



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB1981

Introduced 2/26/2021, by Sen. Laura Fine

SYNOPSIS AS INTRODUCED:

See Index

Amends the Rehabilitation of Persons with Disabilities Act. Requires the Department of Human Services to prescribe and supervise courses of vocational training and to provide such other services as may be necessary for the vocational rehabilitation (rather than the habilitation and rehabilitation) of persons with one or more disabilities. Requires the Department to cooperate with State and local school authorities and other recognized agencies engaged in vocational rehabilitation services; and to cooperate with the Illinois State Board of Education and other specified entities regarding the education (rather than care and education) of children with one or more disabilities. Requires the Department to submit an annual report to the Governor that contains information on the programs, activities, and funding dedicated to vocational rehabilitation, independent living, and other community services and supports. Requires the Statewide Independent Living Council to develop a State Plan for Independent Living. Makes changes to provisions concerning grant awards to eligible centers for independent living. Makes changes to provisions concerning the Superintendent of the Illinois School for the Deaf and the Superintendent of the Illinois School of the Visually Impaired. Repeals provisions regarding community services for persons with visual disabilities at the Illinois Center for Rehabilitation and Education. Amends the Disabilities Services Act of 2003. Repeals provisions regarding a Rapid Reintegration Pilot Program. Amends the School Code. Provides that if a child with a disability might be eligible to receive services from the Illinois Center for Rehabilitation and Education, the school district shall notify the parents, in writing, of the existence of the school and the services provided. Effective immediately.

LRB102 16316 KTG 21702 b

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 5. The Rehabilitation of Persons with Disabilities
5 Act is amended by changing Sections 1b, 3, 5, 5a, 9, 10, 11,
6 12a, and 13a as follows:

7 (20 ILCS 2405/1b) (from Ch. 23, par. 3432)

8 Sec. 1b. Definitions. ~~As used in For the purpose of this~~
9 ~~Act; , the term~~

10 "Person ~~person~~ with one or more disabilities" means a any
11 person who, by reason of a physical or mental impairment, is or
12 may be expected to require assistance to achieve ~~be totally or~~
13 ~~partially incapacitated for~~ independent living or competitive
14 integrated employment.

15 "Vocational rehabilitation" ~~gainful employment; the term~~
16 ~~"rehabilitation" or "habilitation"~~ means those vocational or
17 other appropriate services that ~~which~~ increase the
18 opportunities for competitive integrated employment.

19 "Independent living" ~~independent functioning or gainful~~
20 ~~employment; the term "comprehensive rehabilitation"~~ means
21 those services necessary and appropriate to support community
22 living and independence.

23 "Director" ~~for increasing the potential for independent~~

1 ~~living or gainful employment as applicable; the term~~
2 ~~"vocational rehabilitation administrator"~~ means the head of
3 the designated State unit within the Department responsible
4 for administration of rehabilitation and independent living
5 services provided for in this Act, including but not limited
6 to the administration of the federal Rehabilitation Act of
7 1973, as amended by the Workforce Innovation and Opportunity
8 Act.; ~~the term~~

9 "Department" means the Department of Human Services. ~~and~~
10 ~~the term~~

11 "Secretary" means the Secretary of Human Services.

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

13 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

14 Sec. 3. Powers and duties. The Department shall have the
15 powers and duties enumerated herein:

16 (a) To cooperate ~~co-operate~~ with the federal
17 government in the administration of the provisions of the
18 federal Rehabilitation Act of 1973, as amended by, ~~of~~ the
19 Workforce Innovation and Opportunity Act, and of the
20 federal Social Security Act to the extent and in the
21 manner provided in these Acts.

22 (b) To prescribe and supervise such courses of
23 vocational training and provide such other services as may
24 be necessary for the vocational ~~habilitation~~ and
25 rehabilitation of persons with one or more disabilities,

1 including the administrative activities under subsection
2 (e) of this Section; ~~and to cooperate~~ co-operate with
3 State and local school authorities and other recognized
4 agencies engaged in vocational ~~habilitation,~~
5 ~~rehabilitation and comprehensive~~ rehabilitation services;
6 and to cooperate with the Department of Children and
7 Family Services, the Illinois State Board of Education,
8 and others regarding the ~~care and~~ education of children
9 with one or more disabilities.

10 (c) (Blank).

11 (d) To report in writing, to the Governor, annually on
12 or before the first day of December, and at such other
13 times and in such manner and upon such subjects as the
14 Governor may require. The annual report shall contain (1)
15 information on the programs and activities dedicated to
16 vocational rehabilitation, independent living, and other
17 community services and supports administered by the
18 Director; (2) information on the development of vocational
19 rehabilitation services, independent living services, and
20 supporting services administered by the Director in the
21 State; and (3) information detailing a statement of the
22 ~~existing condition of comprehensive rehabilitation~~
23 ~~services, habilitation and rehabilitation in the State;~~
24 ~~(2) a statement of suggestions and recommendations with~~
25 ~~reference to the development of comprehensive~~
26 ~~rehabilitation services, habilitation and rehabilitation~~

1 ~~in the State; and (3) an itemized statement of~~ the amounts
2 of money received from federal, State, and other sources,
3 and of the objects and purposes to which the respective
4 items of these several amounts have been devoted.

5 (e) (Blank).

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

- 12 (1) personal assistant services;
- 13 (2) homemaker services;
- 14 (3) home-delivered meals;
- 15 (4) adult day care services;
- 16 (5) respite care;
- 17 (6) home modification or assistive equipment;
- 18 (7) home health services;
- 19 (8) electronic home response;
- 20 (9) brain injury behavioral/cognitive services;
- 21 (10) brain injury habilitation;
- 22 (11) brain injury pre-vocational services; or
- 23 (12) brain injury supported employment.

24 The Department shall establish eligibility standards
25 for such services taking into consideration the unique
26 economic and social needs of the population for whom they

1 are to be provided. Such eligibility standards may be
2 based on the recipient's ability to pay for services;
3 provided, however, that any portion of a person's income
4 that is equal to or less than the "protected income" level
5 shall not be considered by the Department in determining
6 eligibility. The "protected income" level shall be
7 determined by the Department, shall never be less than the
8 federal poverty standard, and shall be adjusted each year
9 to reflect changes in the Consumer Price Index For All
10 Urban Consumers as determined by the United States
11 Department of Labor. The standards must provide that a
12 person may not have more than \$10,000 in assets to be
13 eligible for the services, and the Department may increase
14 or decrease the asset limitation by rule. The Department
15 may not decrease the asset level below \$10,000.

