



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

HB4365

Introduced 1/5/2022, by Rep. Daniel Didech

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-7.02	from Ch. 122, par. 14-7.02
105 ILCS 5/14-7.05	
105 ILCS 5/14-15.01	from Ch. 122, par. 14-15.01

Amends the Children with Disabilities Article of the School Code. Allows a child's individualized education program (IEP) team to determine whether the special education program of a school district is unable to meet the needs of a child with a disability. Provides that the financial responsibility and reimbursement of the resident district of a child with a disability applies to both nonpublic special education facilities that are approved by the State Board of Education and nonpublic special education facilities that are not approved by the State Board of Education. Requires that a nonpublic special education facility providing services to demonstrate proof to the State Board of Education of (i) appropriate certification of teachers for the student population, (ii) age-appropriate curriculum, (iii) enrollment and attendance data, and (iv) the ability to implement the child's IEP. Sets forth provisions concerning requests for approval by the State Board of Education of a nonpublic special education facility. Provides that the Community and Residential Service Authority has the power to make final determinations regarding the approval of nonpublic special education facilities. Effective immediately.

LRB102 23289 CMG 32455 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 Sections  
5 14-7.02, 14-7.05, and 14-15.01 as follows:

6 (105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

7 Sec. 14-7.02. Children attending private schools, public  
8 out-of-state schools, public school residential facilities or  
9 private special education facilities. The General Assembly  
10 recognizes that non-public schools or special education  
11 facilities provide an important service in the educational  
12 system in Illinois.

13 If the child's individualized education program team  
14 determines that because of the child's ~~his or her~~ disability  
15 the special education program of a district is unable to meet  
16 the needs of a child and the child attends a non-public school  
17 or special education facility, a public out-of-state school or  
18 a special education facility owned and operated by a county  
19 government unit that provides special educational services  
20 required by the child and is in compliance with the  
21 appropriate rules and regulations of the State Superintendent  
22 of Education, the school district in which the child is a  
23 resident shall pay the actual cost of tuition for special

1 education and related services provided during the regular  
2 school term and during the summer school term if the child's  
3 educational needs so require, excluding room, board and  
4 transportation costs charged the child by that non-public  
5 school or special education facility, public out-of-state  
6 school or county special education facility, or \$4,500 per  
7 year, whichever is less, and shall provide him any necessary  
8 transportation. "Nonpublic special education facility" shall  
9 include a residential facility, within or without the State of  
10 Illinois, which provides special education and related  
11 services to meet the needs of the child by utilizing private  
12 schools or public schools, whether located on the site or off  
13 the site of the residential facility. Resident district  
14 financial responsibility and reimbursement applies to both  
15 nonpublic special education facilities that are approved by  
16 the State Board of Education pursuant to 23 Ill. Adm. Code 401  
17 or other applicable laws or rules and nonpublic special  
18 education facilities that are not approved by the State Board  
19 of Education pursuant to 23 Ill. Adm. Code 401 or other  
20 applicable laws or rules, subject to the requirements of this  
21 Section.

22 Prior to the placement of a child in an out-of-state  
23 special education residential facility, the school district  
24 must refer to the child or the child's parent or guardian the  
25 option to place the child in a special education residential  
26 facility located within this State, if any, that provides

1 treatment and services comparable to those provided by the  
2 out-of-state special education residential facility. The  
3 school district must review annually the placement of a child  
4 in an out-of-state special education residential facility. As  
5 a part of the review, the school district must refer to the  
6 child or the child's parent or guardian the option to place the  
7 child in a comparable special education residential facility  
8 located within this State, if any.

9 Payments shall be made by the resident district to the  
10 entity providing the educational services, whether the entity  
11 is the nonpublic special education facility or the school  
12 district wherein the facility is located, no less than once  
13 per quarter unless otherwise agreed to in writing by the  
14 parties.

