



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2455

Introduced 2/4/2025, by Rep. Maura Hirschauer

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-3.01

from Ch. 122, par. 14-3.01

Amends the Children with Disabilities Article of the School Code. Adds the Secretary of Early Childhood or his or her designee as a member of the Advisory Council on the Education of Children with Disabilities. Provides that the Council shall establish a committee charged with ensuring that all children aged 3 to 5 with disabilities have access to high-quality, inclusive, early-childhood services, provided in the least restrictive environment, across all early learning settings. Effective immediately.

LRB104 09261 LNS 19319 b

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section  
5 14-3.01 as follows:

6 (105 ILCS 5/14-3.01) (from Ch. 122, par. 14-3.01)

7 Sec. 14-3.01. Advisory Council. This amendatory Act of  
8 1998, in compliance with the reauthorization of IDEA in 1997,  
9 makes changes in the membership and responsibilities of the  
10 Advisory Council on the Education of Children with  
11 Disabilities. The Council shall provide advice and policy  
12 guidance to the Governor, General Assembly, and the State  
13 Board of Education with respect to special education and  
14 related services for children with disabilities. The State  
15 Board of Education shall seek the advice of the Advisory  
16 Council regarding all rules and regulations related to the  
17 education of children with disabilities that are to be  
18 promulgated by the State Board of Education. The State Board  
19 of Education shall seek the advice of the Advisory Council on  
20 modifications or additions to comprehensive plans submitted  
21 under Section 14-4.01. The Council shall consider any rule or  
22 regulation or plan submitted to it by the State Board of  
23 Education within 60 days after its receipt by the chairperson

1 of the Council.

2       Additionally, the Advisory Council shall: (1) advise the  
3 General Assembly, the Governor, and the State Board of  
4 Education on unmet needs in the education of children with  
5 disabilities; (2) assist the State Board of Education in  
6 developing evaluations and reporting on data to the United  
7 States Secretary of Education; (3) advise the State Board of  
8 Education relative to qualifications for hearing officers and  
9 the rules and procedures for hearings conducted under Section  
10 14-8.02 or 14-8.02a; (4) comment publicly on any rules or  
11 regulations proposed by the State regarding the education of  
12 children with disabilities and the procedures for distribution  
13 of funds under this Act; (5) advise the State Board of  
14 Education in developing corrective action plans to address  
15 findings identified in federal monitoring reports pursuant to  
16 the Individuals with Disabilities Education Act; (6) advise  
17 State and local education agencies regarding educational  
18 programs and materials that may be provided to children with  
19 disabilities to enable them to fully exercise their  
20 constitutional and legal rights and entitlements as citizens,  
21 including those afforded under the Federal Rehabilitation Act  
22 of 1973, as amended, and the Illinois Human Rights Act; and (7)  
23 advise the State Board of Education in developing and  
24 implementing policies relating to the coordination of services  
25 for children with disabilities.

26       The Council shall be composed of 28 ~~27~~ members, including

1 23 voting members appointed by the Governor and 5 4 ex-officio  
2 voting members. Members shall be broadly representative of the  
3 State's population in regard to developmental, physical, and  
4 mental disabilities, race, ethnic background, gender, and  
5 geographic location. Nine members shall be parents of children  
6 with disabilities between the ages of 3 and 21 years currently  
7 receiving special education services at public expense. Five  
8 members shall be individuals with disabilities, including one  
9 student or former student who is at least 18 years of age and  
10 no older than 21 years of age at the time of his or her  
11 appointment to the Council and who is receiving special  
12 education services at public expense or received those  
13 services at the time his or her high school program  
14 terminated. Within 30 days after the effective date of this  
15 amendatory Act of 1998, the Governor or his designee shall  
16 invite statewide organizations, being as inclusive as possible  
17 and based upon a reasonable inquiry, and Parent Training and  
18 Information Centers representing parents of children with  
19 disabilities, individuals with disabilities or both, to  
20 convene for the purpose of recommending to the Governor twice  
21 the number of individuals required to be appointed as members  
22 from each of the categories described in this paragraph, from  
23 which the Governor may appoint the 14 members of the Council  
24 who are parents of children with disabilities and individuals  
25 with disabilities. The 9 members who are parents of children  
26 with disabilities between the ages of 3 and 21 years receiving

1 special education services at public expense and the 5 members  
2 who are individuals with disabilities shall not be current  
3 full or part-time employees of school districts, special  
4 education cooperatives, regional service areas or centers, or  
5 any agency under the jurisdiction of any elected State  
6 official.

7 In addition, the Governor shall appoint one regional  
8 superintendent of schools, one representative of an  
9 institution of higher education that prepares special  
10 education and related services personnel, one teacher of  
11 students with disabilities, one superintendent of a public  
12 school district, one director of a special education  
13 cooperative or special education administrator from a school  
14 district of less than 500,000 population, one representative  
15 of a public charter school, one representative of a private  
16 school serving children with disabilities, one representative  
17 of a vocational, community, or business organization that  
18 provides transition services to children with disabilities,  
19 and one at-large member from the general public. In addition,  
20 the Secretary of Human Services or his or her designee, the  
21 Director of Children and Family Services or his or her  
22 designee, the Director of Corrections or his or her designee,  
23 the Secretary of Early Childhood or his or her designee, and  
24 the Director of Special Education for the City of Chicago  
25 School District #299 or his or her designee shall serve as  
26 ex-officio voting members of the Council.