16 The services shall be provided, as established by the
17 Department by rule, to eligible persons to prevent
18 unnecessary or premature institutionalization, to the
19 extent that the cost of the services, together with the
20 other personal maintenance expenses of the persons, are
21 reasonably related to the standards established for care
22 in a group facility appropriate to their condition. These
23 non-institutional services, pilot projects or experimental
24 facilities may be provided as part of or in addition to
25 those authorized by federal law or those funded and
26 administered by the Illinois Department on Aging. The

1 Department shall set rates and fees for services in a fair
2 and equitable manner. Services identical to those offered
3 by the Department on Aging shall be paid at the same rate.

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

14 Solely for the purposes of coverage under the Illinois
15 Public Labor Relations Act, personal assistants providing
16 services under the Department's Home Services Program
17 shall be considered to be public employees and the State
18 of Illinois shall be considered to be their employer as of
19 July 16, 2003 (the effective date of Public Act 93-204),
20 but not before. Solely for the purposes of coverage under
21 the Illinois Public Labor Relations Act, home care and
22 home health workers who function as personal assistants
23 and individual maintenance home health workers and who
24 also provide services under the Department's Home Services
25 Program shall be considered to be public employees, no
26 matter whether the State provides such services through

1 direct fee-for-service arrangements, with the assistance
2 of a managed care organization or other intermediary, or
3 otherwise, and the State of Illinois shall be considered
4 to be the employer of those persons as of January 29, 2013
5 (the effective date of Public Act 97-1158), but not before
6 except as otherwise provided under this subsection (f).
7 The State shall engage in collective bargaining with an
8 exclusive representative of home care and home health
9 workers who function as personal assistants and individual
10 maintenance home health workers working under the Home
11 Services Program concerning their terms and conditions of
12 employment that are within the State's control. Nothing in
13 this paragraph shall be understood to limit the right of
14 the persons receiving services defined in this Section to
15 hire and fire home care and home health workers who
16 function as personal assistants and individual maintenance
17 home health workers working under the Home Services
18 Program or to supervise them within the limitations set by
19 the Home Services Program. The State shall not be
20 considered to be the employer of home care and home health
21 workers who function as personal assistants and individual
22 maintenance home health workers working under the Home
23 Services Program for any purposes not specifically
24 provided in Public Act 93-204 or Public Act 97-1158,
25 including but not limited to, purposes of vicarious
26 liability in tort and purposes of statutory retirement or

1 health insurance benefits. Home care and home health
2 workers who function as personal assistants and individual
3 maintenance home health workers and who also provide
4 services under the Department's Home Services Program
5 shall not be covered by the State Employees Group
6 Insurance Act of 1971.

7 The Department shall execute, relative to nursing home
8 prescreening, as authorized by Section 4.03 of the
9 Illinois Act on the Aging, written inter-agency agreements
10 with the Department on Aging and the Department of
11 Healthcare and Family Services, to effect the intake
12 procedures and eligibility criteria for those persons who
13 may need long term care. On and after July 1, 1996, all
14 nursing home prescreenings for individuals 18 through 59
15 years of age shall be conducted by the Department, or a
16 designee of the Department.

17 The Department is authorized to establish a system of
18 recipient cost-sharing for services provided under this
19 Section. The cost-sharing shall be based upon the
20 recipient's ability to pay for services, but in no case
21 shall the recipient's share exceed the actual cost of the
22 services provided. Protected income shall not be
23 considered by the Department in its determination of the
24 recipient's ability to pay a share of the cost of
25 services. The level of cost-sharing shall be adjusted each
26 year to reflect changes in the "protected income" level.

1 The Department shall deduct from the recipient's share of
2 the cost of services any money expended by the recipient
3 for disability-related expenses.

4 To the extent permitted under the federal Social
5 Security Act, the Department, or the Department's
6 authorized representative, may recover the amount of
7 moneys expended for services provided to or in behalf of a
8 person under this Section by a claim against the person's
9 estate or against the estate of the person's surviving
10 spouse, but no recovery may be had until after the death of
11 the surviving spouse, if any, and then only at such time
12 when there is no surviving child who is under age 21 or
13 blind or who has a permanent and total disability. This
14 paragraph, however, shall not bar recovery, at the death
15 of the person, of moneys for services provided to the
16 person or in behalf of the person under this Section to
17 which the person was not entitled; provided that such
18 recovery shall not be enforced against any real estate
19 while it is occupied as a homestead by the surviving
20 spouse or other dependent, if no claims by other creditors
21 have been filed against the estate, or, if such claims
22 have been filed, they remain dormant for failure of
23 prosecution or failure of the claimant to compel
24 administration of the estate for the purpose of payment.
25 This paragraph shall not bar recovery from the estate of a
26 spouse, under Sections 1915 and 1924 of the Social

1 Security Act and Section 5-4 of the Illinois Public Aid
2 Code, who precedes a person receiving services under this
3 Section in death. All moneys for services paid to or in
4 behalf of the person under this Section shall be claimed
5 for recovery from the deceased spouse's estate.
6 "Homestead", as used in this paragraph, means the dwelling
7 house and contiguous real estate occupied by a surviving
8 spouse or relative, as defined by the rules and
9 regulations of the Department of Healthcare and Family
10 Services, regardless of the value of the property.

11 The Department shall submit an annual report on
12 programs and services provided under this Section. The
13 report shall be filed with the Governor and the General
14 Assembly on or before March 30 each year.

15 ~~The requirement for reporting to the General Assembly~~
16 ~~shall be satisfied by filing copies of the report as~~
17 ~~required by Section 3.1 of the General Assembly~~
18 ~~Organization Act, and filing additional copies with the~~
19 ~~State Government Report Distribution Center for the~~
20 ~~General Assembly as required under paragraph (t) of~~
21 ~~Section 7 of the State Library Act.~~

22 (g) To establish such subdivisions of the Department
23 as shall be desirable and assign to the various
24 subdivisions the responsibilities and duties placed upon
25 the Department by law.

26 (h) To cooperate and enter into any necessary

1 agreements with the Department of Employment Security for
2 the provision of job placement and job referral services
3 to clients of the Department, including job service
4 registration of such clients with Illinois Employment
5 Security offices and making job listings maintained by the
6 Department of Employment Security available to such
7 clients.

8 (i) To possess all powers reasonable and necessary for
9 the exercise and administration of the powers, duties and
10 responsibilities of the Department which are provided for
11 by law.

12 (j) (Blank).

13 (k) (Blank).

