

AN ACT concerning State government.

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

Section 3. The Illinois Commission on Volunteerism and Community Service Act is amended by changing Sections 1, 6.1, and 7 as follows:

(20 ILCS 2330/1) (was 20 ILCS 710/1)

Sec. 1. Creation. There is created in the Department of Human Services ~~Public Health~~ the Illinois Commission on Volunteerism and Community Service.

(Source: P.A. 98-692, eff. 7-1-14.)

(20 ILCS 2330/6.1) (was 20 ILCS 710/6.1)

Sec. 6.1. Functions of Commission. The Commission shall meet at least quarterly and shall advise and consult with the Department of Human Services ~~Public Health~~ and the Governor's Office on all matters relating to community service in Illinois. In addition, the Commission shall have the following duties:

(a) prepare a 3-year State service plan, developed through an open, public process and updated annually;

(b) prepare the financial assistance applications of the State under the National and Community Service Trust

Fund Act of 1993, as amended by the Serve America Act;

(c) assist in the preparation of the application by the State Board of Education for assistance under that Act;

(d) prepare the State's application under that Act for the approval of national service positions;

(e) assist in the provision of health care and child care benefits under that Act;

(f) develop a State recruitment, placement, and information dissemination system for participants in programs that receive assistance under the national service laws;

(g) administer the State's grant program including selection, oversight, and evaluation of grant recipients;

(h) make technical assistance available to enable applicants to plan and implement service programs and to apply for assistance under the national service laws;

(i) develop projects, training methods, curriculum materials, and other activities related to service;

(j) coordinate its functions with any division of the federal Corporation for National and Community Service outlined in the National and Community Service Trust Fund Act of 1993, as amended by the Serve America Act;

(k) publicize Commission services and promote community involvement in the activities of the Commission;

(l) promote increased visibility and support for

volunteers of all ages, especially youth and senior citizens, and community service in meeting the needs of Illinois residents; and

(m) represent the Department of Human Services ~~Public Health~~ and the Governor's Office on such occasions and in such manner as the Department may provide.

(Source: P.A. 98-692, eff. 7-1-14; 99-78, eff. 7-20-15.)

(20 ILCS 2330/7) (was 20 ILCS 710/7)

Sec. 7. Program transfer. On the effective date of this amendatory Act of the 102nd ~~98th~~ General Assembly, the authority, powers, and duties in this Act of the Department of Public Health ~~Human Services~~ are transferred to the Department of Human Services ~~Public Health~~.

(Source: P.A. 98-692, eff. 7-1-14.)

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

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

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

"Person ~~person~~ with one or more disabilities" means a ~~any~~ person who, by reason of a physical or mental impairment, is or may be expected to require assistance to achieve ~~be totally or~~

~~partially incapacitated for~~ independent living or competitive integrated employment.

"Vocational rehabilitation" ~~gainful employment; the term "rehabilitation" or "habilitation"~~ means those vocational or other appropriate services that ~~which~~ increase the opportunities for competitive integrated employment.

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

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

"Department" means the Department of Human Services. ~~;~~ ~~and the term~~

"Secretary" means the Secretary of Human Services.

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

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

Sec. 3. Powers and duties. The Department shall have the

powers and duties enumerated herein:

(a) To cooperate ~~co-operate~~ with the federal government in the administration of the provisions of the federal Rehabilitation Act of 1973, as amended ~~by,~~ of the Workforce Innovation and Opportunity Act, and of the federal Social Security Act to the extent and in the manner provided in these Acts.

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

(c) (Blank).

(d) To report in writing, to the Governor, annually on or before the first day of December, and at such other times and in such manner and upon such subjects as the Governor may require. The annual report shall contain (1) information on the programs and activities dedicated to

vocational rehabilitation, independent living, and other community services and supports administered by the Director; (2) information on the development of vocational rehabilitation services, independent living services, and supporting services administered by the Director in the State; and (3) information detailing a statement of the existing condition of comprehensive rehabilitation services, habilitation and rehabilitation in the State; ~~(2) a statement of suggestions and recommendations with reference to the development of comprehensive rehabilitation services, habilitation and rehabilitation in the State; and (3) an itemized statement of the amounts of money received from federal, State, and other sources, and of the objects and purposes to which the respective items of these several amounts have been devoted.~~

(e) (Blank).

