



Sen. Laura Fine

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1 AMENDMENT TO SENATE BILL 1981

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1981 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Rehabilitation of Persons with  
5 Disabilities Act is amended by changing Sections 1b, 3, 5, 5a,  
6 9, 10, 11, 12a, and 13a as follows:

7 (20 ILCS 2405/1b) (from Ch. 23, par. 3432)

8 Sec. 1b. Definitions. As used in ~~For the purpose of this~~  
9 Act: ~~, the term~~

10 "Person ~~person~~ with one or more disabilities" means a ~~any~~  
11 person who, by reason of a physical or mental impairment, is or  
12 may be expected to require assistance to achieve ~~be totally or~~  
13 ~~partially incapacitated for~~ independent living or competitive  
14 integrated employment.

15 "Vocational rehabilitation" ~~gainful employment; the term~~  
16 "~~rehabilitation~~" or "~~habilitation~~" means those vocational or

1 other appropriate services that ~~which~~ increase the  
2 opportunities for competitive integrated employment.

3 "Independent living" ~~independent functioning or gainful~~  
4 ~~employment; the term "comprehensive rehabilitation"~~ means  
5 those services necessary and appropriate to support community  
6 living and independence.

7 "Director" ~~for increasing the potential for independent~~  
8 ~~living or gainful employment as applicable; the term~~  
9 ~~"vocational rehabilitation administrator"~~ means the head of  
10 the designated State unit within the Department responsible  
11 for administration of rehabilitation and independent living  
12 services provided for in this Act, including but not limited  
13 to the administration of the federal Rehabilitation Act of  
14 1973, as amended by the Workforce Innovation and Opportunity  
15 Act.; ~~the term~~

16 "Department" means the Department of Human Services.  ~~and~~  
17 ~~the term~~

18 "Secretary" means the Secretary of Human Services.

19 (Source: P.A. 89-507, eff. 7-1-97; 90-453, eff. 8-16-97.)

20 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

21 Sec. 3. Powers and duties. The Department shall have the  
22 powers and duties enumerated herein:

23 (a) To cooperate ~~co-operate~~ with the federal  
24 government in the administration of the provisions of the  
25 federal Rehabilitation Act of 1973, as amended by, ~~of~~ the

1 Workforce Innovation and Opportunity Act, and of the  
2 federal Social Security Act to the extent and in the  
3 manner provided in these Acts.

4 (b) To prescribe and supervise such courses of  
5 vocational training and provide such other services as may  
6 be necessary for the vocational ~~habilitation~~ and  
7 rehabilitation of persons with one or more disabilities,  
8 including the administrative activities under subsection  
9 (e) of this Section; ~~and~~ to cooperate ~~co-operate~~ with  
10 State and local school authorities and other recognized  
11 agencies engaged in vocational ~~habilitation,~~  
12 ~~rehabilitation and comprehensive~~ rehabilitation services;  
13 and to cooperate with the Department of Children and  
14 Family Services, the Illinois State Board of Education,  
15 and others regarding the ~~care and~~ education of children  
16 with one or more disabilities.

17 (c) (Blank).

18 (d) To report in writing, to the Governor, annually on  
19 or before the first day of December, and at such other  
20 times and in such manner and upon such subjects as the  
21 Governor may require. The annual report shall contain (1)  
22 information on the programs and activities dedicated to  
23 vocational rehabilitation, independent living, and other  
24 community services and supports administered by the  
25 Director; (2) information on the development of vocational  
26 rehabilitation services, independent living services, and

1        supporting services administered by the Director in the  
2        State; and (3) information detailing a statement of the  
3        ~~existing condition of comprehensive rehabilitation~~  
4        ~~services, habilitation and rehabilitation in the State;~~  
5        ~~(2) a statement of suggestions and recommendations with~~  
6        ~~reference to the development of comprehensive~~  
7        ~~rehabilitation services, habilitation and rehabilitation~~  
8        ~~in the State; and (3) an itemized statement of the amounts~~  
9        of money received from federal, State, and other sources,  
10       and of the objects and purposes to which the respective  
11       items of these several amounts have been devoted.

12            (e) (Blank).

13            (f) To establish a program of services to prevent the  
14       unnecessary institutionalization of persons in need of  
15       long term care and who meet the criteria for blindness or  
16       disability as defined by the Social Security Act, thereby  
17       enabling them to remain in their own homes. Such  
18       preventive services include any or all of the following:

19            (1) personal assistant services;

20            (2) homemaker services;

21            (3) home-delivered meals;

22            (4) adult day care services;

23            (5) respite care;

24            (6) home modification or assistive equipment;

25            (7) home health services;

26            (8) electronic home response;

- 1 (9) brain injury behavioral/cognitive services;
- 2 (10) brain injury habilitation;
- 3 (11) brain injury pre-vocational services; or
- 4 (12) brain injury supported employment.

5 The Department shall establish eligibility standards  
6 for such services taking into consideration the unique  
7 economic and social needs of the population for whom they  
8 are to be provided. Such eligibility standards may be  
9 based on the recipient's ability to pay for services;  
10 provided, however, that any portion of a person's income  
11 that is equal to or less than the "protected income" level  
12 shall not be considered by the Department in determining  
13 eligibility. The "protected income" level shall be  
14 determined by the Department, shall never be less than the  
15 federal poverty standard, and shall be adjusted each year  
16 to reflect changes in the Consumer Price Index For All  
17 Urban Consumers as determined by the United States  
18 Department of Labor. The standards must provide that a  
19 person may not have more than \$10,000 in assets to be  
20 eligible for the services, and the Department may increase  
21 or decrease the asset limitation by rule. The Department  
22 may not decrease the asset level below \$10,000.

23 The services shall be provided, as established by the  
24 Department by rule, to eligible persons to prevent  
25 unnecessary or premature institutionalization, to the  
26 extent that the cost of the services, together with the

1 other personal maintenance expenses of the persons, are  
2 reasonably related to the standards established for care  
3 in a group facility appropriate to their condition. These  
4 non-institutional services, pilot projects or experimental  
5 facilities may be provided as part of or in addition to  
6 those authorized by federal law or those funded and  
7 administered by the Illinois Department on Aging. The  
8 Department shall set rates and fees for services in a fair  
9 and equitable manner. Services identical to those offered  
10 by the Department on Aging shall be paid at the same rate.

11 Except as otherwise provided in this paragraph,  
12 personal assistants shall be paid at a rate negotiated  
13 between the State and an exclusive representative of  
14 personal assistants under a collective bargaining  
15 agreement. In no case shall the Department pay personal  
16 assistants an hourly wage that is less than the federal  
17 minimum wage. Within 30 days after July 6, 2017 (the  
18 effective date of Public Act 100-23), the hourly wage paid  
19 to personal assistants and individual maintenance home  
20 health workers shall be increased by \$0.48 per hour.