14 (l) To establish, operate, and maintain a Statewide
15 Housing Clearinghouse of information on available
16 government subsidized housing accessible to persons with
17 disabilities and available privately owned housing
18 accessible to persons with disabilities. The information
19 shall include, but not be limited to, the location, rental
20 requirements, access features and proximity to public
21 transportation of available housing. The Clearinghouse
22 shall consist of at least a computerized database for the
23 storage and retrieval of information and a separate or
24 shared toll free telephone number for use by those seeking
25 information from the Clearinghouse. Department offices and
26 personnel throughout the State shall also assist in the

1 operation of the Statewide Housing Clearinghouse.
2 Cooperation with local, State, and federal housing
3 managers shall be sought and extended in order to
4 frequently and promptly update the Clearinghouse's
5 information.

6 (m) To assure that the names and case records of
7 persons who received or are receiving services from the
8 Department, including persons receiving vocational
9 rehabilitation, home services, or other services, and
10 those attending one of the Department's schools or other
11 supervised facility shall be confidential and not be open
12 to the general public. Those case records and reports or
13 the information contained in those records and reports
14 shall be disclosed by the Director only to proper law
15 enforcement officials, individuals authorized by a court,
16 the General Assembly or any committee or commission of the
17 General Assembly, and other persons and for reasons as the
18 Director designates by rule. Disclosure by the Director
19 may be only in accordance with other applicable law.

20 (Source: P.A. 99-143, eff. 7-27-15; 100-23, eff. 7-6-17;
21 100-477, eff. 9-8-17; 100-587, eff. 6-4-18; 100-863, eff.
22 8-14-18; 100-1148, eff. 12-10-18.)

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

24 Sec. 5. The Department is authorized to receive such gifts
25 or donations, either from public or private sources, as may be

1 offered unconditionally or under such conditions related to
2 the comprehensive vocational rehabilitation services,
3 independent living services, and other community services and
4 supports administered by the Director for ~~habilitation and~~
5 ~~rehabilitation of~~ persons with one or more disabilities, as in
6 the judgment of the Department are proper and consistent with
7 the provisions of this Act.

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

9 (20 ILCS 2405/5a) (from Ch. 23, par. 3437)

10 Sec. 5a. The State of Illinois does hereby (1) accept the
11 provisions and benefits of the act of Congress entitled the
12 Rehabilitation Act of 1973, as amended by the Workforce
13 Innovation and Opportunity Act ~~heretofore and hereafter~~
14 ~~amended~~, (2) designate the State Treasurer as custodian of all
15 moneys received by the State from appropriations made by the
16 Congress of the United States for comprehensive vocational
17 rehabilitation services and related services for persons
18 ~~habilitation and rehabilitation of persons~~ with one or more
19 disabilities, to be kept in a fund to be known as the
20 Vocational Rehabilitation Fund, and authorize the State
21 treasurer to make disbursements therefrom upon the order of
22 the Department, and (3) empower and direct the Department to
23 cooperate with the federal government in carrying out the
24 provisions of the Rehabilitation Act of 1973, as amended by
25 the Workforce Innovation and Opportunity Act.

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

2 (20 ILCS 2405/9) (from Ch. 23, par. 3440)

3 Sec. 9. Whenever, in the course of its vocational
4 rehabilitation program, ~~rehabilitation and habilitation~~
5 ~~program~~, the Department has provided tools, equipment, initial
6 stock or other supplies to a person with one or more
7 disabilities to establish a business enterprise as a
8 self-employed person, other than a business enterprise under
9 the supervision and management of a non-profit agency, the
10 Department may, in its discretion, convey title to such tools,
11 equipment, initial stock or other supplies at any time after
12 the expiration of 6 months after such items are provided to
13 that person.

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

15 (20 ILCS 2405/10) (from Ch. 23, par. 3441)

16 Sec. 10. Residential schools; visual and hearing
17 disabilities.

18 (a) The Department of Human Services shall operate
19 residential schools for the education of children with visual
20 and hearing disabilities who are unable to take advantage of
21 the regular educational facilities provided in the community,
22 and shall provide in connection therewith such academic,
23 vocational, and related services as may be required. Children
24 shall be eligible for admission to these schools only after

1 proper diagnosis and evaluation, in accordance with procedures
2 prescribed by the Department.

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

1 determine. The Superintendent shall have an administrative
2 certificate with a superintendent endorsement as provided for
3 under Section 21-7.1 of the School Code, and shall have a
4 degree in educational administration, together with at least
5 10 years of experience in either deaf or hard of hearing
6 education, the administration of deaf or hard of hearing
7 education, or a combination of the 2. Preference shall be
8 given to candidates with a degree in deaf education. The
9 Superintendent must be fluent in American Sign Language
10 ~~degrees in both educational administration and deaf education,~~
11 ~~together with at least 15 years of experience in either deaf~~
12 ~~education, the administration of deaf education, or a~~
13 ~~combination of the 2.~~

14 (a-10) The Superintendent of the Illinois School for the
15 Visually Impaired shall be the chief executive officer of, and
16 shall be responsible for the day to day operations of, the
17 School, and shall obtain educational and professional
18 employees who are certified by the Illinois State Board of
19 Education or licensed by the appropriate agency or entity to
20 which licensing authority has been delegated, as well as all
21 other employees of the School, subject to the provisions of
22 the Personnel Code and any applicable collective bargaining
23 agreement. The Superintendent shall be appointed by the
24 Governor, by and with the advice and consent of the Senate. In
25 the case of a vacancy in the office of Superintendent during
26 the recess of the Senate, the Governor shall make a temporary

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

25 (b) In administering the Illinois School for the Deaf, the
26 Department shall adopt an admission policy which permits day

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

17 (c) In administering the Illinois School for the Visually
18 Impaired, the Department shall adopt an admission policy that
19 permits day or residential enrollment, when resources are
20 sufficient, of children with visual disabilities who are able
21 to take advantage of the regular educational facilities
22 provided in the community and thus unqualified for admission
23 under subsection (a). In doing so, the Department shall
24 establish an annual deadline by which the enrollment of
25 children qualified under subsection (a) for admission to the
26 Illinois School for the Visually Impaired shall be completed.

1 After the deadline, the Illinois School for the Visually
2 Impaired may enroll other children with visual disabilities at
3 the request of their parents or guardians if the Department
4 determines there are sufficient resources to meet their needs
5 as well as the needs of children enrolled before the deadline
6 and children qualified under subsection (a) who may be
7 enrolled after the deadline on an emergency basis. The
8 Department shall adopt any rules and regulations necessary for
9 the implementation of this subsection.

