



## 93RD GENERAL ASSEMBLY

### State of Illinois

2003 and 2004

HB6868

Introduced 2/9/2004, by Harry Osterman

#### SYNOPSIS AS INTRODUCED:

105 ILCS 45/1-5  
105 ILCS 45/1-22 new  
105 ILCS 45/1-45  
30 ILCS 805/8.28 new

Amends the Education for Homeless Children Act. Changes the definition of "parent". Provides that if a child is under the care or custody of a caregiver, then the caregiver may enroll the child in the school district where the caregiver resides if the child resides with the caregiver as a result of certain circumstances. Provides that before the child may be enrolled in the district, the caregiver must submit a Caregiver School Authorization form. Provides that a caregiver who completes and submits a Caregiver School Authorization form is authorized and agrees to (i) act in the place of the child's parents with respect to the child's education decisions and (ii) be the person that the district contacts with regard to truancy, discipline, and school-based medical care. Amends the State Mandates Act to require implementation without reimbursement. Effective January 1, 2005.

LRB093 16588 NHT 42237 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 Education for Homeless Children Act is  
5 amended by changing Sections 1-5 and 1-45 and by adding Section  
6 1-22 as follows:

7 (105 ILCS 45/1-5)

8 Sec. 1-5. Definitions. As used in this Act:

9 "Caregiver" means an adult who by blood, marriage, or  
10 adoption is a child's great grandparent, grandparent,  
11 step-grandparent, great-aunt, aunt, great-uncle, uncle,  
12 step-uncle, step-parent, brother, sister, step-brother,  
13 step-sister, half-brother, half-sister, niece, nephew, or  
14 cousin or any other adult who does not have legal custody or  
15 legal guardianship of the child.

16 ~~"School of origin" means the school that the child attended~~  
17 ~~when permanently housed or the school in which the child was~~  
18 ~~last enrolled.~~

19 ~~"Parent" means the parent or guardian having legal or~~  
20 ~~physical custody of a child.~~

21 "Homeless person, child, or youth" includes, but is not  
22 limited to, any of the following:

23 (1) An individual who lacks a fixed, regular, and  
24 adequate nighttime place of abode.

25 (2) An individual who has a primary nighttime place of  
26 abode that is:

27 (A) a supervised publicly or privately operated  
28 shelter designed to provide temporary living  
29 accommodations (including welfare hotels, congregate  
30 shelters, and transitional housing);

31 (B) an institution that provides a temporary  
32 residence for individuals intended to be

1 institutionalized; or

2 (C) a public or private place not designed for or  
3 ordinarily used as a regular sleeping accommodation  
4 for human beings.

5 "Parent" means the parent or person having legal custody or  
6 legal guardianship of a child.

7 "School of origin" means the school that the child attended  
8 when permanently housed or the school in which the child was  
9 last enrolled.

10 (Source: P.A. 88-634, eff. 1-1-95; 88-686, eff. 1-24-95.)

11 (105 ILCS 45/1-22 new)

12 Sec. 1-22. Enrollment of child residing with caregiver.

13 (a) If a child is under the care or custody of a caregiver  
14 and the caregiver is an Illinois resident, then the caregiver  
15 may enroll the child in the school district where the caregiver  
16 resides if the child resides with the caregiver as a result of  
17 any of the following:

18 (1) The death, serious illness, incarceration, or  
19 military assignment of the child's parent.

20 (2) The failure or inability of the child's parent to  
21 provide substantial financial support, parental care, or  
22 guidance.

23 (3) Alleged abuse or neglect by the child's parent or  
24 another person residing with the parent.

25 (4) A physical or mental condition of the child's  
26 parent that prevents adequate care and supervision of the  
27 child.

28 (5) Inhabitability of the child's home as the result of  
29 a natural disaster.

30 (b) Before the child may be enrolled in the school  
31 district, the caregiver must submit to the district a completed  
32 and notarized Caregiver School Authorization form using the  
33 most recent form developed for this purpose by the State Board  
34 of Education. The Authorization must include all of the  
35 following:

- 1           (1) The name and date of birth of the child.
- 2           (2) The name, address, and date of birth of the  
3           caregiver.
- 4           (3) The names of the child's parents.
- 5           (4) The relationship of the caregiver to the child,  
6           documented by proof of the relationship.
- 7           (5) A statement that the caregiver will be the person  
8           responsible for enrolling the student in school, being the  
9           legal contact for the school, and making school-based  
10           medical and special education decisions.
- 11           (6) The notarized and dated signatures of the caregiver  
12           and the child's parents, including a sworn statement of the  
13           accuracy of the information provided and confirmation that  
14           the caregiver and other signatories are aware of the  
15           penalties for falsely completing the Authorization. If  
16           after a reasonable effort the caregiver is unable to locate  
17           the child's parents, then, as an alternative to including  
18           the signatures of the parents, the Authorization shall  
19           include a statement of reasonable efforts made to locate  
20           the parents.
- 21           (c) A caregiver who completes and submits a Caregiver  
22           School Authorization form is authorized and agrees to (i) act  
23           in the place of the child's parents with respect to the child's  
24           education decisions (including without limitation special  
25           education decisions) and (ii) be the person that the school  
26           district contacts with regard to truancy, discipline, and  
27           school-based medical care. Once a Caregiver School  
28           Authorization form is submitted and approved, the school  
29           district is no longer responsible, as long as the Authorization  
30           is valid, for communicating with the parent who has signed the  
31           Authorization or is listed as unable to be located.
- 32           (d) A Caregiver School Authorization that complies with the  
33           requirements of this Section must be honored by all schools in  
34           the school district. The district shall determine whether a  
35           particular Caregiver School Authorization complies with the  
36           requirement of this Section. A decision made by a person on

1 behalf of the district may be appealed to the school board. A  
2 school district that reasonably and in good faith relies on a  
3 Caregiver School Authorization has no obligation to make any  
4 further inquiry or investigation.

5 (e) A Caregiver School Authorization may be cancelled at  
6 any time if the child ceases to reside with the caregiver or  
7 upon written revocation of the Authorization by the child's  
8 caregiver or parent.

9 (f) The State Board of Education shall adopt rules to  
10 implement this Section.

11 (105 ILCS 45/1-45)

12 Sec. 1-45. Penalties. No person shall, under the provisions  
13 of this Act, enroll or attempt to enroll in a school other than  
14 the school of origin a child who he or she knows is not a  
15 homeless person as defined in this Act. No person shall  
16 knowingly or willfully present to any school district false  
17 information regarding the homelessness of any child or family  
18 for the purpose of enabling that child to attend a school other  
19 than the school of origin. No person may knowingly make a false  
20 statement on a Caregiver School Authorization form. Any person  
21 who violates this Section shall be guilty of a Class C  
22 misdemeanor.

23 (Source: P.A. 88-686, eff. 1-24-95.)

24 Section 90. The State Mandates Act is amended by adding  
25 Section 8.28 as follows:

26 (30 ILCS 805/8.28 new)

27 Sec. 8.28. Exempt mandate. Notwithstanding Sections 6 and 8  
28 of this Act, no reimbursement by the State is required for the  
29 implementation of any mandate created by this amendatory Act of  
30 the 93rd General Assembly.

31 Section 99. Effective date. This Act takes effect January  
32 1, 2005.