

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Sections 14-1.11, 14-1.11a, and 14-7.05 as follows:

(105 ILCS 5/14-1.11) (from Ch. 122, par. 14-1.11)

Sec. 14-1.11. Resident district; parent; legal guardian.
The resident district is the school district in which the parent or guardian, or both parent and guardian, of the student reside when:

(1) the parent has legal guardianship of the student and resides within Illinois; or

(2) an individual guardian has been appointed by the courts and resides within Illinois; or

(3) an Illinois public agency has legal guardianship and the student resides either in the home of the parent or within the same district as the parent; or

(4) an Illinois court orders a residential placement but the parents retain any legal rights or guardianship and have not been subject to a termination of parental rights order.

In cases of divorced or separated parents, when only one parent has legal guardianship or custody, the district in

which the parent having legal guardianship or custody resides is the resident district. When both parents retain legal guardianship or custody, the resident district is the district in which either parent who provides the student's primary regular fixed night-time abode resides; provided, that the election of resident district may be made only one time per school year.

When the parent has legal guardianship and lives outside of the State of Illinois, or when the individual legal guardian other than the natural parent lives outside the State of Illinois, the parent, legal guardian, or other placing agent is responsible for making arrangements to pay the Illinois school district serving the child for the educational services provided. Those service costs shall be determined in accordance with Section 14-7.01. For a child residing in a long-term, acute care facility serving a majority of patients who are (i) minor children and (ii) Medicaid-eligible in West Harvey-Dixmoor Public Schools District 147 or Thornton Township High School District 205, if a parent or guardian moves out of this State after the child is placed in such a facility, that parent or guardian shall enroll the child in a school in the other state to initiate reimbursement to Illinois. If the laws, policies, or procedures of the other state prohibit the foregoing or if the parent or guardian otherwise provides proof of at least one satisfactory attempt to enroll the child but is refused by the other state, the

child shall continue to be deemed a resident of the last school district in which the child was enrolled. This process must be conducted when the student is placed in the facility and every 3 years from the date of placement.

(Source: P.A. 95-844, eff. 8-15-08.)

(105 ILCS 5/14-1.11a) (from Ch. 122, par. 14-1.11a)

Sec. 14-1.11a. Resident district; student.

(a) Except as otherwise provided in this Section, the resident district is the school district in which the student resides when:

(1) the parent has legal guardianship but the location of the parent is unknown; or

(2) an individual guardian has been appointed but the location of the guardian is unknown; or

(3) the student is 18 years of age or older and no legal guardian has been appointed; or

(4) the student is legally an emancipated minor; or

(5) an Illinois public agency has legal guardianship and such agency or any court in this State has placed the student residentially outside of the school district in which the parent lives.

(b) In cases where an Illinois public agency has legal guardianship and has placed the student residentially outside of Illinois, the last school district that provided at least 45 days of educational service to the student shall continue

to be the district of residence until the student is no longer under guardianship of an Illinois public agency or until the student is returned to Illinois.

If a student who is 18 years of age or older with no legal guardian is placed residentially outside of the school district in which the student's parent lives and the placement is funded by a State agency or through private insurance, then the resident district is the school district in which the parent lives.

The resident district of a homeless student is the Illinois district in which the student enrolls for educational services. Homeless students include individuals as defined in the Stewart B. McKinney Homeless Assistance Act.

(c) The State Superintendent of Education may determine that the location of the parent or guardian of a student is unknown after considering information submitted from the school district that last enrolled the student or from the school or special education facility providing special education and related services to meet the needs of the student. The information submitted to the State Superintendent of Education must include an affidavit from that school district's superintendent or the facility's director attesting that the location of the parent or guardian is unknown and at least 3 satisfactory ~~4 items of documentary evidence that a minimum of 4 separate~~ attempts were made on 3 separate days to locate the parent or guardian and no response was received

from the parent or guardian within 14 days after such satisfactory attempts. Any determination by the State Superintendent of Education that the location of a parent or guardian is unknown shall be made as soon as practicable after receipt of the affidavit from the school district's superintendent or the facility's director. The State Superintendent of Education's determination is final. However, any determination made by the State Superintendent of Education is subject to review and reconsideration any time a parent's or guardian's location becomes known.

A school district or special education facility may request assistance with determining the location of a parent or guardian from the State Board of Education. This process must be conducted when the student is placed in the facility and every 3 years from the date of placement.

(Source: P.A. 102-514, eff. 8-20-21; 103-676, eff. 7-19-24.)