21 Solely for the purposes of coverage under the Illinois  
22 Public Labor Relations Act, personal assistants providing  
23 services under the Department's Home Services Program  
24 shall be considered to be public employees and the State  
25 of Illinois shall be considered to be their employer as of  
26 July 16, 2003 (the effective date of Public Act 93-204),

1 but not before. Solely for the purposes of coverage under  
2 the Illinois Public Labor Relations Act, home care and  
3 home health workers who function as personal assistants  
4 and individual maintenance home health workers and who  
5 also provide services under the Department's Home Services  
6 Program shall be considered to be public employees, no  
7 matter whether the State provides such services through  
8 direct fee-for-service arrangements, with the assistance  
9 of a managed care organization or other intermediary, or  
10 otherwise, and the State of Illinois shall be considered  
11 to be the employer of those persons as of January 29, 2013  
12 (the effective date of Public Act 97-1158), but not before  
13 except as otherwise provided under this subsection (f).  
14 The State shall engage in collective bargaining with an  
15 exclusive representative of home care and home health  
16 workers who function as personal assistants and individual  
17 maintenance home health workers working under the Home  
18 Services Program concerning their terms and conditions of  
19 employment that are within the State's control. Nothing in  
20 this paragraph shall be understood to limit the right of  
21 the persons receiving services defined in this Section to  
22 hire and fire home care and home health workers who  
23 function as personal assistants and individual maintenance  
24 home health workers working under the Home Services  
25 Program or to supervise them within the limitations set by  
26 the Home Services Program. The State shall not be

1 considered to be the employer of home care and home health  
2 workers who function as personal assistants and individual  
3 maintenance home health workers working under the Home  
4 Services Program for any purposes not specifically  
5 provided in Public Act 93-204 or Public Act 97-1158,  
6 including but not limited to, purposes of vicarious  
7 liability in tort and purposes of statutory retirement or  
8 health insurance benefits. Home care and home health  
9 workers who function as personal assistants and individual  
10 maintenance home health workers and who also provide  
11 services under the Department's Home Services Program  
12 shall not be covered by the State Employees Group  
13 Insurance Act of 1971.

14 The Department shall execute, relative to nursing home  
15 prescreening, as authorized by Section 4.03 of the  
16 Illinois Act on the Aging, written inter-agency agreements  
17 with the Department on Aging and the Department of  
18 Healthcare and Family Services, to effect the intake  
19 procedures and eligibility criteria for those persons who  
20 may need long term care. On and after July 1, 1996, all  
21 nursing home prescreenings for individuals 18 through 59  
22 years of age shall be conducted by the Department, or a  
23 designee of the Department.

24 The Department is authorized to establish a system of  
25 recipient cost-sharing for services provided under this  
26 Section. The cost-sharing shall be based upon the



1 recipient's ability to pay for services, but in no case  
2 shall the recipient's share exceed the actual cost of the  
3 services provided. Protected income shall not be  
4 considered by the Department in its determination of the  
5 recipient's ability to pay a share of the cost of  
6 services. The level of cost-sharing shall be adjusted each  
7 year to reflect changes in the "protected income" level.  
8 The Department shall deduct from the recipient's share of  
9 the cost of services any money expended by the recipient  
10 for disability-related expenses.

11 To the extent permitted under the federal Social  
12 Security Act, the Department, or the Department's  
13 authorized representative, may recover the amount of  
14 moneys expended for services provided to or in behalf of a  
15 person under this Section by a claim against the person's  
16 estate or against the estate of the person's surviving  
17 spouse, but no recovery may be had until after the death of  
18 the surviving spouse, if any, and then only at such time  
19 when there is no surviving child who is under age 21 or  
20 blind or who has a permanent and total disability. This  
21 paragraph, however, shall not bar recovery, at the death  
22 of the person, of moneys for services provided to the  
23 person or in behalf of the person under this Section to  
24 which the person was not entitled; provided that such  
25 recovery shall not be enforced against any real estate  
26 while it is occupied as a homestead by the surviving

1 spouse or other dependent, if no claims by other creditors  
2 have been filed against the estate, or, if such claims  
3 have been filed, they remain dormant for failure of  
4 prosecution or failure of the claimant to compel  
5 administration of the estate for the purpose of payment.  
6 This paragraph shall not bar recovery from the estate of a  
7 spouse, under Sections 1915 and 1924 of the Social  
8 Security Act and Section 5-4 of the Illinois Public Aid  
9 Code, who precedes a person receiving services under this  
10 Section in death. All moneys for services paid to or in  
11 behalf of the person under this Section shall be claimed  
12 for recovery from the deceased spouse's estate.  
13 "Homestead", as used in this paragraph, means the dwelling  
14 house and contiguous real estate occupied by a surviving  
15 spouse or relative, as defined by the rules and  
16 regulations of the Department of Healthcare and Family  
17 Services, regardless of the value of the property.

18 ~~The Department shall submit an annual report on~~  
19 ~~programs and services provided under this Section. The~~  
20 ~~report shall be filed with the Governor and the General~~  
21 ~~Assembly on or before March 30 each year.~~

22 ~~The requirement for reporting to the General Assembly~~  
23 ~~shall be satisfied by filing copies of the report as~~  
24 ~~required by Section 3.1 of the General Assembly~~  
25 ~~Organization Act, and filing additional copies with the~~  
26 ~~State Government Report Distribution Center for the~~

1 ~~General Assembly as required under paragraph (t) of~~  
2 ~~Section 7 of the State Library Act.~~

3 (g) To establish such subdivisions of the Department  
4 as shall be desirable and assign to the various  
5 subdivisions the responsibilities and duties placed upon  
6 the Department by law.

7 (h) To cooperate and enter into any necessary  
8 agreements with the Department of Employment Security for  
9 the provision of job placement and job referral services  
10 to clients of the Department, including job service  
11 registration of such clients with Illinois Employment  
12 Security offices and making job listings maintained by the  
13 Department of Employment Security available to such  
14 clients.

15 (i) To possess all powers reasonable and necessary for  
16 the exercise and administration of the powers, duties and  
17 responsibilities of the Department which are provided for  
18 by law.

19 (j) (Blank).

20 (k) (Blank).

21 (l) To establish, operate, and maintain a Statewide  
22 Housing Clearinghouse of information on available  
23 government subsidized housing accessible to persons with  
24 disabilities and available privately owned housing  
25 accessible to persons with disabilities. The information  
26 shall include, but not be limited to, the location, rental

1 requirements, access features and proximity to public  
2 transportation of available housing. The Clearinghouse  
3 shall consist of at least a computerized database for the  
4 storage and retrieval of information and a separate or  
5 shared toll free telephone number for use by those seeking  
6 information from the Clearinghouse. Department offices and  
7 personnel throughout the State shall also assist in the  
8 operation of the Statewide Housing Clearinghouse.  
9 Cooperation with local, State, and federal housing  
10 managers shall be sought and extended in order to  
11 frequently and promptly update the Clearinghouse's  
12 information.

13 (m) To assure that the names and case records of  
14 persons who received or are receiving services from the  
15 Department, including persons receiving vocational  
16 rehabilitation, home services, or other services, and  
17 those attending one of the Department's schools or other  
18 supervised facility shall be confidential and not be open  
19 to the general public. Those case records and reports or  
20 the information contained in those records and reports  
21 shall be disclosed by the Director only to proper law  
22 enforcement officials, individuals authorized by a court,  
23 the General Assembly or any committee or commission of the  
24 General Assembly, and other persons and for reasons as the  
25 Director designates by rule. Disclosure by the Director  
26 may be only in accordance with other applicable law.