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

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

12 Sec. 11. Illinois Center for Rehabilitation and Education.
13 The Department shall operate and maintain the Illinois Center
14 for Rehabilitation and Education for the care and education of
15 educable young adults ~~children~~ with one or more physical
16 disabilities and provide in connection therewith nursing and
17 medical care and academic, occupational, and related training
18 to such young adults ~~children~~.

19 Any Illinois resident under the age of 22 ~~21~~ years who is
20 educable but has such a severe physical disability as a result
21 of cerebral palsy, muscular dystrophy, spina bifida, or other
22 cause that he or she is unable to take advantage of the system
23 of free education in the State of Illinois, may be admitted to
24 the Center or be entitled to services and facilities provided
25 hereunder. Young adults ~~Children~~ shall be admitted to the

1 Center or be eligible for such services and facilities only
2 after diagnosis according to procedures approved for this
3 purpose. The Department may avail itself of the services of
4 other public or private agencies in determining any young
5 adult's ~~child's~~ eligibility for admission to, or discharge
6 from, the Center.

7 The Department may call upon other agencies of the State
8 for such services as they are equipped to render in the care of
9 young adults ~~children~~ with one or more physical disabilities,
10 and such agencies are instructed to render those services
11 which are consistent with their legal and administrative
12 responsibilities.

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

14 (20 ILCS 2405/12a) (from Ch. 23, par. 3443a)

15 Sec. 12a. Centers for independent living.

16 (a) Purpose. Recognizing that persons with significant
17 disabilities deserve a high quality of life within their
18 communities regardless of their disabilities, ~~the Department,~~
19 ~~working with~~ the Statewide Independent Living Council, shall
20 develop a State Plan for Independent Living for approval by
21 the Department and subsequent submission to the Administrator
22 based on federally prescribed timeframes. ~~plan for submission~~
23 ~~on an annual basis to the Commissioner.~~ The Department shall
24 adopt rules for implementing the State Plan for Independent
25 Living ~~plan~~ in accordance with the federal Act, including

1 rules adopted under the federal Act governing the award of
2 grants.

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

5 "Administrator" means the Administrator of the
6 Administration for Community Living in the United States
7 Department of Health and Human Services.

8 ~~"Federal Act" means the federal Rehabilitation Act of~~
9 ~~1973, as amended.~~

10 "Center for independent living" means a consumer
11 controlled, community based, cross-disability,
12 non-residential, private non-profit agency that is designated
13 and operated within a local community by individuals with
14 disabilities and provides an array of independent living
15 services.

16 "Consumer controlled" means that the center for
17 independent living vests power and authority in individuals
18 with disabilities and that at least 51% of the directors of the
19 center are persons with one or more disabilities as defined by
20 this Act.

21 ~~"Commissioner" means the Commissioner of the~~
22 ~~Rehabilitation Services Administration in the United States~~
23 ~~Department of Education.~~

24 "Council" means the Statewide Independent Living Council
25 appointed under subsection (d).

26 "Federal Act" means the federal Rehabilitation Act of

1 1973, as amended.

2 "Individual with a disability" means any individual who
3 has a physical or mental impairment that substantially limits
4 a major life activity, has a record of such an impairment, or
5 is regarded as having such an impairment.

6 "Individual with a significant disability" means an
7 individual with a significant physical or mental impairment,
8 whose ability to function independently in the family or
9 community or whose ability to obtain, maintain, or advance in
10 employment is substantially limited and for whom the delivery
11 of independent living services will improve the ability to
12 function, continue functioning, or move toward functioning
13 independently in the family or community or to continue in
14 employment.

15 "State Plan for Independent Living plan" means the
16 materials submitted by the Statewide Independent Living
17 Council, after receiving the approval of the Department, to
18 the Administrator based on federally prescribed timeframes
19 ~~Department to the Commissioner on an annual basis~~ that contain
20 the State's proposal for:

21 (1) The provision of statewide independent living
22 services.

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

25 (3) Working relationships between (i) programs
26 providing independent living services and independent

1 living centers and (ii) the vocational rehabilitation
2 program administered by the Department under the federal
3 Act and other programs providing services for individuals
4 with disabilities.

5 (c) Authority. The unit of the Department headed by the
6 Director, or his or her designee, vocational rehabilitation
7 ~~administrator~~ shall be designated the State unit under Title
8 VII of the federal Act and shall have the following
9 responsibilities:

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

13 (2) To provide administrative support services to
14 centers for independent living programs.

15 (3) To keep records, and take such actions with
16 respect to those records, as the Administrator
17 ~~Commissioner~~ finds to be necessary with respect to the
18 programs.

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

22 The ~~vocational rehabilitation administrator and the~~
23 Chairperson of the Council is ~~are~~ responsible for ~~jointly~~
24 developing ~~and signing~~ the State Plan for Independent Living
25 ~~plan~~ required by Section 704 of the federal Act. The Director,
26 or his or her designee, is responsible for approving the State

1 Plan for Independent Living prior to its submission to the
2 Administrator. The State Plan for Independent Living ~~plan~~
3 shall conform to the requirements of Section 704 of the
4 federal Act.

5 (d) Statewide Independent Living Council.

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

10 (1) At least one director of a center for independent
11 living chosen by the directors of centers for independent
12 living within the State.

13 (2) A representative from the unit of the Department
14 of Human Services responsible for the administration of
15 the vocational rehabilitation program and a representative
16 from another unit in the Department of Human Services that
17 provides services for individuals with disabilities and a
18 representative each from the Department on Aging, the
19 State Board of Education, and the Department of Children
20 and Family Services, all as ex officio, nonvoting
21 ~~ex officio, non-voting~~ members who shall not be counted in
22 the 18 members appointed by the Governor.

23 In addition, the Council may include the following:

24 (A) One or more representatives of centers for
25 independent living.

26 (B) One or more parents or guardians of individuals

1 with disabilities.

2 (C) One or more advocates for individuals with
3 disabilities.

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

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

7 (F) Other appropriate individuals.

8 After soliciting recommendations from organizations
9 representing a broad range of individuals with disabilities
10 and organizations interested in individuals with disabilities,
11 the Governor shall appoint members of the Council for terms
12 beginning July 1, 1993. The Council shall be composed of
13 members (i) who provide statewide representation; (ii) who
14 represent a broad range of individuals with disabilities from
15 diverse backgrounds; (iii) who are knowledgeable about centers
16 for independent living and independent living services; and
17 (iv) a majority of whom are persons who are individuals with
18 disabilities and are not employed by any State agency or
19 center for independent living.

