



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5241

by Rep. William Davis

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-11.01a new

Amends the Children with Disabilities Article of the School Code. Provides that, in a school district with a population of more than 500,000 inhabitants, the principal and all school personnel who are regular members of an individualized education program team shall determine the special education staffing needs of the school based on individualized education program minutes, status of the school's least restrictive environment, optimal scheduling protocols, and other relevant factors. Provides that once a staffing level is set, the school board shall provide full staffing for the school and shall fund the total cost of each position. Provides that the school board may not reduce the special education staffing levels of a school in which the general staffing levels are less than 90% of the State average. Provides that the school board may require more efficient staff scheduling if the scheduling does not impair or hinder any reasonable goals of the school's general education program. Prohibits the school district from banning the use of any measure that would prevent or delay an individualized education program team from adding a service to the program or creating a time restriction in which a service is prohibited from being added to the program. Makes other changes. Effective July 1, 2018.

LRB100 19040 AXK 34294 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by adding Section
5 14-11.01a as follows:

6 (105 ILCS 5/14-11.01a new)

7 Sec. 14-11.01a. Staffing needs; city with more than 500,000
8 inhabitants.

9 (a) In a school district with a population of more than
10 500,000 inhabitants, the principal of a school and all school
11 personnel who are regular members of an individualized
12 education program team shall determine the special education
13 staffing needs of the school based on individualized education
14 program minutes, status of the school's least restrictive
15 environment, optimal scheduling protocols, and other relevant
16 factors. Once a staffing level is set, the school board shall
17 provide full staffing for the school. The school board shall
18 assign the type and number of special education positions at
19 the school and shall fund the total cost of each position,
20 including a staff member's full salary and benefits. The school
21 board may not create incentives or protocols that would require
22 a school to allocate funds from other parts of its budget to
23 fund special education needs.

1 (b) A school board subject to this Section may not reduce
2 the special education staffing levels of a school in which the
3 general staffing levels are less than 90% of the State average.
4 If a school's staffing levels are above the required level and
5 the school board decides to reduce the special education
6 staffing level, it may use only criteria related to special
7 education, including individualized education program minutes
8 and schedules. If the school board believes the individualized
9 education programs in a school are incorrectly structured, the
10 school board shall inspect the programs and, if applicable,
11 correct the programs to use them as a factor in reducing the
12 school's staffing levels. The school board may require more
13 efficient staff scheduling if the scheduling does not impair or
14 hinder any reasonable goals of the school's general education
15 program, including keeping class sizes less than 110% of the
16 State average, enhancing school leadership, staffing for
17 teacher observations and professional development, and
18 expanding coursework and curricular instruction.

19 (c) A school district subject to this Section may not ban
20 the use of any measure that would prevent or delay an
21 individualized education program team from adding a service to
22 the program or creating a time restriction in which a service
23 is prohibited from being added to the program. The school
24 district may not build functions into its computer software
25 that would remove any services from a student's individualized
26 education program without the approval of the program team and

1 may not prohibit the program team from adding a service to the
2 program.

3 Section 99. Effective date. This Act takes effect July 1,
4 2018.