

1 limitation in 3 or more of the following areas of major
2 life activity: (i) self-care, (ii) receptive and
3 expressive language, (iii) learning, (iv) mobility, (v)
4 self-direction, (vi) capacity for independent living, and
5 (vii) economic sufficiency.

6 (3) It reflects the person's need for a combination
7 and sequence of special, interdisciplinary, or general
8 care, treatment, or other services that are of lifelong
9 or of extended duration must be individually planned and
10 coordinated.

11 "Department" means the Department on Aging, the
12 Department of Human Services, the Department of Public
13 Health, the Department of Public Aid, the University of
14 Illinois Division of Specialized Care for Children, the
15 Department of Children and Family Services, and the Illinois
16 State Board of Education, where appropriate, as designated in
17 the implementation plan developed under Section 20.

18 "Case coordination services" means a goal-oriented
19 process for the coordination of the range of services needed
20 by persons with disabilities and their families. Case
21 coordination services are designed to ensure accessibility,
22 continuity of care, and accountability and to maximize the
23 potential of persons with disabilities for independence,
24 productivity, and integration into the community. Case
25 coordination services include, at a minimum: (i) outreach to
26 identify eligible individuals; (ii) assessment and periodic
27 reassessment to determine each individual's strengths,
28 functional limitations, and need for specific services; (iii)
29 development of a comprehensive individual program plan; (iv)
30 referral to and coordination of needed social, medical,
31 educational support, and other services; (v) monitoring to
32 ensure the delivery of appropriate services and to determine
33 individual progress in meeting goals and objectives; and (vi)
34 advocacy to assist the person in obtaining all services which

1 he or she requires to achieve his or her maximum potential.

2 "Chronological age-appropriate services" means services,
3 activities, and strategies for persons with disabilities that
4 are representative of the lifestyle activities of nondisabled
5 peers of similar age in the community.

6 "Comprehensive evaluation" means procedures and
7 assessments used to determine whether a person has a
8 disability and the nature and extent of the services that the
9 person with a disability needs. The term means procedures
10 used selectively with an individual.

11 "Family" means a natural, adoptive, or foster parent or
12 parents or other person or persons responsible for the care
13 of an individual with a disability in a family setting.

14 "Family or individual support" means those resources and
15 services that are necessary to maintain a family member with
16 a disability within the family home. These services may
17 include, but are not limited to, cash subsidy, respite care,
18 and counseling services.

19 "Individual program plan" means a recorded assessment of
20 the needs of a person with a disability, a description of the
21 services recommended, the goals of each type of element of
22 service, an anticipated timetable for the accomplishment of
23 the goals, and a designation of the qualified professional
24 responsible for the implementation of the plan.

25 "Least restrictive environment" means an environment that
26 represents the least departure from the normal patterns of
27 living and that effectively meets the needs of the person
28 receiving the service.

29 Section 15. Services. In accordance with this Section
30 and the individual plan based on a comprehensive evaluation,
31 persons with disabilities shall be provided the following
32 services under the Disabilities Services Implementation Plan
33 developed under Section 20:

1 (1) Comprehensive evaluation and diagnosis. A
2 person with a suspected disability who is applying for
3 disability services shall receive a comprehensive
4 diagnosis and evaluation, including an assessment of
5 skills, abilities, and potential for residential and work
6 placement, adapted to his or her primary language,
7 cultural background, and ethnic origin. All components of
8 a comprehensive evaluation must be administered by a
9 qualified examiner.

10 (2) Individual plan. A person with a disability
11 shall receive services in accordance with a current
12 individual plan. A person with a disability who is
13 receiving services shall be provided periodic
14 reevaluation and review of the individual program plan,
15 at least twice each year, in order to measure progress,
16 to modify or change objectives if necessary, and to
17 provide guidance and remediation techniques.

18 A person with a disability and his or her
19 representatives have the right to participate in the
20 planning and decision-making process regarding the
21 person's individual plan and to be informed in writing,
22 or in that person's mode of communication, of progress at
23 reasonable time intervals. Each person must be given the
24 opportunity to make decisions and exercise options
25 regarding the plan, consistent with the person's
26 capabilities.

27 (3) Nondiscriminatory access to services. A person
28 with a disability may not be denied program services
29 because of age, sex, ethnic origin, marital status,
30 ability to pay (except where contrary to law), criminal
31 record, degree of disability, or illness.

32 (4) Family or individual support. A person with a
33 disability must be provided family or individual support
34 services, or both, to prevent unnecessary out-of-home

1 placement and to foster independent living skills.

2 (5) Residential choices and options. A person with
3 a disability who requires residential placement in a
4 supervised or supported setting must be provided choices
5 among various residential options. The placement must be
6 offered in the least restrictive setting possible.

