

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 14-6.10 as follows:

6 (105 ILCS 5/14-6.10 new)

7 Sec. 14-6.10. Transfer of parental rights at the age of
8 majority.

9 (a) When a student who is eligible for special education
10 under this Article reaches the majority age of 18 years, all
11 rights accorded to the student's parents under this Article
12 transfer to the student, except as provided in this Section.
13 This transfer of rights also applies to student's who are
14 incarcerated in an adult or juvenile State or local
15 correctional institution. Nothing in this Section shall be
16 construed to deny a student with a disability who has reached
17 majority age the right to have an adult of his or her choice,
18 including, but not limited to, the student's parent, assist the
19 student in making decisions regarding the student's
20 individualized education program.

21 (b) The school district must notify the student and the
22 student's parents of the transfer of rights in writing at a
23 meeting convened to review the student's individualized

1 education program during the school year in which the student
2 turns 17 years of age. The school district must also explain to
3 the student and the student's parents the significance of the
4 transfer of parental rights at the majority age of 18. At that
5 time, the school district must provide the student with a copy
6 of the Delegation of Rights form described in this Section.

7 (c) Rights shall not transfer from the parents to the
8 student under this Section if either of the following apply:

9 (1) The student with a disability who has reached the
10 age of majority has been adjudged incompetent under State
11 law.

12 (2) The student has not been adjudged incompetent under
13 State law, but the student has executed a Delegation of
14 Rights to make educational decisions pursuant to this
15 Section for the purpose of appointing the student's parent
16 or other adult to represent the educational interests of
17 the student.

18 A student may terminate the Delegation of Rights at any
19 time and assume the right to make decisions regarding his or
20 her education. The Delegation of Rights shall meet all of the
21 following requirements:

22 (A) It shall remain in effect for one year after the
23 date of execution, but may be renewed annually with the
24 written or other formal authorization of the student and
25 the person the student delegates to represent the
26 educational interests of the student.

1 (B) It shall be signed by the student or verified by
2 other means, such as audio or video or other alternative
3 format compatible with the student's disability showing
4 that the student has agreed to the terms of the delegation.

5 (C) It shall be signed or otherwise manifest
6 verification that the designee accepts the delegation.

7 (D) It shall include declarations that the student (i)
8 is 18 years of age or older, (ii) intends to delegate his
9 or her educational rights under federal and State law to a
10 specified individual who is at least 18 years of age, (iii)
11 has not been adjudged incompetent under State law, (iv) is
12 entitled to be present during the development of the
13 student's individualized education program and to raise
14 issues or concerns about the student's individualized
15 education program, and (v) will be permitted to terminate
16 the Designation of Rights at any time.

17 (E) It shall be identical or substantially the same as
18 the following form:

19 DELEGATION OF RIGHTS TO MAKE EDUCATIONAL DECISION

20 I, (insert name), am 18 years of age or older and a student
21 who has the right to make educational decisions for myself
22 under State and federal law. I have not been adjudged
23 incompetent and, as of the date of the execution of this
24 document, I hereby delegate my right to give consent and make

1 decisions concerning my education to (insert name), who will be
2 considered my "parent" for purposes of the Individuals with
3 Disabilities Education Improvement Act of 2004 and Article 14
4 of the School Code and will exercise all of the rights and
5 responsibilities concerning my education that are conferred on
6 a parent under those laws. I understand and give my consent for
7 (insert name) to make all decisions relating to my education on
8 my behalf. I understand that I have the right to be present at
9 meetings held to develop my individualized education program
10 and that I have the right to raise any issues or concerns I may
11 have and that the school district must consider them.

12 This delegation will be in effect for one year from the
13 date of execution below and may be renewed by my written or
14 other formal authorization. I also understand that I have the
15 right to terminate this Delegation of Rights at any time and
16 assume the right to make my own decisions regarding my
17 education.

18 Student: (insert name)

19 DATE: (insert date)

20 Accepted by: (insert name)

21 Designated Representative