



Adopted in House Comm. on May 04, 2005

09400SB1931ham001

LRB094 10885 RAS 45634 a

1 AMENDMENT TO SENATE BILL 1931

2 AMENDMENT NO. _____. Amend Senate Bill 1931 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Education for Homeless Children Act is
5 amended by changing Sections 1-25 and 1-30 as follows:

6 (105 ILCS 45/1-25)

7 Sec. 1-25. Ombudspersons; dispute resolution; civil
8 actions.

9 (a) Each regional superintendent of schools shall appoint
10 ~~act as~~ an ombudsperson who is fair and impartial and familiar
11 with the educational rights and needs of homeless children to
12 provide resource information and resolve disputes at schools
13 within his or her jurisdiction relating to the rights of
14 homeless children under this Act, ~~except in Cook County, where~~
15 ~~each school district shall designate a person to serve as~~
16 ~~ombudsperson when a dispute arises~~. If a school denies a
17 homeless child enrollment or transportation, it shall
18 immediately refer the child or his or her parent or guardian to
19 the ombudsperson and provide the child or his or her parent or
20 guardian with a written statement of the basis for the denial.
21 The child shall be admitted and transported to the school
22 chosen by the parent or guardian ~~parents or guardians~~ until
23 final resolution of the dispute. The ombudsperson shall convene
24 a meeting of all parties and attempt to resolve the dispute

1 within 5 school days after receiving notice of the dispute, if
2 possible.

3 (a-5) Whenever a child and his or her parent or guardian
4 who initially share the housing of another person due to loss
5 of housing, economic hardship, or a similar hardship continue
6 to share the housing, a school district may, after the passage
7 of 18 months and annually thereafter, conduct a review as to
8 whether such hardship continues to exist. The district may, at
9 the time of review, request information from the parent or
10 guardian to reasonably establish the hardship, and sworn
11 affidavits or declarations may be sought and provided. If, upon
12 review, the district determines that the family no longer
13 suffers such hardship, it may notify the family in writing and
14 begin the process of dispute resolution as set forth in this
15 Act. Any change required as a result of this review and
16 determination shall be effective solely at the close of the
17 school year. Any person who knowingly or willfully presents
18 false information regarding the hardship of a child in any
19 review under this subsection (a-5) shall be guilty of a Class C
20 misdemeanor.

21 (b) Any party to a dispute under this Act may file a civil
22 action in a court of competent jurisdiction to seek appropriate
23 relief. In any civil action, a party whose rights under this
24 Act are found to have been violated shall be entitled to
25 recover reasonable attorney's fees and costs.

26 (c) If a dispute arises, the school district shall inform
27 parents and guardians of homeless children of the availability
28 of the ombudsperson, sources of low cost or free legal
29 assistance, and other advocacy services in the community.

30 (Source: P.A. 88-634, eff. 1-1-95.)

31 (105 ILCS 45/1-30)

32 Sec. 1-30. McKinney-Vento Education for Homeless Children
33 Act implementation and technical assistance Committee. The

1 Homeless Children Committee is abolished on the effective date
2 of this amendatory Act of the 94th General Assembly. The Office
3 of the Coordinator for the Education of Homeless Children and
4 Youth, established pursuant to the federal McKinney-Vento
5 Homeless Assistance Act, shall convene meetings throughout the
6 State for the purpose of providing technical assistance,
7 education, training, and problem-solving regarding the
8 implementation of this Act and the federal McKinney-Vento
9 Homeless Assistance Act. These meeting shall include lead
10 liaisons, local educational agency liaisons, educators,
11 shelter, housing, and service providers, homeless or formerly
12 homeless persons, advocates working with homeless families,
13 and other persons or agencies deemed appropriate by the
14 Coordinator. ~~There is hereby created a Homeless Children~~
15 ~~Committee composed of 24 members, 18 of whom shall be appointed~~
16 ~~by the State Superintendent of Education after consultation~~
17 ~~with advocates for the homeless and private nonprofit~~
18 ~~organizations that advocate an end to homelessness, 2 of whom~~
19 ~~shall be members of the General Assembly appointed (one from~~
20 ~~each chamber) by the Governor, and 4 of whom shall be members~~
21 ~~of the General Assembly appointed one each by the Speaker of~~
22 ~~the House of Representatives, the Minority Leader of the House~~
23 ~~of Representatives, the President of the Senate, and the~~
24 ~~Minority Leader of the Senate. Of the 18 members appointed by~~
25 ~~the State Superintendent of Education as provided in this~~
26 ~~Section, 6 shall be homeless and formerly homeless parents or~~
27 ~~guardians, 6 shall be providers to and advocates for homeless~~
28 ~~persons, and 6 shall be school personnel from different~~
29 ~~geographic regions of the State. Members of the Committee shall~~
30 ~~serve at the pleasure of the appointing authority and a vacancy~~
31 ~~on the Committee shall be filled by the appropriate appointing~~
32 ~~authority. The Committee shall have the authority to review and~~
33 ~~modify the current and future State plans that are required~~
34 ~~under the federal Stewart B. McKinney Homeless Assistance Act.~~

1 (Source: P.A. 88-634, eff. 1-1-95.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".