

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Disabled Persons Rehabilitation Act is
5 amended by changing Sections 10 and 13 as follows:

6 (20 ILCS 2405/10) (from Ch. 23, par. 3441)

7 Sec. 10. Residential schools; visual and hearing
8 handicaps.

9 (a) The Department of Human Services shall operate
10 residential schools for the education of children with visual
11 and hearing handicaps who are unable to take advantage of the
12 regular educational facilities provided in the community, and
13 shall provide in connection therewith such academic,
14 vocational, and related services as may be required. Children
15 shall be eligible for admission to these schools only after
16 proper diagnosis and evaluation, in accordance with procedures
17 prescribed by the Department.

18 (a-5) The Superintendent of the Illinois School for the
19 Deaf shall be the chief executive officer of, and shall be
20 responsible for the day to day operations of, the School, and
21 shall obtain educational and professional employees who are
22 certified by the Illinois State Board of Education or licensed
23 by the appropriate agency or entity to which licensing

1 authority has been delegated, as well as all other employees of
2 the School, subject to the provisions of the Personnel Code and
3 any applicable collective bargaining agreement. The
4 Superintendent shall be appointed by the Governor, by and with
5 the advice and consent of the Senate. In the case of a vacancy
6 in the office of Superintendent during the recess of the
7 Senate, the Governor shall make a temporary appointment until
8 the next meeting of the Senate, when the Governor shall
9 nominate some person to fill the office, and any person so
10 nominated who is confirmed by the Senate shall hold office
11 during the remainder of the term and until his or her successor
12 is appointed and qualified. The Superintendent shall hold
13 office for a term of 4 years from the third Monday in January
14 of each odd numbered year and until the officer's successor is
15 appointed and qualified. The Superintendent shall devote his or
16 her full time to the duties of the office, shall not serve in
17 any other capacity during his or her term of office, and shall
18 receive such compensation as the Governor shall determine. The
19 Superintendent shall have an administrative certificate with a
20 superintendent endorsement as provided for under Section
21 21-7.1 of the School Code, and shall have degrees in both
22 educational administration and deaf education, together with
23 at least 20 years of experience in either deaf education, the
24 administration of deaf education, or a combination of the 2.

25 (a-10) The Superintendent of the Illinois School for the
26 Visually Impaired shall be the chief executive officer of, and

1 shall be responsible for the day to day operations of, the
2 School, and shall obtain educational and professional
3 employees who are certified by the Illinois State Board of
4 Education or licensed by the appropriate agency or entity to
5 which licensing authority has been delegated, as well as all
6 other employees of the School, subject to the provisions of the
7 Personnel Code and any applicable collective bargaining
8 agreement. The Superintendent shall be appointed by the
9 Governor, by and with the advice and consent of the Senate. In
10 the case of a vacancy in the office of Superintendent during
11 the recess of the Senate, the Governor shall make a temporary
12 appointment until the next meeting of the Senate, when the
13 Governor shall nominate some person to fill the office, and any
14 person so nominated who is confirmed by the Senate shall hold
15 office during the remainder of the term and until his or her
16 successor is appointed and qualified. The Superintendent shall
17 hold office for a term of 4 years from the third Monday in
18 January of each odd numbered year and until the officer's
19 successor is appointed and qualified. The Superintendent shall
20 devote his or her full time to the duties of the office, shall
21 not serve in any other capacity during his or her term of
22 office, and shall receive such compensation as the Governor
23 shall determine. The Superintendent shall have an
24 administrative certificate with a superintendent endorsement
25 as provided for under Section 21-7.1 of the School Code, and
26 shall have degrees in both educational administration and blind

1 or visually impaired education, together with at least 20 years
2 of experience in either blind or visually impaired education,
3 the administration of blind or visually impaired education, or
4 a combination of the 2.

5 (b) In administering the Illinois School for the Deaf, the
6 Department shall adopt an admission policy which permits day or
7 residential enrollment, when resources are sufficient, of
8 children with hearing handicaps who are able to take advantage
9 of the regular educational facilities provided in the community
10 and thus unqualified for admission under subsection (a). In
11 doing so, the Department shall establish an annual deadline by
12 which shall be completed the enrollment of children qualified
13 under subsection (a) for admission to the Illinois School for
14 the Deaf. After the deadline, the Illinois School for the Deaf
15 may enroll other children with hearing handicaps at the request
16 of their parents or guardians if the Department determines
17 there are sufficient resources to meet their needs as well as
18 the needs of children enrolled before the deadline and children
19 qualified under subsection (a) who may be enrolled after the
20 deadline on an emergency basis. The Department shall adopt any
21 rules and regulations necessary for the implementation of this
22 subsection.

