



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

SB2521

Introduced 1/12/2010, by Sen. William Delgado

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-1.02	from Ch. 122, par. 14-1.02
105 ILCS 5/14-1.03a	from Ch. 122, par. 14-1.03a
105 ILCS 5/14-1.09	from Ch. 122, par. 14-1.09
105 ILCS 5/14-1.09a	from Ch. 122, par. 14-1.09a
105 ILCS 5/14-11.02	from Ch. 122, par. 14-11.02
105 ILCS 5/14-11.03	from Ch. 122, par. 14-11.03

Amends the School Code. Changes various provisions concerning special education to make those provisions applicable to children between the ages of 3 and 26 (instead of between the ages of 3 and 21).

LRB096 15322 MJR 30472 b

1 AN ACT concerning education, which may be referred to as  
2 Candace's Law.

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

5 Section 5. The School Code is amended by changing Sections  
6 14-1.02, 14-1.03a, 14-1.09, 14-1.09a, 14-11.02, and 14-11.03  
7 as follows:

8 (105 ILCS 5/14-1.02) (from Ch. 122, par. 14-1.02)

9 Sec. 14-1.02. Children with disabilities. "Children with  
10 disabilities" means children between the ages of 3 and 26 ~~21~~  
11 for whom it is determined, through definitions and procedures  
12 described in the Illinois Rules and Regulations to Govern the  
13 Organization and Administration of Special Education, that  
14 special education services are needed. An eligible student who  
15 requires continued public school educational experience to  
16 facilitate his or her successful transition and integration  
17 into adult life is eligible for such services through age 26  
18 ~~21~~, inclusive, which, for purposes of this Article, means the  
19 day before the student's 22nd birthday. An individualized  
20 education program must be written and agreed upon by  
21 appropriate school personnel and parents or their  
22 representatives for any child receiving special education.

23 (Source: P.A. 95-14, eff. 7-16-07.)

1 (105 ILCS 5/14-1.03a) (from Ch. 122, par. 14-1.03a)

2 Sec. 14-1.03a. Children with Specific Learning  
3 Disabilities.

4 "Children with Specific Learning Disabilities" means  
5 children between the ages of 3 and 26 ~~21~~ years who have a  
6 disorder in one or more of the basic psychological processes  
7 involved in understanding or in using language, spoken or  
8 written, which disorder may manifest itself in imperfect  
9 ability to listen, think, speak, read, write, spell or do  
10 mathematical calculations. Such disorders include such  
11 conditions as perceptual disabilities, brain injury, minimal  
12 brain dysfunction, dyslexia, and developmental aphasia. Such  
13 term does not include children who have learning problems which  
14 are primarily the result of visual, hearing or motor  
15 disabilities, of mental retardation, emotional disturbance or  
16 environmental disadvantage.

17 (Source: P.A. 89-397, eff. 8-20-95.)

18 (105 ILCS 5/14-1.09) (from Ch. 122, par. 14-1.09)

19 Sec. 14-1.09. School psychologist. "School psychologist"  
20 means a psychologist who has graduated with a master's or  
21 higher degree in psychology or educational psychology from an  
22 institution of higher learning which maintains equipment,  
23 courses of study, and standards of scholarship approved by the  
24 State Board of Education, who has had at least one school year

1 of full-time supervised experience in the delivery of school  
2 psychological services of a character approved by the State  
3 Superintendent of Education, who has such additional  
4 qualifications as may be required by the State Board of  
5 Education, and who holds a School Service Personnel Certificate  
6 endorsed for school psychology issued pursuant to Section  
7 21-25. Persons so certified may use the title "school  
8 psychologist" and may offer school psychological services  
9 which are limited to those services set forth in 23 Ill. Adm.  
10 Code 226, Special Education, pertaining to children between the  
11 ages of 3 to 26 ~~21~~, promulgated by the State Board of  
12 Education. School psychologists may make evaluations,  
13 recommendations or interventions regarding the placement of  
14 children in educational programs or special education classes.  
15 However, a school psychologist shall not provide such services  
16 outside his or her employment to any student in the district or  
17 districts which employ such school psychologist.

