

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 14-1.11, 14-1.11a, and 14-7.05 as follows:

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

7 Sec. 14-1.11. Resident district; parent; legal guardian.

8 The resident district is the school district in which the
9 parent or guardian, or both parent and guardian, of the
10 student reside when:

11 (1) the parent has legal guardianship of the student
12 and resides within Illinois; or

13 (2) an individual guardian has been appointed by the
14 courts and resides within Illinois; or

15 (3) an Illinois public agency has legal guardianship
16 and the student resides either in the home of the parent or
17 within the same district as the parent; or

18 (4) an Illinois court orders a residential placement
19 but the parents retain any legal rights or guardianship
20 and have not been subject to a termination of parental
21 rights order.

22 In cases of divorced or separated parents, when only one
23 parent has legal guardianship or custody, the district in

1 which the parent having legal guardianship or custody resides
2 is the resident district. When both parents retain legal
3 guardianship or custody, the resident district is the district
4 in which either parent who provides the student's primary
5 regular fixed night-time abode resides; provided, that the
6 election of resident district may be made only one time per
7 school year.

8 When the parent has legal guardianship and lives outside
9 of the State of Illinois, or when the individual legal
10 guardian other than the natural parent lives outside the State
11 of Illinois, the parent, legal guardian, or other placing
12 agent is responsible for making arrangements to pay the
13 Illinois school district serving the child for the educational
14 services provided. Those service costs shall be determined in
15 accordance with Section 14-7.01. A parent or guardian who
16 moves out of this State after the child is placed in a
17 nonpublic school or special education facility, public
18 out-of-state school, or county special education facility
19 under this Article shall enroll the child in a school in the
20 other state to initiate reimbursement to Illinois. If the
21 laws, policies, or procedures of the other state prohibit the
22 foregoing or if the parent or guardian otherwise provides
23 proof of at least one satisfactory attempt to enroll the child
24 but is refused by the other state, the child shall continue to
25 be deemed a resident of the last school district in which the
26 child was enrolled.

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

2 (105 ILCS 5/14-1.11a) (from Ch. 122, par. 14-1.11a)

3 Sec. 14-1.11a. Resident district; student. The resident
4 district is the school district in which the student resides
5 when:

6 (1) the parent has legal guardianship but the location
7 of the parent is unknown; or

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

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

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

13 (5) an Illinois public agency has legal guardianship
14 and such agency or any court in this State has placed the
15 student residentially outside of the school district in
16 which the parent lives.

17 In cases where an Illinois public agency has legal
18 guardianship and has placed the student residentially outside
19 of Illinois, the last school district that provided at least
20 45 days of educational service to the student shall continue
21 to be the district of residence until the student is no longer
22 under guardianship of an Illinois public agency or until the
23 student is returned to Illinois.

24 The resident district of a homeless student is the
25 Illinois district in which the student enrolls for educational

1 services. Homeless students include individuals as defined in
2 the Stewart B. McKinney Homeless Assistance Act.

3 The State Superintendent of Education may determine that
4 the location of the parent or guardian of a student is unknown
5 after considering information submitted from the school
6 district that last enrolled the student or from the school or
7 special education facility providing special education and
8 related services to meet the needs of the student. The
9 information submitted to the State Superintendent of Education
10 must include an affidavit from that school district's
11 superintendent or the facility's director attesting that the
12 location of the parent or guardian is unknown and at least 3
13 satisfactory ~~4 items of documentary evidence that a minimum of~~
14 ~~4 separate~~ attempts were made to locate the parent or guardian
15 and no response was received from the parent or guardian
16 within 14 days after such satisfactory attempts. Any
17 determination by the State Superintendent of Education that
18 the location of a parent or guardian is unknown shall be made
19 as soon as practicable after receipt of the affidavit from the
20 school district's superintendent or the facility's director.
21 The State Superintendent of Education's determination is
22 final. However, any determination made by the State
23 Superintendent of Education is subject to review and
24 reconsideration any time a parent's or guardian's location
25 becomes known.

26 A school district or special education facility may

1 request assistance with determining the location of a parent
2 or guardian from the State Board of Education.

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

4 (105 ILCS 5/14-7.05)

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

1 placement and for notifying the resident district prior to the
2 placement, except in emergency situations. If the child is not
3 currently enrolled in a school district or if the resident
4 school district is unknown, the appropriate resident school
5 district must be identified and the child must be enrolled in
6 that district prior to the placement of the child, except in
7 emergency situations. The residential facility shall require
8 the parent or guardian of the child to sign a contract upon
9 placement in the residential facility affirming that the
10 parent or guardian understands the parent's or guardian's
11 obligations under State law, including the obligation to
12 enroll the child in the appropriate school district of
13 residence at time of placement or upon the child reaching the
14 age of 3. The identified school district of residence under
15 this Article may not deny enrollment on the basis of the
16 child's placement. The residential facility in which the
17 student is placed shall notify the resident district of the
18 student's enrollment as soon as practicable after the
19 placement. Failure of the placing agency or court to notify
20 the resident district prior to the placement does not absolve
21 the resident district of financial responsibility for the
22 educational costs of the placement; however, the resident
23 district shall not become financially responsible unless and
24 until it receives written notice of the placement by either
25 the placing agency, court, or residential facility. The
26 placing agency or parent shall request an individualized

1 education program (IEP) meeting from the resident district if
2 the placement would entail additional educational services
3 beyond the student's current IEP. The district of residence
4 shall retain control of the IEP process, and any changes to the
5 IEP must be done in compliance with the federal Individuals
6 with Disabilities Education Act.

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

20 Payments shall be made by the resident district to the
21 entity providing the educational services, whether the entity
22 is the residential facility or the school district wherein the
23 facility is located, no less than once per quarter unless
24 otherwise agreed to in writing by the parties.

25 A residential facility providing educational services
26 within the facility, but not approved by the State Board of

1 Education, is required to demonstrate proof to the State Board
2 of (i) appropriate licensure of teachers for the student
3 population, (ii) age-appropriate curriculum, (iii) enrollment
4 and attendance data, and (iv) the ability to implement the
5 child's IEP. A school district is under no obligation to pay
6 such a residential facility unless and until such proof is
7 provided to the State Board's satisfaction.

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; 102-894, eff. 5-20-22.)

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