



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2996

Introduced 2/5/2020, by Sen. Patricia Van Pelt

SYNOPSIS AS INTRODUCED:

20 ILCS 2405/1b	from Ch. 23, par. 3432
20 ILCS 2405/11	from Ch. 23, par. 3442
105 ILCS 5/14-8.02	from Ch. 122, par. 14-8.02

Amends the Rehabilitation of Persons with Disabilities Act. Requires the Department of Human Services to operate and maintain the Illinois Center for Rehabilitation and Education for the care and education of educable young adults (rather than 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 (rather than children). Provides that any Illinois resident under the age of 22 (rather than 21) years who is educable but has such a severe physical disability 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 other specified facilities. Defines "Director" and deletes the definition of "vocational rehabilitation administrator". Amends the School Code. Provides that if the child is deaf, hard of hearing, blind, visually impaired, or diagnosed with an orthopedic impairment or physical disability and he or she might be eligible to receive services from the Illinois Center for Rehabilitation and Education, the school district shall notify the parents, in writing, of the existence of the school and the services provided 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.

LRB101 16934 KTG 66334 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning State government.

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

4 Section 5. The Rehabilitation of Persons with Disabilities
5 Act is amended by changing Sections 1b and 11 as follows:

6 (20 ILCS 2405/1b) (from Ch. 23, par. 3432)

7 Sec. 1b. For the purpose of this Act, the term "person with
8 one or more disabilities" means any person who, by reason of a
9 physical or mental impairment, is or may be expected to be
10 totally or partially incapacitated for independent living or
11 gainful employment; the term "rehabilitation" or
12 "habilitation" means those vocational or other appropriate
13 services which increase the opportunities for independent
14 functioning or gainful employment; the term "comprehensive
15 rehabilitation" means those services necessary and appropriate
16 for increasing the potential for independent living or gainful
17 employment as applicable; the term "Director" means the head of
18 the designated State unit within the Department responsible for
19 administration of rehabilitation services provided for in this
20 Act, including, but not limited to, the administration of the
21 federal Rehabilitation Act of 1973; ~~the term "vocational~~
22 ~~rehabilitation administrator" means the head of the designated~~
23 ~~State unit within the Department responsible for~~

1 ~~administration of rehabilitation services provided for in this~~
2 ~~Act, including but not limited to the administration of the~~
3 ~~federal Rehabilitation Act;~~ the term "Department" means the
4 Department of Human Services; and the term "Secretary" means
5 the Secretary of Human Services.

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

7 (20 ILCS 2405/11) (from Ch. 23, par. 3442)

8 Sec. 11. Illinois Center for Rehabilitation and Education.
9 The Department shall operate and maintain the Illinois Center
10 for Rehabilitation and Education for the care and education of
11 educable young adults ~~children~~ with one or more physical
12 disabilities and provide in connection therewith nursing and
13 medical care and academic, occupational, and related training
14 to such young adults ~~children~~.

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

1 adult's ~~child's~~ eligibility for admission to, or discharge
2 from, the Center.