1 (Source: P.A. 99-143, eff. 7-27-15; 100-23, eff. 7-6-17;  
2 100-477, eff. 9-8-17; 100-587, eff. 6-4-18; 100-863, eff.  
3 8-14-18; 100-1148, eff. 12-10-18.)

4 (20 ILCS 2405/5) (from Ch. 23, par. 3436)

5 Sec. 5. The Department is authorized to receive such gifts  
6 or donations, either from public or private sources, as may be  
7 offered unconditionally or under such conditions related to  
8 the comprehensive vocational rehabilitation services,  
9 independent living services, and other community services and  
10 supports administered by the Director for ~~habilitation and~~  
11 ~~rehabilitation~~ of persons with one or more disabilities, as in  
12 the judgment of the Department are proper and consistent with  
13 the provisions of this Act.

14 (Source: P.A. 94-91, eff. 7-1-05.)

15 (20 ILCS 2405/5a) (from Ch. 23, par. 3437)

16 Sec. 5a. The State of Illinois does hereby (1) accept the  
17 provisions and benefits of the act of Congress entitled the  
18 Rehabilitation Act of 1973, as amended by the Workforce  
19 Innovation and Opportunity Act ~~heretofore and hereafter~~  
20 ~~amended~~, (2) designate the State Treasurer as custodian of all  
21 moneys received by the State from appropriations made by the  
22 Congress of the United States for comprehensive vocational  
23 rehabilitation services and related services for persons  
24 ~~habilitation and rehabilitation of persons~~ with one or more

1 disabilities, to be kept in a fund to be known as the  
2 Vocational Rehabilitation Fund, and authorize the State  
3 treasurer to make disbursements therefrom upon the order of  
4 the Department, and (3) empower and direct the Department to  
5 cooperate with the federal government in carrying out the  
6 provisions of the Rehabilitation Act of 1973, as amended by  
7 the Workforce Innovation and Opportunity Act.

8 (Source: P.A. 88-500.)

9 (20 ILCS 2405/9) (from Ch. 23, par. 3440)

10 Sec. 9. Whenever, in the course of its vocational  
11 rehabilitation program, ~~rehabilitation and habilitation~~  
12 ~~program,~~ the Department has provided tools, equipment, initial  
13 stock or other supplies to a person with one or more  
14 disabilities to establish a business enterprise as a  
15 self-employed person, other than a business enterprise under  
16 the supervision and management of a non-profit agency, the  
17 Department may, in its discretion, convey title to such tools,  
18 equipment, initial stock or other supplies at any time after  
19 the expiration of 6 months after such items are provided to  
20 that person.

21 (Source: P.A. 86-607.)

22 (20 ILCS 2405/10) (from Ch. 23, par. 3441)

23 Sec. 10. Residential schools; visual and hearing  
24 disabilities.

1           (a) The Department of Human Services shall operate  
2 residential schools for the education of children with visual  
3 and hearing disabilities who are unable to take advantage of  
4 the regular educational facilities provided in the community,  
5 and shall provide in connection therewith such academic,  
6 vocational, and related services as may be required. Children  
7 shall be eligible for admission to these schools only after  
8 proper diagnosis and evaluation, in accordance with procedures  
9 prescribed by the Department.

10          (a-5) The Superintendent of the Illinois School for the  
11 Deaf shall be the chief executive officer of, and shall be  
12 responsible for the day to day operations of, the School, and  
13 shall obtain educational and professional employees who are  
14 certified by the Illinois State Board of Education or licensed  
15 by the appropriate agency or entity to which licensing  
16 authority has been delegated, as well as all other employees  
17 of the School, subject to the provisions of the Personnel Code  
18 and any applicable collective bargaining agreement. The  
19 Superintendent shall be appointed by the Governor, by and with  
20 the advice and consent of the Senate. In the case of a vacancy  
21 in the office of Superintendent during the recess of the  
22 Senate, the Governor shall make a temporary appointment until  
23 the next meeting of the Senate, when the Governor shall  
24 nominate some person to fill the office, and any person so  
25 nominated who is confirmed by the Senate shall hold office  
26 during the remainder of the term and until his or her successor

1 is appointed and qualified. The Superintendent shall hold  
2 office (i) for a term expiring on June 30 of 2015, and every 4  
3 years thereafter and (ii) until the Superintendent's successor  
4 is appointed and qualified. The Superintendent shall devote  
5 his or her full time to the duties of the office, shall not  
6 serve in any other capacity during his or her term of office,  
7 and shall receive such compensation as the Governor shall  
8 determine. The Superintendent shall have an administrative  
9 certificate with a superintendent endorsement as provided for  
10 under Section 21-7.1 of the School Code, and shall have a  
11 degree in educational administration, together with at least  
12 10 years of experience in either deaf or hard of hearing  
13 education, the administration of deaf or hard of hearing  
14 education, or a combination of the 2. Preference shall be  
15 given to candidates with a degree in deaf education. The  
16 Superintendent must be fluent in American Sign Language  
17 ~~degrees in both educational administration and deaf education,~~  
18 ~~together with at least 15 years of experience in either deaf~~  
19 ~~education, the administration of deaf education, or a~~  
20 ~~combination of the 2.~~

21 (a-10) The Superintendent of the Illinois School for the  
22 Visually Impaired shall be the chief executive officer of, and  
23 shall be responsible for the day to day operations of, the  
24 School, and shall obtain educational and professional  
25 employees who are certified by the Illinois State Board of  
26 Education or licensed by the appropriate agency or entity to



1 which licensing authority has been delegated, as well as all  
2 other employees of the School, subject to the provisions of  
3 the Personnel Code and any applicable collective bargaining  
4 agreement. The Superintendent shall be appointed by the  
5 Governor, by and with the advice and consent of the Senate. In  
6 the case of a vacancy in the office of Superintendent during  
7 the recess of the Senate, the Governor shall make a temporary  
8 appointment until the next meeting of the Senate, when the  
9 Governor shall nominate some person to fill the office, and  
10 any person so nominated who is confirmed by the Senate shall  
11 hold office during the remainder of the term and until his or  
12 her successor is appointed and qualified. The Superintendent  
13 shall hold office (i) for a term expiring on June 30 of 2015,  
14 and every 4 years thereafter and (ii) until the  
15 Superintendent's successor is appointed and qualified. The  
16 Superintendent shall devote his or her full time to the duties  
17 of the office, shall not serve in any other capacity during his  
18 or her term of office, and shall receive such compensation as  
19 the Governor shall determine. The Superintendent shall have an  
20 administrative certificate with a superintendent endorsement  
21 as provided for under Section 21-7.1 of the School Code, and  
22 shall have a degree in educational administration, together  
23 with at least 10 years of experience in either blind or  
24 visually impaired education, the administration of blind or  
25 visually impaired education, or a combination of the 2.  
26 Preference shall be given to candidates with a degree in blind

1 ~~or visually impaired education. degrees in both educational~~  
2 ~~administration and blind or visually impaired education,~~  
3 ~~together with at least 15 years of experience in either blind~~  
4 ~~or visually impaired education, the administration of blind or~~  
5 ~~visually impaired education, or a combination of the 2.~~

6 (b) In administering the Illinois School for the Deaf, the  
7 Department shall adopt an admission policy which permits day  
8 or residential enrollment, when resources are sufficient, of  
9 children with hearing disabilities who are able to take  
10 advantage of the regular educational facilities provided in  
11 the community and thus unqualified for admission under  
12 subsection (a). In doing so, the Department shall establish an  
13 annual deadline by which shall be completed the enrollment of  
14 children qualified under subsection (a) for admission to the  
15 Illinois School for the Deaf. After the deadline, the Illinois  
16 School for the Deaf may enroll other children with hearing  
17 disabilities at the request of their parents or guardians if  
18 the Department determines there are sufficient resources to  
19 meet their needs as well as the needs of children enrolled  
20 before the deadline and children qualified under subsection  
21 (a) who may be enrolled after the deadline on an emergency  
22 basis. The Department shall adopt any rules and regulations  
23 necessary for the implementation of this subsection.

