



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB5430

Introduced 2/9/2024, by Rep. William "Will" Davis

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-1.11c new

Amends the Children with Disabilities Article of the School Code. Provides that the resident district for a student who, as a result of the student's medically complex status resides exclusively at a full-time residential care facility, shall be the school district in which the residential facility is located if the residential facility provides the student with a regular fixed night-time residence for reasons other than placement in a specific school district and the student is not enrolled in a school district outside the district in which the residential facility is located. Provides that as a resident of the district in which the residential facility is located, the educational costs for a student shall be provided directly by the State Board of Education and shall be calculated based on the applicable per diem rate provided by the Illinois Purchased Care Review Board, with such per diem rate being based solely upon the audited submission of the cost financial report for the residential facility for special education students during the applicable school year. Provides that a residential facility shall submit monthly invoices to the State Board of Education for the education costs of a student in a residential facility. Provides that the State Board of Education shall ensure that a representative of the resident school district of the student in a residential facility attend and participate in a individualized education program meeting for the student, and shall proffer a nonpublic facility placement contract for each student and the school district shall immediately execute and return the nonpublic facility placement contract to the residential facility. Provides that for a student in a residential facility, an educational surrogate shall be appointed who shall have authority to execute an individualized education program in the place of the student's parent or guardian on behalf of the student. Provides for restrictions on withholding payment to a residential facility. Provides that the provisions applies only to a special education student who lives at and relies on residential facility as the student's overnight residence but who has not been enrolled by the student's parent or guardian in a school district. Effective immediately.

LRB103 37555 RJT 67680 b

A BILL FOR

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. Purpose. The General Assembly recognizes the  
5 critical importance of and right to education for all students  
6 who reside in Illinois. The purpose of this amendatory Act of  
7 the 103rd General Assembly is to ensure that certain special  
8 education students who, as a result of their medically complex  
9 status, reside exclusively at full-time residential care  
10 facilities receive the free and appropriate public education  
11 to which they are entitled.

12 Section 10. The School Code is amended by adding Section  
13 14-1.11c as follows:

14 (105 ILCS 5/14-1.11c new)

15 Sec. 14-1.11c. Resident district; special education  
16 students residing at residential facility.

17 (a) In this Section: "residential facility" means a  
18 full-time residential care facility.

19 (b) The resident district for a student who, as a result of  
20 the student's medically complex status resides exclusively at  
21 a full-time residential care facility, shall be the school  
22 district in which the residential facility is located if the

1 residential facility provides the student with a regular fixed  
2 night-time residence for reasons other than placement in a  
3 specific school district and the student is not enrolled in a  
4 school district outside the district in which the residential  
5 facility is located.

6 (c) As a resident of the district in which the residential  
7 facility is located pursuant to this Section, the educational  
8 costs for a student shall be provided directly by the State  
9 Board of Education and shall be calculated based on the  
10 applicable per diem rate provided by the Illinois Purchased  
11 Care Review Board, with such per diem rate being based solely  
12 upon the audited submission of the cost financial report for  
13 the residential facility for special education students during  
14 the applicable school year. The Illinois Purchased Care Review  
15 Board's determined per diem rate may not be subject to waivers  
16 or deductions of any kind. The funding mechanism under this  
17 subsection (c) may not include food, which shall be paid  
18 directly by the residential school district.

19 (d) A residential facility shall submit monthly invoices  
20 to the State Board of Education for the education costs of a  
21 student in a residential facility. The State Board of  
22 Education shall ensure that a representative of the resident  
23 school district of the student in a residential facility under  
24 this Section attends and participates in a individualized  
25 education program meeting for the student, and shall proffer a  
26 nonpublic facility placement contract for each student to who

1 this Section applies to and the school district shall  
2 immediately execute and return the nonpublic facility  
3 placement contract to the residential facility. For a student  
4 in a residential facility, an educational surrogate shall be  
5 appointed who shall have authority to execute an  
6 individualized education program in the place of the student's  
7 parent or guardian on behalf of the student.

8 (e) The State Board of Education may not withhold formula  
9 payments to a residential facility based upon the following:

10 (1) Not executing a nonpublic facility placement  
11 contract between the school district and the residential  
12 facility.

13 (2) The failure of the school district to participate  
14 in the individualized education program process or  
15 meetings for a student in the residential facility.

16 (f) If the per diem rate provided by the Illinois  
17 Purchased Care Review Board for special education students  
18 during the applicable school year increases, the residential  
19 facility may submit an invoice to the State Board of Education  
20 for the amount that would have been due for prior months in the  
21 same school year based on the increased rate.

22 (g) The State Board of Education shall pay the residential  
23 facility directly within 35 days of receipt of any invoice. If  
24 not paid within 35 days, the State Board of Education shall pay  
25 interest to the residential facility on any overdue amounts at  
26 a rate of 5% per month.

1       (h) This Section applies only to a special education  
2       student who lives at and relies on residential facility as the  
3       student's overnight residence but who has not been enrolled by  
4       the student's parent or guardian in a school district.

5       Section 99. Effective date. This Act takes effect upon  
6       becoming law.