



Sen. Kimberly A. Lightford

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1 AMENDMENT TO SENATE BILL 820

2 AMENDMENT NO. _____. Amend Senate Bill 820 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Sections 2-3.186, 2-3.187, 14A-32, and 22-90 as follows:

6 (105 ILCS 5/2-3.186)

7 Sec. 2-3.186. Freedom Schools; grant program.

8 (a) The General Assembly recognizes and values the
9 contributions that Freedom Schools make to enhance the lives
10 of Black students. The General Assembly makes all of the
11 following findings:

12 (1) The fundamental goal of the Freedom Schools of the
13 1960s was to provide quality education for all students,
14 to motivate active civic engagement, and to empower
15 disenfranchised communities. The renowned and progressive
16 curriculum of Freedom Schools allowed students of all ages

1 to experience a new and liberating form of education that
2 directly related to the imperatives of their lives, their
3 communities, and the Freedom Movement.

4 (2) Freedom Schools continue to demonstrate the proven
5 benefits of critical civic engagement and
6 intergenerational effects by providing historically
7 disadvantaged students, including African American
8 students and other students of color, with quality
9 instruction that fosters student confidence, critical
10 thinking, and social and emotional development.

11 (3) Freedom Schools offer culturally relevant learning
12 opportunities with the academic and social supports that
13 Black children need by utilizing quality teaching,
14 challenging and engaging curricula, wrap-around supports,
15 a positive school climate, and strong ties to family and
16 community. Freedom Schools have a clear focus on results.

17 (4) Public schools serve a foundational role in the
18 education of over 2,000,000 students in this State.

19 (b) The State Board of Education shall establish a Freedom
20 School network to supplement the learning taking place in
21 public schools by creating a 6-week summer program with an
22 organization with a mission to improve the odds for children
23 in poverty that operates Freedom Schools in multiple states
24 using a research-based and multicultural curriculum for
25 disenfranchised communities most affected by the opportunity
26 gap and learning loss caused by the pandemic, and by expanding

1 the teaching of African American history, developing
2 leadership skills, and providing an understanding of the
3 tenets of the civil rights movement. The teachers in Freedom
4 Schools must be from the local community, with an emphasis on
5 historically disadvantaged youth, including African American
6 students and other students of color, so that (i) these
7 individuals have access to summer jobs and teaching
8 experiences that serve as a long-term pipeline to educational
9 careers and the hiring of minority educators in public
10 schools, (ii) these individuals are elevated as content
11 experts and community leaders, and (iii) Freedom School
12 students have access to both mentorship and equitable
13 educational resources.

14 (c) A Freedom School shall intentionally and imaginatively
15 implement strategies that focus on all of the following:

- 16 (1) Racial justice and equity.
- 17 (2) Transparency and building trusting relationships.
- 18 (3) Self-determination and governance.
- 19 (4) Building on community strengths and community
20 wisdom.
- 21 (5) Utilizing current data, best practices, and
22 evidence.
- 23 (6) Shared leadership and collaboration.
- 24 (7) A reflective learning culture.
- 25 (8) A whole-child approach to education.
- 26 (9) Literacy.

1 (d) The State Board of Education, in the establishment of
2 Freedom Schools, shall strive for authentic parent and
3 community engagement during the development of Freedom Schools
4 and their curriculum. Authentic parent and community
5 engagement includes all of the following:

6 (1) A shared responsibility that values equal
7 partnerships between families and professionals.

8 (2) Ensuring that students and families who are
9 directly impacted by Freedom School policies and practices
10 are the decision-makers in the creation, design,
11 implementation, and assessment of those policies and
12 practices.

13 (3) Genuine respect for the culture and diversity of
14 families.

15 (4) Relationships that center around the goal of
16 supporting family well-being and children's development
17 and learning.

18 (e) Subject to appropriation, the State Board of Education
19 shall establish and implement a grant program to provide
20 grants to public schools, public community colleges, and
21 not-for-profit, community-based organizations to facilitate
22 improved educational outcomes for historically disadvantaged
23 students, including African American students and other
24 students of color ~~Black students~~ in grades pre-kindergarten
25 through 12 in alignment with the integrity and practices of
26 the Freedom School model established during the civil rights

1 movement. Grant recipients under the program may include, but
2 are not limited to, entities that work with the Children's
3 Defense Fund or offer established programs with proven results
4 and outcomes. The State Board of Education shall award grants
5 to eligible entities that demonstrate a likelihood of
6 reasonable success in achieving the goals identified in the
7 grant application, including, but not limited to, all of the
8 following:

9 (1) Engaging, culturally relevant, and challenging
10 curricula.