24 (c) In administering the Illinois School for the Visually  
25 Impaired, the Department shall adopt an admission policy that  
26 permits day or residential enrollment, when resources are

1 sufficient, of children with visual disabilities who are able  
2 to take advantage of the regular educational facilities  
3 provided in the community and thus unqualified for admission  
4 under subsection (a). In doing so, the Department shall  
5 establish an annual deadline by which the enrollment of  
6 children qualified under subsection (a) for admission to the  
7 Illinois School for the Visually Impaired shall be completed.  
8 After the deadline, the Illinois School for the Visually  
9 Impaired may enroll other children with visual disabilities at  
10 the request of their parents or guardians if the Department  
11 determines there are sufficient resources to meet their needs  
12 as well as the needs of children enrolled before the deadline  
13 and children qualified under subsection (a) who may be  
14 enrolled after the deadline on an emergency basis. The  
15 Department shall adopt any rules and regulations necessary for  
16 the implementation of this subsection.

17 (Source: P.A. 99-143, eff. 7-27-15.)

18 (20 ILCS 2405/11) (from Ch. 23, par. 3442)

19 Sec. 11. Illinois Center for Rehabilitation and Education.  
20 The Department shall operate and maintain the Illinois Center  
21 for Rehabilitation and Education for the care and education of  
22 educable young adults ~~children~~ with one or more physical  
23 disabilities and provide in connection therewith nursing and  
24 medical care and academic, occupational, and related training  
25 to such young adults ~~children~~.

1 Any Illinois resident under the age of 22 ~~21~~ years who is  
2 educable but has such a severe physical disability as a result  
3 of cerebral palsy, muscular dystrophy, spina bifida, or other  
4 cause that he or she is unable to take advantage of the system  
5 of free education in the State of Illinois, may be admitted to  
6 the Center or be entitled to services and facilities provided  
7 hereunder. Young adults ~~Children~~ shall be admitted to the  
8 Center or be eligible for such services and facilities only  
9 after diagnosis according to procedures approved for this  
10 purpose. The Department may avail itself of the services of  
11 other public or private agencies in determining any young  
12 adult's ~~child's~~ eligibility for admission to, or discharge  
13 from, the Center.

14 The Department may call upon other agencies of the State  
15 for such services as they are equipped to render in the care of  
16 young adults ~~children~~ with one or more physical disabilities,  
17 and such agencies are instructed to render those services  
18 which are consistent with their legal and administrative  
19 responsibilities.

20 (Source: P.A. 88-172.)

21 (20 ILCS 2405/12a) (from Ch. 23, par. 3443a)

22 Sec. 12a. Centers for independent living.

23 (a) Purpose. Recognizing that persons with significant  
24 disabilities deserve a high quality of life within their  
25 communities regardless of their disabilities, ~~the Department,~~

1 ~~working with~~ the Statewide Independent Living Council, shall  
2 develop a State Plan for Independent Living for approval by  
3 the Department and subsequent submission to the Administrator  
4 based on federally prescribed timeframes. ~~plan for submission~~  
5 ~~on an annual basis to the Commissioner.~~ The Department shall  
6 adopt rules for implementing the State Plan for Independent  
7 Living ~~plan~~ in accordance with the federal Act, including  
8 rules adopted under the federal Act governing the award of  
9 grants.

10 (b) Definitions. As used in this Section, unless the  
11 context clearly requires otherwise:

12 "Administrator" means the Administrator of the  
13 Administration for Community Living in the United States  
14 Department of Health and Human Services.

15 ~~"Federal Act" means the federal Rehabilitation Act of~~  
16 ~~1973, as amended.~~

17 "Center for independent living" means a consumer  
18 controlled, community based, cross-disability,  
19 non-residential, private non-profit agency that is designated  
20 and operated within a local community by individuals with  
21 disabilities and provides an array of independent living  
22 services.

23 "Consumer controlled" means that the center for  
24 independent living vests power and authority in individuals  
25 with disabilities and that at least 51% of the directors of the  
26 center are persons with one or more disabilities as defined by

1 this Act.

2 ~~"Commissioner" means the Commissioner of the~~  
3 ~~Rehabilitation Services Administration in the United States~~  
4 ~~Department of Education.~~

5 "Council" means the Statewide Independent Living Council  
6 appointed under subsection (d).

7 "Federal Act" means the federal Rehabilitation Act of  
8 1973, as amended.

9 "Individual with a disability" means any individual who  
10 has a physical or mental impairment that substantially limits  
11 a major life activity, has a record of such an impairment, or  
12 is regarded as having such an impairment.

13 "Individual with a significant disability" means an  
14 individual with a significant physical or mental impairment,  
15 whose ability to function independently in the family or  
16 community or whose ability to obtain, maintain, or advance in  
17 employment is substantially limited and for whom the delivery  
18 of independent living services will improve the ability to  
19 function, continue functioning, or move toward functioning  
20 independently in the family or community or to continue in  
21 employment.

22 "State Plan for Independent Living plan" means the  
23 materials submitted by the Statewide Independent Living  
24 Council, after receiving the approval of the Department, to  
25 the Administrator based on federally prescribed timeframes  
26 ~~Department to the Commissioner on an annual basis~~ that contain

1 the State's proposal for:

2 (1) The provision of statewide independent living  
3 services.

4 (2) The development and support of a statewide network  
5 of centers for independent living.

6 (3) Working relationships between (i) programs  
7 providing independent living services and independent  
8 living centers and (ii) the vocational rehabilitation  
9 program administered by the Department under the federal  
10 Act and other programs providing services for individuals  
11 with disabilities.

12 (c) Authority. The unit of the Department headed by the  
13 Director, or his or her designee, ~~vocational rehabilitation~~  
14 ~~administrator~~ shall be designated the State unit under Title  
15 VII of the federal Act and shall have the following  
16 responsibilities:

17 (1) To receive, account for, and disburse funds  
18 received by the State under the federal Act based on the  
19 State Plan for Independent Living ~~plan~~.

20 (2) To provide administrative support services to  
21 centers for independent living programs.

22 (3) To keep records, and take such actions with  
23 respect to those records, as the Administrator  
24 ~~Commissioner~~ finds to be necessary with respect to the  
25 programs.

26 (4) To submit additional information or provide

1           assurances the Administrator ~~Commissioner~~ may require with  
2           respect to the programs.