20 The council shall elect a chairperson from among its
21 voting membership.

22 Each member of the Council shall serve for terms of 3
23 years, except that (i) a member appointed to fill a vacancy
24 occurring before the expiration of the term for which the
25 predecessor was appointed shall be appointed for the remainder
26 of that term and (ii) terms of the members initially appointed

1 after the effective date of this amendatory Act of 1993 shall
2 be as follows: 6 of the initial members shall be appointed for
3 terms of one year, 6 shall be appointed for terms of 2 years,
4 and 6 shall be appointed for terms of 3 years. No member of the
5 council may serve more than 2 consecutive full terms.

6 Appointments to fill vacancies in unexpired terms and new
7 terms shall be filled by the Governor or by the Council if the
8 Governor delegates that power to the Council by executive
9 order. The vacancy shall not affect the power of the remaining
10 members to execute the powers and duties of the Council. The
11 Council shall have the duties enumerated in subsections (c),
12 (d), and (e) of Section 705 of the federal Act.

13 Members shall be reimbursed for their actual expenses
14 incurred in the performance of their duties, including
15 expenses for travel, child care, and personal assistance
16 services, and a member who is not employed or who must forfeit
17 wages from other employment shall be paid reasonable
18 compensation for each day the member is engaged in performing
19 the duties of the Council. The reimbursement or compensation
20 shall be paid from moneys made available to the Department
21 under Part B of Title VII of the federal Act.

22 ~~In addition to the powers and duties granted to advisory~~
23 ~~boards by Section 5-505 of the Departments of State Government~~
24 ~~Law (20 ILCS 5/5-505), the Council shall have the authority to~~
25 ~~appoint jointly with the vocational rehabilitation~~
26 ~~administrator a peer review committee to consider and make~~

1 ~~recommendations for grants to eligible centers for independent~~
2 ~~living.~~

3 (e) Grants to centers for independent living. Each center
4 for independent living that receives assistance from the
5 Department under this Section shall comply with the standards
6 and provide and comply with the assurances that are set forth
7 in the State plan and consistent with Section 725 of the
8 federal Act. Each center for independent living receiving
9 financial assistance from the Department shall provide
10 satisfactory assurances at the time and in the manner the
11 Director, or his or her designee, requires. Centers for
12 independent living receiving financial assistance from the
13 Department shall comply with grant making provisions outlined
14 in State and federal law, and with the requirements of their
15 respective grant contracts. ~~vocational rehabilitation~~
16 ~~administrator requires.~~

17 Beginning October 1, 1994, the Director, or his or her
18 designee, ~~vocational rehabilitation administrator~~ may award
19 grants to any eligible center for independent living that is
20 receiving funds under Title VII of the federal Act, unless the
21 Director, or his or her designee, ~~vocational rehabilitation~~
22 ~~administrator~~ makes a finding that the center for independent
23 living fails to comply with the standards and assurances set
24 forth in Section 725 of the federal Act.

25 If there is no center for independent living serving a
26 region of the State or the region is underserved, and the State

1 receives a federal increase in its allotment sufficient to
2 support one or more additional centers for independent living
3 in the State, the Director, or his or her designee, ~~vocational~~
4 ~~rehabilitation administrator~~ may award a grant under this
5 subsection to one or more eligible agencies, consistent with
6 the provisions of the State plan setting forth the design of
7 the State for establishing a statewide network for centers for
8 independent living.

9 In selecting from among eligible agencies in awarding a
10 grant under this subsection for a new center for independent
11 living, the Director, or his or her designee, ~~vocational~~
12 ~~rehabilitation administrator~~ and the chairperson of (or other
13 individual designated by) the Council acting on behalf of and
14 at the direction of the Council shall jointly appoint a peer
15 review committee that shall rank applications in accordance
16 with the standards and assurances set forth in Section 725 of
17 the federal Act and criteria jointly established by the
18 Director, or his or her designee, ~~vocational rehabilitation~~
19 ~~administrator~~ and the chairperson or designated individual.
20 The peer review committee shall consider the ability of the
21 applicant to operate a center for independent living and shall
22 recommend an applicant to receive a grant under this
23 subsection based on the following:

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

26 (2) Any past performance of the applicant in providing

1 services comparable to independent living services.

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

5 (4) The quality of key personnel of the applicant and
6 the involvement of individuals with significant
7 disabilities by the applicant.

8 (5) The budgets and cost effectiveness of the
9 applicant.

10 (6) The evaluation plan of the applicant.

11 (7) The ability of the applicant to carry out the
12 plan.

13 The Director, or his or her designee, ~~vocational~~
14 ~~rehabilitation administrator~~ shall award the grant on the
15 basis of the recommendation of the peer review committee if
16 the actions of the committee are consistent with federal and
17 State law.

18 (f) Evaluation and review. The Director, or his or her
19 designee, ~~vocational rehabilitation administrator~~ shall
20 periodically review each center for independent living that
21 receives funds from the Department under Title VII of the
22 federal Act, or moneys appropriated from the General Revenue
23 Fund, to determine whether the center is in compliance with
24 the standards and assurances set forth in Section 725 of the
25 federal Act, other applicable State and federal laws, and the
26 provisions of the grant contract. If the Director, or his or

1 her designee, ~~vocational rehabilitation administrator~~
2 determines that any center receiving those federal or State
3 funds is not in compliance ~~with the standards and assurances~~
4 ~~set forth in Section 725,~~ the Director, or his or her designee,
5 ~~vocational rehabilitation administrator~~ shall immediately
6 notify the center that it is out of compliance. The Director,
7 or his or her designee, shall recommend to the Secretary, or
8 his or her designee, that all funding to that center be
9 terminated ~~vocational rehabilitation administrator shall~~
10 ~~terminate all funds to that center~~ 90 days after the date of
11 notification or, in the case of a center that requests an
12 appeal, the date of any final decision, unless the center
13 submits a plan to achieve compliance within 90 days and that
14 plan is approved by the Director, or his or her designee,
15 ~~vocational rehabilitation administrator~~ or (if on appeal) by
16 the Secretary, or his or her designee ~~Commissioner~~.

17 (Source: P.A. 91-239, eff. 1-1-00; 91-540, eff. 8-13-99;
18 92-16, eff. 6-28-01.)