11 (2) High-quality teaching.

12 (3) Wrap-around supports and opportunities.

13 (4) Positive discipline practices, such as restorative
14 justice.

15 (5) Inclusive leadership.

16 (f) The Freedom Schools Fund is created as a special fund
17 in the State treasury. the Fund shall consist of
18 appropriations from the General Revenue Fund, grant funds from
19 the federal government, and donations from educational and
20 private foundations. All money in the Fund shall be used,
21 subject to appropriation, by the State Board of Education for
22 the purposes of this Section and to support related
23 activities.

24 (g) The State Board of Education may adopt any rules
25 necessary to implement this Section.

26 (Source: P.A. 101-654, eff. 3-8-21.)

1 (105 ILCS 5/2-3.187)

2 (Section scheduled to be repealed on January 1, 2023)

3 Sec. 2-3.187. Inclusive American History Commission.

4 (a) The Inclusive American History Commission is created
5 to provide assistance to the State Board of Education in
6 revising its social science learning standards under
7 subsection (a-5) of Section 2-3.25.

8 (b) The State Board of Education shall convene the
9 Inclusive American History Commission to do all of the
10 following:

11 (1) Review available resources for use in school
12 districts that reflect the racial and ethnic diversity of
13 this State and country. The resources identified by the
14 Commission may be posted on the State Board of Education's
15 Internet website.

16 (2) Provide guidance for each learning standard
17 developed for educators on how to ensure that instruction
18 and content are not biased to value specific cultures,
19 time periods, and experiences over other cultures, time
20 periods, and experiences.

21 (3) Develop guidance, tools, and support for
22 professional learning on how to locate and utilize
23 resources for non-dominant cultural narratives and sources
24 of historical information.

25 (c) The Commission shall consist of all of the following

1 members:

2 (1) One Representative appointed by the Speaker of the
3 House of Representatives.

4 (2) One Representative appointed by the Minority
5 Leader of the House of Representatives.

6 (3) One Senator appointed by the President of the
7 Senate.

8 (4) One Senator appointed by the Minority Leader of
9 the Senate.

10 (5) Two members who are history scholars appointed by
11 the State Superintendent of Education.

12 (6) Eight members who are teachers at schools in this
13 State recommended by professional teachers' organizations
14 and appointed by the State Superintendent of Education.

15 (7) One representative of the State Board of Education
16 appointed by the State Superintendent of Education who
17 shall serve as chairperson.

18 (8) One member who represents an ~~a statewide~~
19 organization that represents south suburban school
20 districts appointed by the State Superintendent of
21 Education.

22 (9) One member who represents a west suburban school
23 district appointed by the State Superintendent of
24 Education.

25 (10) One member who represents a school district
26 organized under Article 34 appointed by the State

1 Superintendent of Education.

2 (11) One member who represents a statewide
3 organization that represents school librarians appointed
4 by the State Superintendent of Education.

5 (12) One member who represents a statewide
6 organization that represents principals appointed by the
7 State Superintendent of Education.

8 (13) One member who represents a statewide
9 organization that represents superintendents appointed by
10 the State Superintendent of Education.

11 (14) One member who represents a statewide
12 organization that represents school boards appointed by
13 the State Superintendent of Education.

14 Members appointed to the Commission must reflect the
15 racial, ethnic, and geographic diversity of this State.

16 (d) Members of the Commission shall serve without
17 compensation but may be reimbursed for reasonable expenses
18 from funds appropriated to the State Board of Education for
19 that purpose, including travel, subject to the rules of the
20 appropriate travel control board.

21 (e) The State Board of Education shall provide
22 administrative and other support to the Commission.

23 (f) The Commission must submit a report about its work to
24 the State Board of Education, the Governor, and the General
25 Assembly on or before December 31, 2021. The Commission is
26 dissolved upon the submission of its report.

