

AN ACT concerning education.

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

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

(105 ILCS 5/14-6.10 new)

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

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

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

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

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

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

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

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

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

educational interests of the student.

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

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

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

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

DELEGATION OF RIGHTS TO MAKE EDUCATIONAL DECISION

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

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

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

(insert name)

Student

Public Act 095-0372

SB0396 Enrolled

LRB095 08193 NHT 28361 b

DATE: (insert date)

Accepted by: (insert name)

Designated Representative

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