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

- (1) personal assistant services;
- (2) homemaker services;
- (3) home-delivered meals;
- (4) adult day care services;

- (5) respite care;
- (6) home modification or assistive equipment;
- (7) home health services;
- (8) electronic home response;
- (9) brain injury behavioral/cognitive services;
- (10) brain injury habilitation;
- (11) brain injury pre-vocational services; or
- (12) brain injury supported employment.

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

The services shall be provided, as established by the Department by rule, to eligible persons to prevent unnecessary or premature institutionalization, to the extent that the cost of the services, together with the other personal maintenance expenses of the persons, are reasonably related to the standards established for care in a group facility appropriate to their condition. These non-institutional services, pilot projects or experimental facilities may be provided as part of or in addition to those authorized by federal law or those funded and administered by the Illinois Department on Aging. The Department shall set rates and fees for services in a fair and equitable manner. Services identical to those offered by the Department on Aging shall be paid at the same rate.

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

Solely for the purposes of coverage under the Illinois Public Labor Relations Act, personal assistants providing

services under the Department's Home Services Program shall be considered to be public employees and the State of Illinois shall be considered to be their employer as of July 16, 2003 (the effective date of Public Act 93-204), but not before. Solely for the purposes of coverage under the Illinois Public Labor Relations Act, home care and home health workers who function as personal assistants and individual maintenance home health workers and who also provide services under the Department's Home Services Program shall be considered to be public employees, no matter whether the State provides such services through direct fee-for-service arrangements, with the assistance of a managed care organization or other intermediary, or otherwise, and the State of Illinois shall be considered to be the employer of those persons as of January 29, 2013 (the effective date of Public Act 97-1158), but not before except as otherwise provided under this subsection (f). The State shall engage in collective bargaining with an exclusive representative of home care and home health workers who function as personal assistants and individual maintenance home health workers working under the Home Services Program concerning their terms and conditions of employment that are within the State's control. Nothing in this paragraph shall be understood to limit the right of the persons receiving services defined in this Section to hire and fire home care and home health workers who

function as personal assistants and individual maintenance home health workers working under the Home Services Program or to supervise them within the limitations set by the Home Services Program. The State shall not be considered to be the employer of home care and home health workers who function as personal assistants and individual maintenance home health workers working under the Home Services Program for any purposes not specifically provided in Public Act 93-204 or Public Act 97-1158, including but not limited to, purposes of vicarious liability in tort and purposes of statutory retirement or health insurance benefits. Home care and home health workers who function as personal assistants and individual maintenance home health workers and who also provide services under the Department's Home Services Program shall not be covered by the State Employees Group Insurance Act of 1971.

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

designee of the Department.

The Department is authorized to establish a system of recipient cost-sharing for services provided under this Section. The cost-sharing shall be based upon the recipient's ability to pay for services, but in no case shall the recipient's share exceed the actual cost of the services provided. Protected income shall not be considered by the Department in its determination of the recipient's ability to pay a share of the cost of services. The level of cost-sharing shall be adjusted each year to reflect changes in the "protected income" level. The Department shall deduct from the recipient's share of the cost of services any money expended by the recipient for disability-related expenses.