23 (c) In administering the Illinois School for the Visually
24 Impaired, the Department shall adopt an admission policy that
25 permits day or residential enrollment, when resources are
26 sufficient, of children with visual handicaps who are able to

1 take advantage of the regular educational facilities provided
2 in the community and thus unqualified for admission under
3 subsection (a). In doing so, the Department shall establish an
4 annual deadline by which the enrollment of children qualified
5 under subsection (a) for admission to the Illinois School for
6 the Visually Impaired shall be completed. After the deadline,
7 the Illinois School for the Visually Impaired may enroll other
8 children with visual handicaps at the request of their parents
9 or guardians if the Department determines there are sufficient
10 resources to meet their needs as well as the needs of children
11 enrolled before the deadline and children qualified under
12 subsection (a) who may be enrolled after the deadline on an
13 emergency basis. The Department shall adopt any rules and
14 regulations necessary for the implementation of this
15 subsection.

16 (Source: P.A. 89-264, eff. 8-10-95; 89-507, eff. 7-1-97.)

17 (20 ILCS 2405/13) (from Ch. 23, par. 3444)

18 Sec. 13. The Department shall have all powers reasonable
19 and necessary for the administration of institutions for
20 persons with one or more disabilities under subsection (f) of
21 Section 3 of this Act, including, but not limited to, the
22 authority to do the following:

23 (a) Appoint and remove the superintendents of the
24 institutions operated by the Department, except for those
25 superintendents whose appointment and removal is provided for

1 under Section 10 of this Act; obtain all other employees
2 subject to the provisions of the Personnel Code, except for
3 educational and professional employees of the Illinois School
4 for the Deaf and the Illinois School for the Visually Impaired
5 who are certified by the Illinois State Board of Education or
6 licensed by the appropriate agency or entity to which licensing
7 authority has been delegated, and all other employees of the
8 Schools who are obtained by the superintendents as provided
9 under Section 10 of this Act, subject to the provisions of the
10 Personnel Code and any applicable collective bargaining
11 agreement; and conduct staff training programs for the
12 development and improvement of services.

13 (b) Provide supervision, housing accommodations, board or
14 the payment of boarding costs, tuition, and treatment free of
15 charge, except as otherwise specified in this Act, for
16 residents of this State who are cared for in any institution,
17 or for persons receiving services under any program under the
18 jurisdiction of the Department. Residents of other states may
19 be admitted upon payment of the costs of board, tuition, and
20 treatment as determined by the Department; provided, that no
21 resident of another state shall be received or retained to the
22 exclusion of any resident of this State. The Department shall
23 accept any donation for the board, tuition, and treatment of
24 any person receiving service or care.

25 (c) Cooperate with the State Board of Education and the
26 Department of Children and Family Services in a program to

1 provide for the placement, supervision, and foster care of
2 children with handicaps who must leave their home community in
3 order to attend schools offering programs in special education.

4 (d) Assess and collect (i) student activity fees and (ii)
5 charges to school districts for transportation of students
6 required under the School Code and provided by the Department.
7 The Department shall direct the expenditure of all money that
8 has been or may be received by any officer of the several State
9 institutions under the direction and supervision of the
10 Department as profit on sales from commissary stores, student
11 activity fees, or charges for student transportation. The money
12 shall be deposited into a locally held fund and expended under
13 the direction of the Department for the special comfort,
14 pleasure, and amusement of residents and employees and the
15 transportation of residents, provided that amounts expended
16 for comfort, pleasure, and amusement of employees shall not
17 exceed the amount of profits derived from sales made to
18 employees by the commissaries, as determined by the Department.

19 Funds deposited with State institutions under the
20 direction and supervision of the Department by or for residents
21 of those State institutions shall be deposited into
22 interest-bearing accounts, and money received as interest and
23 income on those funds shall be deposited into a "needy student
24 fund" to be held and administered by the institution. Money in
25 the "needy student fund" shall be expended for the special
26 comfort, pleasure, and amusement of the residents of the

1 particular institution where the money is paid or received.

2 Any money belonging to residents separated by death,
3 discharge, or unauthorized absence from institutions described
4 under this Section, in custody of officers of the institutions,
5 may, if unclaimed by the resident or the legal representatives
6 of the resident for a period of 2 years, be expended at the
7 direction of the Department for the purposes and in the manner
8 specified in this subsection (d). Articles of personal
9 property, with the exception of clothing left in the custody of
10 those officers, shall, if unclaimed for the period of 2 years,
11 be sold and the money disposed of in the same manner.