15 A nonpublic special education facility providing  
16 educational services within the facility but not approved by  
17 the State Board of Education pursuant to 23 Ill. Adm. Code 401  
18 or other applicable laws or rules is required to demonstrate  
19 proof to the State Board of Education of (i) appropriate  
20 certification of teachers for the student population, (ii)  
21 age-appropriate curriculum, (iii) enrollment and attendance  
22 data, and (iv) the ability to implement the child's IEP. A  
23 resident school district may also submit such proof to the  
24 State Board of Education as may be required for the student. A  
25 school district is under no obligation to pay such a  
26 residential facility unless and until such proof is provided

1 to the satisfaction of the State Board. The State Board of  
2 Education shall not unreasonably withhold approval once  
3 satisfactory proof is provided to the State Board.

4 If the State Board of Education denies approval in writing  
5 or does not respond to a facility's or resident district's  
6 request for approval within 10 days after the request is  
7 submitted to the State Board of Education, the matter shall be  
8 referred to the Community and Residential Services Authority,  
9 which shall make the determination and notify the facility or  
10 resident district and the State Board of Education within 10  
11 days after the Authority receives the referral. The approval  
12 determination by the Community and Residential Services  
13 Authority is final.

14 If an impartial due process hearing officer who is  
15 contracted by the State Board of Education pursuant to this  
16 Article orders the placement of a student with a disability in  
17 a residential facility that is not approved by the State Board  
18 of Education, then for purposes of this Section the facility  
19 shall be deemed approved and school district payments and  
20 State reimbursements shall be made as though the facility  
21 received approval by the State Board of Education.

22 The State Board of Education shall promulgate rules and  
23 regulations for determining when placement in a private  
24 special education facility is appropriate. Such rules and  
25 regulations shall take into account the various types of  
26 services needed by a child and the availability of such

1 services to the particular child in the public school. In  
2 developing these rules and regulations the State Board of  
3 Education shall consult with the Advisory Council on Education  
4 of Children with Disabilities and hold public hearings to  
5 secure recommendations from parents, school personnel, and  
6 others concerned about this matter.

7 The State Board of Education shall also promulgate rules  
8 and regulations for transportation to and from a residential  
9 school. Transportation to and from home to a residential  
10 school more than once each school term shall be subject to  
11 prior approval by the State Superintendent in accordance with  
12 the rules and regulations of the State Board.

13 A school district making tuition payments pursuant to this  
14 Section is eligible for reimbursement from the State for the  
15 amount of such payments actually made in excess of the  
16 district per capita tuition charge for students not receiving  
17 special education services. Such reimbursement shall be  
18 approved in accordance with Section 14-12.01 and each district  
19 shall file its claims, computed in accordance with rules  
20 prescribed by the State Board of Education, on forms  
21 prescribed by the State Superintendent of Education. Data used  
22 as a basis of reimbursement claims shall be for the preceding  
23 regular school term and summer school term. Each school  
24 district shall transmit its claims to the State Board of  
25 Education on or before August 15. The State Board of  
26 Education, before approving any such claims, shall determine

1 their accuracy and whether they are based upon services and  
2 facilities provided under approved programs. Upon approval the  
3 State Board shall cause vouchers to be prepared showing the  
4 amount due for payment of reimbursement claims to school  
5 districts, for transmittal to the State Comptroller on the  
6 30th day of September, December, and March, respectively, and  
7 the final voucher, no later than June 20. If the money  
8 appropriated by the General Assembly for such purpose for any  
9 year is insufficient, it shall be apportioned on the basis of  
10 the claims approved.

11 No child shall be placed in a special education program  
12 pursuant to this Section if the tuition cost for special  
13 education and related services increases more than 10 percent  
14 over the tuition cost for the previous school year or exceeds  
15 \$4,500 per year unless such costs have been approved by the  
16 Illinois Purchased Care Review Board. The Illinois Purchased  
17 Care Review Board shall consist of the following persons, or  
18 their designees: the Directors of Children and Family  
19 Services, Public Health, Public Aid, and the Governor's Office  
20 of Management and Budget; the Secretary of Human Services; the  
21 State Superintendent of Education; and such other persons as  
22 the Governor may designate. The Review Board shall also  
23 consist of one non-voting member who is an administrator of a  
24 private, nonpublic, special education school. The Review Board  
25 shall establish rules and regulations for its determination of  
26 allowable costs and payments made by local school districts

1 for special education, room and board, and other related  
2 services provided by non-public schools or special education  
3 facilities and shall establish uniform standards and criteria  
4 which it shall follow. The Review Board shall approve the  
5 usual and customary rate or rates of a special education  
6 program that (i) is offered by an out-of-state, non-public  
7 provider of integrated autism specific educational and autism  
8 specific residential services, (ii) offers 2 or more levels of  
9 residential care, including at least one locked facility, and  
10 (iii) serves 12 or fewer Illinois students.

