

# HB4861



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

**HB4861**

by Rep. Janet Yang Rohr

### SYNOPSIS AS INTRODUCED:

325 ILCS 3/10-70

Amends the Department of Early Childhood Act. In a provision requiring procedural safeguards for families by each public agency involved in the provision of early intervention services, provides that a parent or guardian, a provider, a regional intake entity, or the Department must request an impartial hearing on the due process complaint within 2 years after the date the parent or guardian, lead agency, or early intervention services provider knew or should have known about the alleged action that forms the basis of the due process complaint. Effective January 1, 2027.

LRB104 18154 RPS 31593 b

A BILL FOR

1 AN ACT concerning children.

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

4 Section 5. The Department of Early Childhood Act is  
5 amended by changing Section 10-70 as follows:

6 (325 ILCS 3/10-70)

7 Sec. 10-70. Procedural safeguards. The lead agency shall  
8 adopt procedural safeguards that meet federal requirements and  
9 ensure effective implementation of the safeguards for families  
10 by each public agency involved in the provision of early  
11 intervention services under this Act.

12 The procedural safeguards shall provide, at a minimum, the  
13 following:

14 (a) The timely administrative resolution of State  
15 complaints, due process hearings, and mediations as  
16 defined by administrative rule. A parent or guardian, a  
17 provider, a regional intake entity, or the Department must  
18 request an impartial hearing on the due process complaint  
19 within 2 years after the date the parent or guardian, lead  
20 agency, or early intervention services provider knew or  
21 should have known about the alleged action that forms the  
22 basis of the due process complaint.

23 (b) The right to confidentiality of personally

1 identifiable information.

2 (c) The opportunity for parents and a guardian to  
3 examine and receive copies of records relating to  
4 evaluations and assessments, screening, eligibility  
5 determinations, and the development and implementation of  
6 the Individualized Family Service Plan provision of early  
7 intervention services, individual complaints involving the  
8 child, or any part of the child's early intervention  
9 record.

10 (d) Procedures to protect the rights of the eligible  
11 infant or toddler whenever the parents or guardians of the  
12 child are not known or unavailable or the child is a youth  
13 in care as defined in Section 4d of the Children and Family  
14 Services Act, including the assignment of an individual  
15 (who shall not be an employee of the State agency or local  
16 agency providing services) to act as a surrogate for the  
17 parents or guardian. The regional intake entity must make  
18 reasonable efforts to ensure the assignment of a surrogate  
19 parent not more than 30 days after a public agency  
20 determines that the child needs a surrogate parent.

21 (e) Timely written prior notice to the parents or  
22 guardian of the eligible infant or toddler whenever the  
23 State agency or public or private service provider  
24 proposes to initiate or change or refuses to initiate or  
25 change the identification, evaluation, placement, or the  
26 provision of appropriate early intervention services to

1 the eligible infant or toddler.

2 (f) Written prior notice to fully inform the parents  
3 or guardians, in their native language or mode of  
4 communication used by the parent, unless clearly not  
5 feasible to do so, in a comprehensible manner, of these  
6 procedural safeguards.

7 (g) During the pendency of any State complaint  
8 procedure, due process hearing, or mediation involving a  
9 complaint, unless the State agency and the parents or  
10 guardian otherwise agree, the child shall continue to  
11 receive the appropriate early intervention services  
12 currently being provided, or in the case of an application  
13 for initial services, the child shall receive the services  
14 not in dispute.

15 (Source: P.A. 103-594, eff. 6-25-24.)

16 Section 99. Effective date. This Act takes effect January  
17 1, 2027.