

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 Sections
5 2-3.186, 2-3.187, 14A-32, and 22-90 as follows:

6 (105 ILCS 5/2-3.186)

7 Sec. 2-3.186. Freedom Schools; grant program.

8 (a) The General Assembly recognizes and values the
9 contributions that Freedom Schools make to enhance the lives
10 of Black students. The General Assembly makes all of the
11 following findings:

12 (1) The fundamental goal of the Freedom Schools of the
13 1960s was to provide quality education for all students,
14 to motivate active civic engagement, and to empower
15 disenfranchised communities. The renowned and progressive
16 curriculum of Freedom Schools allowed students of all ages
17 to experience a new and liberating form of education that
18 directly related to the imperatives of their lives, their
19 communities, and the Freedom Movement.

20 (2) Freedom Schools continue to demonstrate the proven
21 benefits of critical civic engagement and
22 intergenerational effects by providing historically
23 disadvantaged students, including African American

1 students and other students of color, with quality
2 instruction that fosters student confidence, critical
3 thinking, and social and emotional development.

4 (3) Freedom Schools offer culturally relevant learning
5 opportunities with the academic and social supports that
6 Black children need by utilizing quality teaching,
7 challenging and engaging curricula, wrap-around supports,
8 a positive school climate, and strong ties to family and
9 community. Freedom Schools have a clear focus on results.

10 (4) Public schools serve a foundational role in the
11 education of over 2,000,000 students in this State.

12 (b) The State Board of Education shall establish a Freedom
13 School network to supplement the learning taking place in
14 public schools by creating a 6-week summer program with an
15 organization with a mission to improve the odds for children
16 in poverty that operates Freedom Schools in multiple states
17 using a research-based and multicultural curriculum for
18 disenfranchised communities most affected by the opportunity
19 gap and learning loss caused by the pandemic, and by expanding
20 the teaching of African American history, developing
21 leadership skills, and providing an understanding of the
22 tenets of the civil rights movement. The teachers in Freedom
23 Schools must be from the local community, with an emphasis on
24 historically disadvantaged youth, including African American
25 students and other students of color, so that (i) these
26 individuals have access to summer jobs and teaching

1 experiences that serve as a long-term pipeline to educational
2 careers and the hiring of minority educators in public
3 schools, (ii) these individuals are elevated as content
4 experts and community leaders, and (iii) Freedom School
5 students have access to both mentorship and equitable
6 educational resources.

7 (c) A Freedom School shall intentionally and imaginatively
8 implement strategies that focus on all of the following:

9 (1) Racial justice and equity.

10 (2) Transparency and building trusting relationships.

11 (3) Self-determination and governance.

12 (4) Building on community strengths and community
13 wisdom.

14 (5) Utilizing current data, best practices, and
15 evidence.

16 (6) Shared leadership and collaboration.

17 (7) A reflective learning culture.

18 (8) A whole-child approach to education.

19 (9) Literacy.

20 (d) The State Board of Education, in the establishment of
21 Freedom Schools, shall strive for authentic parent and
22 community engagement during the development of Freedom Schools
23 and their curriculum. Authentic parent and community
24 engagement includes all of the following:

25 (1) A shared responsibility that values equal
26 partnerships between families and professionals.

1 (2) Ensuring that students and families who are
2 directly impacted by Freedom School policies and practices
3 are the decision-makers in the creation, design,
4 implementation, and assessment of those policies and
5 practices.

6 (3) Genuine respect for the culture and diversity of
7 families.

8 (4) Relationships that center around the goal of
9 supporting family well-being and children's development
10 and learning.

11 (e) Subject to appropriation, the State Board of Education
12 shall establish and implement a grant program to provide
13 grants to public schools, public community colleges, and
14 not-for-profit, community-based organizations to facilitate
15 improved educational outcomes for historically disadvantaged
16 students, including African American students and other
17 students of color ~~Black students~~ in grades pre-kindergarten
18 through 12 in alignment with the integrity and practices of
19 the Freedom School model established during the civil rights
20 movement. Grant recipients under the program may include, but
21 are not limited to, entities that work with the Children's
22 Defense Fund or offer established programs with proven results
23 and outcomes. The State Board of Education shall award grants
24 to eligible entities that demonstrate a likelihood of
25 reasonable success in achieving the goals identified in the
26 grant application, including, but not limited to, all of the

1 following:

2 (1) Engaging, culturally relevant, and challenging
3 curricula.

