

1 AN ACT concerning children.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Early Intervention Services System Act is
5 amended by changing Sections 3, 4, 8, and 11 as follows:

6 (325 ILCS 20/3) (from Ch. 23, par. 4153)

7 Sec. 3. Definitions. As used in this Act:

8 (a) "Eligible infants and toddlers" means infants and
9 toddlers under 36 months of age with any of the following
10 conditions:

11 (1) Developmental delays.

12 (2) A physical or mental condition which typically
13 results in developmental delay.

14 (3) Being at risk of having substantial developmental
15 delays based on informed clinical judgment.

16 (4) Either (A) having entered the program under any of
17 the circumstances listed in paragraphs (1) through (3) of
18 this subsection but no longer meeting the current
19 eligibility criteria under those paragraphs, and
20 continuing to have any measurable delay, or (B) not having
21 attained a level of development in each area, including (i)
22 cognitive, (ii) physical (including vision and hearing),
23 (iii) language, speech, and communication, (iv)

1 psycho-social, or (v) self-help skills, that is at least at
2 the mean of the child's age equivalent peers; and, in
3 addition to either item (A) or item (B), (C) having been
4 determined by the multidisciplinary individualized family
5 service plan team to require the continuation of early
6 intervention services in order to support continuing
7 developmental progress, pursuant to the child's needs and
8 provided in an appropriate developmental manner. The type,
9 frequency, and intensity of services shall differ from the
10 initial individualized family services plan because of the
11 child's developmental progress, and may consist of only
12 service coordination, evaluation, and assessments.

13 (b) "Developmental delay" means a delay in one or more of
14 the following areas of childhood development as measured by
15 appropriate diagnostic instruments and standard procedures:
16 cognitive; physical, including vision and hearing; language,
17 speech and communication; psycho-social; or self-help skills.
18 The term means a delay of 30% or more below the mean in
19 function in one or more of those areas.

20 (c) "Physical or mental condition which typically results
21 in developmental delay" means:

22 (1) a diagnosed medical disorder bearing a relatively
23 well known expectancy for developmental outcomes within
24 varying ranges of developmental disabilities; or

25 (2) a history of prenatal, perinatal, neonatal or early
26 developmental events suggestive of biological insults to

1 the developing central nervous system and which either
2 singly or collectively increase the probability of
3 developing a disability or delay based on a medical
4 history.

5 (d) "Informed clinical judgment" means both clinical
6 observations and parental participation to determine
7 eligibility by a consensus of a multidisciplinary team of 2 or
8 more members based on their professional experience and
9 expertise.

10 (e) "Early intervention services" means services which:

11 (1) are designed to meet the developmental needs of
12 each child eligible under this Act and the needs of his or
13 her family;

14 (2) are selected in collaboration with the child's
15 family;

16 (3) are provided under public supervision;

17 (4) are provided at no cost except where a schedule of
18 sliding scale fees or other system of payments by families
19 has been adopted in accordance with State and federal law;

20 (5) are designed to meet an infant's or toddler's
21 developmental needs in any of the following areas:

22 (A) physical development, including vision and
23 hearing,

24 (B) cognitive development,

25 (C) communication development,

26 (D) social or emotional development, or

- 1 (E) adaptive development;
- 2 (6) meet the standards of the State, including the
3 requirements of this Act;
- 4 (7) include one or more of the following:
- 5 (A) family training,
- 6 (B) social work services, including counseling,
7 and home visits,
- 8 (C) special instruction,
- 9 (D) speech, language pathology and audiology,
- 10 (E) occupational therapy,
- 11 (F) physical therapy,
- 12 (G) psychological services,
- 13 (H) service coordination services,
- 14 (I) medical services only for diagnostic or
15 evaluation purposes,
- 16 (J) early identification, screening, and
17 assessment services,
- 18 (K) health services specified by the lead agency as
19 necessary to enable the infant or toddler to benefit
20 from the other early intervention services,
- 21 (L) vision services,
- 22 (M) transportation, and
- 23 (N) assistive technology devices and services;
- 24 (8) are provided by qualified personnel, including but
25 not limited to:
- 26 (A) child development specialists or special

1 educators,
2 (B) speech and language pathologists and
3 audiologists,
4 (C) occupational therapists,
5 (D) physical therapists,
6 (E) social workers,
7 (F) nurses,
8 (G) nutritionists,
9 (H) optometrists,
10 (I) psychologists, and
11 (J) physicians;

12 (9) are provided in conformity with an Individualized
13 Family Service Plan;

14 (10) are provided throughout the year; and

15 (11) are provided in natural environments, to the
16 maximum extent appropriate, which may include ~~including~~
17 the home and community settings, unless justification is
18 provided consistent with federal regulations adopted under
19 Sections 1431 through 1444 of Title 20 of the United States
20 Code ~~in which infants and toddlers without disabilities~~
21 ~~would participate to the extent determined by the~~
22 ~~multidisciplinary Individualized Family Service Plan.~~

23 (f) "Individualized Family Service Plan" or "Plan" means a
24 written plan for providing early intervention services to a
25 child eligible under this Act and the child's family, as set
26 forth in Section 11.

