

# SB1434



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB1434

Introduced 2/7/2023, by Sen. Sara Feigenholtz

### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-7.05

Amends the School Code. Provides that any residential facility that is on the approval list of another State agency or that contracts with another State agency shall be considered approved on the State Board of Education's approved residential facility list.

LRB103 28801 RJT 55186 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. The School Code is amended by changing Section  
5 14-7.05 as follows:

6 (105 ILCS 5/14-7.05)

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

1 facilities that are approved by the State Board of Education  
2 and non-approved facilities, subject to the requirements of  
3 this Section. The Illinois placing agency or court remains  
4 responsible for funding the residential portion of the  
5 placement and for notifying the resident district prior to the  
6 placement, except in emergency situations. The residential  
7 facility in which the student is placed shall notify the  
8 resident district of the student's enrollment as soon as  
9 practicable after the placement. Failure of the placing agency  
10 or court to notify the resident district prior to the  
11 placement does not absolve the resident district of financial  
12 responsibility for the educational costs of the placement;  
13 however, the resident district shall not become financially  
14 responsible unless and until it receives written notice of the  
15 placement by either the placing agency, court, or residential  
16 facility. The placing agency or parent shall request an  
17 individualized education program (IEP) meeting from the  
18 resident district if the placement would entail additional  
19 educational services beyond the student's current IEP. The  
20 district of residence shall retain control of the IEP process,  
21 and any changes to the IEP must be done in compliance with the  
22 federal Individuals with Disabilities Education Act.

23 Prior to the placement of a child in an out-of-state  
24 special education residential facility, the placing agency or  
25 court must refer to the child or the child's parent or guardian  
26 the option to place the child in a special education

1 residential facility located within this State, if any, that  
2 provides treatment and services comparable to those provided  
3 by the out-of-state special education residential facility.  
4 The placing agency or court must review annually the placement  
5 of a child in an out-of-state special education residential  
6 facility. As a part of the review, the placing agency or court  
7 must refer to the child or the child's parent or guardian the  
8 option to place the child in a comparable special education  
9 residential facility located within this State, if any.

10 Payments shall be made by the resident district to the  
11 entity providing the educational services, whether the entity  
12 is the residential facility or the school district wherein the  
13 facility is located, no less than once per quarter unless  
14 otherwise agreed to in writing by the parties.

15 A residential facility providing educational services  
16 within the facility, but not approved by the State Board of  
17 Education, is required to demonstrate proof to the State Board  
18 of (i) appropriate licensure of teachers for the student  
19 population, (ii) age-appropriate curriculum, (iii) enrollment  
20 and attendance data, and (iv) the ability to implement the  
21 child's IEP. A school district is under no obligation to pay  
22 such a residential facility unless and until such proof is  
23 provided to the State Board's satisfaction.

24 Any residential facility that is on the approval list of  
25 another State agency or that contracts with another State  
26 agency shall be considered approved on the State Board of

1 Education's approved residential facility list.

2       When a dispute arises over the determination of the  
3 district of residence under this Section, any person or  
4 entity, including without limitation a school district or  
5 residential facility, may make a written request for a  
6 residency decision to the State Superintendent of Education,  
7 who, upon review of materials submitted and any other items of  
8 information he or she may request for submission, shall issue  
9 his or her decision in writing. The decision of the State  
10 Superintendent of Education is final.

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