1 (g) This Section is repealed on January 1, 2023.

2 (Source: P.A. 101-654, eff. 3-8-21.)

3 (105 ILCS 5/14A-32)

4 Sec. 14A-32. Accelerated placement; school district
5 responsibilities.

6 (a) Each school district shall have a policy that allows
7 for accelerated placement that includes or incorporates by
8 reference the following components:

9 (1) a provision that provides that participation in
10 accelerated placement is not limited to those children who
11 have been identified as gifted and talented, but rather is
12 open to all children who demonstrate high ability and who
13 may benefit from accelerated placement;

14 (2) a fair and equitable decision-making process that
15 involves multiple persons and includes a student's parents
16 or guardians;

17 (3) procedures for notifying parents or guardians of a
18 child of a decision affecting that child's participation
19 in an accelerated placement program; and

20 (4) an assessment process that includes multiple
21 valid, reliable indicators.

22 (a-5) By no later than the beginning of the 2023-2024
23 school year, a school district's accelerated placement policy
24 shall allow for the automatic enrollment, in the following
25 school term, of a student into the next most rigorous level of

1 advanced coursework offered by the high school if the student
2 meets or exceeds State standards in English language arts,
3 mathematics, or science on a State assessment administered
4 under Section 2-3.64a-5 as follows:

5 (1) A student who meets or exceeds State standards in
6 English language arts shall be automatically enrolled into
7 the next most rigorous level of advanced coursework in
8 English, social studies, humanities, or related subjects.

9 (2) A student who meets or exceeds State standards in
10 mathematics shall be automatically enrolled into the next
11 most rigorous level of advanced coursework in mathematics.

12 (3) A student who meets or exceeds State standards in
13 science shall be automatically enrolled into the next most
14 rigorous level of advanced coursework in science.

15 For a student entering grade 12, the next most rigorous
16 level of advanced coursework in English language arts or
17 mathematics shall be a dual credit course, as defined in the
18 Dual Credit Quality Act, an Advanced Placement course, as
19 defined in Section 10 of the College and Career Success for All
20 Students Act, or an International Baccalaureate course;
21 otherwise, the ~~The~~ next most rigorous level of advanced
22 coursework under this subsection (a-5) may include a dual
23 credit course, as defined in the Dual Credit Quality Act, an
24 Advanced Placement course, as defined in Section 10 of the
25 College and Career Success for All Students Act, an
26 International Baccalaureate course, an honors class, an

1 enrichment opportunity, a gifted program, or another program
2 offered by the district.

3 A school district may use the student's most recent State
4 assessment results to determine whether a student meets or
5 exceeds State standards. For a student entering grade 9,
6 results from the State assessment taken in grades 6 through 8
7 may be used. For other high school grades, the results from a
8 locally selected, nationally normed assessment may be used
9 instead of the State assessment if those results are the most
10 recent.

11 A school district must provide the parent or guardian of a
12 student eligible for automatic enrollment under this
13 subsection (a-5) with the option to instead have the student
14 enroll in alternative coursework that better aligns with the
15 student's postsecondary education or career goals.

16 Nothing in this subsection (a-5) may be interpreted to
17 preclude other students from enrolling in advanced coursework
18 per the policy of a school district.

19 (b) Further, a school district's accelerated placement
20 policy may include or incorporate by reference, but need not
21 be limited to, the following components:

22 (1) procedures for annually informing the community
23 at-large, including parents or guardians, community-based
24 organizations, and providers of out-of-school programs,
25 about the accelerated placement program and the methods
26 used for the identification of children eligible for

1 accelerated placement, including strategies to reach
2 groups of students and families who have been historically
3 underrepresented in accelerated placement programs and
4 advanced coursework;

5 (2) a process for referral that allows for multiple
6 referrers, including a child's parents or guardians; other
7 referrers may include licensed education professionals,
8 the child, with the written consent of a parent or
9 guardian, a peer, through a licensed education
10 professional who has knowledge of the referred child's
11 abilities, or, in case of possible early entrance, a
12 preschool educator, pediatrician, or psychologist who
13 knows the child;

14 (3) a provision that provides that children
15 participating in an accelerated placement program and
16 their parents or guardians will be provided a written plan
17 detailing the type of acceleration the child will receive
18 and strategies to support the child;

19 (4) procedures to provide support and promote success
20 for students who are newly enrolled in an accelerated
21 placement program; and

22 (5) a process for the school district to review and
23 utilize disaggregated data on participation in an
24 accelerated placement program to address gaps among
25 demographic groups in accelerated placement opportunities.

