

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 adding Section 1-50 as follows:

6 (105 ILCS 45/1-50 new)

7 Sec. 1-50. Education of Homeless Children and Youth State  
8 Grant Program.

9 (a) It is the purpose and intent of this Section to  
10 establish a State grant program that parallels and supplements,  
11 but operates independently of, the federal grant program  
12 allocating funds for assistance under Subtitle B of Title VII  
13 of the federal McKinney-Vento Homeless Assistance Act (42  
14 U.S.C. 11431 et seq.) and to establish a State grant program to  
15 support school districts throughout this State in facilitating  
16 the enrollment, attendance, and success of homeless children  
17 and youth.

18 (b) Subject to appropriation, the State Board of Education  
19 shall award competitive grants under an Education of Homeless  
20 Children and Youth State Grant Program to applicant school  
21 districts in accordance with this Section. Services provided by  
22 school districts through the use of grant funds may not replace  
23 the regular academic program and must be designed to expand

1 upon or improve services provided for homeless students as part  
2 of the school's regular academic program.

3 (c) A school district that desires to receive a grant under  
4 this Section shall submit an application to the State Board of  
5 Education at such time, in such manner, and containing or  
6 accompanied by such information as the State Board of Education  
7 may reasonably require.

8 (d) Grants must be awarded on the basis of the need of the  
9 school district for assistance under this Section and the  
10 quality of the applications submitted.

11 (1) In determining need under this subsection (d), the  
12 State Board of Education may consider the number of  
13 homeless children and youths enrolled in preschool,  
14 elementary school, and secondary school within the school  
15 district and shall consider the needs of such children and  
16 youths and the ability of the district to meet such needs.  
17 The State Board of Education may also consider the  
18 following:

19 (A) The extent to which the proposed use of funds  
20 will facilitate the enrollment, retention, and  
21 educational success of homeless children and youths.

22 (B) The extent to which the application (i)  
23 reflects coordination with other local and State  
24 agencies that serve homeless children and youths and  
25 (ii) describes how the applicant will meet the  
26 requirements of this Act and the federal

1           McKinney-Vento Homeless Education Assistance  
2           Improvements Act of 2001.

3           (C) The extent to which the applicant exhibits in  
4           the application and in current practice a commitment to  
5           education for all homeless children and youths.

6           (D) Such other criteria as the State Board  
7           determines is appropriate.

8           (2) In determining the quality of applications under  
9           this subsection (d), the State Board of Education shall  
10          consider the following:

11          (A) The applicant's assessment of needs and the  
12          likelihood that the services presented in the  
13          application will meet such needs.

14          (B) The types, intensity, and coordination of the  
15          services to be provided.

16          (C) The involvement of parents or guardians of  
17          homeless children or youths in the education of these  
18          children.

19          (D) The extent to which homeless children and  
20          youths are effectively integrated within the regular  
21          education program.

22          (E) The quality of the applicant's evaluation plan  
23          for the services.

24          (F) The extent to which services provided will be  
25          coordinated with other services available to homeless  
26          children and youths and their families.

1           (G) Such other measures as the State Board  
2           considers indicative of high-quality services, such as  
3           the extent to which the school district will provide  
4           case management or related services to unaccompanied  
5           youths.

6           (e) Grants awarded under this Section shall be for terms  
7           not to exceed 3 years, but are subject to annual appropriation  
8           for the Education of Homeless Children and Youth State Grant  
9           Program. School districts shall use funds awarded under this  
10           Section only for those activities set forth in Section 723(d)  
11           of Subtitle B of Title VII of the McKinney-Vento Homeless  
12           Assistance Act of 1987 (42 U.S.C. 11433(d)).

13           (f) Notwithstanding any other rulemaking authority that  
14           may exist, neither the Governor nor any agency or agency head  
15           under the jurisdiction of the Governor has any authority to  
16           make or promulgate rules to implement or enforce the provisions  
17           of this amendatory Act of the 95th General Assembly. If,  
18           however, the Governor believes that rules are necessary to  
19           implement or enforce the provisions of this amendatory Act of  
20           the 95th General Assembly, the Governor may suggest rules to  
21           the General Assembly by filing them with the Clerk of the House  
22           and the Secretary of the Senate and by requesting that the  
23           General Assembly authorize such rulemaking by law, enact those  
24           suggested rules into law, or take any other appropriate action  
25           in the General Assembly's discretion. Nothing contained in this  
26           amendatory Act of the 95th General Assembly shall be

1 interpreted to grant rulemaking authority under any other  
2 Illinois statute where such authority is not otherwise  
3 explicitly given. For the purposes of this amendatory Act of  
4 the 95th General Assembly, "rules" is given the meaning  
5 contained in Section 1-70 of the Illinois Administrative  
6 Procedure Act, and "agency" and "agency head" are given the  
7 meanings contained in Sections 1-20 and 1-25 of the Illinois  
8 Administrative Procedure Act to the extent that such  
9 definitions apply to agencies or agency heads under the  
10 jurisdiction of the Governor.