To the extent permitted under the federal Social Security Act, the Department, or the Department's authorized representative, may recover the amount of moneys expended for services provided to or in behalf of a person under this Section by a claim against the person's estate or against the estate of the person's surviving spouse, but no recovery may be had until after the death of the surviving spouse, if any, and then only at such time when there is no surviving child who is under age 21 or blind or who has a permanent and total disability. This paragraph, however, shall not bar recovery, at the death of the person, of moneys for services provided to the

person or in behalf of the person under this Section to which the person was not entitled; provided that such recovery shall not be enforced against any real estate while it is occupied as a homestead by the surviving spouse or other dependent, if no claims by other creditors have been filed against the estate, or, if such claims have been filed, they remain dormant for failure of prosecution or failure of the claimant to compel administration of the estate for the purpose of payment. This paragraph shall not bar recovery from the estate of a spouse, under Sections 1915 and 1924 of the Social Security Act and Section 5-4 of the Illinois Public Aid Code, who precedes a person receiving services under this Section in death. All moneys for services paid to or in behalf of the person under this Section shall be claimed for recovery from the deceased spouse's estate. "Homestead", as used in this paragraph, means the dwelling house and contiguous real estate occupied by a surviving spouse or relative, as defined by the rules and regulations of the Department of Healthcare and Family Services, regardless of the value of the property.

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

~~The requirement for reporting to the General Assembly~~

~~shall be satisfied by filing copies of the report as required by Section 3.1 of the General Assembly Organization Act, and filing additional copies with the State Government Report Distribution Center for the General Assembly as required under paragraph (t) of Section 7 of the State Library Act.~~

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

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

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

(j) (Blank).

(k) (Blank).

(l) To establish, operate, and maintain a Statewide Housing Clearinghouse of information on available

government subsidized housing accessible to persons with disabilities and available privately owned housing accessible to persons with disabilities. The information shall include, but not be limited to, the location, rental requirements, access features and proximity to public transportation of available housing. The Clearinghouse shall consist of at least a computerized database for the storage and retrieval of information and a separate or shared toll free telephone number for use by those seeking information from the Clearinghouse. Department offices and personnel throughout the State shall also assist in the operation of the Statewide Housing Clearinghouse. Cooperation with local, State, and federal housing managers shall be sought and extended in order to frequently and promptly update the Clearinghouse's information.

(m) To assure that the names and case records of persons who received or are receiving services from the Department, including persons receiving vocational rehabilitation, home services, or other services, and those attending one of the Department's schools or other supervised facility shall be confidential and not be open to the general public. Those case records and reports or the information contained in those records and reports shall be disclosed by the Director only to proper law enforcement officials, individuals authorized by a court,

the General Assembly or any committee or commission of the General Assembly, and other persons and for reasons as the Director designates by rule. Disclosure by the Director may be only in accordance with other applicable law.

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

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

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

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

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

Sec. 5a. The State of Illinois does hereby (1) accept the provisions and benefits of the act of Congress entitled the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act ~~heretofore and hereafter amended~~, (2) designate the State Treasurer as custodian of all

moneys received by the State from appropriations made by the Congress of the United States for comprehensive vocational rehabilitation services and related services for persons ~~habilitation and rehabilitation of persons~~ with one or more disabilities, to be kept in a fund to be known as the Vocational Rehabilitation Fund, and authorize the State treasurer to make disbursements therefrom upon the order of the Department, and (3) empower and direct the Department to cooperate with the federal government in carrying out the provisions of the Rehabilitation Act of 1973, as amended by the Workforce Innovation and Opportunity Act.

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

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

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

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

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

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

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

(a-5) The Superintendent of the Illinois School for the Deaf shall be the chief executive officer of, and shall be responsible for the day to day operations of, the School, and shall obtain educational and professional employees who are certified by the Illinois State Board of Education or licensed by the appropriate agency or entity to which licensing authority has been delegated, as well as all other employees of the School, subject to the provisions of the Personnel Code and any applicable collective bargaining agreement. The Superintendent shall be appointed by the Governor, by and with the advice and consent of the Senate. In the case of a vacancy in the office of Superintendent during the recess of the Senate, the Governor shall make a temporary appointment until