4 (2) High-quality teaching.

5 (3) Wrap-around supports and opportunities.

6 (4) Positive discipline practices, such as restorative
7 justice.

8 (5) Inclusive leadership.

9 (f) The Freedom Schools Fund is created as a special fund
10 in the State treasury. the Fund shall consist of
11 appropriations from the General Revenue Fund, grant funds from
12 the federal government, and donations from educational and
13 private foundations. All money in the Fund shall be used,
14 subject to appropriation, by the State Board of Education for
15 the purposes of this Section and to support related
16 activities.

17 (g) The State Board of Education may adopt any rules
18 necessary to implement this Section.

19 (Source: P.A. 101-654, eff. 3-8-21.)

20 (105 ILCS 5/2-3.187)

21 (Section scheduled to be repealed on January 1, 2023)

22 Sec. 2-3.187. Inclusive American History Commission.

23 (a) The Inclusive American History Commission is created
24 to provide assistance to the State Board of Education in
25 revising its social science learning standards under

1 subsection (a-5) of Section 2-3.25.

2 (b) The State Board of Education shall convene the
3 Inclusive American History Commission to do all of the
4 following:

5 (1) Review available resources for use in school
6 districts that reflect the racial and ethnic diversity of
7 this State and country. The resources identified by the
8 Commission may be posted on the State Board of Education's
9 Internet website.

10 (2) Provide guidance for each learning standard
11 developed for educators on how to ensure that instruction
12 and content are not biased to value specific cultures,
13 time periods, and experiences over other cultures, time
14 periods, and experiences.

15 (3) Develop guidance, tools, and support for
16 professional learning on how to locate and utilize
17 resources for non-dominant cultural narratives and sources
18 of historical information.

19 (c) The Commission shall consist of all of the following
20 members:

21 (1) One Representative appointed by the Speaker of the
22 House of Representatives.

23 (2) One Representative appointed by the Minority
24 Leader of the House of Representatives.

25 (3) One Senator appointed by the President of the
26 Senate.

1 (4) One Senator appointed by the Minority Leader of
2 the Senate.

3 (5) Two members who are history scholars appointed by
4 the State Superintendent of Education.

5 (6) Eight members who are teachers at schools in this
6 State recommended by professional teachers' organizations
7 and appointed by the State Superintendent of Education.

8 (7) One representative of the State Board of Education
9 appointed by the State Superintendent of Education who
10 shall serve as chairperson.

11 (8) One member who represents an ~~a~~ statewide
12 organization that represents south suburban school
13 districts appointed by the State Superintendent of
14 Education.

15 (9) One member who represents a west suburban school
16 district appointed by the State Superintendent of
17 Education.

18 (10) One member who represents a school district
19 organized under Article 34 appointed by the State
20 Superintendent of Education.

21 (11) One member who represents a statewide
22 organization that represents school librarians appointed
23 by the State Superintendent of Education.

24 (12) One member who represents a statewide
25 organization that represents principals appointed by the
26 State Superintendent of Education.

1 (13) One member who represents a statewide
2 organization that represents superintendents appointed by
3 the State Superintendent of Education.

4 (14) One member who represents a statewide
5 organization that represents school boards appointed by
6 the State Superintendent of Education.

7 Members appointed to the Commission must reflect the
8 racial, ethnic, and geographic diversity of this State.

9 (d) Members of the Commission shall serve without
10 compensation but may be reimbursed for reasonable expenses
11 from funds appropriated to the State Board of Education for
12 that purpose, including travel, subject to the rules of the
13 appropriate travel control board.

14 (e) The State Board of Education shall provide
15 administrative and other support to the Commission.