18 (Source: P.A. 85-361.)

19 (105 ILCS 5/14-1.09a) (from Ch. 122, par. 14-1.09a)

20 Sec. 14-1.09a. School social worker. "School Social  
21 Worker" means a social worker who has graduated with a master's  
22 or higher degree in social work from an accredited graduate  
23 school of social work and who has such additional  
24 qualifications as may be required by the State Board of  
25 Education and who holds a School Service Personnel Certificate

1 endorsed for school social work issued pursuant to Section  
2 21-25 of this Code. Persons so certified may use the title  
3 "school social worker" and may offer school social work  
4 services which are limited to those services set forth in 23  
5 Ill. Adm. Code 226, Special Education, pertaining to children  
6 between the ages of 3 to 26 ~~21~~, promulgated by the State Board  
7 of Education. School social workers may make evaluations,  
8 recommendations or interventions regarding the placement of  
9 children in educational programs or special education classes.  
10 However, a school social worker shall not provide such services  
11 outside his or her employment to any student in the district or  
12 districts which employ such school social worker.

13 (Source: P.A. 86-303.)

14 (105 ILCS 5/14-11.02) (from Ch. 122, par. 14-11.02)

15 Sec. 14-11.02. Notwithstanding any other Sections of this  
16 Article, the State Board of Education shall develop and operate  
17 or contract for the operation of a service center for persons  
18 who are deaf-blind. For the purpose of this Section, persons  
19 with deaf-blindness are persons who have both auditory and  
20 visual impairments, the combination of which causes such severe  
21 communication and other developmental, educational, vocational  
22 and rehabilitation problems that such persons cannot be  
23 properly accommodated in special education or vocational  
24 rehabilitation programs solely for persons with both hearing  
25 and visual disabilities.

1 To be eligible for deaf-blind services, a person must have  
2 (i) a visual impairment and an auditory impairment, or (ii) a  
3 condition in which there is a progressive loss of hearing or  
4 vision or both that results in concomitant vision and hearing  
5 impairments and that adversely affects educational performance  
6 as determined by the multidisciplinary conference. For  
7 purposes of this paragraph and Section:

8 (A) A visual impairment is defined to mean one or more  
9 of the following: (i) corrected visual acuity poorer than  
10 20/70 in the better eye; (ii) restricted visual field of 20  
11 degrees or less in the better eye; (iii) cortical  
12 blindness; (iv) does not appear to respond to visual  
13 stimulation, which adversely affects educational  
14 performance as determined by the multidisciplinary  
15 conference.

16 (B) An auditory impairment is defined to mean one or  
17 more of the following: (i) a sensorineural or ongoing or  
18 chronic conductive hearing loss with aided sensitivity of  
19 30dB HL or poorer; (ii) functional auditory behavior that  
20 is significantly discrepant from the person's present  
21 cognitive and/or developmental levels, which adversely  
22 affects educational performance as determined by the  
23 multidisciplinary conference.

24 The State Board of Education is empowered to establish,  
25 maintain and operate or contract for the operation of a  
26 permanent state-wide service center known as the Philip J. Rock

1 Center and School. The School serves eligible children between  
2 the ages of 3 and 26 ~~21~~; the Center serves eligible persons of  
3 all ages. Services provided by the Center include, but are not  
4 limited to:

5 (1) Identifying and case management of persons who are  
6 auditorily and visually impaired;

7 (2) Providing families with appropriate counseling;

8 (3) Referring persons who are deaf-blind to  
9 appropriate agencies for medical and diagnostic services;

10 (4) Referring persons who are deaf-blind to  
11 appropriate agencies for educational, training and care  
12 services;