3           The ~~vocational rehabilitation administrator~~ and ~~the~~  
4           Chairperson of the Council is ~~are~~ responsible for ~~jointly~~  
5           developing ~~and signing~~ the State Plan for Independent Living  
6           ~~plan~~ required by Section 704 of the federal Act. The Director,  
7           or his or her designee, is responsible for approving the State  
8           Plan for Independent Living prior to its submission to the  
9           Administrator. The State Plan for Independent Living ~~plan~~  
10          shall conform to the requirements of Section 704 of the  
11          federal Act.

12           (d) Statewide Independent Living Council.

13          The Governor shall appoint a Statewide Independent Living  
14          Council, comprised of 18 members, which shall be established  
15          as an entity separate and distinct from the Department. The  
16          composition of the Council shall include the following:

17           (1) At least one director of a center for independent  
18           living chosen by the directors of centers for independent  
19           living within the State.

20           (2) A representative from the unit of the Department  
21           of Human Services responsible for the administration of  
22           the vocational rehabilitation program and a representative  
23           from another unit in the Department of Human Services that  
24           provides services for individuals with disabilities and a  
25           representative each from the Department on Aging, the  
26           State Board of Education, and the Department of Children



1 and Family Services, all as ex officio, nonvoting  
2 ~~ex officio, non-voting~~ members who shall not be counted in  
3 the 18 members appointed by the Governor.

4 In addition, the Council may include the following:

5 (A) One or more representatives of centers for  
6 independent living.

7 (B) One or more parents or guardians of individuals  
8 with disabilities.

9 (C) One or more advocates for individuals with  
10 disabilities.

11 (D) One or more representatives of private business.

12 (E) One or more representatives of organizations that  
13 provide services for individuals with disabilities.

14 (F) Other appropriate individuals.

15 After soliciting recommendations from organizations  
16 representing a broad range of individuals with disabilities  
17 and organizations interested in individuals with disabilities,  
18 the Governor shall appoint members of the Council for terms  
19 beginning July 1, 1993. The Council shall be composed of  
20 members (i) who provide statewide representation; (ii) who  
21 represent a broad range of individuals with disabilities from  
22 diverse backgrounds; (iii) who are knowledgeable about centers  
23 for independent living and independent living services; and  
24 (iv) a majority of whom are persons who are individuals with  
25 disabilities and are not employed by any State agency or  
26 center for independent living.

1           The council shall elect a chairperson from among its  
2 voting membership.

3           Each member of the Council shall serve for terms of 3  
4 years, except that (i) a member appointed to fill a vacancy  
5 occurring before the expiration of the term for which the  
6 predecessor was appointed shall be appointed for the remainder  
7 of that term and (ii) terms of the members initially appointed  
8 after the effective date of this amendatory Act of 1993 shall  
9 be as follows: 6 of the initial members shall be appointed for  
10 terms of one year, 6 shall be appointed for terms of 2 years,  
11 and 6 shall be appointed for terms of 3 years. No member of the  
12 council may serve more than 2 consecutive full terms.

13           Appointments to fill vacancies in unexpired terms and new  
14 terms shall be filled by the Governor or by the Council if the  
15 Governor delegates that power to the Council by executive  
16 order. The vacancy shall not affect the power of the remaining  
17 members to execute the powers and duties of the Council. The  
18 Council shall have the duties enumerated in subsections (c),  
19 (d), and (e) of Section 705 of the federal Act.

20           Members shall be reimbursed for their actual expenses  
21 incurred in the performance of their duties, including  
22 expenses for travel, child care, and personal assistance  
23 services, and a member who is not employed or who must forfeit  
24 wages from other employment shall be paid reasonable  
25 compensation for each day the member is engaged in performing  
26 the duties of the Council. The reimbursement or compensation

1 shall be paid from moneys made available to the Department  
2 under Part B of Title VII of the federal Act.

3 ~~In addition to the powers and duties granted to advisory~~  
4 ~~boards by Section 5-505 of the Departments of State Government~~  
5 ~~Law (20 ILCS 5/5-505), the Council shall have the authority to~~  
6 ~~appoint jointly with the vocational rehabilitation~~  
7 ~~administrator a peer review committee to consider and make~~  
8 ~~recommendations for grants to eligible centers for independent~~  
9 ~~living.~~

10 (e) Grants to centers for independent living. Each center  
11 for independent living that receives assistance from the  
12 Department under this Section shall comply with the standards  
13 and provide and comply with the assurances that are set forth  
14 in the State plan and consistent with Section 725 of the  
15 federal Act. Each center for independent living receiving  
16 financial assistance from the Department shall provide  
17 satisfactory assurances at the time and in the manner the  
18 Director, or his or her designee, requires. Centers for  
19 independent living receiving financial assistance from the  
20 Department shall comply with grant making provisions outlined  
21 in State and federal law, and with the requirements of their  
22 respective grant contracts. ~~vocational rehabilitation~~  
23 ~~administrator requires.~~

24 Beginning October 1, 1994, the Director, or his or her  
25 designee, ~~vocational rehabilitation administrator~~ may award  
26 grants to any eligible center for independent living that is

1 receiving funds under Title VII of the federal Act, unless the  
2 Director, or his or her designee, ~~vocational rehabilitation~~  
3 ~~administrator~~ makes a finding that the center for independent  
4 living fails to comply with the standards and assurances set  
5 forth in Section 725 of the federal Act.

6 If there is no center for independent living serving a  
7 region of the State or the region is underserved, and the State  
8 receives a federal increase in its allotment sufficient to  
9 support one or more additional centers for independent living  
10 in the State, the Director, or his or her designee, ~~vocational~~  
11 ~~rehabilitation administrator~~ may award a grant under this  
12 subsection to one or more eligible agencies, consistent with  
13 the provisions of the State plan setting forth the design of  
14 the State for establishing a statewide network for centers for  
15 independent living.

16 In selecting from among eligible agencies in awarding a  
17 grant under this subsection for a new center for independent  
18 living, the Director, or his or her designee, ~~vocational~~  
19 ~~rehabilitation administrator~~ and the chairperson of (or other  
20 individual designated by) the Council acting on behalf of and  
21 at the direction of the Council shall jointly appoint a peer  
22 review committee that shall rank applications in accordance  
23 with the standards and assurances set forth in Section 725 of  
24 the federal Act and criteria jointly established by the  
25 Director, or his or her designee, ~~vocational rehabilitation~~  
26 ~~administrator~~ and the chairperson or designated individual.

1 The peer review committee shall consider the ability of the  
2 applicant to operate a center for independent living and shall  
3 recommend an applicant to receive a grant under this  
4 subsection based on the following:

5 (1) Evidence of the need for a center for independent  
6 living, consistent with the State plan.

7 (2) Any past performance of the applicant in providing  
8 services comparable to independent living services.

9 (3) The applicant's plan for complying with, or  
10 demonstrated success in complying with, the standards and  
11 assurances set forth in Section 725 of the federal Act.

12 (4) The quality of key personnel of the applicant and  
13 the involvement of individuals with significant  
14 disabilities by the applicant.

15 (5) The budgets and cost effectiveness of the  
16 applicant.

17 (6) The evaluation plan of the applicant.

18 (7) The ability of the applicant to carry out the  
19 plan.

20 The Director, or his or her designee, ~~vocational~~  
21 ~~rehabilitation administrator~~ shall award the grant on the  
22 basis of the recommendation of the peer review committee if  
23 the actions of the committee are consistent with federal and  
24 State law.