(105 ILCS 5/14-7.05)

Sec. 14-7.05. Placement in residential facility; payment of educational costs. For any student with a disability in a residential facility placement made or paid for by an Illinois public State agency or made by any court in this State, the school district of residence as determined pursuant to this Article is responsible for the costs of educating the child and shall be reimbursed for those costs in accordance with this Code. Subject to this Section and relevant State

appropriation, the resident district's financial responsibility and reimbursement must be calculated in accordance with the provisions of Section 14-7.02 of this Code. In those instances in which a district receives a block grant pursuant to Article 1D of this Code, the district's financial responsibility is limited to the actual educational costs of the placement, which must be paid by the district from its block grant appropriation. Resident district financial responsibility and reimbursement applies for both residential facilities that are approved by the State Board of Education and non-approved facilities, subject to the requirements of this Section. The Illinois placing agency or court remains responsible for funding the residential portion of the placement and for notifying the resident district prior to the placement, except in emergency situations. For a child residing in a long-term, acute care facility serving a majority of patients who are (i) minor children and (ii) Medicaid-eligible in West Harvey-Dixmoor Public Schools District 147 or Thornton Township High School District 205, the following shall apply:

(1) If the child is not currently enrolled in a school district or if the resident school district is unknown, the appropriate resident school district must be identified and the child must be enrolled in that district prior to the placement of the child, except in emergency situations. The residential facility shall require the

parent or guardian of the child to sign a contract upon placement in the residential facility affirming that the parent or guardian understands the parent's or guardian's obligations under State law, including the obligation to enroll the child in the appropriate school district of residence at time of placement or upon the child reaching the age of 3. The identified school district of residence under this Article may not deny enrollment on the basis of the child's placement.

(2) For the 2025-2026 school year and every school year thereafter, for a child with an out-of-state resident district whose out-of-state resident district has refused to enroll the child in the district, despite being contacted by both the nonpublic school within the applicable facility and the State Board of Education, the resident district shall be the student's most recent resident district in Illinois and that resident district shall be the responsible payor. The reimbursement of receipts paid under these circumstances shall be paid out of the line item as found in Section 18-3 of this Code.

(3) For fiscal year 2027 only, subject to appropriation, the equivalent of each applicable child's tuition receipts for the 2025-2026 school year, as found in paragraph (1), shall be paid to the resident district determined by this Section. The provisions of this paragraph (3), other than this sentence, are inoperative

after June 30, 2027.

The residential facility in which the student is placed shall notify the resident district of the student's enrollment as soon as practicable after the placement. Failure of the placing agency or court to notify the resident district prior to the placement does not absolve the resident district of financial responsibility for the educational costs of the placement; however, the resident district shall not become financially responsible unless and until it receives written notice of the placement by either the placing agency, court, or residential facility. The placing agency or parent shall request an individualized education program (IEP) meeting from the resident district if the placement would entail additional educational services beyond the student's current IEP. The district of residence shall retain control of the IEP process, and any changes to the IEP must be done in compliance with the federal Individuals with Disabilities Education Act.

Prior to the placement of a child in an out-of-state special education residential facility, the placing agency or court must refer to the child or the child's parent or guardian the option to place the child in a special education residential facility located within this State, if any, that provides treatment and services comparable to those provided by the out-of-state special education residential facility. The placing agency or court must review annually the placement of a child in an out-of-state special education residential

facility. As a part of the review, the placing agency or court must refer to the child or the child's parent or guardian the option to place the child in a comparable special education residential facility located within this State, if any.

Payments shall be made by the resident district to the entity providing the educational services, whether the entity is the residential facility or the school district wherein the facility is located, no less than once per quarter unless otherwise agreed to in writing by the parties.

A residential facility providing educational services within the facility, but not approved by the State Board of Education, is required to demonstrate proof to the State Board of (i) appropriate licensure of teachers for the student population, (ii) age-appropriate curriculum, (iii) enrollment and attendance data, and (iv) the ability to implement the child's IEP. A school district is under no obligation to pay such a residential facility unless and until such proof is provided to the State Board's satisfaction.

When a dispute arises over the determination of the district of residence under this Section, any person or entity, including without limitation a school district or residential facility, may make a written request for a residency decision to the State Superintendent of Education, who, upon review of materials submitted and any other items of information he or she may request for submission, shall issue his or her decision in writing. The decision of the State

Public Act 104-0202

HB1861 Enrolled

LRB104 07629 LNS 17673 b

Superintendent of Education is final.

(Source: P.A. 102-254, eff. 8-6-21; 102-894, eff. 5-20-22.)

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