1 (g) "Local interagency agreement" means an agreement
2 entered into by local community and State and regional agencies
3 receiving early intervention funds directly from the State and
4 made in accordance with State interagency agreements providing
5 for the delivery of early intervention services within a local
6 community area.

7 (h) "Council" means the Illinois Interagency Council on
8 Early Intervention established under Section 4.

9 (i) "Lead agency" means the State agency responsible for
10 administering this Act and receiving and disbursing public
11 funds received in accordance with State and federal law and
12 rules.

13 (i-5) "Central billing office" means the central billing
14 office created by the lead agency under Section 13.

15 (j) "Child find" means a service which identifies eligible
16 infants and toddlers.

17 (k) "Regional intake entity" means the lead agency's
18 designated entity responsible for implementation of the Early
19 Intervention Services System within its designated geographic
20 area.

21 (l) "Early intervention provider" means an individual who
22 is qualified, as defined by the lead agency, to provide one or
23 more types of early intervention services, and who has enrolled
24 as a provider in the early intervention program.

25 (m) "Fully credentialed early intervention provider" means
26 an individual who has met the standards in the State applicable

1 to the relevant profession, and has met such other
2 qualifications as the lead agency has determined are suitable
3 for personnel providing early intervention services, including
4 pediatric experience, education, and continuing education. The
5 lead agency shall establish these qualifications by rule filed
6 no later than 180 days after the effective date of this
7 amendatory Act of the 92nd General Assembly.

8 (Source: P.A. 92-307, 8-9-01; 93-124, eff. 7-10-03.)

9 (325 ILCS 20/4) (from Ch. 23, par. 4154)

10 Sec. 4. Illinois Interagency Council on Early
11 Intervention.

12 (a) There is established the Illinois Interagency Council
13 on Early Intervention. The Council shall be composed of at
14 least 20 ~~15~~ but not more than 30 ~~25~~ members. The members of the
15 Council and the designated chairperson of the Council shall be
16 appointed by the Governor. The Council member representing the
17 lead agency may not serve as chairperson of the Council. The
18 Council shall be composed of the following members:

19 (1) The Secretary of Human Services (or his or her
20 designee) and 2 additional representatives of the
21 Department of Human Services designated by the Secretary,
22 plus the Directors (or their designees) of the following
23 State agencies involved in the provision of or payment for
24 early intervention services to eligible infants and
25 toddlers and their families:

- 1 ~~(A) Illinois State Board of Education;~~
2 ~~(B) (Blank);~~
3 ~~(C) (Blank);~~
4 ~~(D) Illinois Department of Children and Family~~
5 ~~Services;~~
6 ~~(E) University of Illinois Division of Specialized~~
7 ~~Care for Children;~~
8 ~~(F) Illinois Department of Healthcare and Family~~
9 ~~Services;~~
10 ~~(G) Illinois Department of Public Health;~~
11 ~~(H) (Blank);~~
12 ~~(I) Illinois Planning Council on Developmental~~
13 ~~Disabilities; and~~
14 (A) (J) Illinois Department of Insurance; and -
15 (B) Department of Healthcare and Family Services.

16 (2) Other members as follows:

17 (A) At least 20% of the members of the Council
18 shall be parents, including minority parents, of
19 infants or toddlers with disabilities or children with
20 disabilities aged 12 or younger, with knowledge of, or
21 experience with, programs for infants and toddlers
22 with disabilities. At least one such member shall be a
23 parent of an infant or toddler with a disability or a
24 child with a disability aged 6 or younger;

25 (B) At least 20% of the members of the Council
26 shall be public or private providers of early

1 intervention services;

2 (C) One member shall be a representative of the
3 General Assembly; ~~and~~

4 (D) One member shall be involved in the preparation
5 of professional personnel to serve infants and
6 toddlers similar to those eligible for services under
7 this Act; ~~and~~