the next meeting of the Senate, when the Governor shall nominate some person to fill the office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until his or her successor is appointed and qualified. The Superintendent shall hold office (i) for a term expiring on June 30 of 2015, and every 4 years thereafter and (ii) until the Superintendent's successor is appointed and qualified. The Superintendent shall devote his or her full time to the duties of the office, shall not serve in any other capacity during his or her term of office, and shall receive such compensation as the Governor shall determine. The Superintendent shall have an administrative certificate with a superintendent endorsement as provided for under Section 21-7.1 of the School Code, and shall have a degree in educational administration, together with at least 10 years of experience in either deaf or hard of hearing education, the administration of deaf or hard of hearing education, or a combination of the 2. Preference shall be given to candidates with a degree in deaf education. The Superintendent must be fluent in American Sign Language ~~degrees in both educational administration and deaf education, together with at least 15 years of experience in either deaf education, the administration of deaf education, or a combination of the 2.~~

(a-10) The Superintendent of the Illinois School for the Visually Impaired shall be the chief executive officer of, and

shall be responsible for the day to day operations of, the School, and shall obtain educational and professional employees who are certified by the Illinois State Board of Education or licensed by the appropriate agency or entity to which licensing authority has been delegated, as well as all other employees of the School, subject to the provisions of the Personnel Code and any applicable collective bargaining agreement. The Superintendent shall be appointed by the Governor, by and with the advice and consent of the Senate. In the case of a vacancy in the office of Superintendent during the recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when the Governor shall nominate some person to fill the office, and any person so nominated who is confirmed by the Senate shall hold office during the remainder of the term and until his or her successor is appointed and qualified. The Superintendent shall hold office (i) for a term expiring on June 30 of 2015, and every 4 years thereafter and (ii) until the Superintendent's successor is appointed and qualified. The Superintendent shall devote his or her full time to the duties of the office, shall not serve in any other capacity during his or her term of office, and shall receive such compensation as the Governor shall determine. The Superintendent shall have an administrative certificate with a superintendent endorsement as provided for under Section 21-7.1 of the School Code, and shall have a degree in educational administration, together

with at least 10 years of experience in either blind or visually impaired education, the administration of blind or visually impaired education, or a combination of the 2.
Preference shall be given to candidates with a degree in blind or visually impaired education. ~~degrees in both educational administration and blind or visually impaired education, together with at least 15 years of experience in either blind or visually impaired education, the administration of blind or visually impaired education, or a combination of the 2.~~

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

necessary for the implementation of this subsection.

(c) In administering the Illinois School for the Visually Impaired, the Department shall adopt an admission policy that permits day or residential enrollment, when resources are sufficient, of children with visual disabilities who are able to take advantage of the regular educational facilities provided in the community and thus unqualified for admission under subsection (a). In doing so, the Department shall establish an annual deadline by which the enrollment of children qualified under subsection (a) for admission to the Illinois School for the Visually Impaired shall be completed. After the deadline, the Illinois School for the Visually Impaired may enroll other children with visual disabilities at the request of their parents or guardians if the Department determines there are sufficient resources to meet their needs as well as the needs of children enrolled before the deadline and children qualified under subsection (a) who may be enrolled after the deadline on an emergency basis. The Department shall adopt any rules and regulations necessary for the implementation of this subsection.

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

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

Sec. 11. Illinois Center for Rehabilitation and Education. The Department shall operate and maintain the Illinois Center for Rehabilitation and Education for the care and education of

educable young adults ~~children~~ with one or more physical disabilities and provide in connection therewith nursing and medical care and academic, occupational, and related training to such young adults ~~children~~.

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

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

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

Sec. 12a. Centers for independent living.

(a) Purpose. Recognizing that persons with significant disabilities deserve a high quality of life within their communities regardless of their disabilities, ~~the Department, working with~~ the Statewide Independent Living Council, shall develop a State Plan for Independent Living for approval by the Department and subsequent submission to the Administrator based on federally prescribed timeframes. ~~plan for submission on an annual basis to the Commissioner.~~ The Department shall adopt rules for implementing the State Plan for Independent Living ~~plan~~ in accordance with the federal Act, including rules adopted under the federal Act governing the award of grants.