19 (20 ILCS 2405/13a) (from Ch. 23, par. 3444a)

20 Sec. 13a. (a) The Department shall be responsible for
21 coordinating the establishment of local Transition Planning
22 Committees. Members of the committees shall consist of
23 representatives from special education; vocational and regular
24 education; post-secondary education; parents of youth with
25 disabilities; persons with disabilities; local business or

1 industry; the Department of Human Services; public and private
2 adult service providers; case coordination; and other
3 consumer, school, and adult services as appropriate. The
4 Committee shall elect a chair and shall meet at least
5 quarterly. Each Transition Planning Committee shall:

6 (1) identify current transition services, programs,
7 and funding sources provided within the community for
8 secondary and post-secondary aged youth with disabilities
9 and their families as well as the development of
10 strategies to address unmet needs;

11 (2) facilitate the development of transition
12 interagency teams to address present and future transition
13 needs of individual students on their individual education
14 plans;

15 (3) develop a mission statement that emphasizes the
16 goals of integration and participation in all aspects of
17 community life for persons with disabilities;

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

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

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

25 (b) Each Transition Planning Committee shall select a
26 chair from among its members who shall serve for a term of one

1 year. Each committee shall meet at least quarterly, or at such
2 other times at the call of the chair.

3 (c) (Blank). ~~Each Transition Planning Committee shall~~
4 ~~annually prepare and submit to the Interagency Coordinating~~
5 ~~Council a report which assesses the level of currently~~
6 ~~available services in the community as well as the level of~~
7 ~~unmet needs of secondary students with disabilities, makes~~
8 ~~recommendations to address unmet needs, and summarizes the~~
9 ~~steps taken to address unmet needs based on the~~
10 ~~recommendations made in previous reports.~~

11 (d) The name and affiliation of each local Transition
12 Planning Committee member ~~and the annual report~~ required under
13 subsection (c) of this Section shall be filed with the
14 administrative office of each school district served by the
15 local Transition Planning Committee, be made available to the
16 public upon request, and be sent to each member of the General
17 Assembly whose district encompasses the area served by the
18 Transition Planning Committee.

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

20 (20 ILCS 2405/12 rep.)

21 Section 10. The Rehabilitation of Persons with
22 Disabilities Act is amended by repealing Section 12.

23 (20 ILCS 2407/Art. 4 rep.)

24 Section 15. The Disabilities Services Act of 2003 is

1 amended by repealing Article 4.

2 Section 20. The School Code is amended by changing Section
3 14-8.02 as follows:

4 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

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

7 (a) The State Board of Education shall make rules under
8 which local school boards shall determine the eligibility of
9 children to receive special education. Such rules shall ensure
10 that a free appropriate public education be available to all
11 children with disabilities as defined in Section 14-1.02. The
12 State Board of Education shall require local school districts
13 to administer non-discriminatory procedures or tests to
14 English learners coming from homes in which a language other
15 than English is used to determine their eligibility to receive
16 special education. The placement of low English proficiency
17 students in special education programs and facilities shall be
18 made in accordance with the test results reflecting the
19 student's linguistic, cultural and special education needs.
20 For purposes of determining the eligibility of children the
21 State Board of Education shall include in the rules
22 definitions of "case study", "staff conference",
23 "individualized educational program", and "qualified
24 specialist" appropriate to each category of children with

1 disabilities as defined in this Article. For purposes of
2 determining the eligibility of children from homes in which a
3 language other than English is used, the State Board of
4 Education shall include in the rules definitions for
5 "qualified bilingual specialists" and "linguistically and
6 culturally appropriate individualized educational programs".
7 For purposes of this Section, as well as Sections 14-8.02a,
8 14-8.02b, and 14-8.02c of this Code, "parent" means a parent
9 as defined in the federal Individuals with Disabilities
10 Education Act (20 U.S.C. 1401(23)).

11 (b) No child shall be eligible for special education
12 facilities except with a carefully completed case study fully
13 reviewed by professional personnel in a multidisciplinary
14 staff conference and only upon the recommendation of qualified
15 specialists or a qualified bilingual specialist, if available.
16 At the conclusion of the multidisciplinary staff conference,
17 the parent of the child shall be given a copy of the
18 multidisciplinary conference summary report and
19 recommendations, which includes options considered, and be
20 informed of his or her ~~their~~ right to obtain an independent
21 educational evaluation if he or she disagrees ~~they disagree~~
22 with the evaluation findings conducted or obtained by the
23 school district. If the school district's evaluation is shown
24 to be inappropriate, the school district shall reimburse the
25 parent for the cost of the independent evaluation. The State
26 Board of Education shall, with advice from the State Advisory

1 Council on Education of Children with Disabilities on the
2 inclusion of specific independent educational evaluators,
3 prepare a list of suggested independent educational
4 evaluators. The State Board of Education shall include on the
5 list clinical psychologists licensed pursuant to the Clinical
6 Psychologist Licensing Act. Such psychologists shall not be
7 paid fees in excess of the amount that would be received by a
8 school psychologist for performing the same services. The
9 State Board of Education shall supply school districts with
10 such list and make the list available to parents at their
11 request. School districts shall make the list available to
12 parents at the time they are informed of their right to obtain
13 an independent educational evaluation. However, the school
14 district may initiate an impartial due process hearing under
15 this Section within 5 days of any written parent request for an
16 independent educational evaluation to show that its evaluation
17 is appropriate. If the final decision is that the evaluation
18 is appropriate, the parent still has a right to an independent
19 educational evaluation, but not at public expense. An
20 independent educational evaluation at public expense must be
21 completed within 30 days of a parent written request unless
22 the school district initiates an impartial due process hearing
23 or the parent or school district offers reasonable grounds to
24 show that such 30-day ~~30-day~~ time period should be extended. If
25 the due process hearing decision indicates that the parent is
26 entitled to an independent educational evaluation, it must be

1 completed within 30 days of the decision unless the parent or
2 the school district offers reasonable grounds to show that
3 such 30-day ~~30-day~~ period should be extended. If a parent
4 disagrees with the summary report or recommendations of the
5 multidisciplinary conference or the findings of any
6 educational evaluation which results therefrom, the school
7 district shall not proceed with a placement based upon such
8 evaluation and the child shall remain in his or her regular
9 classroom setting. No child shall be eligible for admission to
10 a special class for children with a mental disability who are
11 educable or for children with a mental disability who are
12 trainable except with a psychological evaluation and
13 recommendation by a school psychologist. Consent shall be
14 obtained from the parent of a child before any evaluation is
15 conducted. If consent is not given by the parent or if the
16 parent disagrees with the findings of the evaluation, then the
17 school district may initiate an impartial due process hearing
18 under this Section. The school district may evaluate the child
19 if that is the decision resulting from the impartial due
20 process hearing and the decision is not appealed or if the
21 decision is affirmed on appeal. The determination of
22 eligibility shall be made and the IEP meeting shall be
23 completed within 60 school days from the date of written
24 parental consent. In those instances when written parental
25 consent is obtained with fewer than 60 pupil attendance days
26 left in the school year, the eligibility determination shall