8 (E) Two members shall be from advocacy
9 organizations with expertise in improving health,
10 development, and educational outcomes for infants and
11 toddlers with disabilities;

12 (F) One member shall be a Child and Family
13 Connections manager from a rural district;

14 (G) One member shall be a Child and Family
15 Connections manager from an urban district;

16 (H) One member shall be the co-chair of the
17 Illinois Early Learning Council (or his or her
18 designee); and

19 (I) Members representing the following agencies or
20 entities: the State Board of Education; the Department
21 of Public Health; the Department of Children and Family
22 Services; the University of Illinois Division of
23 Specialized Care for Children; the Illinois Council on
24 Developmental Disabilities; Head Start or Early Head
25 Start; and the Department of Human Services' Division
26 of Mental Health. A member may represent one or more of

1 the listed agencies or entities.

2 The Council shall meet at least quarterly and in such
3 places as it deems necessary. Terms of the initial members
4 appointed under paragraph (2) shall be determined by lot at the
5 first Council meeting as follows: of the persons appointed
6 under subparagraphs (A) and (B), one-third shall serve one year
7 terms, one-third shall serve 2 year terms, and one-third shall
8 serve 3 year terms; and of the persons appointed under
9 subparagraphs (C) and (D), one shall serve a 2 year term and
10 one shall serve a 3 year term. Thereafter, successors appointed
11 under paragraph (2) shall serve 3 year terms. Once appointed,
12 members shall continue to serve until their successors are
13 appointed. No member shall be appointed to serve more than 2
14 consecutive terms.

15 Council members shall serve without compensation but shall
16 be reimbursed for reasonable costs incurred in the performance
17 of their duties, including costs related to child care, and
18 parents may be paid a stipend in accordance with applicable
19 requirements.

20 The Council shall prepare and approve a budget using funds
21 appropriated for the purpose to hire staff, and obtain the
22 services of such professional, technical, and clerical
23 personnel as may be necessary to carry out its functions under
24 this Act. This funding support and staff shall be directed by
25 the lead agency.

26 (b) The Council shall:

1 (1) advise and assist the lead agency in the
2 performance of its responsibilities including but not
3 limited to the identification of sources of fiscal and
4 other support services for early intervention programs,
5 and the promotion of interagency agreements which assign
6 financial responsibility to the appropriate agencies;

7 (2) advise and assist the lead agency in the
8 preparation of applications and amendments to
9 applications;

10 (3) review and advise on relevant regulations and
11 standards proposed by the related State agencies;

12 (4) advise and assist the lead agency in the
13 development, implementation and evaluation of the
14 comprehensive early intervention services system; and

15 (5) prepare and submit an annual report to the Governor
16 and to the General Assembly on the status of early
17 intervention programs for eligible infants and toddlers
18 and their families in Illinois. The annual report shall
19 include (i) the estimated number of eligible infants and
20 toddlers in this State, (ii) the number of eligible infants
21 and toddlers who have received services under this Act and
22 the cost of providing those services, (iii) the estimated
23 cost of providing services under this Act to all eligible
24 infants and toddlers in this State, and (iv) data and other
25 information as is requested to be included by the
26 Legislative Advisory Committee established under Section

1 13.50 of this Act. The report shall be posted by the lead
2 agency on the early intervention website as required under
3 paragraph (f) of Section 5 of this Act.

4 No member of the Council shall cast a vote on or
5 participate substantially in any matter which would provide a
6 direct financial benefit to that member or otherwise give the
7 appearance of a conflict of interest under State law. All
8 provisions and reporting requirements of the Illinois
9 Governmental Ethics Act shall apply to Council members.
10 (Source: P.A. 95-331, eff. 8-21-07.)

11 (325 ILCS 20/8) (from Ch. 23, par. 4158)

12 Sec. 8. Authority to Promulgate Rules and Regulations. The
13 lead agency shall develop rules and regulations under this Act
14 within one year of the effective date of this Act. These rules
15 shall reflect the intent of federal regulations adopted under
16 Part C of the Individuals with Disabilities Education
17 Improvement Act of 2004 (Sections 1431 through 1444 of Title 20
18 of the United States Code) ~~Part II of the Individuals with~~
19 ~~Disabilities Education Act (20 United States Code 1471 through~~
20 ~~1485).~~

21 (Source: P.A. 87-680.)

