SYNOPSIS AS INTRODUCED:

Amends the Children with Disabilities Article of the School Code. Provides that eligible students who reached or will reach their 22nd birthday between March 17, 2020 and the end of the 2021-2022 school year shall be afforded the option of extending the student's eligibility through the end of the 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. Sets forth provisions regarding the extension of eligibility. Requires each school district to provide written notification of options, including the required waiver of compensatory services claims, to each student to whom these provisions apply or to the student's guardian or designated representative within 30 days after the effective date of the amendatory Act. Sets forth the written notification form. Effective immediately.
AN ACT concerning education.

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

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 severely limited in achieving their transition goals, and have lost or will lose eligibility by the end of the 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 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. A request to opt for an extension of eligibility must be submitted to the school district and the waiver required under subsection (c) of this Section 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 must waive in writing 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 offered a meeting with the student's IEP team to discuss the student's need for compensatory services. The meeting must occur no later than October 31, 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) extending 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) Each school district shall provide written notification of the options under this Section, including the required waiver of compensatory services claims, 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 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 through the 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.

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 agrees to waive 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 WAIVES 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 OCTOBER 31, 2021 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
THROUGH THE END OF THE 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.