



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

**HB4581**

Introduced 1/31/2024, by Rep. Michelle Mussman

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-1.11a

from Ch. 122, par. 14-1.11a

Amends the Children with Disabilities Article of the School Code. Provides that if a student who is 18 years of age or older with no legal guardian is placed residentially outside of the school district in which the student's parent lives and the placement is funded by a State agency or through private insurance, then the resident district is the school district in which the parent lives. Effective immediately.

LRB103 36629 RJT 66738 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.

8 (a) Except as otherwise provided in this Section, the ~~The~~  
9 resident district is the school district in which the student  
10 resides when:

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

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

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

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

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

22 (b) In cases where an Illinois public agency has legal  
23 guardianship and has placed the student residentially outside

1 of Illinois, the last school district that provided at least  
2 45 days of educational service to the student shall continue  
3 to be the district of residence until the student is no longer  
4 under guardianship of an Illinois public agency or until the  
5 student is returned to Illinois.

6 If a student who is 18 years of age or older with no legal  
7 guardian is placed residentially outside of the school  
8 district in which the student's parent lives and the placement  
9 is funded by a State agency or through private insurance, then  
10 the resident district is the school district in which the  
11 parent lives.

12 The resident district of a homeless student is the  
13 Illinois district in which the student enrolls for educational  
14 services. Homeless students include individuals as defined in  
15 the Stewart B. McKinney Homeless Assistance Act.

16 (c) The State Superintendent of Education may determine  
17 that the location of the parent or guardian of a student is  
18 unknown after considering information submitted from the  
19 school district that last enrolled the student or from the  
20 school or special education facility providing special  
21 education and related services to meet the needs of the  
22 student. The information submitted to the State Superintendent  
23 of Education must include an affidavit from that school  
24 district's superintendent or the facility's director attesting  
25 that the location of the parent or guardian is unknown and 4  
26 items of documentary evidence that a minimum of 4 separate

1 attempts were made to locate the parent or guardian. Any  
2 determination by the State Superintendent of Education that  
3 the location of a parent or guardian is unknown is final.  
4 However, any determination made by the State Superintendent of  
5 Education is subject to review and reconsideration any time a  
6 parent's or guardian's location becomes known.

7 (Source: P.A. 102-514, eff. 8-20-21.)

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