13 (5) Developing and expanding services throughout the  
14 State to persons who are deaf-blind. This will include  
15 ancillary services, such as transportation so that the  
16 individuals can take advantage of the expanded services;

17 (6) Maintaining a residential-educational training  
18 facility in the Chicago metropolitan area located in an  
19 area accessible to public transportation;

20 (7) Receiving, dispensing, and monitoring State and  
21 Federal funds to the School and Center designated for  
22 services to persons who are deaf-blind;

23 (8) Coordinating services to persons who are  
24 deaf-blind through all appropriate agencies, including the  
25 Department of Children and Family Services and the  
26 Department of Human Services;

1           (9) Entering into contracts with other agencies to  
2 provide services to persons who are deaf-blind;

3           (10) Operating on a no-reject basis. Any individual  
4 referred to the Center for service and diagnosed as  
5 deaf-blind, as defined in this Act, shall qualify for  
6 available services;

7           (11) Serving as the referral clearinghouse for all  
8 persons who are deaf-blind, age 26 ~~21~~ and older; and

9           (12) Providing transition services for students of  
10 Philip J. Rock School who are deaf-blind and between the  
11 ages of 14 1/2 and 26 ~~21~~.

12           The Advisory Board for Services for Persons who are  
13 Deaf-Blind shall provide advice to the State Superintendent of  
14 Education, the Governor, and the General Assembly on all  
15 matters pertaining to policy concerning persons who are  
16 deaf-blind, including the implementation of legislation  
17 enacted on their behalf.

18           Regarding the maintenance, operation and education  
19 functions of the Philip J. Rock Center and School, the Advisory  
20 Board shall also make recommendations pertaining to but not  
21 limited to the following matters:

22           (1) Existing and proposed programs of all State  
23 agencies that provide services for persons who are  
24 deaf-blind;

25           (2) The State program and financial plan for deaf-blind  
26 services and the system of priorities to be developed by



1 the State Board of Education;

2 (3) Standards for services in facilities serving  
3 persons who are deaf-blind;

4 (4) Standards and rates for State payments for any  
5 services purchased for persons who are deaf-blind;

6 (5) Services and research activities in the field of  
7 deaf-blindness, including evaluation of services; and

8 (6) Planning for personnel/preparation, both  
9 preservice and inservice.

10 The Advisory Board shall consist of 3 persons appointed by  
11 the Governor; 2 persons appointed by the State Superintendent  
12 of Education; 4 persons appointed by the Secretary of Human  
13 Services; and 2 persons appointed by the Director of Children  
14 and Family Services. The 3 appointments of the Governor shall  
15 consist of a senior citizen 60 years of age or older, a  
16 consumer who is deaf-blind, and a parent of a person who is  
17 deaf-blind; provided that if any gubernatorial appointee  
18 serving on the Advisory Board on the effective date of this  
19 amendatory Act of 1991 is not either a senior citizen 60 years  
20 of age or older or a consumer who is deaf-blind or a parent of a  
21 person who is deaf-blind, then whenever that appointee's term  
22 of office expires or a vacancy in that appointee's office  
23 sooner occurs, the Governor shall make the appointment to fill  
24 that office or vacancy in a manner that will result, at the  
25 earliest possible time, in the Governor's appointments to the  
26 Advisory Board being comprised of one senior citizen 60 years

1 of age or older, one consumer who is deaf-blind, and one parent  
2 of a person who is deaf-blind. One person designated by each  
3 agency other than the Department of Human Services may be an  
4 employee of that agency. Two persons appointed by the Secretary  
5 of Human Services may be employees of the Department of Human  
6 Services. The appointments of each appointing authority other  
7 than the Governor shall include at least one parent of an  
8 individual who is deaf-blind or a person who is deaf-blind.

9 Vacancies in terms shall be filled by the original  
10 appointing authority. After the original terms, all terms shall  
11 be for 3 years.