11 In determining rates based on allowable costs, the Review  
12 Board shall consider any wage increases awarded by the General  
13 Assembly to front line personnel defined as direct support  
14 persons, aides, front-line supervisors, qualified intellectual  
15 disabilities professionals, nurses, and non-administrative  
16 support staff working in service settings in community-based  
17 settings within the State and adjust customary rates or rates  
18 of a special education program to be equitable to the wage  
19 increase awarded to similar staff positions in a community  
20 residential setting. Any wage increase awarded by the General  
21 Assembly to front line personnel defined as direct support  
22 persons, aides, front-line supervisors, qualified intellectual  
23 disabilities professionals, nurses, and non-administrative  
24 support staff working in community-based settings within the  
25 State, including the \$0.75 per hour increase contained in  
26 Public Act 100-23 and the \$0.50 per hour increase included in



1 Public Act 100-23, shall also be a basis for any facility  
2 covered by this Section to appeal its rate before the Review  
3 Board under the process defined in Title 89, Part 900, Section  
4 340 of the Illinois Administrative Code. Illinois  
5 Administrative Code Title 89, Part 900, Section 342 shall be  
6 updated to recognize wage increases awarded to community-based  
7 settings to be a basis for appeal. However, any wage increase  
8 that is captured upon appeal from a previous year shall not be  
9 counted by the Review Board as revenue for the purpose of  
10 calculating a facility's future rate.

11 Any definition used by the Review Board in administrative  
12 rule or policy to define "related organizations" shall include  
13 any and all exceptions contained in federal law or regulation  
14 as it pertains to the federal definition of "related  
15 organizations".

16 The Review Board shall establish uniform definitions and  
17 criteria for accounting separately by special education, room  
18 and board and other related services costs. The Board shall  
19 also establish guidelines for the coordination of services and  
20 financial assistance provided by all State agencies to assure  
21 that no otherwise qualified child with a disability receiving  
22 services under Article 14 shall be excluded from participation  
23 in, be denied the benefits of or be subjected to  
24 discrimination under any program or activity provided by any  
25 State agency.

26 The Review Board shall review the costs for special

1 education and related services provided by non-public schools  
2 or special education facilities and shall approve or  
3 disapprove such facilities in accordance with the rules and  
4 regulations established by it with respect to allowable costs.

5 The State Board of Education shall provide administrative  
6 and staff support for the Review Board as deemed reasonable by  
7 the State Superintendent of Education. This support shall not  
8 include travel expenses or other compensation for any Review  
9 Board member other than the State Superintendent of Education.

10 The Review Board shall seek the advice of the Advisory  
11 Council on Education of Children with Disabilities on the  
12 rules and regulations to be promulgated by it relative to  
13 providing special education services.

14 If a child has been placed in a program in which the actual  
15 per pupil costs of tuition for special education and related  
16 services based on program enrollment, excluding room, board  
17 and transportation costs, exceed \$4,500 and such costs have  
18 been approved by the Review Board, the district shall pay such  
19 total costs which exceed \$4,500. A district making such  
20 tuition payments in excess of \$4,500 pursuant to this Section  
21 shall be responsible for an amount in excess of \$4,500 equal to  
22 the district per capita tuition charge and shall be eligible  
23 for reimbursement from the State for the amount of such  
24 payments actually made in excess of the districts per capita  
25 tuition charge for students not receiving special education  
26 services.

