



Sen. Deanna Demuzio

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LRB095 08193 NHT 32350 a

1 AMENDMENT TO SENATE BILL 396

2 AMENDMENT NO. _____. Amend Senate Bill 396 by replacing
3 everything after the enacting clause with the following:

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 student's 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

1 majority age the right to have an adult of his or her choice,
2 including, but not limited to, the student's parent, assist the
3 student in making decisions regarding the student's
4 individualized education program.

5 (b) The school district must notify the student and the
6 student's parents of the transfer of rights in writing at a
7 meeting convened to review the student's individualized
8 education program during the school year in which the student
9 turns 17 years of age. The school district must also explain to
10 the student and the student's parents the significance of the
11 transfer of parental rights at the majority age of 18. At that
12 time, the school district must provide the student with a copy
13 of the Delegation of Rights form described in this Section.

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

16 (1) The student with a disability who has reached the
17 age of majority has been adjudged incompetent under State
18 law.

19 (2) The student has not been adjudged incompetent under
20 State law, but the student has executed a Delegation of
21 Rights to make educational decisions pursuant to this
22 Section for the purpose of appointing the student's parent
23 or other adult to represent the educational interests of
24 the student.

25 A student may terminate the Delegation of Rights at any
26 time and assume the right to make decisions regarding his or

1 her education. The Delegation of Rights shall meet all of the
2 following requirements:

3 (A) It shall remain in effect for one year after the
4 date of execution, but may be renewed annually with the
5 written or other formal authorization of the student and
6 the person the student delegates to represent the
7 educational interests of the student.

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

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

14 (D) It shall include declarations that the student (i)
15 is 18 years of age or older, (ii) intends to delegate his
16 or her educational rights under federal and State law to a
17 specified individual who is at least 18 years of age, (iii)
18 has not been adjudged incompetent under State law, (iv) is
19 entitled to be present during the development of the
20 student's individualized education program and to raise
21 issues or concerns about the student's individualized
22 education program, and (v) will be permitted to terminate
23 the Designation of Rights at any time.

24 (E) It shall be identical or substantially the same as
25 the following form:

1 DELEGATION OF RIGHTS TO MAKE EDUCATIONAL DECISION

2 I, (insert name), am 18 years of age or older and a student
3 who has the right to make educational decisions for myself
4 under State and federal law. I have not been adjudged
5 incompetent and, as of the date of the execution of this
6 document, I hereby delegate my right to give consent and make
7 decisions concerning my education to (insert name), who will be
8 considered my "parent" for purposes of the Individuals with
9 Disabilities Education Improvement Act of 2004 and Article 14
10 of the School Code and will exercise all of the rights and
11 responsibilities concerning my education that are conferred on
12 a parent under those laws. I understand and give my consent for
13 (insert name) to make all decisions relating to my education on
14 my behalf. I understand that I have the right to be present at
15 meetings held to develop my individualized education program
16 and that I have the right to raise any issues or concerns I may
17 have and that the school district must consider them.

18 This delegation will be in effect for one year from the
19 date of execution below and may be renewed by my written or
20 other formal authorization. I also understand that I have the
21 right to terminate this Delegation of Rights at any time and
22 assume the right to make my own decisions regarding my
23 education.

24 (insert name)

1 Student

2 DATE: (insert date)

3 Accepted by: (insert name)

4 Designated Representative".