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

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

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

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

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

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

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

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

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

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

"State Plan for Independent Living ~~plan~~" means the

materials submitted by the Statewide Independent Living Council, after receiving the approval of the Department, to the Administrator based on federally prescribed timeframes ~~Department to the Commissioner on an annual basis~~ that contain the State's proposal for:

(1) The provision of statewide independent living services.

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

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

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

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

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

(3) To keep records, and take such actions with

respect to those records, as the Administrator ~~Commissioner~~ finds to be necessary with respect to the programs.

(4) To submit additional information or provide assurances the Administrator ~~Commissioner~~ may require with respect to the programs.

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

(d) Statewide Independent Living Council.

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

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

(2) A representative from the unit of the Department of Human Services responsible for the administration of the vocational rehabilitation program and a representative

from another unit in the Department of Human Services that provides services for individuals with disabilities and a representative each from the Department on Aging, the State Board of Education, and the Department of Children and Family Services, all as ex officio, nonvoting ~~ex officio, non voting~~ members who shall not be counted in the 18 members appointed by the Governor.

In addition, the Council may include the following:

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

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

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

(D) One or more representatives of private business.

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

(F) Other appropriate individuals.

After soliciting recommendations from organizations representing a broad range of individuals with disabilities and organizations interested in individuals with disabilities, the Governor shall appoint members of the Council for terms beginning July 1, 1993. The Council shall be composed of members (i) who provide statewide representation; (ii) who represent a broad range of individuals with disabilities from diverse backgrounds; (iii) who are knowledgeable about centers

for independent living and independent living services; and (iv) a majority of whom are persons who are individuals with disabilities and are not employed by any State agency or center for independent living.

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

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

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

Members shall be reimbursed for their actual expenses incurred in the performance of their duties, including expenses for travel, child care, and personal assistance

services, and a member who is not employed or who must forfeit wages from other employment shall be paid reasonable compensation for each day the member is engaged in performing the duties of the Council. The reimbursement or compensation shall be paid from moneys made available to the Department under Part B of Title VII of the federal Act.

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

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

~~administrator requires.~~

Beginning October 1, 1994, the Director, or his or her designee, ~~vocational rehabilitation administrator~~ may award grants to any eligible center for independent living that is receiving funds under Title VII of the federal Act, unless the Director, or his or her designee, ~~vocational rehabilitation administrator~~ makes a finding that the center for independent living fails to comply with the standards and assurances set forth in Section 725 of the federal Act.

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

In selecting from among eligible agencies in awarding a grant under this subsection for a new center for independent living, the Director, or his or her designee, ~~vocational rehabilitation administrator~~ and the chairperson of (or other individual designated by) the Council acting on behalf of and at the direction of the Council shall jointly appoint a peer review committee that shall rank applications in accordance

with the standards and assurances set forth in Section 725 of the federal Act and criteria jointly established by the Director, or his or her designee, ~~vocational rehabilitation administrator~~ and the chairperson or designated individual. The peer review committee shall consider the ability of the applicant to operate a center for independent living and shall recommend an applicant to receive a grant under this subsection based on the following:

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

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

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

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

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

(6) The evaluation plan of the applicant.

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

The Director, or his or her designee, ~~vocational rehabilitation administrator~~ shall award the grant on the basis of the recommendation of the peer review committee if

the actions of the committee are consistent with federal and State law.

(f) Evaluation and review. The Director, or his or her designee, ~~vocational rehabilitation administrator~~ shall periodically review each center for independent living that receives funds from the Department under Title VII of the federal Act, or moneys appropriated from the General Revenue Fund, to determine whether the center is in compliance with the standards and assurances set forth in Section 725 of the federal Act, other applicable State and federal laws, and the provisions of the grant contract. If the Director, or his or her designee, ~~vocational rehabilitation administrator~~ determines that any center receiving those federal or State funds is not in compliance ~~with the standards and assurances set forth in Section 725,~~ the Director, or his or her designee, ~~vocational rehabilitation administrator~~ shall immediately notify the center that it is out of compliance. The Director, or his or her designee, shall recommend to the Secretary, or his or her designee, that all funding to that center be terminated ~~vocational rehabilitation administrator shall terminate all funds to that center~~ 90 days after the date of notification or, in the case of a center that requests an appeal, the date of any final decision, unless the center submits a plan to achieve compliance within 90 days and that plan is approved by the Director, or his or her designee, ~~vocational rehabilitation administrator~~ or (if on appeal) by

the Secretary, or his or her designee ~~Commissioner~~.