1           If a child has been placed in an approved individual  
2 program and the tuition costs including room and board costs  
3 have been approved by the Review Board, then such room and  
4 board costs shall be paid by the appropriate State agency  
5 subject to the provisions of Section 14-8.01 of this Act. Room  
6 and board costs not provided by a State agency other than the  
7 State Board of Education shall be provided by the State Board  
8 of Education on a current basis. In no event, however, shall  
9 the State's liability for funding of these tuition costs begin  
10 until after the legal obligations of third party payors have  
11 been subtracted from such costs. If the money appropriated by  
12 the General Assembly for such purpose for any year is  
13 insufficient, it shall be apportioned on the basis of the  
14 claims approved. Each district shall submit estimated claims  
15 to the State Superintendent of Education. Upon approval of  
16 such claims, the State Superintendent of Education shall  
17 direct the State Comptroller to make payments on a monthly  
18 basis. The frequency for submitting estimated claims and the  
19 method of determining payment shall be prescribed in rules and  
20 regulations adopted by the State Board of Education. Such  
21 current state reimbursement shall be reduced by an amount  
22 equal to the proceeds which the child or child's parents are  
23 eligible to receive under any public or private insurance or  
24 assistance program. Nothing in this Section shall be construed  
25 as relieving an insurer or similar third party from an  
26 otherwise valid obligation to provide or to pay for services

1 provided to a child with a disability.

2 If it otherwise qualifies, a school district is eligible  
3 for the transportation reimbursement under Section 14-13.01  
4 and for the reimbursement of tuition payments under this  
5 Section whether the non-public school or special education  
6 facility, public out-of-state school or county special  
7 education facility, attended by a child who resides in that  
8 district and requires special educational services, is within  
9 or outside of the State of Illinois. However, a district is not  
10 eligible to claim transportation reimbursement under this  
11 Section unless the district certifies to the State  
12 Superintendent of Education that the district is unable to  
13 provide special educational services required by the child for  
14 the current school year.

15 Nothing in this Section authorizes the reimbursement of a  
16 school district for the amount paid for tuition of a child  
17 attending a non-public school or special education facility,  
18 public out-of-state school or county special education  
19 facility unless the school district certifies to the State  
20 Superintendent of Education that the special education program  
21 of that district is unable to meet the needs of that child  
22 because of his disability and the State Superintendent of  
23 Education finds that the school district is in substantial  
24 compliance with Section 14-4.01. However, if a child is  
25 unilaterally placed by a State agency or any court in a  
26 non-public school or special education facility, public

1 out-of-state school, or county special education facility, a  
2 school district shall not be required to certify to the State  
3 Superintendent of Education, for the purpose of tuition  
4 reimbursement, that the special education program of that  
5 district is unable to meet the needs of a child because of his  
6 or her disability.

7 Any educational or related services provided, pursuant to  
8 this Section in a non-public school or special education  
9 facility or a special education facility owned and operated by  
10 a county government unit shall be at no cost to the parent or  
11 guardian of the child. However, current law and practices  
12 relative to contributions by parents or guardians for costs  
13 other than educational or related services are not affected by  
14 this amendatory Act of 1978.

15 Reimbursement for children attending public school  
16 residential facilities shall be made in accordance with the  
17 provisions of this Section.

18 Notwithstanding any other provision of law, any school  
19 district receiving a payment under this Section or under  
20 Section 14-7.02b, 14-13.01, or 29-5 of this Code may classify  
21 all or a portion of the funds that it receives in a particular  
22 fiscal year or from general State aid pursuant to Section  
23 18-8.05 of this Code as funds received in connection with any  
24 funding program for which it is entitled to receive funds from  
25 the State in that fiscal year (including, without limitation,  
26 any funding program referenced in this Section), regardless of

1 the source or timing of the receipt. The district may not  
2 classify more funds as funds received in connection with the  
3 funding program than the district is entitled to receive in  
4 that fiscal year for that program. Any classification by a  
5 district must be made by a resolution of its board of  
6 education. The resolution must identify the amount of any  
7 payments or general State aid to be classified under this  
8 paragraph and must specify the funding program to which the  
9 funds are to be treated as received in connection therewith.  
10 This resolution is controlling as to the classification of  
11 funds referenced therein. A certified copy of the resolution  
12 must be sent to the State Superintendent of Education. The  
13 resolution shall still take effect even though a copy of the  
14 resolution has not been sent to the State Superintendent of  
15 Education in a timely manner. No classification under this  
16 paragraph by a district shall affect the total amount or  
17 timing of money the district is entitled to receive under this  
18 Code. No classification under this paragraph by a district  
19 shall in any way relieve the district from or affect any  
20 requirements that otherwise would apply with respect to that  
21 funding program, including any accounting of funds by source,  
22 reporting expenditures by original source and purpose,  
23 reporting requirements, or requirements of providing services.  
24 (Source: P.A. 101-10, eff. 6-5-19; 102-254, eff. 8-6-21.)