26 (c) The State Board of Education shall adopt rules to

1 determine data to be collected and disaggregated by
2 demographic group regarding accelerated placement, including
3 the rates of students who participate in and successfully
4 complete advanced coursework, and a method of making the
5 information available to the public.

6 (d) On or before November 1, 2022, following a review of
7 disaggregated data on the participation and successful
8 completion rates of students enrolled in an accelerated
9 placement program, each school district shall develop a plan
10 to expand access to its accelerated placement program and to
11 ensure the teaching capacity necessary to meet the increased
12 demand.

13 (Source: P.A. 100-421, eff. 7-1-18; 101-654, eff. 3-8-21.)

14 (105 ILCS 5/22-90)

15 (Section scheduled to be repealed on February 1, 2023)

16 Sec. 22-90. Whole Child Task Force.

17 (a) The General Assembly makes all of the following
18 findings:

19 (1) The COVID-19 pandemic has exposed systemic
20 inequities in American society. Students, educators, and
21 families throughout this State have been deeply affected
22 by the pandemic, and the impact of the pandemic will be
23 felt for years to come. The negative consequences of the
24 pandemic have impacted students and communities
25 differently along the lines of race, income, language, and

1 special needs. However, students in this State faced
2 significant unmet physical health, mental health, and
3 social and emotional needs even prior to the pandemic.

4 (2) The path to recovery requires a commitment from
5 adults in this State to address our students cultural,
6 physical, emotional, and mental health needs and to
7 provide them with stronger and increased systemic support
8 and intervention.

9 (3) It is well documented that trauma and toxic stress
10 diminish a child's ability to thrive. Forms of childhood
11 trauma and toxic stress include adverse childhood
12 experiences, systemic racism, poverty, food and housing
13 insecurity, and gender-based violence. The COVID-19
14 pandemic has exacerbated these issues and brought them
15 into focus.

16 (4) It is estimated that, overall, approximately 40%
17 of children in this State have experienced at least one
18 adverse childhood experience and approximately 10% have
19 experienced 3 or more adverse childhood experiences.
20 However, the number of adverse childhood experiences is
21 higher for Black and Hispanic children who are growing up
22 in poverty. The COVID-19 pandemic has amplified the number
23 of students who have experienced childhood trauma. Also,
24 the COVID-19 pandemic has highlighted preexisting
25 inequities in school disciplinary practices that
26 disproportionately impact Black and Brown students.

1 Research shows, for example, that girls of color are
2 disproportionately impacted by trauma, adversity, and
3 abuse, and instead of receiving the care and
4 trauma-informed support they may need, many Black girls in
5 particular face disproportionately harsh disciplinary
6 measures.

7 (5) The cumulative effects of trauma and toxic stress
8 adversely impact the physical health of students, as well
9 as their ability to learn, form relationships, and
10 self-regulate. If left unaddressed, these effects increase
11 a student's risk for depression, alcoholism, anxiety,
12 asthma, smoking, and suicide, all of which are risks that
13 disproportionately affect Black youth and may lead to a
14 host of medical diseases as an adult. Access to infant and
15 early childhood mental health services is critical to
16 ensure the social and emotional well-being of this State's
17 youngest children, particularly those children who have
18 experienced trauma.

19 (6) Although this State enacted measures through
20 Public Act 100-105 to address the high rate of early care
21 and preschool expulsions of infants, toddlers, and
22 preschoolers and the disproportionately higher rate of
23 expulsion for Black and Hispanic children, a recent study
24 found a wide variation in the awareness, understanding,
25 and compliance with the law by providers of early
26 childhood care. Further work is needed to implement the

1 law, which includes providing training to early childhood
2 care providers to increase their understanding of the law,
3 increasing the availability and access to infant and early
4 childhood mental health services, and building aligned
5 data collection systems to better understand expulsion
6 rates and to allow for accurate reporting as required by
7 the law.