16 (f) The Commission must submit a report about its work to
17 the State Board of Education, the Governor, and the General
18 Assembly on or before December 31, 2021. The Commission is
19 dissolved upon the submission of its report.

20 (g) This Section is repealed on January 1, 2023.

21 (Source: P.A. 101-654, eff. 3-8-21.)

22 (105 ILCS 5/14A-32)

23 Sec. 14A-32. Accelerated placement; school district
24 responsibilities.

25 (a) Each school district shall have a policy that allows

1 for accelerated placement that includes or incorporates by
2 reference the following components:

3 (1) a provision that provides that participation in
4 accelerated placement is not limited to those children who
5 have been identified as gifted and talented, but rather is
6 open to all children who demonstrate high ability and who
7 may benefit from accelerated placement;

8 (2) a fair and equitable decision-making process that
9 involves multiple persons and includes a student's parents
10 or guardians;

11 (3) procedures for notifying parents or guardians of a
12 child of a decision affecting that child's participation
13 in an accelerated placement program; and

14 (4) an assessment process that includes multiple
15 valid, reliable indicators.

16 (a-5) By no later than the beginning of the 2023-2024
17 school year, a school district's accelerated placement policy
18 shall allow for the automatic enrollment, in the following
19 school term, of a student into the next most rigorous level of
20 advanced coursework offered by the high school if the student
21 meets or exceeds State standards in English language arts,
22 mathematics, or science on a State assessment administered
23 under Section 2-3.64a-5 as follows:

24 (1) A student who meets or exceeds State standards in
25 English language arts shall be automatically enrolled into
26 the next most rigorous level of advanced coursework in

1 English, social studies, humanities, or related subjects.

2 (2) A student who meets or exceeds State standards in
3 mathematics shall be automatically enrolled into the next
4 most rigorous level of advanced coursework in mathematics.

5 (3) A student who meets or exceeds State standards in
6 science shall be automatically enrolled into the next most
7 rigorous level of advanced coursework in science.

8 For a student entering grade 12, the next most rigorous
9 level of advanced coursework in English language arts or
10 mathematics shall be a dual credit course, as defined in the
11 Dual Credit Quality Act, an Advanced Placement course, as
12 defined in Section 10 of the College and Career Success for All
13 Students Act, or an International Baccalaureate course;
14 otherwise, the ~~The~~ next most rigorous level of advanced
15 coursework under this subsection (a-5) may include a dual
16 credit course, as defined in the Dual Credit Quality Act, an
17 Advanced Placement course, as defined in Section 10 of the
18 College and Career Success for All Students Act, an
19 International Baccalaureate course, an honors class, an
20 enrichment opportunity, a gifted program, or another program
21 offered by the district.

22 A school district may use the student's most recent State
23 assessment results to determine whether a student meets or
24 exceeds State standards. For a student entering grade 9,
25 results from the State assessment taken in grades 6 through 8
26 may be used. For other high school grades, the results from a

1 locally selected, nationally normed assessment may be used
2 instead of the State assessment if those results are the most
3 recent.

4 A school district must provide the parent or guardian of a
5 student eligible for automatic enrollment under this
6 subsection (a-5) with the option to instead have the student
7 enroll in alternative coursework that better aligns with the
8 student's postsecondary education or career goals.

9 Nothing in this subsection (a-5) may be interpreted to
10 preclude other students from enrolling in advanced coursework
11 per the policy of a school district.

12 (b) Further, a school district's accelerated placement
13 policy may include or incorporate by reference, but need not
14 be limited to, the following components:

15 (1) procedures for annually informing the community
16 at-large, including parents or guardians, community-based
17 organizations, and providers of out-of-school programs,
18 about the accelerated placement program and the methods
19 used for the identification of children eligible for
20 accelerated placement, including strategies to reach
21 groups of students and families who have been historically
22 underrepresented in accelerated placement programs and
23 advanced coursework;

24 (2) a process for referral that allows for multiple
25 referrers, including a child's parents or guardians; other
26 referrers may include licensed education professionals,