12 Except for those members of the Advisory Board who are  
13 compensated for State service on a full-time basis, members  
14 shall be reimbursed for all actual expenses incurred in the  
15 performance of their duties. Each member who is not compensated  
16 for State service on a full-time basis shall be compensated at  
17 a rate of \$50 per day which he spends on Advisory Board duties.  
18 The Advisory Board shall meet at least 4 times per year and not  
19 more than 12 times per year.

20 The Advisory Board shall provide for its own organization.

21 Six members of the Advisory Board shall constitute a  
22 quorum. The affirmative vote of a majority of all members of  
23 the Advisory Board shall be necessary for any action taken by  
24 the Advisory Board.

25 (Source: P.A. 88-670, eff. 12-2-94; 89-397, eff. 8-20-95;  
26 89-507, eff. 7-1-97.)

1 (105 ILCS 5/14-11.03) (from Ch. 122, par. 14-11.03)

2 Sec. 14-11.03. Illinois Service Resource Center. The State  
3 Board of Education shall maintain, subject to appropriations  
4 for such purpose, the Service Resource Center for children and  
5 adolescents through the age of 26 ~~21~~ who are deaf or  
6 hard-of-hearing and have an emotional or behavioral disorder.  
7 For the purpose of this Section, "children and adolescents who  
8 are deaf or hard-of-hearing and have an emotional or behavioral  
9 disorder" have an auditory impairment that is serious enough to  
10 warrant an array of special services and special education  
11 programs in order to assist both educationally and socially and  
12 the behavior is seriously disruptive and unacceptable to peers,  
13 educational staff, and persons in the community, or presents a  
14 danger to self or others.

15 The State Board shall operate or contract for the operation  
16 of the Illinois Service Resource Center for children and  
17 adolescents through the age of 26 ~~21~~ who are deaf or  
18 hard-of-hearing and have an emotional or behavioral disorder.  
19 The Illinois Service Resource Center shall function as the  
20 initial point of contact for students, parents, and  
21 professionals. All existing and future services shall be  
22 coordinated through the Center.

23 The Illinois Service Resource Center shall:

24 (a) Develop and maintain a directory of public and private  
25 resources, including crisis intervention.

1           (b) Establish and maintain a Statewide identification and  
2 tracking system.

3           (c) Develop, obtain, and assure the consistency of  
4 screening instruments.

5           (d) Perform case coordination, referral, and consultation  
6 services.

7           (e) Provide technical assistance and training for existing  
8 programs and providers.

9           (f) Track the allocation and expenditure of State and  
10 federal funds.

11           (g) Monitor, evaluate, and assess Statewide resources,  
12 identification of services gaps, and the development and  
13 delivery of services.

14           (h) Identify by geographical areas the need for  
15 establishing evaluation and crisis intervention services and  
16 establish a pilot in downstate Illinois. The Service Resource  
17 Center shall provide for the coordination of services for  
18 children who are deaf or hard-of-hearing and have an emotional  
19 or behavioral disorder throughout the State and shall pilot a  
20 service delivery model to identify the capacity and need for  
21 comprehensive evaluation, crisis management, stabilization,  
22 referral, transition, family intervention, and follow-up  
23 services.

24           (i) Integrate the recommendations of the Interagency Board  
25 for Children who are Deaf or Hard-of-Hearing and have an  
26 Emotional or Behavioral Disorder regarding policies affecting

1 children who are deaf or hard-of-hearing and have an emotional  
2 or behavioral disorder.

3 (j) Provide limited direct services as required.

4 The Center, if established, shall operate on a no-reject  
5 basis. Any child or adolescent diagnosed as deaf or  
6 hard-of-hearing and having an emotional or behavioral disorder  
7 under this Act who is referred to the Center for services shall  
8 qualify for services of the Center. The requirement of the  
9 no-reject basis shall be paramount in negotiating contracts and  
10 in supporting other agency services.

11 (Source: P.A. 88-663, eff. 9-16-94; 89-680, eff. 1-1-97.)