1 be made and the IEP meeting shall be completed prior to the
2 first day of the following school year. Special education and
3 related services must be provided in accordance with the
4 student's IEP no later than 10 school attendance days after
5 notice is provided to the parents pursuant to Section 300.503
6 of Title 34 of the Code of Federal Regulations and
7 implementing rules adopted by the State Board of Education.
8 The appropriate program pursuant to the individualized
9 educational program of students whose native tongue is a
10 language other than English shall reflect the special
11 education, cultural and linguistic needs. No later than
12 September 1, 1993, the State Board of Education shall
13 establish standards for the development, implementation and
14 monitoring of appropriate bilingual special individualized
15 educational programs. The State Board of Education shall
16 further incorporate appropriate monitoring procedures to
17 verify implementation of these standards. The district shall
18 indicate to the parent and the State Board of Education the
19 nature of the services the child will receive for the regular
20 school term while waiting placement in the appropriate special
21 education class. At the child's initial IEP meeting and at
22 each annual review meeting, the child's IEP team shall provide
23 the child's parent or guardian with a written notification
24 that informs the parent or guardian that the IEP team is
25 required to consider whether the child requires assistive
26 technology in order to receive free, appropriate public

1 education. The notification must also include a toll-free
2 telephone number and internet address for the State's
3 assistive technology program.

4 If the child is deaf, hard of hearing, blind, ~~or~~ visually
5 impaired, or diagnosed with an orthopedic impairment or
6 physical disability and he or she might be eligible to receive
7 services from the Illinois School for the Deaf, ~~or~~ the
8 Illinois School for the Visually Impaired, or the Illinois
9 Center for Rehabilitation and Education-Roosevelt, the school
10 district shall notify the parents, in writing, of the
11 existence of these schools and the services they provide and
12 shall make a reasonable effort to inform the parents of the
13 existence of other, local schools that provide similar
14 services and the services that these other schools provide.
15 This notification shall include without limitation information
16 on school services, school admissions criteria, and school
17 contact information.

18 In the development of the individualized education program
19 for a student who has a disability on the autism spectrum
20 (which includes autistic disorder, Asperger's disorder,
21 pervasive developmental disorder not otherwise specified,
22 childhood disintegrative disorder, and Rett Syndrome, as
23 defined in the Diagnostic and Statistical Manual of Mental
24 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall
25 consider all of the following factors:

26 (1) The verbal and nonverbal communication needs of

1 the child.

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

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

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

8 (5) The needs resulting from engagement in repetitive
9 activities and stereotyped movements.

10 (6) The need for any positive behavioral
11 interventions, strategies, and supports to address any
12 behavioral difficulties resulting from autism spectrum
13 disorder.

14 (7) Other needs resulting from the child's disability
15 that impact progress in the general curriculum, including
16 social and emotional development.

17 Public Act 95-257 does not create any new entitlement to a
18 service, program, or benefit, but must not affect any
19 entitlement to a service, program, or benefit created by any
20 other law.

21 If the student may be eligible to participate in the
22 Home-Based Support Services Program for Adults with Mental
23 Disabilities authorized under the Developmental Disability and
24 Mental Disability Services Act upon becoming an adult, the
25 student's individualized education program shall include plans
26 for (i) determining the student's eligibility for those

1 home-based services, (ii) enrolling the student in the program
2 of home-based services, and (iii) developing a plan for the
3 student's most effective use of the home-based services after
4 the student becomes an adult and no longer receives special
5 educational services under this Article. The plans developed
6 under this paragraph shall include specific actions to be
7 taken by specified individuals, agencies, or officials.

8 (c) In the development of the individualized education
9 program for a student who is functionally blind, it shall be
10 presumed that proficiency in Braille reading and writing is
11 essential for the student's satisfactory educational progress.
12 For purposes of this subsection, the State Board of Education
13 shall determine the criteria for a student to be classified as
14 functionally blind. Students who are not currently identified
15 as functionally blind who are also entitled to Braille
16 instruction include: (i) those whose vision loss is so severe
17 that they are unable to read and write at a level comparable to
18 their peers solely through the use of vision, and (ii) those
19 who show evidence of progressive vision loss that may result
20 in functional blindness. Each student who is functionally
21 blind shall be entitled to Braille reading and writing
22 instruction that is sufficient to enable the student to
23 communicate with the same level of proficiency as other
24 students of comparable ability. Instruction should be provided
25 to the extent that the student is physically and cognitively
26 able to use Braille. Braille instruction may be used in

1 combination with other special education services appropriate
2 to the student's educational needs. The assessment of each
3 student who is functionally blind for the purpose of
4 developing the student's individualized education program
5 shall include documentation of the student's strengths and
6 weaknesses in Braille skills. Each person assisting in the
7 development of the individualized education program for a
8 student who is functionally blind shall receive information
9 describing the benefits of Braille instruction. The
10 individualized education program for each student who is
11 functionally blind shall specify the appropriate learning
12 medium or media based on the assessment report.

13 (d) To the maximum extent appropriate, the placement shall
14 provide the child with the opportunity to be educated with
15 children who do not have a disability; provided that children
16 with disabilities who are recommended to be placed into
17 regular education classrooms are provided with supplementary
18 services to assist the children with disabilities to benefit
19 from the regular classroom instruction and are included on the
20 teacher's regular education class register. Subject to the
21 limitation of the preceding sentence, placement in special
22 classes, separate schools or other removal of the child with a
23 disability from the regular educational environment shall
24 occur only when the nature of the severity of the disability is
25 such that education in the regular classes with the use of
26 supplementary aids and services cannot be achieved

1 satisfactorily. The placement of English learners with
2 disabilities shall be in non-restrictive environments which
3 provide for integration with peers who do not have
4 disabilities in bilingual classrooms. Annually, each January,
5 school districts shall report data on students from
6 non-English speaking backgrounds receiving special education
7 and related services in public and private facilities as
8 prescribed in Section 2-3.30. If there is a disagreement
9 between parties involved regarding the special education
10 placement of any child, either in-state or out-of-state, the
11 placement is subject to impartial due process procedures
12 described in Article 10 of the Rules and Regulations to Govern
13 the Administration and Operation of Special Education.