25 (f) Evaluation and review. The Director, or his or her  
26 designee, ~~vocational rehabilitation administrator~~ shall

1 periodically review each center for independent living that  
2 receives funds from the Department under Title VII of the  
3 federal Act, or moneys appropriated from the General Revenue  
4 Fund, to determine whether the center is in compliance with  
5 the standards and assurances set forth in Section 725 of the  
6 federal Act, other applicable State and federal laws, and the  
7 provisions of the grant contract. If the Director, or his or  
8 her designee, vocational rehabilitation administrator  
9 determines that any center receiving those federal or State  
10 funds is not in compliance ~~with the standards and assurances~~  
11 ~~set forth in Section 725,~~ the Director, or his or her designee,  
12 ~~vocational rehabilitation administrator~~ shall immediately  
13 notify the center that it is out of compliance. The Director,  
14 or his or her designee, shall recommend to the Secretary, or  
15 his or her designee, that all funding to that center be  
16 terminated ~~vocational rehabilitation administrator shall~~  
17 ~~terminate all funds to that center~~ 90 days after the date of  
18 notification or, in the case of a center that requests an  
19 appeal, the date of any final decision, unless the center  
20 submits a plan to achieve compliance within 90 days and that  
21 plan is approved by the Director, or his or her designee,  
22 ~~vocational rehabilitation administrator~~ or (if on appeal) by  
23 the Secretary, or his or her designee ~~Commissioner.~~  
24 (Source: P.A. 91-239, eff. 1-1-00; 91-540, eff. 8-13-99;  
25 92-16, eff. 6-28-01.)

1 (20 ILCS 2405/13a) (from Ch. 23, par. 3444a)

2 Sec. 13a. (a) The Department shall be responsible for  
3 coordinating the establishment of local Transition Planning  
4 Committees. Members of the committees shall consist of  
5 representatives from special education; vocational and regular  
6 education; post-secondary education; parents of youth with  
7 disabilities; persons with disabilities; local business or  
8 industry; the Department of Human Services; public and private  
9 adult service providers; case coordination; and other  
10 consumer, school, and adult services as appropriate. The  
11 Committee shall elect a chair and shall meet at least  
12 quarterly. Each Transition Planning Committee shall:

13 (1) identify current transition services, programs,  
14 and funding sources provided within the community for  
15 secondary and post-secondary aged youth with disabilities  
16 and their families as well as the development of  
17 strategies to address unmet needs;

18 (2) facilitate the development of transition  
19 interagency teams to address present and future transition  
20 needs of individual students on their individual education  
21 plans;

22 (3) develop a mission statement that emphasizes the  
23 goals of integration and participation in all aspects of  
24 community life for persons with disabilities;

25 (4) provide for the exchange of information such as  
26 appropriate data, effectiveness studies, special projects,

1           exemplary programs, and creative funding of programs;

2           (5) develop consumer in-service and awareness training  
3           programs in the local community; and

4           (6) assist in staff training for individual transition  
5           planning and student transition needs assessment.

6           (b) Each Transition Planning Committee shall select a  
7           chair from among its members who shall serve for a term of one  
8           year. Each committee shall meet at least quarterly, or at such  
9           other times at the call of the chair.

10          (c) (Blank). ~~Each Transition Planning Committee shall~~  
11 ~~annually prepare and submit to the Interagency Coordinating~~  
12 ~~Council a report which assesses the level of currently~~  
13 ~~available services in the community as well as the level of~~  
14 ~~unmet needs of secondary students with disabilities, makes~~  
15 ~~recommendations to address unmet needs, and summarizes the~~  
16 ~~steps taken to address unmet needs based on the~~  
17 ~~recommendations made in previous reports.~~

18          (d) The name and affiliation of each local Transition  
19          Planning Committee member ~~and the annual report~~ required under  
20          subsection (c) of this Section shall be filed with the  
21          administrative office of each school district served by the  
22          local Transition Planning Committee, be made available to the  
23          public upon request, and be sent to each member of the General  
24          Assembly whose district encompasses the area served by the  
25          Transition Planning Committee.

26          (Source: P.A. 92-452, eff. 8-21-01.)



1 (20 ILCS 2405/12 rep.)

2 Section 10. The Rehabilitation of Persons with  
3 Disabilities Act is amended by repealing Section 12.

4 (20 ILCS 2407/Art. 4 rep.)

5 Section 15. The Disabilities Services Act of 2003 is  
6 amended by repealing Article 4.

7 Section 20. The School Code is amended by changing Section  
8 14-8.02 as follows:

9 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

10 Sec. 14-8.02. Identification, evaluation, and placement of  
11 children.

12 (a) The State Board of Education shall make rules under  
13 which local school boards shall determine the eligibility of  
14 children to receive special education. Such rules shall ensure  
15 that a free appropriate public education be available to all  
16 children with disabilities as defined in Section 14-1.02. The  
17 State Board of Education shall require local school districts  
18 to administer non-discriminatory procedures or tests to  
19 English learners coming from homes in which a language other  
20 than English is used to determine their eligibility to receive  
21 special education. The placement of low English proficiency  
22 students in special education programs and facilities shall be

1 made in accordance with the test results reflecting the  
2 student's linguistic, cultural and special education needs.  
3 For purposes of determining the eligibility of children the  
4 State Board of Education shall include in the rules  
5 definitions of "case study", "staff conference",  
6 "individualized educational program", and "qualified  
7 specialist" appropriate to each category of children with  
8 disabilities as defined in this Article. For purposes of  
9 determining the eligibility of children from homes in which a  
10 language other than English is used, the State Board of  
11 Education shall include in the rules definitions for  
12 "qualified bilingual specialists" and "linguistically and  
13 culturally appropriate individualized educational programs".  
14 For purposes of this Section, as well as Sections 14-8.02a,  
15 14-8.02b, and 14-8.02c of this Code, "parent" means a parent  
16 as defined in the federal Individuals with Disabilities  
17 Education Act (20 U.S.C. 1401(23)).

18 (b) No child shall be eligible for special education  
19 facilities except with a carefully completed case study fully  
20 reviewed by professional personnel in a multidisciplinary  
21 staff conference and only upon the recommendation of qualified  
22 specialists or a qualified bilingual specialist, if available.  
23 At the conclusion of the multidisciplinary staff conference,  
24 the parent of the child shall be given a copy of the  
25 multidisciplinary conference summary report and  
26 recommendations, which includes options considered, and be

1 informed of his or her ~~their~~ right to obtain an independent  
2 educational evaluation if he or she disagrees ~~they disagree~~  
3 with the evaluation findings conducted or obtained by the  
4 school district. If the school district's evaluation is shown  
5 to be inappropriate, the school district shall reimburse the  
6 parent for the cost of the independent evaluation. The State  
7 Board of Education shall, with advice from the State Advisory  
8 Council on Education of Children with Disabilities on the  
9 inclusion of specific independent educational evaluators,  
10 prepare a list of suggested independent educational  
11 evaluators. The State Board of Education shall include on the  
12 list clinical psychologists licensed pursuant to the Clinical  
13 Psychologist Licensing Act. Such psychologists shall not be  
14 paid fees in excess of the amount that would be received by a  
15 school psychologist for performing the same services. The  
16 State Board of Education shall supply school districts with  
17 such list and make the list available to parents at their  
18 request. School districts shall make the list available to  
19 parents at the time they are informed of their right to obtain  
20 an independent educational evaluation. However, the school  
21 district may initiate an impartial due process hearing under  
22 this Section within 5 days of any written parent request for an  
23 independent educational evaluation to show that its evaluation  
24 is appropriate. If the final decision is that the evaluation  
25 is appropriate, the parent still has a right to an independent  
26 educational evaluation, but not at public expense. An

