



Rep. William "Will" Davis

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10300HB5430ham001

LRB103 37555 RJT 73817 a

1 AMENDMENT TO HOUSE BILL 5430

2 AMENDMENT NO. _____. Amend House Bill 5430 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Sections 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

1 within the same district as the parent; or

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

6 In cases of divorced or separated parents, when only one
7 parent has legal guardianship or custody, the district in
8 which the parent having legal guardianship or custody resides
9 is the resident district. When both parents retain legal
10 guardianship or custody, the resident district is the district
11 in which either parent who provides the student's primary
12 regular fixed night-time abode resides; provided, that the
13 election of resident district may be made only one time per
14 school year.

15 When the parent has legal guardianship and lives outside
16 of the State of Illinois, or when the individual legal
17 guardian other than the natural parent lives outside the State
18 of Illinois, the parent, legal guardian, or other placing
19 agent is responsible for making arrangements to pay the
20 Illinois school district serving the child for the educational
21 services provided. Those service costs shall be determined in
22 accordance with Section 14-7.01. A parent or guardian who
23 moves out of this State after the child is placed in a
24 nonpublic school or special education facility, public
25 out-of-state school, or county special education facility
26 under this Article shall enroll the child in a school in the

1 other state to initiate reimbursement to Illinois. If the
2 laws, policies, or procedures of the other state prohibit the
3 foregoing or if the parent or guardian otherwise provides
4 proof of at least one satisfactory attempt to enroll the child
5 but is refused by the other state, the child shall continue to
6 be deemed a resident of the last school district in which the
7 child was enrolled.

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

9 (105 ILCS 5/14-1.11a) (from Ch. 122, par. 14-1.11a)

10 Sec. 14-1.11a. Resident district; student. The resident
11 district is the school district in which the student resides
12 when:

13 (1) the parent has legal guardianship but the location
14 of the parent is unknown; or

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

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

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

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

24 In cases where an Illinois public agency has legal
25 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 The resident district of a homeless student is the
7 Illinois district in which the student enrolls for educational
8 services. Homeless students include individuals as defined in
9 the Stewart B. McKinney Homeless Assistance Act.

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

1 school district's superintendent or the facility's director.
2 The State Superintendent of Education's determination is
3 final. However, any determination made by the State
4 Superintendent of Education is subject to review and
5 reconsideration any time a parent's or guardian's location
6 becomes known.

7 A school district or special education facility may
8 request assistance with determining the location of a parent
9 or guardian from the State Board of Education.

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

11 (105 ILCS 5/14-7.05)

12 Sec. 14-7.05. Placement in residential facility; payment
13 of educational costs. For any student with a disability in a
14 residential facility placement made or paid for by an Illinois
15 public State agency or made by any court in this State, the
16 school district of residence as determined pursuant to this
17 Article is responsible for the costs of educating the child
18 and shall be reimbursed for those costs in accordance with
19 this Code. Subject to this Section and relevant State
20 appropriation, the resident district's financial
21 responsibility and reimbursement must be calculated in
22 accordance with the provisions of Section 14-7.02 of this
23 Code. In those instances in which a district receives a block
24 grant pursuant to Article 1D of this Code, the district's
25 financial responsibility is limited to the actual educational

1 costs of the placement, which must be paid by the district from
2 its block grant appropriation. Resident district financial
3 responsibility and reimbursement applies for both residential
4 facilities that are approved by the State Board of Education
5 and non-approved facilities, subject to the requirements of
6 this Section. The Illinois placing agency or court remains
7 responsible for funding the residential portion of the
8 placement and for notifying the resident district prior to the
9 placement, except in emergency situations. If the child is not
10 currently enrolled in a school district or if the resident
11 school district is unknown, the appropriate resident school
12 district must be identified and the child must be enrolled in
13 that district prior to the placement of the child, except in
14 emergency situations. The residential facility shall require
15 the parent or guardian of the child to sign a contract upon
16 placement in the residential facility affirming that the
17 parent or guardian understands the parent's or guardian's
18 obligations under State law, including the obligation to
19 enroll the child in the appropriate school district of
20 residence at time of placement or upon the child reaching the
21 age of 3. The identified school district of residence under
22 this Article may not deny enrollment on the basis of the
23 child's placement. The residential facility in which the
24 student is placed shall notify the resident district of the
25 student's enrollment as soon as practicable after the
26 placement. Failure of the placing agency or court to notify

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

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

24 (Source: P.A. 102-254, eff. 8-6-21; 102-894, eff. 5-20-22.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.".