1 the child, with the written consent of a parent or
2 guardian, a peer, through a licensed education
3 professional who has knowledge of the referred child's
4 abilities, or, in case of possible early entrance, a
5 preschool educator, pediatrician, or psychologist who
6 knows the child;

7 (3) a provision that provides that children
8 participating in an accelerated placement program and
9 their parents or guardians will be provided a written plan
10 detailing the type of acceleration the child will receive
11 and strategies to support the child;

12 (4) procedures to provide support and promote success
13 for students who are newly enrolled in an accelerated
14 placement program; and

15 (5) a process for the school district to review and
16 utilize disaggregated data on participation in an
17 accelerated placement program to address gaps among
18 demographic groups in accelerated placement opportunities.

19 (c) The State Board of Education shall adopt rules to
20 determine data to be collected and disaggregated by
21 demographic group regarding accelerated placement, including
22 the rates of students who participate in and successfully
23 complete advanced coursework, and a method of making the
24 information available to the public.

25 (d) On or before November 1, 2022, following a review of
26 disaggregated data on the participation and successful

1 completion rates of students enrolled in an accelerated
2 placement program, each school district shall develop a plan
3 to expand access to its accelerated placement program and to
4 ensure the teaching capacity necessary to meet the increased
5 demand.

6 (Source: P.A. 100-421, eff. 7-1-18; 101-654, eff. 3-8-21.)

7 (105 ILCS 5/22-90)

8 (Section scheduled to be repealed on February 1, 2023)

9 Sec. 22-90. Whole Child Task Force.

10 (a) The General Assembly makes all of the following
11 findings:

12 (1) The COVID-19 pandemic has exposed systemic
13 inequities in American society. Students, educators, and
14 families throughout this State have been deeply affected
15 by the pandemic, and the impact of the pandemic will be
16 felt for years to come. The negative consequences of the
17 pandemic have impacted students and communities
18 differently along the lines of race, income, language, and
19 special needs. However, students in this State faced
20 significant unmet physical health, mental health, and
21 social and emotional needs even prior to the pandemic.

22 (2) The path to recovery requires a commitment from
23 adults in this State to address our students cultural,
24 physical, emotional, and mental health needs and to
25 provide them with stronger and increased systemic support

1 and intervention.

2 (3) It is well documented that trauma and toxic stress
3 diminish a child's ability to thrive. Forms of childhood
4 trauma and toxic stress include adverse childhood
5 experiences, systemic racism, poverty, food and housing
6 insecurity, and gender-based violence. The COVID-19
7 pandemic has exacerbated these issues and brought them
8 into focus.

9 (4) It is estimated that, overall, approximately 40%
10 of children in this State have experienced at least one
11 adverse childhood experience and approximately 10% have
12 experienced 3 or more adverse childhood experiences.
13 However, the number of adverse childhood experiences is
14 higher for Black and Hispanic children who are growing up
15 in poverty. The COVID-19 pandemic has amplified the number
16 of students who have experienced childhood trauma. Also,
17 the COVID-19 pandemic has highlighted preexisting
18 inequities in school disciplinary practices that
19 disproportionately impact Black and Brown students.
20 Research shows, for example, that girls of color are
21 disproportionately impacted by trauma, adversity, and
22 abuse, and instead of receiving the care and
23 trauma-informed support they may need, many Black girls in
24 particular face disproportionately harsh disciplinary
25 measures.

26 (5) The cumulative effects of trauma and toxic stress

1 adversely impact the physical health of students, as well
2 as their ability to learn, form relationships, and
3 self-regulate. If left unaddressed, these effects increase
4 a student's risk for depression, alcoholism, anxiety,
5 asthma, smoking, and suicide, all of which are risks that
6 disproportionately affect Black youth and may lead to a
7 host of medical diseases as an adult. Access to infant and
8 early childhood mental health services is critical to
9 ensure the social and emotional well-being of this State's
10 youngest children, particularly those children who have
11 experienced trauma.