14 (e) No child who comes from a home in which a language
15 other than English is the principal language used may be
16 assigned to any class or program under this Article until he
17 has been given, in the principal language used by the child and
18 used in his home, tests reasonably related to his cultural
19 environment. All testing and evaluation materials and
20 procedures utilized for evaluation and placement shall not be
21 linguistically, racially or culturally discriminatory.

22 (f) Nothing in this Article shall be construed to require
23 any child to undergo any physical examination or medical
24 treatment whose parents object thereto on the grounds that
25 such examination or treatment conflicts with his religious
26 beliefs.

1 (g) School boards or their designee shall provide to the
2 parents of a child prior written notice of any decision (a)
3 proposing to initiate or change, or (b) refusing to initiate
4 or change, the identification, evaluation, or educational
5 placement of the child or the provision of a free appropriate
6 public education to their child, and the reasons therefor.
7 Such written notification shall also inform the parent of the
8 opportunity to present complaints with respect to any matter
9 relating to the educational placement of the student, or the
10 provision of a free appropriate public education and to have
11 an impartial due process hearing on the complaint. The notice
12 shall inform the parents in the parents' native language,
13 unless it is clearly not feasible to do so, of their rights and
14 all procedures available pursuant to this Act and the federal
15 Individuals with Disabilities Education Improvement Act of
16 2004 (Public Law 108-446); it shall be the responsibility of
17 the State Superintendent to develop uniform notices setting
18 forth the procedures available under this Act and the federal
19 Individuals with Disabilities Education Improvement Act of
20 2004 (Public Law 108-446) to be used by all school boards. The
21 notice shall also inform the parents of the availability upon
22 request of a list of free or low-cost legal and other relevant
23 services available locally to assist parents in initiating an
24 impartial due process hearing. The State Superintendent shall
25 revise the uniform notices required by this subsection (g) to
26 reflect current law and procedures at least once every 2

1 years. Any parent who is deaf, or does not normally
2 communicate using spoken English, who participates in a
3 meeting with a representative of a local educational agency
4 for the purposes of developing an individualized educational
5 program shall be entitled to the services of an interpreter.
6 The State Board of Education must adopt rules to establish the
7 criteria, standards, and competencies for a bilingual language
8 interpreter who attends an individualized education program
9 meeting under this subsection to assist a parent who has
10 limited English proficiency.

11 (g-5) For purposes of this subsection (g-5), "qualified
12 professional" means an individual who holds credentials to
13 evaluate the child in the domain or domains for which an
14 evaluation is sought or an intern working under the direct
15 supervision of a qualified professional, including a master's
16 or doctoral degree candidate.

17 To ensure that a parent can participate fully and
18 effectively with school personnel in the development of
19 appropriate educational and related services for his or her
20 child, the parent, an independent educational evaluator, or a
21 qualified professional retained by or on behalf of a parent or
22 child must be afforded reasonable access to educational
23 facilities, personnel, classrooms, and buildings and to the
24 child as provided in this subsection (g-5). The requirements
25 of this subsection (g-5) apply to any public school facility,
26 building, or program and to any facility, building, or program

1 supported in whole or in part by public funds. Prior to
2 visiting a school, school building, or school facility, the
3 parent, independent educational evaluator, or qualified
4 professional may be required by the school district to inform
5 the building principal or supervisor in writing of the
6 proposed visit, the purpose of the visit, and the approximate
7 duration of the visit. The visitor and the school district
8 shall arrange the visit or visits at times that are mutually
9 agreeable. Visitors shall comply with school safety, security,
10 and visitation policies at all times. School district
11 visitation policies must not conflict with this subsection
12 (g-5). Visitors shall be required to comply with the
13 requirements of applicable privacy laws, including those laws
14 protecting the confidentiality of education records such as
15 the federal Family Educational Rights and Privacy Act and the
16 Illinois School Student Records Act. The visitor shall not
17 disrupt the educational process.

18 (1) A parent must be afforded reasonable access of
19 sufficient duration and scope for the purpose of observing
20 his or her child in the child's current educational
21 placement, services, or program or for the purpose of
22 visiting an educational placement or program proposed for
23 the child.

24 (2) An independent educational evaluator or a
25 qualified professional retained by or on behalf of a
26 parent or child must be afforded reasonable access of

1 sufficient duration and scope for the purpose of
2 conducting an evaluation of the child, the child's
3 performance, the child's current educational program,
4 placement, services, or environment, or any educational
5 program, placement, services, or environment proposed for
6 the child, including interviews of educational personnel,
7 child observations, assessments, tests or assessments of
8 the child's educational program, services, or placement or
9 of any proposed educational program, services, or
10 placement. If one or more interviews of school personnel
11 are part of the evaluation, the interviews must be
12 conducted at a mutually agreed upon time, date, and place
13 that do not interfere with the school employee's school
14 duties. The school district may limit interviews to
15 personnel having information relevant to the child's
16 current educational services, program, or placement or to
17 a proposed educational service, program, or placement.

18 ~~(h) (Blank).~~

19 ~~(i) (Blank).~~

20 ~~(j) (Blank).~~

21 ~~(k) (Blank).~~

22 ~~(l) (Blank).~~

23 ~~(m) (Blank).~~

24 ~~(n) (Blank).~~

25 ~~(o) (Blank).~~

26 (Source: P.A. 100-122, eff. 8-18-17; 100-863, eff. 8-14-18;

1 100-993, eff. 8-20-18; 101-124, eff. 1-1-20; revised 9-26-19.)

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

1

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2

Statutes amended in order of appearance

3	20 ILCS 2405/1b	from Ch. 23, par. 3432
4	20 ILCS 2405/3	from Ch. 23, par. 3434
5	20 ILCS 2405/5	from Ch. 23, par. 3436
6	20 ILCS 2405/5a	from Ch. 23, par. 3437
7	20 ILCS 2405/9	from Ch. 23, par. 3440
8	20 ILCS 2405/10	from Ch. 23, par. 3441
9	20 ILCS 2405/11	from Ch. 23, par. 3442
10	20 ILCS 2405/12a	from Ch. 23, par. 3443a
11	20 ILCS 2405/13a	from Ch. 23, par. 3444a
12	20 ILCS 2405/12 rep.	
13	20 ILCS 2407/Art. 4 rep.	
14	105 ILCS 5/14-8.02	from Ch. 122, par. 14-8.02