7 (6) Education. A person with a disability has the
8 right to a free, appropriate public education as provided
9 in both State and federal law. Each local educational
10 agency must prepare persons with disabilities for adult
11 living. In anticipation of adulthood, each person with a
12 disability has the right to a transition plan developed
13 and ready for implementation before the person's exit
14 from school.

15 (7) Vocational training. A person with a
16 disability must be provided vocational training, when
17 appropriate, that contributes to the person's
18 independence and employment potential. This training
19 must include strategies and activities in programs that
20 lead to employment and reemployment.

21 (8) Employment. A person with a disability has the
22 right to be employed free from discrimination, pursuant
23 to the Constitution and laws of this State.

24 (9) Case coordination services. A person with a
25 disability must be provided case coordination services.

26 (10) Due process. A person with a disability
27 retains the rights of citizenship. Any person aggrieved
28 by a decision of a department regarding services
29 provided under this Act must be given an opportunity to
30 present complaints at a due process hearing before a
31 hearing officer designated by the director of that
32 department. Any person aggrieved by a final
33 administrative decision rendered following the due
34 process hearing may seek judicial review of that decision

1 pursuant to the Administrative Review Law. The term
2 "administrative decision" is defined as in Section 3-101
3 of the Code of Civil Procedure. Reasonable attorney's
4 fees and costs may be awarded to the successful plaintiff
5 in any formal administrative or judicial action under
6 this Act.

7 The right to a hearing under this item (10) is in
8 addition to any other rights under federal, State, or
9 local laws.

10 Section 20. Implementation.

11 (a) The Governor, with the assistance of the Secretary
12 of Human Services, shall appoint an advisory committee to
13 develop a Disabilities Services Implementation Plan that will
14 ensure compliance by the State of Illinois with the Americans
15 with Disabilities Act and the decision in *Olmstead v. L.C.*,
16 119 S.Ct. 2176 (1999). The advisory committee shall be
17 composed of individuals who represent each principal State
18 agency, local government agencies, and nongovernmental
19 organizations concerned with services for persons with
20 disabilities, and who represent individuals with disabilities
21 or their families.

22 (b) The implementation plan must include, but need not
23 be limited to, the following:

24 (1) Establishing procedures for completing
25 comprehensive evaluations.

26 (2) Establishing procedures for the development of
27 an individual plan for each person with a disability.

28 (3) Identifying core services to be provided by
29 agencies of the State of Illinois or other agencies.

30 (4) Establishing minimum standards for
31 individualized services.

32 (5) Establishing minimum standards for residential
33 services in the least restrictive environment.

1 (6) Establishing minimum standards for vocational
2 services.

3 (7) Establishing due process hearing procedures.

4 (8) Establishing minimum standards for family
5 support services.

6 (9) Securing financial resources necessary to
7 fulfill the purposes and requirements of this Act,
8 including but not limited to obtaining approval and
9 implementing waivers or demonstrations authorized under
10 federal law.

11 (c) The Governor, with the assistance of the Secretary
12 of Human Services, is responsible for the completion of the
13 implementation plan. The Governor must submit a report to the
14 General Assembly by October 1, 2001, which must include the
15 following:

16 (1) The implementation plan.

17 (2) A description of current and planned programs
18 and services necessary to meet the requirements of the
19 individual plans required by this Act, together with the
20 actions to be taken by the State of Illinois to ensure
21 that those plans will be implemented.

22 (3) The estimated costs of current and planned
23 programs and services to be provided under the
24 implementation plan.

25 (4) A report on the number of persons with
26 disabilities who may be eligible to receive services
27 under this Act, together with a report on the number of
28 persons who are currently receiving those services.

29 (5) Any proposed changes in State policies laws, or
30 regulations necessary to fulfill the purposes and
31 requirements of this Act.

32 (d) The Governor, with the assistance of the Secretary
33 of Human Services, shall annually update the implementation
34 plan and report changes to the General Assembly by March 1 of

1 each year.

2 Section 25. Appropriations. Services shall be provided
3 under this Act to the extent that appropriations are made
4 available by the General Assembly for the programs and
5 services indicated in the implementation plan.

6 (405 ILCS 80/1-1 rep.)

7 (405 ILCS 80/1-2 rep.)

8 (405 ILCS 80/1-3 rep.)

9 (405 ILCS 80/1-4 rep.)

10 (405 ILCS 80/1-5 rep.)

11 Section 90. The Developmental Disability and Mental
12 Disability Services Act is amended by repealing Sections 1-1,
13 1-2, 1-3, 1-4, and 1-5 (the Developmental Disabilities
14 Services Law).

15 Section 99. Effective date. This Act takes effect upon
16 becoming law."