25 (105 ILCS 5/14-7.05)

1           Sec. 14-7.05. Placement in residential facility; payment  
2 of educational costs. For any student with a disability in a  
3 residential facility placement made or paid for by an Illinois  
4 public State agency or made by any court in this State, the  
5 school district of residence as determined pursuant to this  
6 Article is responsible for the costs of educating the child  
7 and shall be reimbursed for those costs in accordance with  
8 this Code. Subject to this Section and relevant State  
9 appropriation, the resident district's financial  
10 responsibility and reimbursement must be calculated in  
11 accordance with the provisions of Section 14-7.02 of this  
12 Code. In those instances in which a district receives a block  
13 grant pursuant to Article 1D of this Code, the district's  
14 financial responsibility is limited to the actual educational  
15 costs of the placement, which must be paid by the district from  
16 its block grant appropriation. Resident district financial  
17 responsibility and reimbursement applies for both residential  
18 facilities that are approved by the State Board of Education  
19 and non-approved facilities, subject to the requirements of  
20 this Section. The Illinois placing agency or court remains  
21 responsible for funding the residential portion of the  
22 placement and for notifying the resident district prior to the  
23 placement, except in emergency situations. The residential  
24 facility in which the student is placed shall notify the  
25 resident district of the student's enrollment as soon as  
26 practicable after the placement. Failure of the placing agency

1 or court to notify the resident district prior to the  
2 placement does not absolve the resident district of financial  
3 responsibility for the educational costs of the placement;  
4 however, the resident district shall not become financially  
5 responsible unless and until it receives written notice of the  
6 placement by either the placing agency, court, or residential  
7 facility. The placing agency or parent shall request an  
8 individualized education program (IEP) meeting from the  
9 resident district if the placement would entail additional  
10 educational services beyond the student's current IEP. The  
11 district of residence shall retain control of the IEP process,  
12 and any changes to the IEP must be done in compliance with the  
13 federal Individuals with Disabilities Education Act.

14 Prior to the placement of a child in an out-of-state  
15 special education residential facility, the placing agency or  
16 court must refer to the child or the child's parent or guardian  
17 the option to place the child in a special education  
18 residential facility located within this State, if any, that  
19 provides treatment and services comparable to those provided  
20 by the out-of-state special education residential facility.  
21 The placing agency or court must review annually the placement  
22 of a child in an out-of-state special education residential  
23 facility. As a part of the review, the placing agency or court  
24 must refer to the child or the child's parent or guardian the  
25 option to place the child in a comparable special education  
26 residential facility located within this State, if any.



1           Payments shall be made by the resident district to the  
2           entity providing the educational services, whether the entity  
3           is the residential facility or the school district wherein the  
4           facility is located, no less than once per quarter unless  
5           otherwise agreed to in writing by the parties.

6           A residential facility providing educational services  
7           within the facility, but not approved by the State Board of  
8           Education, is required to demonstrate proof to the State Board  
9           of (i) appropriate certification of teachers for the student  
10          population, (ii) age-appropriate curriculum, (iii) enrollment  
11          and attendance data, and (iv) the ability to implement the  
12          child's IEP. A school district is under no obligation to pay  
13          such a residential facility unless and until such proof is  
14          provided to the State Board's satisfaction. The State Board of  
15          Education shall not unreasonably withhold approval once  
16          satisfactory proof is provided to the State Board. If the  
17          State Board of Education denies approval in writing or does  
18          not respond to a facility's or resident district's request for  
19          approval within 10 days after the request is submitted to the  
20          State Board of Education, the matter shall be referred to the  
21          Community and Residential Services Authority, which shall make  
22          the determination and notify the facility or resident district  
23          and the State Board of Education within 10 days after the  
24          Authority receives the referral. The approval determination by  
25          the Community and Residential Services Authority is final.