12 (6) Although this State enacted measures through
13 Public Act 100-105 to address the high rate of early care
14 and preschool expulsions of infants, toddlers, and
15 preschoolers and the disproportionately higher rate of
16 expulsion for Black and Hispanic children, a recent study
17 found a wide variation in the awareness, understanding,
18 and compliance with the law by providers of early
19 childhood care. Further work is needed to implement the
20 law, which includes providing training to early childhood
21 care providers to increase their understanding of the law,
22 increasing the availability and access to infant and early
23 childhood mental health services, and building aligned
24 data collection systems to better understand expulsion
25 rates and to allow for accurate reporting as required by
26 the law.

1 (7) Many educators and schools in this State have
2 embraced and implemented evidenced-based restorative
3 justice and trauma-responsive and culturally relevant
4 practices and interventions. However, the use of these
5 interventions on students is often isolated or is
6 implemented occasionally and only if the school has the
7 appropriate leadership, resources, and partners available
8 to engage seriously in this work. It would be malpractice
9 to deny our students access to these practices and
10 interventions, especially in the aftermath of a
11 once-in-a-century pandemic.

12 (b) The Whole Child Task Force is created for the purpose
13 of establishing an equitable, inclusive, safe, and supportive
14 environment in all schools for every student in this State.
15 The task force shall have all of the following goals, which
16 means key steps have to be taken to ensure that every child in
17 every school in this State has access to teachers, social
18 workers, school leaders, support personnel, and others who
19 have been trained in evidenced-based interventions and
20 restorative practices:

21 (1) To create a common definition of a
22 trauma-responsive school, a trauma-responsive district,
23 and a trauma-responsive community.

24 (2) To outline the training and resources required to
25 create and sustain a system of support for
26 trauma-responsive schools, districts, and communities and

1 to identify this State's role in that work, including
2 recommendations concerning options for redirecting
3 resources from school resource officers to classroom-based
4 support.

5 (3) To identify or develop a process to conduct an
6 analysis of the organizations that provide training in
7 restorative practices, implicit bias, anti-racism, and
8 trauma-responsive systems, mental health services, and
9 social and emotional services to schools.

10 (4) To provide recommendations concerning the key data
11 to be collected and reported to ensure that this State has
12 a full and accurate understanding of the progress toward
13 ensuring that all schools, including programs and
14 providers of care to pre-kindergarten children, employ
15 restorative, anti-racist, and trauma-responsive
16 strategies and practices. The data collected must include
17 information relating to the availability of trauma
18 responsive support structures in schools as well as
19 disciplinary practices employed on students in person or
20 through other means, including during remote or blended
21 learning. It should also include information on the use
22 of, and funding for, school resource officers and other
23 similar police personnel in school programs.

24 (5) To recommend an implementation timeline, including
25 the key roles, responsibilities, and resources to advance
26 this State toward a system in which every school,

1 district, and community is progressing toward becoming
2 trauma-responsive.

3 (6) To seek input and feedback from stakeholders,
4 including parents, students, and educators, who reflect
5 the diversity of this State.

6 (c) Members of the Whole Child Task Force shall be
7 appointed by the State Superintendent of Education. Members of
8 this task force must represent the diversity of this State and
9 possess the expertise needed to perform the work required to
10 meet the goals of the task force set forth under subsection
11 (a). Members of the task force shall include all of the
12 following:

13 (1) One member of a statewide professional teachers'
14 organization.

15 (2) One member of another statewide professional
16 teachers' organization.

17 (3) One member who represents a school district
18 serving a community with a population of 500,000 or more.

19 (4) One member of a statewide organization
20 representing social workers.

21 (5) One member of an organization that has specific
22 expertise in trauma-responsive school practices and
23 experience in supporting schools in developing
24 trauma-responsive and restorative practices.

25 (6) One member of another organization that has
26 specific expertise in trauma-responsive school practices

1 and experience in supporting schools in developing
2 trauma-responsive and restorative practices.

3 (7) One member of a statewide organization that
4 represents school administrators.

5 (8) One member of a statewide policy organization that
6 works to build a healthy public education system that
7 prepares all students for a successful college, career,
8 and civic life.

9 (9) One member of a statewide organization that brings
10 teachers together to identify and address issues critical
11 to student success.