8 (7) Many educators and schools in this State have
9 embraced and implemented evidenced-based restorative
10 justice and trauma-responsive and culturally relevant
11 practices and interventions. However, the use of these
12 interventions on students is often isolated or is
13 implemented occasionally and only if the school has the
14 appropriate leadership, resources, and partners available
15 to engage seriously in this work. It would be malpractice
16 to deny our students access to these practices and
17 interventions, especially in the aftermath of a
18 once-in-a-century pandemic.

19 (b) The Whole Child Task Force is created for the purpose
20 of establishing an equitable, inclusive, safe, and supportive
21 environment in all schools for every student in this State.
22 The task force shall have all of the following goals, which
23 means key steps have to be taken to ensure that every child in
24 every school in this State has access to teachers, social
25 workers, school leaders, support personnel, and others who
26 have been trained in evidenced-based interventions and

1 restorative practices:

2 (1) To create a common definition of a
3 trauma-responsive school, a trauma-responsive district,
4 and a trauma-responsive community.

5 (2) To outline the training and resources required to
6 create and sustain a system of support for
7 trauma-responsive schools, districts, and communities and
8 to identify this State's role in that work, including
9 recommendations concerning options for redirecting
10 resources from school resource officers to classroom-based
11 support.

12 (3) To identify or develop a process to conduct an
13 analysis of the organizations that provide training in
14 restorative practices, implicit bias, anti-racism, and
15 trauma-responsive systems, mental health services, and
16 social and emotional services to schools.

17 (4) To provide recommendations concerning the key data
18 to be collected and reported to ensure that this State has
19 a full and accurate understanding of the progress toward
20 ensuring that all schools, including programs and
21 providers of care to pre-kindergarten children, employ
22 restorative, anti-racist, and trauma-responsive
23 strategies and practices. The data collected must include
24 information relating to the availability of trauma
25 responsive support structures in schools as well as
26 disciplinary practices employed on students in person or

1 through other means, including during remote or blended
2 learning. It should also include information on the use
3 of, and funding for, school resource officers and other
4 similar police personnel in school programs.

5 (5) To recommend an implementation timeline, including
6 the key roles, responsibilities, and resources to advance
7 this State toward a system in which every school,
8 district, and community is progressing toward becoming
9 trauma-responsive.

10 (6) To seek input and feedback from stakeholders,
11 including parents, students, and educators, who reflect
12 the diversity of this State.

13 (c) Members of the Whole Child Task Force shall be
14 appointed by the State Superintendent of Education. Members of
15 this task force must represent the diversity of this State and
16 possess the expertise needed to perform the work required to
17 meet the goals of the task force set forth under subsection
18 (a). Members of the task force shall include all of the
19 following:

20 (1) One member of a statewide professional teachers'
21 organization.

22 (2) One member of another statewide professional
23 teachers' organization.

24 (3) One member who represents a school district
25 serving a community with a population of 500,000 or more.

26 (4) One member of a statewide organization

1 representing social workers.

2 (5) One member of an organization that has specific
3 expertise in trauma-responsive school practices and
4 experience in supporting schools in developing
5 trauma-responsive and restorative practices.

6 (6) One member of another organization that has
7 specific expertise in trauma-responsive school practices
8 and experience in supporting schools in developing
9 trauma-responsive and restorative practices.

10 (7) One member of a statewide organization that
11 represents school administrators.

12 (8) One member of a statewide policy organization that
13 works to build a healthy public education system that
14 prepares all students for a successful college, career,
15 and civic life.

16 (9) One member of a statewide organization that brings
17 teachers together to identify and address issues critical
18 to student success.

19 (10) One member of the General Assembly recommended by
20 the President of the Senate.

21 (11) One member of the General Assembly recommended by
22 the Speaker of the House of Representatives.

23 (12) One member of the General Assembly recommended by
24 the Minority Leader of the Senate.

25 (13) One member of the General Assembly recommended by
26 the Minority Leader of the House of Representatives.

1 (14) One member of a civil rights organization that
2 works actively on issues regarding student support.

3 (15) One administrator from a school district that has
4 actively worked to develop a system of student support
5 that uses a trauma-informed lens.

