



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5062

Introduced 1/27/2022, by Rep. Paul Jacobs - Daniel Swanson

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-16

Amends the Children with Disabilities Article of the School Code. Provides that beginning with the 2022-2023 school year, a child with a disability who has an individualized education program, who has completed 4 years of high school, and whose parent or guardian has decided not to enroll the child in transition services shall receive a regular high school diploma. Effective July 1, 2022.

LRB102 25150 RJT 34412 b

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 changing Section
5 14-16 as follows:

6 (105 ILCS 5/14-16)

7 Sec. 14-16. Participation in graduation ceremony.

8 (a) This Section may be referred to as Brittany's Law. The
9 General Assembly finds the following:

10 (1) Each year, school districts across this State
11 celebrate their students' accomplishments through
12 graduation ceremonies at which high school diplomas are
13 bestowed upon students who have completed their high
14 school requirements.

15 (2) There are children with disabilities in this State
16 who have finished 4 years of high school, but whose
17 individualized education programs prescribe the
18 continuation of special education, transition planning,
19 transition services, or related services beyond the
20 completion of 4 years of high school.

21 (3) It is well-established that the awarding of a high
22 school diploma to and the high school graduation of a
23 child with a disability is tantamount to the termination

1 of eligibility for special education and related services
2 for the student under applicable federal law.

3 (4) Many children with disabilities who will continue
4 their public education in accordance with their
5 individualized education programs after finishing 4 years
6 of high school wish to celebrate their accomplishments by
7 participating in a graduation ceremony with their
8 classmates.

9 (5) The opportunity for classmates with disabilities
10 and those without disabilities to celebrate their
11 accomplishments together only occurs once, and the
12 opportunity to celebrate the receipt of a diploma several
13 years after one's classmates have graduated diminishes the
14 experience for students whose age peers have left high
15 school several years earlier.

16 (b) Beginning March 1, 2005, each school district that
17 operates a high school must have a policy and procedures that
18 allow a child with a disability who will have completed 4 years
19 of high school at the end of a school year to participate in
20 the graduation ceremony of the student's high school
21 graduating class and receive a certificate of completion if
22 the student's individualized education program prescribes
23 special education, transition planning, transition services,
24 or related services beyond the student's 4 years of high
25 school. The policy and procedures must require timely and
26 meaningful written notice to children with disabilities and

1 their parents or guardians about the school district's policy
2 and procedures adopted in accordance with this Section.

3 Beginning with the 2022-2023 school year, a child with a
4 disability who has an individualized education program, who
5 has completed 4 years of high school, and whose parent or
6 guardian has decided not to enroll the child in transition
7 services provided for in Section 14-8.03 of this Code shall
8 receive a regular high school diploma.

9 (c) The State Board of Education shall monitor and enforce
10 compliance with the provisions of this Section and is
11 authorized to adopt rules for that purpose.

12 (Source: P.A. 93-1079, eff. 1-21-05.)

13 Section 99. Effective date. This Act takes effect July 1,
14 2022.