26          If an impartial due process hearing officer who is under

1 contract with the State Board of Education pursuant to this  
2 Article orders the placement of a student with a disability in  
3 a residential facility that is not approved by the State Board  
4 of Education, then for purposes of this Section the facility  
5 shall be deemed approved and school district payments and  
6 State reimbursements shall be made as though the facility  
7 received approval by the State Board of Education.

8       When a dispute arises over the determination of the  
9 district of residence under this Section, any person or  
10 entity, including without limitation a school district or  
11 residential facility, may make a written request for a  
12 residency decision to the State Superintendent of Education,  
13 who, upon review of materials submitted and any other items of  
14 information he or she may request for submission, shall issue  
15 his or her decision in writing. The decision of the State  
16 Superintendent of Education is final.

17 (Source: P.A. 102-254, eff. 8-6-21.)

18       (105 ILCS 5/14-15.01) (from Ch. 122, par. 14-15.01)

19       Sec. 14-15.01. Community and Residential Services  
20 Authority.

21       (a) (1) The Community and Residential Services Authority  
22 is hereby created and shall consist of the following members:

23       A representative of the State Board of Education;

24       Four representatives of the Department of Human Services  
25 appointed by the Secretary of Human Services, with one member

1 from the Division of Community Health and Prevention, one  
2 member from the Division of Developmental Disabilities, one  
3 member from the Division of Mental Health, and one member from  
4 the Division of Rehabilitation Services;

5 A representative of the Department of Children and Family  
6 Services;

7 A representative of the Department of Juvenile Justice;

8 A representative of the Department of Healthcare and  
9 Family Services;

10 A representative of the Attorney General's Disability  
11 Rights Advocacy Division;

12 The Chairperson and Minority Spokesperson of the House and  
13 Senate Committees on Elementary and Secondary Education or  
14 their designees; and

15 Six persons appointed by the Governor. Five of such  
16 appointees shall be experienced or knowledgeable relative to  
17 provision of services for individuals with a behavior disorder  
18 or a severe emotional disturbance and shall include  
19 representatives of both the private and public sectors, except  
20 that no more than 2 of those 5 appointees may be from the  
21 public sector and at least 2 must be or have been directly  
22 involved in provision of services to such individuals. The  
23 remaining member appointed by the Governor shall be or shall  
24 have been a parent of an individual with a behavior disorder or  
25 a severe emotional disturbance, and that appointee may be from  
26 either the private or the public sector.

1           (2) Members appointed by the Governor shall be appointed  
2 for terms of 4 years and shall continue to serve until their  
3 respective successors are appointed; provided that the terms  
4 of the original appointees shall expire on August 1, 1990. Any  
5 vacancy in the office of a member appointed by the Governor  
6 shall be filled by appointment of the Governor for the  
7 remainder of the term.

8           A vacancy in the office of a member appointed by the  
9 Governor exists when one or more of the following events  
10 occur:

11                 (i) An appointee dies;

12                 (ii) An appointee files a written resignation with the  
13 Governor;

14                 (iii) An appointee ceases to be a legal resident of  
15 the State of Illinois; or

16                 (iv) An appointee fails to attend a majority of  
17 regularly scheduled Authority meetings in a fiscal year.

18           Members who are representatives of an agency shall serve  
19 at the will of the agency head. Membership on the Authority  
20 shall cease immediately upon cessation of their affiliation  
21 with the agency. If such a vacancy occurs, the appropriate  
22 agency head shall appoint another person to represent the  
23 agency.

24           If a legislative member of the Authority ceases to be  
25 Chairperson or Minority Spokesperson of the designated  
26 Committees, they shall automatically be replaced on the

1 Authority by the person who assumes the position of  
2 Chairperson or Minority Spokesperson.

3 (b) The Community and Residential Services Authority shall  
4 have the following powers and duties:

5 (1) To conduct surveys to determine the extent of  
6 need, the degree to which documented need is currently  
7 being met and feasible alternatives for matching need with  
8 resources.