1 independent educational evaluation at public expense must be  
2 completed within 30 days of a parent written request unless  
3 the school district initiates an impartial due process hearing  
4 or the parent or school district offers reasonable grounds to  
5 show that such 30-day ~~30-day~~ time period should be extended. If  
6 the due process hearing decision indicates that the parent is  
7 entitled to an independent educational evaluation, it must be  
8 completed within 30 days of the decision unless the parent or  
9 the school district offers reasonable grounds to show that  
10 such 30-day ~~30-day~~ period should be extended. If a parent  
11 disagrees with the summary report or recommendations of the  
12 multidisciplinary conference or the findings of any  
13 educational evaluation which results therefrom, the school  
14 district shall not proceed with a placement based upon such  
15 evaluation and the child shall remain in his or her regular  
16 classroom setting. No child shall be eligible for admission to  
17 a special class for children with a mental disability who are  
18 educable or for children with a mental disability who are  
19 trainable except with a psychological evaluation and  
20 recommendation by a school psychologist. Consent shall be  
21 obtained from the parent of a child before any evaluation is  
22 conducted. If consent is not given by the parent or if the  
23 parent disagrees with the findings of the evaluation, then the  
24 school district may initiate an impartial due process hearing  
25 under this Section. The school district may evaluate the child  
26 if that is the decision resulting from the impartial due

1 process hearing and the decision is not appealed or if the  
2 decision is affirmed on appeal. The determination of  
3 eligibility shall be made and the IEP meeting shall be  
4 completed within 60 school days from the date of written  
5 parental consent. In those instances when written parental  
6 consent is obtained with fewer than 60 pupil attendance days  
7 left in the school year, the eligibility determination shall  
8 be made and the IEP meeting shall be completed prior to the  
9 first day of the following school year. Special education and  
10 related services must be provided in accordance with the  
11 student's IEP no later than 10 school attendance days after  
12 notice is provided to the parents pursuant to Section 300.503  
13 of Title 34 of the Code of Federal Regulations and  
14 implementing rules adopted by the State Board of Education.  
15 The appropriate program pursuant to the individualized  
16 educational program of students whose native tongue is a  
17 language other than English shall reflect the special  
18 education, cultural and linguistic needs. No later than  
19 September 1, 1993, the State Board of Education shall  
20 establish standards for the development, implementation and  
21 monitoring of appropriate bilingual special individualized  
22 educational programs. The State Board of Education shall  
23 further incorporate appropriate monitoring procedures to  
24 verify implementation of these standards. The district shall  
25 indicate to the parent and the State Board of Education the  
26 nature of the services the child will receive for the regular

1 school term while waiting placement in the appropriate special  
2 education class. At the child's initial IEP meeting and at  
3 each annual review meeting, the child's IEP team shall provide  
4 the child's parent or guardian with a written notification  
5 that informs the parent or guardian that the IEP team is  
6 required to consider whether the child requires assistive  
7 technology in order to receive free, appropriate public  
8 education. The notification must also include a toll-free  
9 telephone number and internet address for the State's  
10 assistive technology program.

11 If the child is deaf, hard of hearing, blind, or visually  
12 impaired or has an orthopedic impairment or physical  
13 disability and he or she might be eligible to receive services  
14 from the Illinois School for the Deaf, ~~or~~ the Illinois School  
15 for the Visually Impaired, or the Illinois Center for  
16 Rehabilitation and Education-Roosevelt, the school district  
17 shall notify the parents, in writing, of the existence of  
18 these schools and the services they provide and shall make a  
19 reasonable effort to inform the parents of the existence of  
20 other, local schools that provide similar services and the  
21 services that these other schools provide. This notification  
22 shall include without limitation information on school  
23 services, school admissions criteria, and school contact  
24 information.

25 In the development of the individualized education program  
26 for a student who has a disability on the autism spectrum

1 (which includes autistic disorder, Asperger's disorder,  
2 pervasive developmental disorder not otherwise specified,  
3 childhood disintegrative disorder, and Rett Syndrome, as  
4 defined in the Diagnostic and Statistical Manual of Mental  
5 Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall  
6 consider all of the following factors:

7 (1) The verbal and nonverbal communication needs of  
8 the child.

9 (2) The need to develop social interaction skills and  
10 proficiencies.

11 (3) The needs resulting from the child's unusual  
12 responses to sensory experiences.

13 (4) The needs resulting from resistance to  
14 environmental change or change in daily routines.

15 (5) The needs resulting from engagement in repetitive  
16 activities and stereotyped movements.

17 (6) The need for any positive behavioral  
18 interventions, strategies, and supports to address any  
19 behavioral difficulties resulting from autism spectrum  
20 disorder.

21 (7) Other needs resulting from the child's disability  
22 that impact progress in the general curriculum, including  
23 social and emotional development.

24 Public Act 95-257 does not create any new entitlement to a  
25 service, program, or benefit, but must not affect any  
26 entitlement to a service, program, or benefit created by any

1 other law.

2 If the student may be eligible to participate in the  
3 Home-Based Support Services Program for Adults with Mental  
4 Disabilities authorized under the Developmental Disability and  
5 Mental Disability Services Act upon becoming an adult, the  
6 student's individualized education program shall include plans  
7 for (i) determining the student's eligibility for those  
8 home-based services, (ii) enrolling the student in the program  
9 of home-based services, and (iii) developing a plan for the  
10 student's most effective use of the home-based services after  
11 the student becomes an adult and no longer receives special  
12 educational services under this Article. The plans developed  
13 under this paragraph shall include specific actions to be  
14 taken by specified individuals, agencies, or officials.

15 (c) In the development of the individualized education  
16 program for a student who is functionally blind, it shall be  
17 presumed that proficiency in Braille reading and writing is  
18 essential for the student's satisfactory educational progress.  
19 For purposes of this subsection, the State Board of Education  
20 shall determine the criteria for a student to be classified as  
21 functionally blind. Students who are not currently identified  
22 as functionally blind who are also entitled to Braille  
23 instruction include: (i) those whose vision loss is so severe  
24 that they are unable to read and write at a level comparable to  
25 their peers solely through the use of vision, and (ii) those  
26 who show evidence of progressive vision loss that may result



1 in functional blindness. Each student who is functionally  
2 blind shall be entitled to Braille reading and writing  
3 instruction that is sufficient to enable the student to  
4 communicate with the same level of proficiency as other  
5 students of comparable ability. Instruction should be provided  
6 to the extent that the student is physically and cognitively  
7 able to use Braille. Braille instruction may be used in  
8 combination with other special education services appropriate  
9 to the student's educational needs. The assessment of each  
10 student who is functionally blind for the purpose of  
11 developing the student's individualized education program  
12 shall include documentation of the student's strengths and  
13 weaknesses in Braille skills. Each person assisting in the  
14 development of the individualized education program for a  
15 student who is functionally blind shall receive information  
16 describing the benefits of Braille instruction. The  
17 individualized education program for each student who is  
18 functionally blind shall specify the appropriate learning  
19 medium or media based on the assessment report.

