

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.

12 The State Board of Education shall designate an employee
13 to act as executive secretary of the Council and shall furnish
14 all professional and clerical assistance necessary for the
15 performance of its duties.

16 Members of the Council shall serve without compensation
17 but shall be reimbursed for the necessary expenses incurred in
18 the performance of their duties in accordance with the State
19 Board of Education's Travel Control Policy.

20 (Source: P.A. 89-397, eff. 8-20-95; 89-507, eff. 7-1-97;
21 90-644, eff. 7-24-98.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.