22 (325 ILCS 20/11) (from Ch. 23, par. 4161)

23 Sec. 11. Individualized Family Service Plans.

24 (a) Each eligible infant or toddler and that infant's or

1 toddler's family shall receive:

2 (1) timely, comprehensive, multidisciplinary
3 assessment of the unique needs of each eligible infant and
4 toddler, and assessment of the concerns and priorities of
5 the families to appropriately assist them in meeting their
6 needs and identify services to meet those needs; and

7 (2) a written Individualized Family Service Plan
8 developed by a multidisciplinary team which includes the
9 parent or guardian. The individualized family service plan
10 shall be based on the multidisciplinary team's assessment
11 of the resources, priorities, and concerns of the family
12 and its identification of the supports and services
13 necessary to enhance the family's capacity to meet the
14 developmental needs of the infant or toddler, and shall
15 include the identification of services appropriate to meet
16 those needs, including the frequency, intensity, and
17 method of delivering services. During and as part of the
18 initial development of the individualized family services
19 plan, and any periodic reviews of the plan, the
20 multidisciplinary team shall consult the lead agency's
21 therapy guidelines and its designated experts, if any, to
22 help determine appropriate services and the frequency and
23 intensity of those services. All services in the
24 individualized family services plan must be justified by
25 the multidisciplinary assessment of the unique strengths
26 and needs of the infant or toddler and must be appropriate

1 to meet those needs. At the periodic reviews, the team
2 shall determine whether modification or revision of the
3 outcomes or services is necessary.

4 (b) The Individualized Family Service Plan shall be
5 evaluated once a year and the family shall be provided a review
6 of the Plan at 6 month intervals or more often where
7 appropriate based on infant or toddler and family needs. The
8 lead agency shall create a quality review process regarding
9 Individualized Family Service Plan development and changes
10 thereto, to monitor and help assure that resources are being
11 used to provide appropriate early intervention services.

12 (c) The evaluation and initial assessment and initial Plan
13 meeting must be held within 45 days after the initial contact
14 with the early intervention services system. With parental
15 consent, early intervention services may commence before the
16 completion of the comprehensive assessment and development of
17 the Plan.

18 (d) Parents must be informed that, at their discretion,
19 early intervention services shall be provided to each eligible
20 infant and toddler in the natural environment, which may
21 include the home or other community settings. Parents shall
22 make the final decision to accept or decline early intervention
23 services. A decision to decline such services shall not be a
24 basis for administrative determination of parental fitness, or
25 other findings or sanctions against the parents. Parameters of
26 the Plan shall be set forth in rules.

1 (e) The regional intake offices shall explain to each
2 family, orally and in writing, all of the following:

3 (1) That the early intervention program will pay for
4 all early intervention services set forth in the
5 individualized family service plan that are not covered or
6 paid under the family's public or private insurance plan or
7 policy and not eligible for payment through any other third
8 party payor.

9 (2) That services will not be delayed due to any rules
10 or restrictions under the family's insurance plan or
11 policy.

12 (3) That the family may request, with appropriate
13 documentation supporting the request, a determination of
14 an exemption from private insurance use under Section
15 13.25.

16 (4) That responsibility for co-payments or
17 co-insurance under a family's private insurance plan or
18 policy will be transferred to the lead agency's central
19 billing office.

20 (5) That families will be responsible for payments of
21 family fees, which will be based on a sliding scale
22 according to income, and that these fees are payable to the
23 central billing office, and that if the family encounters a
24 catastrophic circumstance, as defined under subsection (f)
25 of Section 13 of this Act, making it unable to pay the
26 fees, the lead agency may, upon proof of inability to pay,

1 waive the fees.

2 (f) The individualized family service plan must state
3 whether the family has private insurance coverage and, if the
4 family has such coverage, must have attached to it a copy of
5 the family's insurance identification card or otherwise
6 include all of the following information:

7 (1) The name, address, and telephone number of the
8 insurance carrier.

9 (2) The contract number and policy number of the
10 insurance plan.

11 (3) The name, address, and social security number of
12 the primary insured.

13 (4) The beginning date of the insurance benefit year.

14 (g) A copy of the individualized family service plan must
15 be provided to each enrolled provider who is providing early
16 intervention services to the child who is the subject of that
17 plan.

18 (h) Children receiving services under this Act shall
19 receive a smooth and effective transition by their third
20 birthday consistent with federal regulations adopted pursuant
21 to Sections 1431 through 1444 of Title 20 of the United States
22 Code.

23 (Source: P.A. 91-538, eff. 8-13-99; 92-10, eff. 6-11-01;
24 92-307, eff. 8-9-01; 92-651, eff. 7-11-02.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.