20 (d) To the maximum extent appropriate, the placement shall  
21 provide the child with the opportunity to be educated with  
22 children who do not have a disability; provided that children  
23 with disabilities who are recommended to be placed into  
24 regular education classrooms are provided with supplementary  
25 services to assist the children with disabilities to benefit  
26 from the regular classroom instruction and are included on the

1 teacher's regular education class register. Subject to the  
2 limitation of the preceding sentence, placement in special  
3 classes, separate schools or other removal of the child with a  
4 disability from the regular educational environment shall  
5 occur only when the nature of the severity of the disability is  
6 such that education in the regular classes with the use of  
7 supplementary aids and services cannot be achieved  
8 satisfactorily. The placement of English learners with  
9 disabilities shall be in non-restrictive environments which  
10 provide for integration with peers who do not have  
11 disabilities in bilingual classrooms. Annually, each January,  
12 school districts shall report data on students from  
13 non-English speaking backgrounds receiving special education  
14 and related services in public and private facilities as  
15 prescribed in Section 2-3.30. If there is a disagreement  
16 between parties involved regarding the special education  
17 placement of any child, either in-state or out-of-state, the  
18 placement is subject to impartial due process procedures  
19 described in Article 10 of the Rules and Regulations to Govern  
20 the Administration and Operation of Special Education.

21 (e) No child who comes from a home in which a language  
22 other than English is the principal language used may be  
23 assigned to any class or program under this Article until he  
24 has been given, in the principal language used by the child and  
25 used in his home, tests reasonably related to his cultural  
26 environment. All testing and evaluation materials and

1 procedures utilized for evaluation and placement shall not be  
2 linguistically, racially or culturally discriminatory.

3 (f) Nothing in this Article shall be construed to require  
4 any child to undergo any physical examination or medical  
5 treatment whose parents object thereto on the grounds that  
6 such examination or treatment conflicts with his religious  
7 beliefs.

8 (g) School boards or their designee shall provide to the  
9 parents of a child prior written notice of any decision (a)  
10 proposing to initiate or change, or (b) refusing to initiate  
11 or change, the identification, evaluation, or educational  
12 placement of the child or the provision of a free appropriate  
13 public education to their child, and the reasons therefor.  
14 Such written notification shall also inform the parent of the  
15 opportunity to present complaints with respect to any matter  
16 relating to the educational placement of the student, or the  
17 provision of a free appropriate public education and to have  
18 an impartial due process hearing on the complaint. The notice  
19 shall inform the parents in the parents' native language,  
20 unless it is clearly not feasible to do so, of their rights and  
21 all procedures available pursuant to this Act and the federal  
22 Individuals with Disabilities Education Improvement Act of  
23 2004 (Public Law 108-446); it shall be the responsibility of  
24 the State Superintendent to develop uniform notices setting  
25 forth the procedures available under this Act and the federal  
26 Individuals with Disabilities Education Improvement Act of

1 2004 (Public Law 108-446) to be used by all school boards. The  
2 notice shall also inform the parents of the availability upon  
3 request of a list of free or low-cost legal and other relevant  
4 services available locally to assist parents in initiating an  
5 impartial due process hearing. The State Superintendent shall  
6 revise the uniform notices required by this subsection (g) to  
7 reflect current law and procedures at least once every 2  
8 years. Any parent who is deaf, or does not normally  
9 communicate using spoken English, who participates in a  
10 meeting with a representative of a local educational agency  
11 for the purposes of developing an individualized educational  
12 program shall be entitled to the services of an interpreter.  
13 The State Board of Education must adopt rules to establish the  
14 criteria, standards, and competencies for a bilingual language  
15 interpreter who attends an individualized education program  
16 meeting under this subsection to assist a parent who has  
17 limited English proficiency.

18 (g-5) For purposes of this subsection (g-5), "qualified  
19 professional" means an individual who holds credentials to  
20 evaluate the child in the domain or domains for which an  
21 evaluation is sought or an intern working under the direct  
22 supervision of a qualified professional, including a master's  
23 or doctoral degree candidate.

24 To ensure that a parent can participate fully and  
25 effectively with school personnel in the development of  
26 appropriate educational and related services for his or her

1 child, the parent, an independent educational evaluator, or a  
2 qualified professional retained by or on behalf of a parent or  
3 child must be afforded reasonable access to educational  
4 facilities, personnel, classrooms, and buildings and to the  
5 child as provided in this subsection (g-5). The requirements  
6 of this subsection (g-5) apply to any public school facility,  
7 building, or program and to any facility, building, or program  
8 supported in whole or in part by public funds. Prior to  
9 visiting a school, school building, or school facility, the  
10 parent, independent educational evaluator, or qualified  
11 professional may be required by the school district to inform  
12 the building principal or supervisor in writing of the  
13 proposed visit, the purpose of the visit, and the approximate  
14 duration of the visit. The visitor and the school district  
15 shall arrange the visit or visits at times that are mutually  
16 agreeable. Visitors shall comply with school safety, security,  
17 and visitation policies at all times. School district  
18 visitation policies must not conflict with this subsection  
19 (g-5). Visitors shall be required to comply with the  
20 requirements of applicable privacy laws, including those laws  
21 protecting the confidentiality of education records such as  
22 the federal Family Educational Rights and Privacy Act and the  
23 Illinois School Student Records Act. The visitor shall not  
24 disrupt the educational process.

25 (1) A parent must be afforded reasonable access of  
26 sufficient duration and scope for the purpose of observing

1 his or her child in the child's current educational  
2 placement, services, or program or for the purpose of  
3 visiting an educational placement or program proposed for  
4 the child.

5 (2) An independent educational evaluator or a  
6 qualified professional retained by or on behalf of a  
7 parent or child must be afforded reasonable access of  
8 sufficient duration and scope for the purpose of  
9 conducting an evaluation of the child, the child's  
10 performance, the child's current educational program,  
11 placement, services, or environment, or any educational  
12 program, placement, services, or environment proposed for  
13 the child, including interviews of educational personnel,  
14 child observations, assessments, tests or assessments of  
15 the child's educational program, services, or placement or  
16 of any proposed educational program, services, or  
17 placement. If one or more interviews of school personnel  
18 are part of the evaluation, the interviews must be  
19 conducted at a mutually agreed upon time, date, and place  
20 that do not interfere with the school employee's school  
21 duties. The school district may limit interviews to  
22 personnel having information relevant to the child's  
23 current educational services, program, or placement or to  
24 a proposed educational service, program, or placement.

25 ~~(h) (Blank).~~

26 ~~(i) (Blank).~~

1       ~~(j) (Blank).~~

2       ~~(k) (Blank).~~

3       ~~(l) (Blank).~~

4       ~~(m) (Blank).~~

5       ~~(n) (Blank).~~

6       ~~(o) (Blank).~~

7       (Source: P.A. 100-122, eff. 8-18-17; 100-863, eff. 8-14-18;  
8       100-993, eff. 8-20-18; 101-124, eff. 1-1-20; revised 9-26-19.)

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