



## 102ND GENERAL ASSEMBLY

### State of Illinois

2021 and 2022

SB2943

Introduced 10/19/2021, by Sen. Karina Villa

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-15.01

from Ch. 122, par. 14-15.01

Amends the Children with Disabilities Article of the School Code. Grants the Community and Residential Services Authority the authority to provide to youth in this State who are eligible for placement in a residential facility, but who have not been placed in a facility with the opportunity to be placed in a residential facility through the use of an individual agreement. Sets forth the duties of the Community and Residential Services Authority in regard to the placement of youth under an individual agreement in residential placement facilities, including prioritizing residential programs that have been approved by State agencies and preparing the individual agreement contract to be used by State agencies. Effective immediately.

LRB102 21015 CMG 29938 b

1 AN ACT concerning education.

2 WHEREAS, There remain Illinois youth under the age of 22  
3 who have complex mental health and disability-related needs  
4 who require therapeutic residential treatment services; and

5 WHEREAS, There are several State agencies responsible for  
6 providing mental health, developmental, and educational  
7 services for these youth and have the ability to fund these  
8 youth's therapeutic residential treatment services; and

9 WHEREAS, Due to the current global pandemic, the complex  
10 nature of the youth's mental health, behavioral and  
11 educational needs, and the shortage of available residential  
12 treatment centers on the current list of approved programs of  
13 various State agencies, Illinois youth who need residential  
14 services and have received public funding are not receiving  
15 timely access to prescribed residential treatment; and

16 WHEREAS, There is a significant mental health impact on  
17 Illinois youth, their families, their communities, and the  
18 juvenile justice system when appropriate therapeutic  
19 residential treatment services are not provided to mentally  
20 and behaviorally fragile Illinois youth in need of treatment;  
21 and

22 WHEREAS, The ability to enter into individual agreements

1 with alternative accredited providers, a practice not  
2 currently utilized by Illinois agencies who fund residential  
3 treatment for youth, could alleviate the reality that Illinois  
4 lacks the resources to provide youth with intensive mental and  
5 behavioral health care needs and will significantly improve  
6 their access to appropriate therapeutic residential treatment;  
7 and

8 WHEREAS, It is desired that the Community Residential  
9 Services Authority be authorized to address and make  
10 recommendations pursuant to its enacting statute to assist the  
11 most complex Illinois youth acquire necessary services;  
12 therefore

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

15 Section 5. The School Code is amended by changing Section  
16 14-15.01 as follows:

17 (105 ILCS 5/14-15.01) (from Ch. 122, par. 14-15.01)

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

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

22 A representative of the State Board of Education;

1 Four representatives of the Department of Human Services  
2 appointed by the Secretary of Human Services, with one member  
3 from the Division of Community Health and Prevention, one  
4 member from the Division of Developmental Disabilities, one  
5 member from the Division of Mental Health, and one member from  
6 the Division of Rehabilitation Services;

7 A representative of the Department of Children and Family  
8 Services;

9 A representative of the Department of Juvenile Justice;

10 A representative of the Department of Healthcare and  
11 Family Services;

12 A representative of the Attorney General's Disability  
13 Rights Advocacy Division;

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

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

1 a severe emotional disturbance, and that appointee may be from  
2 either the private or the public sector.

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

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

13 (i) An appointee dies;

14 (ii) An appointee files a written resignation with the  
15 Governor;

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

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

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

26 If a legislative member of the Authority ceases to be

1 Chairperson or Minority Spokesperson of the designated  
2 Committees, they shall automatically be replaced on the  
3 Authority by the person who assumes the position of  
4 Chairperson or Minority Spokesperson.

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

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

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

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

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

24 (5) To develop and submit to the Governor, the General  
25 Assembly, the Directors of the agencies represented on the  
26 Authority, and the State Board of Education a master plan

1 for individuals under 22 years of age with a behavior  
2 disorder or a severe emotional disturbance, including  
3 detailed plans of service ranging from the least to the  
4 most restrictive options; and to assist local communities,  
5 upon request, in developing or strengthening collaborative  
6 interagency networks.

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

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

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

25 (9) To provide to youth in this State who are eligible  
26 for residential services but who have not been receiving

1 the appropriate residential services because of their  
2 complex needs or the inability of current approved  
3 residential providers in this State to accept these youth  
4 with the opportunity to be placed in a residential  
5 facility through the use of an individual agreement with a  
6 residential provider who is not on a State approved list  
7 of residential providers. The Authority shall do all of  
8 the following:

9 (A) Find that the youth is eligible for an  
10 individual agreement for the provision of residential  
11 placement if the youth has received approval for  
12 residential services, but has not been placed in a  
13 residential program within 60 days of the date of  
14 approval.

15 (B) Evaluate any residential program being  
16 considered for an individual agreement to ensure that  
17 the program provides the services to meet the needs of  
18 the youth.

19 (C) Verify that any facility considered for a  
20 placement under an individual agreement is  
21 appropriately licensed to accept youth with similar  
22 needs.

23 (D) Once a facility is determined to be eligible  
24 for the placement of a youth under an individual  
25 agreement, notify the appropriate State agency that  
26 provides the funding for the residential services that



1           the residential program is eligible for an individual  
2           agreement and the appropriate State agency shall enter  
3           into an individual agreement with the identified  
4           facility.

5           (E) Prioritize residential programs that have been  
6           approved by other State agencies, when possible.

7           (F) Approve no more than 5 individual agreements  
8           per fiscal year.

9           (G) Create an individual agreement contract to be  
10          used by State agencies pursuant to this paragraph.

11          (c) (1) The members of the Authority shall receive no  
12          compensation for their services but shall be entitled to  
13          reimbursement of reasonable expenses incurred while performing  
14          their duties.

15          (2) The Authority may appoint special study groups to  
16          operate under the direction of the Authority and persons  
17          appointed to such groups shall receive only reimbursement of  
18          reasonable expenses incurred in the performance of their  
19          duties.

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

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

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

4           (d) (1) The Authority shall have power to promulgate rules  
5 and regulations to carry out its powers and duties under this  
6 Act.

7           (2) The Authority may accept monetary gifts or grants from  
8 the federal government or any agency thereof, from any  
9 charitable foundation or professional association or from any  
10 other reputable source for implementation of any program  
11 necessary or desirable to the carrying out of the general  
12 purposes of the Authority. Such gifts and grants may be held in  
13 trust by the Authority and expended in the exercise of its  
14 powers and performance of its duties as prescribed by law.

15           (3) The Authority shall submit an annual report of its  
16 activities and expenditures to the Governor, the General  
17 Assembly, the directors of agencies represented on the  
18 Authority, and the State Superintendent of Education.

19           (e) The Executive Director of the Authority or his or her  
20 designee shall be added as a participant on the Interagency  
21 Clinical Team established in the intergovernmental agreement  
22 among the Department of Healthcare and Family Services, the  
23 Department of Children and Family Services, the Department of  
24 Human Services, the State Board of Education, the Department  
25 of Juvenile Justice, and the Department of Public Health, with  
26 consent of the youth or the youth's guardian or family

1 pursuant to the Custody Relinquishment Prevention Act.

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

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