(Source: P.A. 91-239, eff. 1-1-00; 91-540, eff. 8-13-99; 92-16, eff. 6-28-01.)

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

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

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

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

(3) develop a mission statement that emphasizes the

goals of integration and participation in all aspects of community life for persons with disabilities;

(4) provide for the exchange of information such as appropriate data, effectiveness studies, special projects, exemplary programs, and creative funding of programs;

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

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

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

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

(d) The name and affiliation of each local Transition Planning Committee member ~~and the annual report~~ required under subsection (c) of this Section shall be filed with the administrative office of each school district served by the local Transition Planning Committee, be made available to the

public upon request, and be sent to each member of the General Assembly whose district encompasses the area served by the Transition Planning Committee.

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

(20 ILCS 2405/12 rep.)

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

(20 ILCS 2407/Art. 4 rep.)

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

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

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

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

(a) The State Board of Education shall make rules under which local school boards shall determine the eligibility of children to receive special education. Such rules shall ensure that a free appropriate public education be available to all children with disabilities as defined in Section 14-1.02. The State Board of Education shall require local school districts to administer non-discriminatory procedures or tests to

English learners coming from homes in which a language other than English is used to determine their eligibility to receive special education. The placement of low English proficiency students in special education programs and facilities shall be made in accordance with the test results reflecting the student's linguistic, cultural and special education needs. For purposes of determining the eligibility of children the State Board of Education shall include in the rules definitions of "case study", "staff conference", "individualized educational program", and "qualified specialist" appropriate to each category of children with disabilities as defined in this Article. For purposes of determining the eligibility of children from homes in which a language other than English is used, the State Board of Education shall include in the rules definitions for "qualified bilingual specialists" and "linguistically and culturally appropriate individualized educational programs". For purposes of this Section, as well as Sections 14-8.02a, 14-8.02b, and 14-8.02c of this Code, "parent" means a parent as defined in the federal Individuals with Disabilities Education Act (20 U.S.C. 1401(23)).

(b) No child shall be eligible for special education facilities except with a carefully completed case study fully reviewed by professional personnel in a multidisciplinary staff conference and only upon the recommendation of qualified specialists or a qualified bilingual specialist, if available.

At the conclusion of the multidisciplinary staff conference, the parent of the child shall be given a copy of the multidisciplinary conference summary report and recommendations, which includes options considered, and be informed of his or her ~~their~~ right to obtain an independent educational evaluation if he or she disagrees ~~they disagree~~ with the evaluation findings conducted or obtained by the school district. If the school district's evaluation is shown to be inappropriate, the school district shall reimburse the parent for the cost of the independent evaluation. The State Board of Education shall, with advice from the State Advisory Council on Education of Children with Disabilities on the inclusion of specific independent educational evaluators, prepare a list of suggested independent educational evaluators. The State Board of Education shall include on the list clinical psychologists licensed pursuant to the Clinical Psychologist Licensing Act. Such psychologists shall not be paid fees in excess of the amount that would be received by a school psychologist for performing the same services. The State Board of Education shall supply school districts with such list and make the list available to parents at their request. School districts shall make the list available to parents at the time they are informed of their right to obtain an independent educational evaluation. However, the school district may initiate an impartial due process hearing under this Section within 5 days of any written parent request for an

