AMENDMENT TO HOUSE BILL 2748

AMENDMENT NO. ______. Amend House Bill 2748 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Section 14-17 as follows:

(105 ILCS 5/14-17 new)

Sec. 14-17. COVID-19 post-secondary transition recovery eligibility.

(a) Eligible students who reached or will reach their 22nd birthday between March 17, 2020 and the end of the 2021-2022 school year have been and will be uniquely impacted by the COVID-19 pandemic and resulting closures or significant limitations on in-person instruction, activities, and services. These students have had limited or no opportunity to engage in the in-person activities and services required by their individualized education programs, have been limited in
achieving their transition goals, and have lost or will lose
eligibility by the end of the regular 2021-2022 school year.

(b) Accordingly, these students or, if applicable, their
guardians or designated representatives, shall be afforded the
option of extending the student's eligibility through the end
of the regular 2021-2022 school year to provide the student
with an opportunity to participate in post-secondary
transition activities and services and pursue the goals under
the student's most recent individualized education program
(IEP). Nothing in this Section shall be construed to restrict
the student's IEP team, including the student and the
student's guardian or designated representative, from
modifying the student's IEP goals or developing new goals to
address regression or newly identified student needs during
the period of extended eligibility. If a program, service,
activity, or placement provided in the student's most recent
IEP is no longer available, the student's IEP team shall
convene a meeting to consider comparable services that address
appropriate transition goals for the student. A request to opt
for an extension of eligibility must be submitted to the
school district no later than December 1, 2021. Services shall
resume no later than 10 school days after receipt of the
request for an extension of eligibility.

(c) If a student or guardian or designated representative
opts for an extension of eligibility under this Section, that
person waives any claims for compensatory services due to
events that occurred between March 17, 2020 and the resumption
of services in the 2021-2022 school year.

(d) A student or, if applicable, a student's guardian or
designated representative who chooses not to opt for an
additional year of eligibility must be notified of the right
to request a meeting with the student's IEP team to discuss the
student's need for compensatory services. The meeting must
occur no later than November 15, 2021. If the student,
guardian, or designated representative disagrees with the
outcome of the IEP meeting, the student, guardian, or
designated representative shall have the option of (i)
extension the student's eligibility under this Section or (ii)
seeking relief through the procedural safeguards available
under the federal Individuals with Disabilities Education Act
and this Code for resolving disputes, including mediation, due
process, or State complaint.

(e) The special education and related services, including
transition services, provided under this Section shall, to the
extent allowed, be paid for from the moneys received by the
State or school district under the federal Coronavirus Aid,
Relief, and Economic Security Act, the federal Coronavirus
Response and Relief Supplemental Appropriations Act, the
federal American Rescue Plan Act of 2021, or any other federal
funding provided to address the impact of the COVID-19
pandemic on elementary and secondary schools and students, as
funds become available.
Each school district shall provide written notification of the options under this Section to each student to whom this Section applies or the student's guardian or designated representative within 30 days after the effective date of this amendatory Act of the 102nd General Assembly. The notification shall be mailed to the last known address of the student, or, if applicable, of the student's guardian or designated representative, and shall be identical to or substantially the same as the following form:

NOTIFICATION TO STUDENT AND GUARDIAN/DESIGNATED REPRESENTATIVE OF EXTENDED SPECIAL EDUCATION ELIGIBILITY OPTIONS DUE TO COVID-19

DATE: (INSERT DATE)

STUDENT'S NAME: (INSERT NAME)

STUDENT'S ADDRESS: (INSERT ADDRESS)

STUDENT'S DATE OF BIRTH: (INSERT DATE OF BIRTH)

Dear (INSERT NAME OF STUDENT AND GUARDIAN/DESIGNATED REPRESENTATIVE):

A new Illinois law gives certain students the option of extending their special education eligibility due to the COVID-19 public health emergency that has limited in-person transition activities and services. The extended period of
eligibility lasts up to the end of the regular 2021-2022 school year and is intended to allow the student to continue the student's participation in IEP activities, receive IEP services, and pursue IEP goals according to the IEP that was in effect immediately before the student's 22nd birthday. The student's IEP team, which includes the student and the student's guardian or designated representative, may agree to modify the student's goals or IEP activities or goals to address loss of progress during the COVID-19 pandemic or to write new goals to address newly identified student needs.

You have the right to request a meeting with the IEP team to discuss compensatory services.

To qualify for extended eligibility, the student must meet the following requirements:

1. The student reached or will reach age 22 between March 17, 2020 and the end of the 2021-2022 school year.

2. The student had an IEP in effect on the day before the student's 22nd birthday.

3. The student or the student's guardian or designated representative waives any claims the student may have for compensatory services due to events that occurred between March 17, 2020 and the date the student's IEP services and activities resume in the 2021-2022 school year.

( ) BY CHECKING THIS BOX AND RETURNING THIS DOCUMENT ON OR BEFORE DECEMBER 1, 2021, THE STUDENT OR THE STUDENT'S GUARDIAN...
OR DESIGNATED REPRESENTATIVE Chooses the option of extending
the student's eligibility for special education until the end
of the 2021-2022 school year and understands they are waiving
any claims for compensatory services that arose due to events
that occurred between March 17, 2020 and the date services are
resumed in the 2021-2022 school year.

If you do not check the box above you do not waive any claims
for compensatory services and may seek relief through the
procedural safeguards available under IDEA and the Illinois
school code, including an IEP team meeting, mediation, state
complaint, or due process.

In addition, if you do not check the box above, the school
district must schedule and hold an IEP meeting no later than
November 15, 2021 if you request a meeting to consider
compensatory services for the student due to the COVID-19
public health emergency.

If you are not satisfied with the outcome of the IEP meeting,
you continue to have the option of checking the box and
returning this document to the school district on or before
December 1, 2021 to receive an extension of eligibility up to
the end of the regular 2021-2022 school year.

If you have any questions about this notice, please contact me
AT (INSERT PHONE NUMBER AND E-MAIL ADDRESS).

SINCERELY,

(INsert NAME)

(INsert title)

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