12 (10) One member of the General Assembly recommended by
13 the President of the Senate.

14 (11) One member of the General Assembly recommended by
15 the Speaker of the House of Representatives.

16 (12) One member of the General Assembly recommended by
17 the Minority Leader of the Senate.

18 (13) One member of the General Assembly recommended by
19 the Minority Leader of the House of Representatives.

20 (14) One member of a civil rights organization that
21 works actively on issues regarding student support.

22 (15) One administrator from a school district that has
23 actively worked to develop a system of student support
24 that uses a trauma-informed lens.

25 (16) One educator from a school district that has
26 actively worked to develop a system of student support

1 that uses a trauma-informed lens.

2 (17) One member of a youth-led organization.

3 (18) One member of an organization that has
4 demonstrated expertise in restorative practices.

5 (19) One member of a coalition of mental health and
6 school practitioners who assist schools in developing and
7 implementing trauma-informed and restorative strategies
8 and systems.

9 (20) One member of an organization whose mission is to
10 promote the safety, health, and economic success of
11 children, youth, and families in this State.

12 (21) One member who works or has worked as a
13 restorative justice coach or disciplinarian.

14 (22) One member who works or has worked as a social
15 worker.

16 (23) One member of the State Board of Education.

17 (24) One member who represents a statewide principals'
18 organization.

19 (25) One member who represents a statewide
20 organization of school boards.

21 (26) One member who has expertise in pre-kindergarten
22 education.

23 (27) One member who represents a school social worker
24 association.

25 (28) One member who represents an organization that
26 represents school districts in ~~both~~ the south suburbs ~~and~~

1 ~~collar counties.~~

2 (29) One member who is a licensed clinical
3 psychologist who (A) has a doctor of philosophy in the
4 field of clinical psychology and has an appointment at an
5 independent free-standing children's hospital located in
6 Chicago, (B) serves as associate professor at a medical
7 school located in Chicago, and (C) serves as the clinical
8 director of a coalition of voluntary collaboration of
9 organizations that are committed to applying a trauma lens
10 to their efforts on behalf of families and children in the
11 State.

12 (30) One member who represents a west suburban school
13 district.

14 (31) One member from a governmental agency who has
15 expertise in child development and who is responsible for
16 coordinating early childhood mental health programs and
17 services.

18 (32) One member who has significant expertise in early
19 childhood mental health and childhood trauma.

20 (33) One member who represents an organization that
21 represents school districts in the collar counties.

22 (d) The Whole Child Task Force shall meet at the call of
23 the State Superintendent of Education or his or her designee,
24 who shall serve as ~~as~~ the chairperson. The State Board of
25 Education shall provide administrative and other support to
26 the task force. Members of the task force shall serve without

1 compensation.

2 (e) The Whole Child Task Force shall submit a report of its
3 findings and recommendations to the General Assembly, the
4 Illinois Legislative Black Caucus, the State Board of
5 Education, and the Governor on or before February 1, 2022.
6 Upon submitting its report, the task force is dissolved.

7 (f) This Section is repealed on February 1, 2023.

8 (Source: P.A. 101-654, eff. 3-8-21.)

9 Section 10. The Early Intervention Services System Act is
10 amended by changing Section 11 as follows:

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

12 Sec. 11. Individualized Family Service Plans.

13 (a) Each eligible infant or toddler and that infant's or
14 toddler's family shall receive:

15 (1) timely, comprehensive, multidisciplinary
16 assessment of the unique strengths and needs of each
17 eligible infant and toddler, and assessment of the
18 concerns and priorities of the families to appropriately
19 assist them in meeting their needs and identify supports
20 and services to meet those needs; and

21 (2) a written Individualized Family Service Plan
22 developed by a multidisciplinary team which includes the
23 parent or guardian. The individualized family service plan
24 shall be based on the multidisciplinary team's assessment

