

95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0396

Introduced 2/7/2007, by Sen. Deanna Demuzio

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-6.10 new

Amends the Children with Disabilities Article of the School Code. Provides that when a child who is eligible for special education reaches the majority age of 18 years, rights accorded to the child's parents transfer to the child. Provides that rights shall not transfer from the parents to the child if the child has been determined to be incompetent under State law or the child has not been determined to be incompetent, but does not have the ability to provide informed consent with respect to the child's educational program. Requires the State Board of Education to adopt rules establishing criteria for school districts to determine if a child lacks the ability to provide informed consent and uniform procedures for allowing the parents of the child, another adult caregiver, or another responsible adult to exercise rights on behalf of the child. Effective immediately.

LRB095 08193 NHT 28361 b

FISCAL NOTE ACT
MAY APPLY

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 14-6.10 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 child who is eligible for special education
10 under this Article reaches the majority age of 18 years, all
11 rights accorded to the child's parents under this Article
12 transfer to the child, except as provided in this Section. The
13 school district must notify the child and the child's parents
14 of the transfer of rights. This transfer of rights also applies
15 to children who are incarcerated in an adult or juvenile State
16 or local correctional institution. Nothing in this Section
17 shall be construed to deny a child with a disability who has
18 reached majority age the right to have an adult of his or her
19 choice, including, but not limited to, a parent, assist the
20 child in making decisions regarding the child's educational
21 program.

22 (b) Rights shall not transfer from the parents to the child
23 under this Section under either of the following circumstances:

1 (1) The child with a disability who has reached the age
2 of majority has been determined to be incompetent under
3 State law.

4 (2) The child with a disability who has reached the age
5 of majority has not been determined to be incompetent, but
6 does not have the ability to provide informed consent with
7 respect to the child's educational program. The State Board
8 of Education shall adopt rules establishing criteria for
9 school districts to determine if a child lacks the ability
10 to provide informed consent and uniform procedures for
11 allowing the parents of the child, another adult caregiver,
12 or another responsible adult to exercise rights on behalf
13 of the child.

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.