuss compensatory services.

13 To qualify for extended eligibility, the student must meet
14 the following requirements:

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

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

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

24 () BY CHECKING THIS BOX AND RETURNING THIS DOCUMENT ON OR
25 BEFORE DECEMBER 1, 2021, THE STUDENT OR THE STUDENT'S GUARDIAN

1 OR DESIGNATED REPRESENTATIVE CHOOSES THE OPTION OF EXTENDING
2 THE STUDENT'S ELIGIBILITY FOR SPECIAL EDUCATION UNTIL THE END
3 OF THE 2021-2022 SCHOOL YEAR AND UNDERSTANDS THEY ARE WAIVING
4 ANY CLAIMS FOR COMPENSATORY SERVICES THAT AROSE DUE TO EVENTS
5 THAT OCCURRED BETWEEN MARCH 17, 2020 AND THE DATE SERVICES ARE
6 RESUMED IN THE 2021-2022 SCHOOL YEAR.

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

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

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

22 IF YOU HAVE ANY QUESTIONS ABOUT THIS NOTICE, PLEASE CONTACT ME

1 AT (INSERT PHONE NUMBER AND E-MAIL ADDRESS) .

2 SINCERELY,

3 (INSERT NAME)

4 (INSERT TITLE)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".