6 (16) One educator from a school district that has
7 actively worked to develop a system of student support
8 that uses a trauma-informed lens.

9 (17) One member of a youth-led organization.

10 (18) One member of an organization that has
11 demonstrated expertise in restorative practices.

12 (19) One member of a coalition of mental health and
13 school practitioners who assist schools in developing and
14 implementing trauma-informed and restorative strategies
15 and systems.

16 (20) One member of an organization whose mission is to
17 promote the safety, health, and economic success of
18 children, youth, and families in this State.

19 (21) One member who works or has worked as a
20 restorative justice coach or disciplinarian.

21 (22) One member who works or has worked as a social
22 worker.

23 (23) One member of the State Board of Education.

24 (24) One member who represents a statewide principals'
25 organization.

26 (25) One member who represents a statewide

1 organization of school boards.

2 (26) One member who has expertise in pre-kindergarten
3 education.

4 (27) One member who represents a school social worker
5 association.

6 (28) One member who represents an organization that
7 represents school districts in ~~both~~ the south suburbs ~~and~~
8 ~~collar counties~~.

9 (29) One member who is a licensed clinical
10 psychologist who (A) has a doctor of philosophy in the
11 field of clinical psychology and has an appointment at an
12 independent free-standing children's hospital located in
13 Chicago, (B) serves as associate professor at a medical
14 school located in Chicago, and (C) serves as the clinical
15 director of a coalition of voluntary collaboration of
16 organizations that are committed to applying a trauma lens
17 to their efforts on behalf of families and children in the
18 State.

19 (30) One member who represents a west suburban school
20 district.

21 (31) One member from a governmental agency who has
22 expertise in child development and who is responsible for
23 coordinating early childhood mental health programs and
24 services.

25 (32) One member who has significant expertise in early
26 childhood mental health and childhood trauma.

1 (33) One member who represents an organization that
2 represents school districts in the collar counties.

3 (d) The Whole Child Task Force shall meet at the call of
4 the State Superintendent of Education or his or her designee,
5 who shall serve as ~~as~~ the chairperson. The State Board of
6 Education shall provide administrative and other support to
7 the task force. Members of the task force shall serve without
8 compensation.

9 (e) The Whole Child Task Force shall submit a report of its
10 findings and recommendations to the General Assembly, the
11 Illinois Legislative Black Caucus, the State Board of
12 Education, and the Governor on or before February 1, 2022.
13 Upon submitting its report, the task force is dissolved.

14 (f) This Section is repealed on February 1, 2023.
15 (Source: P.A. 101-654, eff. 3-8-21.)

16 Section 10. The Early Intervention Services System Act is
17 amended by changing Section 11 as follows:

18 (325 ILCS 20/11) (from Ch. 23, par. 4161)

19 Sec. 11. Individualized Family Service Plans.

20 (a) Each eligible infant or toddler and that infant's or
21 toddler's family shall receive:

22 (1) timely, comprehensive, multidisciplinary
23 assessment of the unique strengths and needs of each
24 eligible infant and toddler, and assessment of the

1 concerns and priorities of the families to appropriately
2 assist them in meeting their needs and identify supports
3 and services to meet those needs; and

4 (2) a written Individualized Family Service Plan
5 developed by a multidisciplinary team which includes the
6 parent or guardian. The individualized family service plan
7 shall be based on the multidisciplinary team's assessment
8 of the resources, priorities, and concerns of the family
9 and its identification of the supports and services
10 necessary to enhance the family's capacity to meet the
11 developmental needs of the infant or toddler, and shall
12 include the identification of services appropriate to meet
13 those needs, including the frequency, intensity, and
14 method of delivering services. During and as part of the
15 initial development of the individualized family services
16 plan, and any periodic reviews of the plan, the
17 multidisciplinary team may seek consultation from the lead
18 agency's designated experts, if any, to help determine
19 appropriate services and the frequency and intensity of
20 those services. All services in the individualized family
21 services plan must be justified by the multidisciplinary
22 assessment of the unique strengths and needs of the infant
23 or toddler and must be appropriate to meet those needs. At
24 the periodic reviews, the team shall determine whether
25 modification or revision of the outcomes or services is
26 necessary.