independent educational evaluation to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has a right to an independent educational evaluation, but not at public expense. An independent educational evaluation at public expense must be completed within 30 days of a parent written request unless the school district initiates an impartial due process hearing or the parent or school district offers reasonable grounds to show that such 30-day ~~30-day~~ time period should be extended. If the due process hearing decision indicates that the parent is entitled to an independent educational evaluation, it must be completed within 30 days of the decision unless the parent or the school district offers reasonable grounds to show that such 30-day ~~30-day~~ period should be extended. If a parent disagrees with the summary report or recommendations of the multidisciplinary conference or the findings of any educational evaluation which results therefrom, the school district shall not proceed with a placement based upon such evaluation and the child shall remain in his or her regular classroom setting. No child shall be eligible for admission to a special class for children with a mental disability who are educable or for children with a mental disability who are trainable except with a psychological evaluation and recommendation by a school psychologist. Consent shall be obtained from the parent of a child before any evaluation is conducted. If consent is not given by the parent or if the

parent disagrees with the findings of the evaluation, then the school district may initiate an impartial due process hearing under this Section. The school district may evaluate the child if that is the decision resulting from the impartial due process hearing and the decision is not appealed or if the decision is affirmed on appeal. The determination of eligibility shall be made and the IEP meeting shall be completed within 60 school days from the date of written parental consent. In those instances when written parental consent is obtained with fewer than 60 pupil attendance days left in the school year, the eligibility determination shall be made and the IEP meeting shall be completed prior to the first day of the following school year. Special education and related services must be provided in accordance with the student's IEP no later than 10 school attendance days after notice is provided to the parents pursuant to Section 300.503 of Title 34 of the Code of Federal Regulations and implementing rules adopted by the State Board of Education. The appropriate program pursuant to the individualized educational program of students whose native tongue is a language other than English shall reflect the special education, cultural and linguistic needs. No later than September 1, 1993, the State Board of Education shall establish standards for the development, implementation and monitoring of appropriate bilingual special individualized educational programs. The State Board of Education shall

further incorporate appropriate monitoring procedures to verify implementation of these standards. The district shall indicate to the parent and the State Board of Education the nature of the services the child will receive for the regular school term while waiting placement in the appropriate special education class. At the child's initial IEP meeting and at each annual review meeting, the child's IEP team shall provide the child's parent or guardian with a written notification that informs the parent or guardian that the IEP team is required to consider whether the child requires assistive technology in order to receive free, appropriate public education. The notification must also include a toll-free telephone number and internet address for the State's assistive technology program.

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

services, school admissions criteria, and school contact information.

In the development of the individualized education program for a student who has a disability on the autism spectrum (which includes autistic disorder, Asperger's disorder, pervasive developmental disorder not otherwise specified, childhood disintegrative disorder, and Rett Syndrome, as defined in the Diagnostic and Statistical Manual of Mental Disorders, fourth edition (DSM-IV, 2000)), the IEP team shall consider all of the following factors:

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

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

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

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

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

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

(7) Other needs resulting from the child's disability that impact progress in the general curriculum, including

social and emotional development.

Public Act 95-257 does not create any new entitlement to a service, program, or benefit, but must not affect any entitlement to a service, program, or benefit created by any other law.

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

(c) In the development of the individualized education program for a student who is functionally blind, it shall be presumed that proficiency in Braille reading and writing is essential for the student's satisfactory educational progress. For purposes of this subsection, the State Board of Education shall determine the criteria for a student to be classified as functionally blind. Students who are not currently identified as functionally blind who are also entitled to Braille

instruction include: (i) those whose vision loss is so severe that they are unable to read and write at a level comparable to their peers solely through the use of vision, and (ii) those who show evidence of progressive vision loss that may result in functional blindness. Each student who is functionally blind shall be entitled to Braille reading and writing instruction that is sufficient to enable the student to communicate with the same level of proficiency as other students of comparable ability. Instruction should be provided to the extent that the student is physically and cognitively able to use Braille. Braille instruction may be used in combination with other special education services appropriate to the student's educational needs. The assessment of each student who is functionally blind for the purpose of developing the student's individualized education program shall include documentation of the student's strengths and weaknesses in Braille skills. Each person assisting in the development of the individualized education program for a student who is functionally blind shall receive information describing the benefits of Braille instruction. The individualized education program for each student who is functionally blind shall specify the appropriate learning medium or media based on the assessment report.

