



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1821

Introduced 2/26/2021, by Sen. David Koehler

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-17 new

Amends the Children with Disabilities Article of the School Code. Provides that eligible students who reached or will reach their 22nd birthday between March 17, 2020 and the end of the 2021-2022 school year shall be afforded the option of extending the student's eligibility through the end of the 2021-2022 school year to provide the student with an opportunity to participate in post-secondary transition activities and services and pursue the goals under the student's most recent individualized education program. Sets forth provisions regarding the extension of eligibility. Requires each school district to provide written notification of options, including the required waiver of compensatory services claims, to each student to whom these provisions apply or to the student's guardian or designated representative within 30 days after the effective date of the amendatory Act. Sets forth the written notification form. Effective immediately.

LRB102 15314 CMG 20670 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

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 severely
17 limited in achieving their transition goals, and have lost or
18 will lose eligibility by the end of the 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 2021-2022 school year to provide the student with an
23 opportunity to participate in post-secondary transition

1 activities and services and pursue the goals under the
2 student's most recent individualized education program (IEP).
3 Nothing in this Section shall be construed to restrict the
4 student's IEP team, including the student and the student's
5 guardian or designated representative, from modifying the
6 student's IEP goals or developing new goals to address
7 regression or newly identified student needs during the period
8 of extended eligibility. A request to opt for an extension of
9 eligibility must be submitted to the school district and the
10 waiver required under subsection (c) of this Section no later
11 than December 1, 2021. Services shall resume no later than 10
12 school days after receipt of the request for an extension of
13 eligibility.

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

19 (d) A student or, if applicable, a student's guardian or
20 designated representative who chooses not to opt for an
21 additional year of eligibility must be offered a meeting with
22 the student's IEP team to discuss the student's need for
23 compensatory services. The meeting must occur no later than
24 October 31, 2021. If the student, guardian, or designated
25 representative disagrees with the outcome of the IEP meeting,
26 the student, guardian, or designated representative shall have

1 the option of (i) extending the student's eligibility under
2 this Section or (ii) seeking relief through the procedural
3 safeguards available under the federal Individuals with
4 Disabilities Education Act and this Code for resolving
5 disputes, including mediation, due process, or State
6 complaint.

7 (e) Each school district shall provide written
8 notification of the options under this Section, including the
9 required waiver of compensatory services claims, to each
10 student to whom this Section applies or the student's guardian
11 or designated representative within 30 days after the
12 effective date of this amendatory Act of the 102nd General
13 Assembly. The notification shall be identical to or
14 substantially the same as the following form:

15 NOTIFICATION TO STUDENT AND GUARDIAN/DESIGNATED

16 REPRESENTATIVE OF EXTENDED SPECIAL EDUCATION

17 ELIGIBILITY OPTIONS DUE TO COVID-19

18 DATE: (INSERT DATE)

19 STUDENT'S NAME: (INSERT NAME)

20 STUDENT'S ADDRESS: (INSERT ADDRESS)

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

22 Dear (INSERT NAME OF STUDENT AND GUARDIAN/DESIGNATED
23 REPRESENTATIVE):

1 A new Illinois law gives certain students the option of
2 extending their special education eligibility due to the
3 COVID-19 public health emergency that has limited in-person
4 transition activities and services. The extended period of
5 eligibility lasts through the 2021-2022 school year and is
6 intended to allow the student to continue the student's
7 participation in IEP activities, receive IEP services, and
8 pursue IEP goals according to the IEP that was in effect
9 immediately before the student's 22nd birthday. The student's
10 IEP team, which includes the student and the student's
11 guardian or designated representative, may agree to modify the
12 student's goals or IEP activities or goals to address loss of
13 progress during the COVID-19 pandemic or to write new goals to
14 address newly identified student needs.

15 To qualify for extended eligibility, the student must meet
16 the following requirements:

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

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

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

1 year.

2 () BY CHECKING THIS BOX AND RETURNING THIS DOCUMENT ON OR
3 BEFORE DECEMBER 1, 2021, THE STUDENT OR THE STUDENT'S GUARDIAN
4 OR DESIGNATED REPRESENTATIVE CHOOSES THE OPTION OF EXTENDING
5 THE STUDENT'S ELIGIBILITY FOR SPECIAL EDUCATION UNTIL THE END
6 OF THE 2021-2022 SCHOOL YEAR AND WAIVES ANY CLAIMS FOR
7 COMPENSATORY SERVICES THAT AROSE DUE TO EVENTS THAT OCCURRED
8 BETWEEN MARCH 17, 2020 AND THE DATE SERVICES ARE RESUMED IN THE
9 2021-2022 SCHOOL YEAR.

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

15 IN ADDITION, IF YOU DO NOT CHECK THE BOX ABOVE, THE SCHOOL
16 DISTRICT MUST SCHEDULE AND HOLD AN IEP MEETING NO LATER THAN
17 OCTOBER 31, 2021 TO CONSIDER COMPENSATORY SERVICES FOR THE
18 STUDENT DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

19 IF YOU ARE NOT SATISFIED WITH THE OUTCOME OF THE IEP MEETING,
20 YOU CONTINUE TO HAVE THE OPTION OF CHECKING THE BOX AND
21 RETURNING THIS DOCUMENT TO THE SCHOOL DISTRICT ON OR BEFORE
22 DECEMBER 1, 2021 TO RECEIVE AN EXTENSION OF ELIGIBILITY

1 THROUGH THE END OF THE 2021-2022 SCHOOL YEAR.

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

4 SINCERELY,

5 (INSERT NAME)

6 (INSERT TITLE)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.