



Sen. Debbie DeFrancesco Halvorson

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09400SB1931sam002

LRB094 10885 RAS 44541 a

1 AMENDMENT TO SENATE BILL 1931

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

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

7 (105 ILCS 45/1-25)

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

10 (a) Each regional superintendent of schools shall act as an
11 ombudsperson to provide resource information and resolve
12 disputes relating to the rights of homeless children under this
13 Act, except in Cook County, where each school district shall
14 designate a person to serve as ombudsperson when a dispute
15 arises. If a school denies a homeless child enrollment or
16 transportation, it shall immediately refer the parent or
17 guardian to the ombudsperson. The child shall be admitted and
18 transported to the school chosen by the parents or guardians
19 until final resolution of the dispute. The ombudsperson shall
20 convene a meeting of all parties and attempt to resolve the
21 dispute within 5 school days after receiving notice of the
22 dispute.

23 (a-5) Whenever a child and his or her parents who initially
24 share the housing of another person due to loss of housing,

1 economic hardship, or similar reasons continue to share the
2 housing, the superintendent of the school district of origin
3 may request, after the passage of 18 months or the minimum
4 number of months identified in the State Plan required under
5 the federal McKinney-Vento Homeless Assistance Act, whichever
6 is greater, and annually again thereafter, that the
7 ombudsperson determine whether the parents and child currently
8 share the housing due to the loss of housing, economic
9 hardship, or similar reasons. This determination shall be
10 effective solely at the close of the academic year, shall be
11 based on the totality of circumstances, and may include the
12 consideration of all relevant factors, including, but not
13 limited to, (i) the length of time that the child and parents
14 have been sharing the housing of another person; (ii) the
15 degree to and manner in which the parents are capable of
16 obtaining alternative housing within the school district of
17 origin through such means as employment, a savings plan, public
18 benefits, publicly-funded supports and programs, alimony,
19 child support, and assets; (iii) the degree to and manner in
20 which the parents have attempted to obtain alternative housing
21 and alternative housing supports within the school district of
22 origin; (iv) the degree to and manner in which alternative
23 housing and alternative housing supports are otherwise
24 available to the parents within the school district of origin;
25 (v) the degree to and manner in which the parents are capable
26 of obtaining alternative housing in the school district of
27 origin with the support of other persons, such as friends,
28 relatives, social service programs, housing programs, and
29 support from congregations and civic organizations; (vi) the
30 degree to and manner in which the living conditions and
31 circumstances in the shared housing are adequate; (vii) the
32 degree to and manner in which the child and parents have a
33 social and economic nexus to the region served by the school
34 district of origin; and (viii) the degree to and manner in

1 which the child and parents have a social and economic nexus to
2 the area served by the school district in which the homeless
3 child is living.

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

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

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

14 (105 ILCS 45/1-30)

15 Sec. 1-30. McKinney-Vento Education for Homeless Children
16 Committee. The Homeless Children Committee is abolished on the
17 effective date of this amendatory Act of the 94th General
18 Assembly. There is created the McKinney-Vento Education for
19 Homeless Children Committee composed of 13 members, appointed
20 as follows: the Governor shall appoint, for a term of 2 years,
21 4 providers to homeless persons who represent the geographic,
22 racial, ethnic, and economic diversity of the State; the
23 Speaker of the House of Representatives, the Minority Leader of
24 the House of Representatives, the President of the Senate, and
25 the Minority Leader of the Senate each and individually shall
26 appoint, for a term of 2 years, a homeless or formerly homeless
27 parent, after consultation with a statewide non-profit
28 organization that advocates an end to homelessness; the State
29 Superintendent of Education shall appoint, for a term of 3
30 years, one person who represents a statewide non-profit
31 organization that advocates an end to homelessness and 4 school
32 personnel, one who represents City of Chicago School District
33 299 and 3 who represent, respectively, Regions 1 and 2, Regions

1 3 and 4, and Regions 5 and 6 of the Illinois Association of
2 Regional Superintendents of Schools. These appointments shall
3 be made no later than 3 months after the effective date of this
4 amendatory Act of the 94th General Assembly. If a member of the
5 Committee resigns or is otherwise unable to adequately fulfill
6 the responsibility of serving on the Committee, the appointing
7 authority shall immediately appoint a person to complete the
8 unfinished term of his or her predecessor. When a term of
9 appointment is completed, the appointing authority shall
10 re-appoint the person or appoint another person in his or her
11 place, for a new term of office that corresponds in length to
12 the original term. Failure to make an appointment as provided
13 in this Section shall in no way hinder or prohibit the other
14 members of the Committee from acting upon the responsibilities
15 and authority of the Committee set forth in this Act. The
16 Committee shall meet no less than 3 times a year; review any
17 and all facts and policies relevant to the educational success
18 of homeless children; solicit and receive information from
19 educators, public officials, and other persons interested in
20 the educational success of homeless children; respond to
21 requests for information and guidance from members of the
22 General Assembly and other public officials; review,
23 promulgate, and modify, through addenda, amendments, or
24 otherwise, the State plans required under the federal
25 McKinney-Vento Homeless Assistance Act; establish performance
26 objectives, benchmarks, and measures for the allocation and
27 expenditure of funds available under the federal
28 McKinney-Vento Homeless Assistance Act; and establish its own
29 procedures and rules for conducting business. The State
30 Superintendent of Education shall provide the assistance
31 necessary to ensure that the homeless and formerly homeless
32 persons who serve on the Committee are able to undertake the
33 travel necessary for Committee business; designate an employee
34 of the State Board of Education to convene the first meeting of

1 the Committee no later than 4 months after the effective date
2 of this amendatory Act of the 94th General Assembly and
3 thereafter support the Committee in all its work; and otherwise
4 take all action necessary to ensure that the members may act
5 upon the responsibilities and authority of the Committee set
6 forth in this Act. ~~There is hereby created a Homeless Children~~
7 ~~Committee composed of 24 members, 18 of whom shall be appointed~~
8 ~~by the State Superintendent of Education after consultation~~
9 ~~with advocates for the homeless and private nonprofit~~
10 ~~organizations that advocate an end to homelessness, 2 of whom~~
11 ~~shall be members of the General Assembly appointed (one from~~
12 ~~each chamber) by the Governor, and 4 of whom shall be members~~
13 ~~of the General Assembly appointed one each by the Speaker of~~
14 ~~the House of Representatives, the Minority Leader of the House~~
15 ~~of Representatives, the President of the Senate, and the~~
16 ~~Minority Leader of the Senate. Of the 18 members appointed by~~
17 ~~the State Superintendent of Education as provided in this~~
18 ~~Section, 6 shall be homeless and formerly homeless parents or~~
19 ~~guardians, 6 shall be providers to and advocates for homeless~~
20 ~~persons, and 6 shall be school personnel from different~~
21 ~~geographic regions of the State. Members of the Committee shall~~
22 ~~serve at the pleasure of the appointing authority and a vacancy~~
23 ~~on the Committee shall be filled by the appropriate appointing~~
24 ~~authority. The Committee shall have the authority to review and~~
25 ~~modify the current and future State plans that are required~~
26 ~~under the federal Stewart B. McKinney Homeless Assistance Act.~~
27 (Source: P.A. 88-634, eff. 1-1-95.)".