12 Clothing left at the institution by residents at the time
13 of separation may be used as determined by the institution if
14 unclaimed by the resident or legal representatives of the
15 resident within 30 days after notification.

16 (e) Keep, for each institution under the jurisdiction of
17 the Department, a register of the number of officers,
18 employees, and residents present each day in the year, in a
19 form that will permit a calculation of the average number
20 present each month.

21 (f) (Blank).

22 (g) (Blank).

23 (h) (Blank).

24 (i) Accept and hold in behalf of the State, if for the
25 public interest, a grant, gift, or legacy of money or property
26 to the State of Illinois, to the Department, or to any

1 institution or program of the Department made in trust for the
2 maintenance or support of a resident of an institution of the
3 Department, or for any other legitimate purpose connected with
4 any such institution or program. The Department shall cause
5 each gift, grant, or legacy to be kept as a distinct fund, and
6 shall invest the gift, grant, or legacy in the manner provided
7 by the laws of this State as those laws now exist or shall
8 hereafter be enacted relating to securities in which the
9 deposits in savings banks may be invested. The Department may,
10 however, in its discretion, deposit in a proper trust company
11 or savings bank, during the continuance of the trust, any fund
12 so left in trust for the life of a person and shall adopt rules
13 and regulations governing the deposit, transfer, or withdrawal
14 of the fund. The Department shall, on the expiration of any
15 trust as provided in any instrument creating the trust, dispose
16 of the fund thereby created in the manner provided in the
17 instrument. The Department shall include in its required
18 reports a statement showing what funds are so held by it and
19 the condition of the funds. Monies found on residents at the
20 time of their admission, or accruing to them during their
21 period of institutional care, and monies deposited with the
22 superintendents by relatives, guardians, or friends of
23 residents for the special comfort and pleasure of a resident,
24 shall remain in the possession of the superintendents, who
25 shall act as trustees for disbursement to, in behalf of, or for
26 the benefit of the resident. All types of retirement and

1 pension benefits from private and public sources may be paid
2 directly to the superintendent of the institution where the
3 person is a resident, for deposit to the resident's trust fund
4 account.

5 (j) Appoint, subject to the Personnel Code, persons to be
6 members of a police and security force. Members of the police
7 and security force shall be peace officers and as such have all
8 powers possessed by policemen in cities and sheriffs, including
9 the power to make arrests on view or warrants of violations of
10 State statutes or city or county ordinances. These powers may,
11 however, be exercised only in counties of more than 500,000
12 population when required for the protection of Department
13 properties, interests, and personnel, or specifically
14 requested by appropriate State or local law enforcement
15 officials. Members of the police and security force may not
16 serve and execute civil processes.

17 (k) Maintain, and deposit receipts from the sale of tickets
18 to athletic, musical, and other events, fees for participation
19 in school sponsored tournaments and events, and revenue from
20 student activities relating to charges for art and woodworking
21 projects, charges for automobile repairs, and other revenue
22 generated from student projects into, locally held accounts not
23 to exceed \$20,000 per account for the purposes of (i) providing
24 immediate payment to officials, judges, and athletic referees
25 for their services rendered and for other related expenses at
26 school sponsored contests, tournaments, or events, (ii)

1 providing payment for expenses related to student revenue
2 producing activities such as art and woodworking projects,
3 automotive repair work, and other student activities or
4 projects that generate revenue and incur expenses, and (iii)
5 providing students who are enrolled in an independent living
6 program with cash so that they may fulfill course objectives by
7 purchasing commodities and other required supplies.

8 (l) Advance moneys from its appropriations to be maintained
9 in locally held accounts at the schools to establish (i) a
10 "Student Compensation Account" to pay students for work
11 performed under the student work program, and (ii) a "Student
12 Activity Travel Account" to pay transportation, meals, and
13 lodging costs of students, coaches, and activity sponsors while
14 traveling off campus for sporting events, lessons, and other
15 activities directly associated with the representation of the
16 school. Funds in the "Student Compensation Account" shall not
17 exceed \$20,000, and funds in the "Student Activity Travel
18 Account" shall not exceed \$200,000.

19 (m) Promulgate rules of conduct applicable to the residents
20 of institutions for persons with one or more disabilities. The
21 rules shall include specific standards to be used by the
22 Department to determine (i) whether financial restitution
23 shall be required in the event of losses or damages resulting
24 from a resident's action and (ii) the ability of the resident
25 and the resident's parents to pay restitution.

26 (Source: P.A. 94-887, eff. 6-20-06.)

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