1 All Council members shall be legal residents of the State  
2 of Illinois and shall be selected, as far as practicable, on  
3 the basis of their knowledge of, or experience in, the  
4 education of children with disabilities.

5 The initial members to be appointed to the Council by the  
6 Governor under the provisions of this amendatory Act of 1998  
7 shall be appointed within 60 days after the effective date of  
8 that amendatory Act; provided that those persons who are  
9 serving as Council members on that effective date and who, as  
10 determined by the Governor after consultation with the State  
11 Board of Education, meet the requirements established by this  
12 amendatory Act for appointment to membership on the Council  
13 shall continue to serve as Council members until the  
14 completion of the remainder of their current terms. The  
15 initial members of the Council who are not Council members on  
16 the effective date of this amendatory Act of 1998 and who are  
17 appointed by the Governor under this amendatory Act of 1998  
18 shall by lot determine one-third of their number to serve for a  
19 term of 2 years (provided that person appointed as the student  
20 or former student member shall be included among those members  
21 who are to serve a term of 2 years), one-third of their number  
22 to serve for a term of 3 years, and one-third of their number  
23 to serve for a term of 4 years; provided, that if the total  
24 number of initial members so appointed by the Governor is not  
25 divisible into 3 whole numbers, all of the initial members so  
26 appointed shall by lot be assigned to 3 groups as follows: (i)

1 the members assigned to the first group, who shall include the  
2 student or former student member and who shall be equal in  
3 number to the number of members who are assigned to the second  
4 group, shall serve for a term of 2 years; (ii) the members  
5 assigned to the second group, who shall be equal in number to  
6 the number of members who are assigned to the first group,  
7 shall serve for a term of 3 years; and (iii) the members  
8 assigned to the third group, who shall comprise the remainder  
9 of the initial members so appointed by the Governor and whose  
10 number shall be either one more or one less than the number of  
11 members assigned to either the first group or second group,  
12 shall serve for a term of 4 years. Upon expiration of the term  
13 of office of a member of the Council who is not an ex-officio  
14 member, his or her successor shall be appointed by the  
15 Governor to serve for a term of 4 years, except that a  
16 successor appointed as the student or former student member  
17 shall be appointed to serve for a term of 2 years. Each member  
18 of the Council who is not an ex-officio member and whose term  
19 of office expires shall nevertheless continue to serve as a  
20 Council member until his or her successor is appointed. Each  
21 of the 4 ex-officio members of the Council shall continue to  
22 serve as a Council member during the period in which he or she  
23 continues to hold the office by reason of which he or she  
24 became an ex-officio member of the Council. The initial  
25 members of the Council who are not ex-officio members shall  
26 not, upon completion of their respective initial terms, be

1 appointed to serve more than one additional consecutive term  
2 of 4 years, nor shall any successor member of the Council be  
3 appointed to serve more than 2 full consecutive 4-year terms;  
4 provided, that a person appointed as the student or former  
5 student member shall serve only one two-year term and shall  
6 not be reappointed to serve for an additional term. Vacancies  
7 in Council memberships held by parents of children with  
8 disabilities or individuals with disabilities may be filled  
9 from the original list of such parents and individuals  
10 recommended to the Governor. The Governor shall reconvene the  
11 group of organizations that provided the original list of  
12 parents of children with disabilities and individuals with  
13 disabilities when additional recommendations for those Council  
14 memberships are needed, but at a minimum the group shall be  
15 convened every 2 years for the purpose of updating the list of  
16 recommended parents or individuals. A vacancy in an appointed  
17 membership on the Council shall be filled for the unexpired  
18 balance of the term of that membership in the same manner that  
19 the original appointment for that membership was made.

20 The terms of all persons serving as Advisory Council  
21 members on the effective date of this amendatory Act of 1998  
22 who are not determined by the Governor, after consultation  
23 with the State Board of Education, to meet the requirements  
24 established by this amendatory Act for appointment to initial  
25 membership on the Council shall terminate on the date that the  
26 Governor completes his appointments of the initial members of

1 the Council under this amendatory Act, and the members of the  
2 Council as constituted under this amendatory Act shall take  
3 office and assume their powers and duties on that date.

4 The Council as constituted under this amendatory Act of  
5 1998 shall organize with a chairperson selected by the Council  
6 members and shall meet at the call of the chairperson upon 10  
7 days written notice but not less than 4 times a year. The  
8 Council shall establish such committees and procedures as it  
9 deems appropriate to carry out its responsibilities under this  
10 Act and the federal Individuals with Disabilities Education  
11 Act, including a committee charged with ensuring that all  
12 children aged 3 to 5 with disabilities have access to  
13 high-quality, inclusive, early-childhood services, provided in  
14 the least restrictive environment, across all early learning  
15 settings.

16 The State Board of Education shall designate an employee  
17 to act as executive secretary of the Council and shall furnish  
18 all professional and clerical assistance necessary for the  
19 performance of its duties.

20 Members of the Council shall serve without compensation  
21 but shall be reimbursed for the necessary expenses incurred in  
22 the performance of their duties in accordance with the State  
23 Board of Education's Travel Control Policy.

24 (Source: P.A. 89-397, eff. 8-20-95; 89-507, eff. 7-1-97;  
25 90-644, eff. 7-24-98.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.