



Sen. Deanna Demuzio

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09500HB0816sam001

LRB095 08194 RAS 35241 a

1 AMENDMENT TO HOUSE BILL 816

2 AMENDMENT NO. _____. Amend House Bill 816 by replacing
3 everything after the enacting clause with the following:

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 students 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

1 majority age the right to have an adult of his or her choice,
2 including, but not limited to, the student's parent, assist the
3 student in making decisions regarding the student's
4 individualized education program.

5 (b) The school district must notify the student and the
6 student's parents of the transfer of rights in writing at a
7 meeting convened to review the student's individualized
8 education program during the school year in which the student
9 turns 17 years of age. At that time, the school district must
10 provide the student with a copy of the Delegation of Rights
11 form described in this Section. The school district must mail
12 the notice and a copy of the Delegation of Rights form to the
13 student and to the student's parents, addressed to their last
14 known address, if they do not attend the meeting.

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

17 (1) The student with a disability who has reached the
18 age of majority has been adjudged incompetent under State
19 law.

20 (2) The student has not been adjudged incompetent under
21 State law, but the student has executed a Delegation of
22 Rights to make educational decisions pursuant to this
23 Section for the purpose of appointing the student's parent
24 or other adult to represent the educational interests of
25 the student.

26 A student may terminate the Delegation of Rights at any

1 time and assume the right to make decisions regarding his or
2 her education. The Delegation of Rights shall meet all of the
3 following requirements:

4 (A) It shall remain in effect for one year after the
5 date of execution, but may be renewed annually with the
6 written or other formal authorization of the student and
7 the person the student delegates to represent the
8 educational interests of the student.

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

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

15 (D) It shall include declarations that the student (i)
16 is 18 years of age or older, (ii) intends to delegate his
17 or her educational rights under federal and State law to a
18 specified individual who is at least 18 years of age, (iii)
19 has not been adjudged incompetent under State law, (iv) is
20 entitled to be present during the development of the
21 student's individualized education program and to raise
22 issues or concerns about the student's individualized
23 education program, (v) will be permitted to terminate the
24 Delegation of Rights at any time, and (vi) will notify the
25 school district immediately if the student terminates the
26 Delegation of Rights.

1 (E) It shall be identical or substantially the same as
2 the following form:

3 DELEGATION OF RIGHTS TO MAKE EDUCATIONAL DECISION

4 I, (insert name), am 18 years of age or older and a student
5 who has the right to make educational decisions for myself
6 under State and federal law. I have not been adjudged
7 incompetent and, as of the date of the execution of this
8 document, I hereby delegate my right to give consent and make
9 decisions concerning my education to (insert name), who will be
10 considered my "parent" for purposes of the Individuals with
11 Disabilities Education Improvement Act of 2004 and Article 14
12 of the School Code and will exercise all of the rights and
13 responsibilities concerning my education that are conferred on
14 a parent under those laws. I understand and give my consent for
15 (insert name) to make all decisions relating to my education on
16 my behalf. I understand that I have the right to be present at
17 meetings held to develop my individualized education program
18 and that I have the right to raise any issues or concerns I may
19 have and that the school district must consider them.

20 This delegation will be in effect for one year from the
21 date of execution below and may be renewed by my written or
22 other formal authorization. I also understand that I have the
23 right to terminate this Delegation of Rights at any time and
24 assume the right to make my own decisions regarding my

1 education. I understand that I must notify the school district
2 immediately if I revoke this Delegation of Rights prior to its
3 expiration.

4 (insert name)

5 Student

6 DATE: (insert date)

7 Accepted by: (insert name)

8 Designated Representative

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.".