



Sen. John J. Cullerton

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1 AMENDMENT TO SENATE BILL 170

2 AMENDMENT NO. _____. Amend Senate Bill 170 by replacing
3 everything after the enacting clause with the following:

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

1 prescribed by the Department.

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

1 superintendent endorsement as provided for under Section
2 21-7.1 of the School Code, and shall have degrees in both
3 educational administration and deaf education, together with
4 at least 20 years of experience in either deaf education, the
5 administration of deaf education, or a combination of the 2.

6 (a-10) The Superintendent of the Illinois School for the
7 Visually Impaired shall be the chief executive officer of, and
8 shall be responsible for the day to day operations of, the
9 School, and shall obtain educational and professional
10 employees who are certified by the Illinois State Board of
11 Education or licensed by the appropriate agency or entity to
12 which licensing authority has been delegated, as well as all
13 other employees of the School, subject to the provisions of the
14 Personnel Code and any applicable collective bargaining
15 agreement. The Superintendent shall be appointed by the
16 Governor, by and with the advice and consent of the Senate. In
17 the case of a vacancy in the office of Superintendent during
18 the recess of the Senate, the Governor shall make a temporary
19 appointment until the next meeting of the Senate, when the
20 Governor shall nominate some person to fill the office, and any
21 person so nominated who is confirmed by the Senate shall hold
22 office during the remainder of the term and until his or her
23 successor is appointed and qualified. The Superintendent shall
24 hold office for a term of 4 years from the third Monday in
25 January of each odd numbered year and until the officer's
26 successor is appointed and qualified. The Superintendent shall

1 devote his or her full time to the duties of the office, shall
2 not serve in any other capacity during his or her term of
3 office, and shall receive such compensation as the Governor
4 shall determine. The Superintendent shall have an
5 administrative certificate with a superintendent endorsement
6 as provided for under Section 21-7.1 of the School Code, and
7 shall have degrees in both educational administration and blind
8 or visually impaired education, together with at least 20 years
9 of experience in either blind or visually impaired education,
10 the administration of blind or visually impaired education, or
11 a combination of the 2.

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

1 deadline on an emergency basis. The Department shall adopt any
2 rules and regulations necessary for the implementation of this
3 subsection.

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

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

24 (20 ILCS 2405/13) (from Ch. 23, par. 3444)

25 Sec. 13. The Department shall have all powers reasonable

1 and necessary for the administration of institutions for
2 persons with one or more disabilities under subsection (f) of
3 Section 3 of this Act, including, but not limited to, the
4 authority to do the following:

5 (a) Appoint and remove the superintendents of the
6 institutions operated by the Department, except for those
7 superintendents whose appointment and removal is provided for
8 under Section 10 of this Act; obtain all other employees
9 subject to the provisions of the Personnel Code, except for
10 educational and professional employees of the Illinois School
11 for the Deaf and the Illinois School for the Visually Impaired
12 who are certified by the Illinois State Board of Education or
13 licensed by the appropriate agency or entity to which licensing
14 authority has been delegated, and all other employees of the
15 Schools who are obtained by the superintendents as provided
16 under Section 10 of this Act, subject to the provisions of the
17 Personnel Code and any applicable collective bargaining
18 agreement; and conduct staff training programs for the
19 development and improvement of services.

20 (b) Provide supervision, housing accommodations, board or
21 the payment of boarding costs, tuition, and treatment free of
22 charge, except as otherwise specified in this Act, for
23 residents of this State who are cared for in any institution,
24 or for persons receiving services under any program under the
25 jurisdiction of the Department. Residents of other states may
26 be admitted upon payment of the costs of board, tuition, and

1 treatment as determined by the Department; provided, that no
2 resident of another state shall be received or retained to the
3 exclusion of any resident of this State. The Department shall
4 accept any donation for the board, tuition, and treatment of
5 any person receiving service or care.

