



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3906

Introduced 2/22/2021, by Rep. William Davis

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-1.11a

from Ch. 122, par. 14-1.11a

Amends the Article of the School Code relating to children with disabilities. Provides that the State Superintendent of Education may determine that the location of the parent or guardian of a student is unknown after considering information submitted from the school district that last enrolled the student or from the school or special education facility providing special education and related services to meet the needs of the student. Provides that the information submitted to the State Superintendent must include an affidavit from that school district's superintendent or the facility's director attesting that the location of the parent or guardian is unknown and 4 items of documentary evidence that a minimum of 4 separate attempts were made to locate the parent or guardian. Provides that any determination by the State Superintendent that the location of a parent or guardian is unknown is final, but that any determination made by the State Superintendent is subject to review and reconsideration any time a parent's or guardian's location becomes known. Effective immediately.

LRB102 16808 CMG 22211 b

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 changing Section
5 14-1.11a as follows:

6 (105 ILCS 5/14-1.11a) (from Ch. 122, par. 14-1.11a)

7 Sec. 14-1.11a. Resident district; student. The resident
8 district is the school district in which the student resides
9 when:

10 (1) the parent has legal guardianship but the location
11 of the parent is unknown; or

12 (2) an individual guardian has been appointed but the
13 location of the guardian is unknown; or

14 (3) the student is 18 years of age or older and no
15 legal guardian has been appointed; or

16 (4) the student is legally an emancipated minor; or

17 (5) an Illinois public agency has legal guardianship
18 and such agency or any court in this State has placed the
19 student residentially outside of the school district in
20 which the parent lives.

21 In cases where an Illinois public agency has legal
22 guardianship and has placed the student residentially outside
23 of Illinois, the last school district that provided at least

1 45 days of educational service to the student shall continue
2 to be the district of residence until the student is no longer
3 under guardianship of an Illinois public agency or until the
4 student is returned to Illinois.

5 The resident district of a homeless student is the
6 Illinois district in which the student enrolls for educational
7 services. Homeless students include individuals as defined in
8 the Stewart B. McKinney Homeless Assistance Act.

9 The State Superintendent of Education may determine that
10 the location of the parent or guardian of a student is unknown
11 after considering information submitted from the school
12 district that last enrolled the student or from the school or
13 special education facility providing special education and
14 related services to meet the needs of the student. The
15 information submitted to the State Superintendent of Education
16 must include an affidavit from that school district's
17 superintendent or the facility's director attesting that the
18 location of the parent or guardian is unknown and 4 items of
19 documentary evidence that a minimum of 4 separate attempts
20 were made to locate the parent or guardian. Any determination
21 by the State Superintendent of Education that the location of
22 a parent or guardian is unknown is final. However, any
23 determination made by the State Superintendent of Education is
24 subject to review and reconsideration any time a parent's or
25 guardian's location becomes known.

26 (Source: P.A. 95-844, eff. 8-15-08.)

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