1 of the resources, priorities, and concerns of the family
2 and its identification of the supports and services
3 necessary to enhance the family's capacity to meet the
4 developmental needs of the infant or toddler, and shall
5 include the identification of services appropriate to meet
6 those needs, including the frequency, intensity, and
7 method of delivering services. During and as part of the
8 initial development of the individualized family services
9 plan, and any periodic reviews of the plan, the
10 multidisciplinary team may seek consultation from the lead
11 agency's designated experts, if any, to help determine
12 appropriate services and the frequency and intensity of
13 those services. All services in the individualized family
14 services plan must be justified by the multidisciplinary
15 assessment of the unique strengths and needs of the infant
16 or toddler and must be appropriate to meet those needs. At
17 the periodic reviews, the team shall determine whether
18 modification or revision of the outcomes or services is
19 necessary.

20 (b) The Individualized Family Service Plan shall be
21 evaluated once a year and the family shall be provided a review
22 of the Plan at 6 month intervals or more often where
23 appropriate based on infant or toddler and family needs. The
24 lead agency shall create a quality review process regarding
25 Individualized Family Service Plan development and changes
26 thereto, to monitor and help assure that resources are being

1 used to provide appropriate early intervention services.

2 (c) The initial evaluation and initial assessment and
3 initial Plan meeting must be held within 45 days after the
4 initial contact with the early intervention services system.
5 The 45-day timeline does not apply for any period when the
6 child or parent is unavailable to complete the initial
7 evaluation, the initial assessments of the child and family,
8 or the initial Plan meeting, due to exceptional family
9 circumstances that are documented in the child's early
10 intervention records, or when the parent has not provided
11 consent for the initial evaluation or the initial assessment
12 of the child despite documented, repeated attempts to obtain
13 parental consent. As soon as exceptional family circumstances
14 no longer exist or parental consent has been obtained, the
15 initial evaluation, the initial assessment, and the initial
16 Plan meeting must be completed as soon as possible. With
17 parental consent, early intervention services may commence
18 before the completion of the comprehensive assessment and
19 development of the Plan.

20 (d) Parents must be informed that early intervention
21 services shall be provided to each eligible infant and
22 toddler, to the maximum extent appropriate, in the natural
23 environment, which may include the home or other community
24 settings. Parents shall make the final decision to accept or
25 decline early intervention services. A decision to decline
26 such services shall not be a basis for administrative

1 determination of parental fitness, or other findings or
2 sanctions against the parents. Parameters of the Plan shall be
3 set forth in rules.

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

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

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

15 (3) That the family may request, with appropriate
16 documentation supporting the request, a determination of
17 an exemption from private insurance use under Section
18 13.25.

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

23 (5) That families will be responsible for payments of
24 family fees, which will be based on a sliding scale
25 according to the State's definition of ability to pay
26 which is comparing household size and income to the

1 sliding scale and considering out-of-pocket medical or
2 disaster expenses, and that these fees are payable to the
3 central billing office. Families who fail to provide
4 income information shall be charged the maximum amount on
5 the sliding scale.

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

11 (1) The name, address, and telephone number of the
12 insurance carrier.

13 (2) The contract number and policy number of the
14 insurance plan.

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

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

18 (g) A copy of the individualized family service plan must
19 be provided to each enrolled provider who is providing early
20 intervention services to the child who is the subject of that
21 plan.

22 (h) Children receiving services under this Act shall
23 receive a smooth and effective transition by their third
24 birthday consistent with federal regulations adopted pursuant
25 to Sections 1431 through 1444 of Title 20 of the United States
26 Code. Beginning January 1, 2022 ~~July 1, 2022~~, children who

1 receive early intervention services prior to their third
2 birthday and are found eligible for an individualized
3 education program under the Individuals with Disabilities
4 Education Act, 20 U.S.C. 1414(d)(1)(A), and under Section
5 14-8.02 of the School Code and whose birthday falls between
6 May 1 and August 31 may continue to receive early intervention
7 services until the beginning of the school year following
8 their third birthday in order to minimize gaps in services,
9 ensure better continuity of care, and align practices for the
10 enrollment of preschool children with special needs to the
11 enrollment practices of typically developing preschool
12 children.

13 (Source: P.A. 101-654, eff. 3-8-21.)