1 (b) The Individualized Family Service Plan shall be
2 evaluated once a year and the family shall be provided a review
3 of the Plan at 6 month intervals or more often where
4 appropriate based on infant or toddler and family needs. The
5 lead agency shall create a quality review process regarding
6 Individualized Family Service Plan development and changes
7 thereto, to monitor and help assure that resources are being
8 used to provide appropriate early intervention services.

9 (c) The initial evaluation and initial assessment and
10 initial Plan meeting must be held within 45 days after the
11 initial contact with the early intervention services system.
12 The 45-day timeline does not apply for any period when the
13 child or parent is unavailable to complete the initial
14 evaluation, the initial assessments of the child and family,
15 or the initial Plan meeting, due to exceptional family
16 circumstances that are documented in the child's early
17 intervention records, or when the parent has not provided
18 consent for the initial evaluation or the initial assessment
19 of the child despite documented, repeated attempts to obtain
20 parental consent. As soon as exceptional family circumstances
21 no longer exist or parental consent has been obtained, the
22 initial evaluation, the initial assessment, and the initial
23 Plan meeting must be completed as soon as possible. With
24 parental consent, early intervention services may commence
25 before the completion of the comprehensive assessment and
26 development of the Plan.

1 (d) Parents must be informed that early intervention
2 services shall be provided to each eligible infant and
3 toddler, to the maximum extent appropriate, in the natural
4 environment, which may include the home or other community
5 settings. Parents shall make the final decision to accept or
6 decline early intervention services. A decision to decline
7 such services shall not be a basis for administrative
8 determination of parental fitness, or other findings or
9 sanctions against the parents. Parameters of the Plan shall be
10 set forth in rules.

11 (e) The regional intake offices shall explain to each
12 family, orally and in writing, all of the following:

13 (1) That the early intervention program will pay for
14 all early intervention services set forth in the
15 individualized family service plan that are not covered or
16 paid under the family's public or private insurance plan
17 or policy and not eligible for payment through any other
18 third party payor.

19 (2) That services will not be delayed due to any rules
20 or restrictions under the family's insurance plan or
21 policy.

22 (3) That the family may request, with appropriate
23 documentation supporting the request, a determination of
24 an exemption from private insurance use under Section
25 13.25.

26 (4) That responsibility for co-payments or

1 co-insurance under a family's private insurance plan or
2 policy will be transferred to the lead agency's central
3 billing office.

4 (5) That families will be responsible for payments of
5 family fees, which will be based on a sliding scale
6 according to the State's definition of ability to pay
7 which is comparing household size and income to the
8 sliding scale and considering out-of-pocket medical or
9 disaster expenses, and that these fees are payable to the
10 central billing office. Families who fail to provide
11 income information shall be charged the maximum amount on
12 the sliding scale.

13 (f) The individualized family service plan must state
14 whether the family has private insurance coverage and, if the
15 family has such coverage, must have attached to it a copy of
16 the family's insurance identification card or otherwise
17 include all of the following information:

18 (1) The name, address, and telephone number of the
19 insurance carrier.

20 (2) The contract number and policy number of the
21 insurance plan.

22 (3) The name, address, and social security number of
23 the primary insured.

24 (4) The beginning date of the insurance benefit year.

25 (g) A copy of the individualized family service plan must
26 be provided to each enrolled provider who is providing early

1 intervention services to the child who is the subject of that
2 plan.

3 (h) Children receiving services under this Act shall
4 receive a smooth and effective transition by their third
5 birthday consistent with federal regulations adopted pursuant
6 to Sections 1431 through 1444 of Title 20 of the United States
7 Code. Beginning January 1, 2022 ~~July 1, 2022~~, children who
8 receive early intervention services prior to their third
9 birthday and are found eligible for an individualized
10 education program under the Individuals with Disabilities
11 Education Act, 20 U.S.C. 1414(d)(1)(A), and under Section
12 14-8.02 of the School Code and whose birthday falls between
13 May 1 and August 31 may continue to receive early intervention
14 services until the beginning of the school year following
15 their third birthday in order to minimize gaps in services,
16 ensure better continuity of care, and align practices for the
17 enrollment of preschool children with special needs to the
18 enrollment practices of typically developing preschool
19 children.

20 (Source: P.A. 101-654, eff. 3-8-21.)".