(d) To the maximum extent appropriate, the placement shall provide the child with the opportunity to be educated with children who do not have a disability; provided that children

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

(e) No child who comes from a home in which a language other than English is the principal language used may be

assigned to any class or program under this Article until he has been given, in the principal language used by the child and used in his home, tests reasonably related to his cultural environment. All testing and evaluation materials and procedures utilized for evaluation and placement shall not be linguistically, racially or culturally discriminatory.

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

(g) School boards or their designee shall provide to the parents of a child prior written notice of any decision (a) proposing to initiate or change, or (b) refusing to initiate or change, the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to their child, and the reasons therefor. Such written notification shall also inform the parent of the opportunity to present complaints with respect to any matter relating to the educational placement of the student, or the provision of a free appropriate public education and to have an impartial due process hearing on the complaint. The notice shall inform the parents in the parents' native language, unless it is clearly not feasible to do so, of their rights and all procedures available pursuant to this Act and the federal Individuals with Disabilities Education Improvement Act of

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

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

or doctoral degree candidate.

To ensure that a parent can participate fully and effectively with school personnel in the development of appropriate educational and related services for his or her child, the parent, an independent educational evaluator, or a qualified professional retained by or on behalf of a parent or child must be afforded reasonable access to educational facilities, personnel, classrooms, and buildings and to the child as provided in this subsection (g-5). The requirements of this subsection (g-5) apply to any public school facility, building, or program and to any facility, building, or program supported in whole or in part by public funds. Prior to visiting a school, school building, or school facility, the parent, independent educational evaluator, or qualified professional may be required by the school district to inform the building principal or supervisor in writing of the proposed visit, the purpose of the visit, and the approximate duration of the visit. The visitor and the school district shall arrange the visit or visits at times that are mutually agreeable. Visitors shall comply with school safety, security, and visitation policies at all times. School district visitation policies must not conflict with this subsection (g-5). Visitors shall be required to comply with the requirements of applicable privacy laws, including those laws protecting the confidentiality of education records such as the federal Family Educational Rights and Privacy Act and the

Illinois School Student Records Act. The visitor shall not disrupt the educational process.

(1) A parent must be afforded reasonable access of sufficient duration and scope for the purpose of observing his or her child in the child's current educational placement, services, or program or for the purpose of visiting an educational placement or program proposed for the child.

(2) An independent educational evaluator or a qualified professional retained by or on behalf of a parent or child must be afforded reasonable access of sufficient duration and scope for the purpose of conducting an evaluation of the child, the child's performance, the child's current educational program, placement, services, or environment, or any educational program, placement, services, or environment proposed for the child, including interviews of educational personnel, child observations, assessments, tests or assessments of the child's educational program, services, or placement or of any proposed educational program, services, or placement. If one or more interviews of school personnel are part of the evaluation, the interviews must be conducted at a mutually agreed upon time, date, and place that do not interfere with the school employee's school duties. The school district may limit interviews to personnel having information relevant to the child's

current educational services, program, or placement or to a proposed educational service, program, or placement.

~~(h) (Blank).~~

~~(i) (Blank).~~

~~(j) (Blank).~~

~~(k) (Blank).~~

~~(l) (Blank).~~

~~(m) (Blank).~~

~~(n) (Blank).~~

~~(o) (Blank).~~

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

Section 95. Illinois Compiled Statutes reassignment. The Legislative Reference Bureau shall reassign the following Act to the specified location in the Illinois Compiled Statutes and file appropriate documents with the Index Division of the Office of the Secretary of State in accordance with subsection (c) of Section 5.04 of the Legislative Reference Bureau Act:

Illinois Commission on Volunteerism and Community Service Act, reassigned from 20 ILCS 2330/ to 20 ILCS 1345/.

Section 99. Effective date. This Act takes effect upon becoming law, except that Sections 3 and 95 take effect January 1, 2022.