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

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

10 Section 10. The School Code is amended by changing Section
11 14-8.02 as follows:

12 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

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

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

1 students in special education programs and facilities shall be
2 made in accordance with the test results reflecting the
3 student's linguistic, cultural and special education needs.
4 For purposes of determining the eligibility of children the
5 State Board of Education shall include in the rules definitions
6 of "case study", "staff conference", "individualized
7 educational program", and "qualified specialist" appropriate
8 to each category of children with disabilities as defined in
9 this Article. For purposes of determining the eligibility of
10 children from homes in which a language other than English is
11 used, the State Board of Education shall include in the rules
12 definitions for "qualified bilingual specialists" and
13 "linguistically and culturally appropriate individualized
14 educational programs". For purposes of this Section, as well as
15 Sections 14-8.02a, 14-8.02b, and 14-8.02c of this Code,
16 "parent" means a parent as defined in the federal Individuals
17 with Disabilities 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 State
16 Board of Education shall supply school districts with such list
17 and make the list available to parents at their request. School
18 districts shall make the list available to parents at the time
19 they are informed of their right to obtain an independent
20 educational evaluation. However, the school district may
21 initiate an impartial due process hearing under this Section
22 within 5 days of any written parent request for an independent
23 educational evaluation to show that its evaluation is
24 appropriate. If the final decision is that the evaluation is
25 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 the
3 school district initiates an impartial due process hearing or
4 the parent or school district offers reasonable grounds to show
5 that such 30-day ~~30-day~~ time period should be extended. If the
6 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 such
10 30-day ~~30-day~~ period should be extended. If a parent disagrees
11 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 be
8 made and the IEP meeting shall be completed prior to the first
9 day of the following school year. Special education and related
10 services must be provided in accordance with the student's IEP
11 no later than 10 school attendance days after notice is
12 provided to the parents pursuant to Section 300.503 of Title 34
13 of the Code of Federal Regulations and implementing rules
14 adopted by the State Board of Education. The appropriate
15 program pursuant to the individualized educational program of
16 students whose native tongue is a language other than English
17 shall reflect the special education, cultural and linguistic
18 needs. No later than September 1, 1993, the State Board of
19 Education shall establish standards for the development,
20 implementation and monitoring of appropriate bilingual special
21 individualized educational programs. The State Board of
22 Education shall further incorporate appropriate monitoring
23 procedures to verify implementation of these standards. The
24 district shall indicate to the parent and the State Board of
25 Education the nature of the services the child will receive for
26 the regular school term while waiting placement in the

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

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

24 In the development of the individualized education program
25 for a student who has a disability on the autism spectrum
26 (which includes autistic disorder, Asperger's disorder,

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

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

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

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

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

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

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

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

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

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

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

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

18 (d) To the maximum extent appropriate, the placement shall
19 provide the child with the opportunity to be educated with
20 children who do not have a disability; provided that children
21 with disabilities who are recommended to be placed into regular
22 education classrooms are provided with supplementary services
23 to assist the children with disabilities to benefit from the
24 regular classroom instruction and are included on the teacher's
25 regular education class register. Subject to the limitation of
26 the preceding sentence, placement in special classes, separate

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

18 (e) No child who comes from a home in which a language
19 other than English is the principal language used may be
20 assigned to any class or program under this Article until he
21 has been given, in the principal language used by the child and
22 used in his home, tests reasonably related to his cultural
23 environment. All testing and evaluation materials and
24 procedures utilized for evaluation and placement shall not be
25 linguistically, racially or culturally discriminatory.

26 (f) Nothing in this Article shall be construed to require

1 any child to undergo any physical examination or medical
2 treatment whose parents object thereto on the grounds that such
3 examination or treatment conflicts with his religious beliefs.

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

1 impartial due process hearing. The State Superintendent shall
2 revise the uniform notices required by this subsection (g) to
3 reflect current law and procedures at least once every 2 years.
4 Any parent who is deaf, or does not normally communicate using
5 spoken English, who participates in a meeting with a
6 representative of a local educational agency for the purposes
7 of developing an individualized educational program shall be
8 entitled to the services of an interpreter. The State Board of
9 Education must adopt rules to establish the criteria,
10 standards, and competencies for a bilingual language
11 interpreter who attends an individualized education program
12 meeting under this subsection to assist a parent who has
13 limited English proficiency.

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

20 To ensure that a parent can participate fully and
21 effectively with school personnel in the development of
22 appropriate educational and related services for his or her
23 child, the parent, an independent educational evaluator, or a
24 qualified professional retained by or on behalf of a parent or
25 child must be afforded reasonable access to educational
26 facilities, personnel, classrooms, and buildings and to the

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

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

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

21 ~~(h) (Blank).~~

22 ~~(i) (Blank).~~

23 ~~(j) (Blank).~~

24 ~~(k) (Blank).~~

25 ~~(l) (Blank).~~

26 ~~(m) (Blank).~~

1 ~~(n) (Blank)~~.

2 ~~(e) (Blank)~~.

3 (Source: P.A. 100-122, eff. 8-18-17; 100-863, eff. 8-14-18;
4 100-993, eff. 8-20-18; 101-124, eff. 1-1-20; revised 9-26-19.)