6 (c) Cooperate with the State Board of Education and the
7 Department of Children and Family Services in a program to
8 provide for the placement, supervision, and foster care of
9 children with handicaps who must leave their home community in
10 order to attend schools offering programs in special education.

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

26 Funds deposited with State institutions under the

1 direction and supervision of the Department by or for residents
2 of those State institutions shall be deposited into
3 interest-bearing accounts, and money received as interest and
4 income on those funds shall be deposited into a "needy student
5 fund" to be held and administered by the institution. Money in
6 the "needy student fund" shall be expended for the special
7 comfort, pleasure, and amusement of the residents of the
8 particular institution where the money is paid or received.

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

19 Clothing left at the institution by residents at the time
20 of separation may be used as determined by the institution if
21 unclaimed by the resident or legal representatives of the
22 resident within 30 days after notification.

23 (e) Keep, for each institution under the jurisdiction of
24 the Department, a register of the number of officers,
25 employees, and residents present each day in the year, in a
26 form that will permit a calculation of the average number

1 present each month.

2 (f) (Blank).

3 (g) (Blank).

4 (h) (Blank).

5 (i) Accept and hold in behalf of the State, if for the
6 public interest, a grant, gift, or legacy of money or property
7 to the State of Illinois, to the Department, or to any
8 institution or program of the Department made in trust for the
9 maintenance or support of a resident of an institution of the
10 Department, or for any other legitimate purpose connected with
11 any such institution or program. The Department shall cause
12 each gift, grant, or legacy to be kept as a distinct fund, and
13 shall invest the gift, grant, or legacy in the manner provided
14 by the laws of this State as those laws now exist or shall
15 hereafter be enacted relating to securities in which the
16 deposits in savings banks may be invested. The Department may,
17 however, in its discretion, deposit in a proper trust company
18 or savings bank, during the continuance of the trust, any fund
19 so left in trust for the life of a person and shall adopt rules
20 and regulations governing the deposit, transfer, or withdrawal
21 of the fund. The Department shall, on the expiration of any
22 trust as provided in any instrument creating the trust, dispose
23 of the fund thereby created in the manner provided in the
24 instrument. The Department shall include in its required
25 reports a statement showing what funds are so held by it and
26 the condition of the funds. Monies found on residents at the

1 time of their admission, or accruing to them during their
2 period of institutional care, and monies deposited with the
3 superintendents by relatives, guardians, or friends of
4 residents for the special comfort and pleasure of a resident,
5 shall remain in the possession of the superintendents, who
6 shall act as trustees for disbursement to, in behalf of, or for
7 the benefit of the resident. All types of retirement and
8 pension benefits from private and public sources may be paid
9 directly to the superintendent of the institution where the
10 person is a resident, for deposit to the resident's trust fund
11 account.

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

24 (k) Maintain, and deposit receipts from the sale of tickets
25 to athletic, musical, and other events, fees for participation
26 in school sponsored tournaments and events, and revenue from

1 student activities relating to charges for art and woodworking
2 projects, charges for automobile repairs, and other revenue
3 generated from student projects into, locally held accounts not
4 to exceed \$20,000 per account for the purposes of (i) providing
5 immediate payment to officials, judges, and athletic referees
6 for their services rendered and for other related expenses at
7 school sponsored contests, tournaments, or events, (ii)
8 providing payment for expenses related to student revenue
9 producing activities such as art and woodworking projects,
10 automotive repair work, and other student activities or
11 projects that generate revenue and incur expenses, and (iii)
12 providing students who are enrolled in an independent living
13 program with cash so that they may fulfill course objectives by
14 purchasing commodities and other required supplies.

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

26 (m) Promulgate rules of conduct applicable to the residents

1 of institutions for persons with one or more disabilities. The
2 rules shall include specific standards to be used by the
3 Department to determine (i) whether financial restitution
4 shall be required in the event of losses or damages resulting
5 from a resident's action and (ii) the ability of the resident
6 and the resident's parents to pay restitution.

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

8 Section 99. Effective date. This Act takes effect upon
9 becoming law."