



Sen. Deanna Demuzio

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LRB095 08193 NHT 33971 a

1 AMENDMENT TO SENATE BILL 396

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 396, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The School Code is amended by adding Section  
6 14-6.10 as follows:

7 "(105 ILCS 5/14-6.10 new)

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

10 (a) When a student who is eligible for special education  
11 under this Article reaches the majority age of 18 years, all  
12 rights accorded to the student's parents under this Article  
13 transfer to the student, except as provided in this Section.  
14 This transfer of rights also applies to student's who are  
15 incarcerated in an adult or juvenile State or local  
16 correctional institution. Nothing in this Section shall be

1 construed to deny a student with a disability who has reached  
2 majority age the right to have an adult of his or her choice,  
3 including, but not limited to, the student's parent, assist the  
4 student in making decisions regarding the student's  
5 individualized education program.

6 (b) The school district must notify the student and the  
7 student's parents of the transfer of rights in writing at a  
8 meeting convened to review the student's individualized  
9 education program during the school year in which the student  
10 turns 17 years of age. At that time, the school district must  
11 provide the student with a copy of the Delegation of Rights  
12 form described in this Section. The school district must mail  
13 the notice and a copy of the Delegation of Rights form to the  
14 student and to the student's parents, addressed to their last  
15 known address, if they do not attend the meeting.

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

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

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

1       A student may terminate the Delegation of Rights at any  
2 time and assume the right to make decisions regarding his or  
3 her education. The Delegation of Rights shall meet all of the  
4 following requirements:

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

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

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

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

1           Delegation of Rights.

2           (E) It shall be identical or substantially the same as  
3           the following form:

4           DELEGATION OF RIGHTS TO MAKE EDUCATIONAL DECISION

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

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

1 assume the right to make my own decisions regarding my  
2 education. I understand that I must notify the school district  
3 immediately if I revoke this Delegation of Rights prior to its  
4 expiration.

5 (insert name)

6 Student

7 DATE: (insert date)

8 Accepted by: (insert name)

9 Designated Representative

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