

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 adding Section
5 14-6.10 as follows:

6 (105 ILCS 5/14-6.10 new)

7 Sec. 14-6.10. Transfer of parental rights at the age of
8 majority.

9 (a) When a student who is eligible for special education
10 under this Article reaches the majority age of 18 years, all
11 rights accorded to the student's parents under this Article
12 transfer to the student, except as provided in this Section.
13 This transfer of rights also applies to students who are
14 incarcerated in an adult or juvenile State or local
15 correctional institution. Nothing in this Section shall be
16 construed to deny a student with a disability who has reached
17 majority age the right to have an adult of his or her choice,
18 including, but not limited to, the student's parent, assist the
19 student in making decisions regarding the student's
20 individualized education program.

21 (b) The school district must notify the student and the
22 student's parents of the transfer of rights in writing at a
23 meeting convened to review the student's individualized

1 education program during the school year in which the student
2 turns 17 years of age. At that time, the school district must
3 provide the student with a copy of the Delegation of Rights
4 form described in this Section. The school district must mail
5 the notice and a copy of the Delegation of Rights form to the
6 student and to the student's parents, addressed to their last
7 known address, if they do not attend the meeting.

8 (c) Rights shall not transfer from the parents to the
9 student under this Section if either of the following apply:

10 (1) The student with a disability who has reached the
11 age of majority has been adjudged incompetent under State
12 law.

13 (2) The student has not been adjudged incompetent under
14 State law, but the student has executed a Delegation of
15 Rights to make educational decisions pursuant to this
16 Section for the purpose of appointing the student's parent
17 or other adult to represent the educational interests of
18 the student.

19 A student may terminate the Delegation of Rights at any
20 time and assume the right to make decisions regarding his or
21 her education. The Delegation of Rights shall meet all of the
22 following requirements:

23 (A) It shall remain in effect for one year after the
24 date of execution, but may be renewed annually with the
25 written or other formal authorization of the student and
26 the person the student delegates to represent the

1 educational interests of the student.

2 (B) It shall be signed by the student or verified by
3 other means, such as audio or video or other alternative
4 format compatible with the student's disability showing
5 that the student has agreed to the terms of the delegation.

6 (C) It shall be signed or otherwise manifest
7 verification that the designee accepts the delegation.

8 (D) It shall include declarations that the student (i)
9 is 18 years of age or older, (ii) intends to delegate his
10 or her educational rights under federal and State law to a
11 specified individual who is at least 18 years of age, (iii)
12 has not been adjudged incompetent under State law, (iv) is
13 entitled to be present during the development of the
14 student's individualized education program and to raise
15 issues or concerns about the student's individualized
16 education program, (v) will be permitted to terminate the
17 Delegation of Rights at any time, and (vi) will notify the
18 school district immediately if the student terminates the
19 Delegation of Rights.

20 (E) It shall be identical or substantially the same as
21 the following form:

22 DELEGATION OF RIGHTS TO MAKE EDUCATIONAL DECISION

23 I, (insert name), am 18 years of age or older and a student
24 who has the right to make educational decisions for myself

1 under State and federal law. I have not been adjudged
2 incompetent and, as of the date of the execution of this
3 document, I hereby delegate my right to give consent and make
4 decisions concerning my education to (insert name), who will be
5 considered my "parent" for purposes of the Individuals with
6 Disabilities Education Improvement Act of 2004 and Article 14
7 of the School Code and will exercise all of the rights and
8 responsibilities concerning my education that are conferred on
9 a parent under those laws. I understand and give my consent for
10 (insert name) to make all decisions relating to my education on
11 my behalf. I understand that I have the right to be present at
12 meetings held to develop my individualized education program
13 and that I have the right to raise any issues or concerns I may
14 have and that the school district must consider them.

15 This delegation will be in effect for one year from the
16 date of execution below and may be renewed by my written or
17 other formal authorization. I also understand that I have the
18 right to terminate this Delegation of Rights at any time and
19 assume the right to make my own decisions regarding my
20 education. I understand that I must notify the school district
21 immediately if I revoke this Delegation of Rights prior to its
22 expiration.

23 (insert name)

24 Student

1 DATE: (insert date)

2 Accepted by: (insert name)

3 Designated Representative

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