9 (2) To develop policy statements for interagency  
10 cooperation to cover all aspects of service delivery,  
11 including laws, regulations and procedures, and clear  
12 guidelines for determining responsibility at all times.

13 (3) To recommend policy statements and provide  
14 information regarding effective programs for delivery of  
15 services to all individuals under 22 years of age with a  
16 behavior disorder or a severe emotional disturbance in  
17 public or private situations.

18 (4) To review the criteria for service eligibility,  
19 provision and availability established by the governmental  
20 agencies represented on this Authority, and to recommend  
21 changes, additions or deletions to such criteria.

22 (5) To develop and submit to the Governor, the General  
23 Assembly, the Directors of the agencies represented on the  
24 Authority, and the State Board of Education a master plan  
25 for individuals under 22 years of age with a behavior  
26 disorder or a severe emotional disturbance, including

1 detailed plans of service ranging from the least to the  
2 most restrictive options; and to assist local communities,  
3 upon request, in developing or strengthening collaborative  
4 interagency networks.

5 (6) To develop a process for making determinations in  
6 situations where there is a dispute relative to a plan of  
7 service for individuals or funding for a plan of service.

8 (7) To provide technical assistance to parents,  
9 service consumers, providers, and member agency personnel  
10 regarding statutory responsibilities of human service and  
11 educational agencies, and to provide such assistance as  
12 deemed necessary to appropriately access needed services.

13 (8) To establish a pilot program to act as a  
14 residential research hub to research and identify  
15 appropriate residential settings for youth who are being  
16 housed in an emergency room for more than 72 hours or who  
17 are deemed beyond medical necessity in a psychiatric  
18 hospital. If a child is deemed beyond medical necessity in  
19 a psychiatric hospital and is in need of residential  
20 placement, the goal of the program is to prevent a  
21 lock-out pursuant to the goals of the Custody  
22 Relinquishment Prevention Act.

23 (9) To make final determinations regarding approval of  
24 nonpublic special education facilities in accordance with  
25 Sections 14-7.02 and 14-7.05 of this Article.

26 (c) (1) The members of the Authority shall receive no

1 compensation for their services but shall be entitled to  
2 reimbursement of reasonable expenses incurred while performing  
3 their duties.

4 (2) The Authority may appoint special study groups to  
5 operate under the direction of the Authority and persons  
6 appointed to such groups shall receive only reimbursement of  
7 reasonable expenses incurred in the performance of their  
8 duties.

9 (3) The Authority shall elect from its membership a  
10 chairperson, vice-chairperson and secretary.

11 (4) The Authority may employ and fix the compensation of  
12 such employees and technical assistants as it deems necessary  
13 to carry out its powers and duties under this Act. Staff  
14 assistance for the Authority shall be provided by the State  
15 Board of Education.

16 (5) Funds for the ordinary and contingent expenses of the  
17 Authority shall be appropriated to the State Board of  
18 Education in a separate line item.

19 (d) (1) The Authority shall have power to promulgate rules  
20 and regulations to carry out its powers and duties under this  
21 Act.

22 (2) The Authority may accept monetary gifts or grants from  
23 the federal government or any agency thereof, from any  
24 charitable foundation or professional association or from any  
25 other reputable source for implementation of any program  
26 necessary or desirable to the carrying out of the general

1 purposes of the Authority. Such gifts and grants may be held in  
2 trust by the Authority and expended in the exercise of its  
3 powers and performance of its duties as prescribed by law.

4 (3) The Authority shall submit an annual report of its  
5 activities and expenditures to the Governor, the General  
6 Assembly, the directors of agencies represented on the  
7 Authority, and the State Superintendent of Education.

8 (e) The Executive Director of the Authority or his or her  
9 designee shall be added as a participant on the Interagency  
10 Clinical Team established in the intergovernmental agreement  
11 among the Department of Healthcare and Family Services, the  
12 Department of Children and Family Services, the Department of  
13 Human Services, the State Board of Education, the Department  
14 of Juvenile Justice, and the Department of Public Health, with  
15 consent of the youth or the youth's guardian or family  
16 pursuant to the Custody Relinquishment Prevention Act.

17 (Source: P.A. 102-43, eff. 7-6-21.)

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