



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1706

by Rep. Robyn Gabel

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-13.01

from Ch. 122, par. 14-13.01

Amends the Children with Disabilities Article of the School Code. In provisions concerning personnel reimbursement for children in hospital or home instruction, provides that a child qualifies for home or hospital instruction if it is anticipated that, due to a medical condition, the child will (instead of a child must due to a medical condition) be unable to attend school and instead must be instructed at home or in the hospital for a period of 2 or more consecutive weeks or on an ongoing intermittent basis. Defines "ongoing intermittent basis". Provides that there shall be no requirement that a child be absent from school a minimum number of days before the child qualifies for home or hospital instruction. Provides that home or hospital instruction may commence upon receipt of the required written physician's statement, but instruction shall commence not later than 5 school days after the school district receives the physician's statement. Provides that special education and related services required by the child's IEP or services and accommodations required by the child's federal Section 504 plan must be implemented as part of the child's home or hospital instruction, unless the IEP team or federal Section 504 plan team determines that modifications are necessary during the home or hospital instruction due to the child's condition. Effective immediately.

LRB097 07931 NHT 48048 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 School Code is amended by changing Section  
5 14-13.01 as follows:

6 (105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

7 Sec. 14-13.01. Reimbursement payable by State; amounts for  
8 personnel and transportation.

9 (a) For staff working on behalf of children who have not  
10 been identified as eligible for special education and for  
11 eligible children with physical disabilities, including all  
12 eligible children whose placement has been determined under  
13 Section 14-8.02 in hospital or home instruction, 1/2 of the  
14 teacher's salary but not more than \$1,000 annually per child or  
15 \$9,000 per teacher, whichever is less. A child qualifies for  
16 home or hospital instruction if it is anticipated that, due to  
17 a medical condition, the child will ~~To qualify for home or~~  
18 ~~hospital instruction, a child must, due to a medical condition,~~  
19 be unable to attend school, and instead must be instructed at  
20 home or in the hospital, for a period of 2 or more consecutive  
21 weeks or on an ongoing intermittent basis. For purposes of this  
22 Section, "ongoing intermittent basis" means that the child's  
23 medical condition is of such a nature or severity that it is

1 anticipated that the child will be absent from school due to  
2 the medical condition for periods of at least 2 days at a time  
3 multiple times during the school year totaling at least 10 days  
4 or more of absences. There shall be no requirement that a child  
5 be absent from school a minimum number of days before the child  
6 qualifies for home or hospital instruction. In order to  
7 establish eligibility for home or hospital services, a  
8 student's parent or guardian must submit to the child's school  
9 district of residence a written statement from a physician  
10 licensed to practice medicine in all of its branches stating  
11 the existence of such medical condition, the impact on the  
12 child's ability to participate in education, and the  
13 anticipated duration or nature of the child's absence from  
14 school. Home or hospital instruction may commence upon receipt  
15 of a written physician's statement in accordance with this  
16 Section, but instruction shall commence not later than 5 school  
17 days after the school district receives the physician's  
18 statement. Special education and related services required by  
19 the child's IEP or services and accommodations required by the  
20 child's federal Section 504 plan must be implemented as part of  
21 the child's home or hospital instruction, unless the IEP team  
22 or federal Section 504 plan team determines that modifications  
23 are necessary during the home or hospital instruction due to  
24 the child's condition. Eligible children to be included in any  
25 reimbursement under this paragraph must regularly receive a  
26 minimum of one hour of instruction each school day, or in lieu

1       thereof of a minimum of 5 hours of instruction in each school  
2       week in order to qualify for full reimbursement under this  
3       Section. If the attending physician for such a child has  
4       certified that the child should not receive as many as 5 hours  
5       of instruction in a school week, however, reimbursement under  
6       this paragraph on account of that child shall be computed  
7       proportionate to the actual hours of instruction per week for  
8       that child divided by 5. The State Board of Education shall  
9       establish rules governing the required qualifications of staff  
10      providing home or hospital instruction.

11       (b) For children described in Section 14-1.02, 80% of the  
12      cost of transportation approved as a related service in the  
13      Individualized Education Program for each student in order to  
14      take advantage of special educational facilities.  
15      Transportation costs shall be determined in the same fashion as  
16      provided in Section 29-5. For purposes of this subsection (b),  
17      the dates for processing claims specified in Section 29-5 shall  
18      apply.

19       (c) For each qualified worker, the annual sum of \$9,000.

20       (d) For one full time qualified director of the special  
21      education program of each school district which maintains a  
22      fully approved program of special education the annual sum of  
23      \$9,000. Districts participating in a joint agreement special  
24      education program shall not receive such reimbursement if  
25      reimbursement is made for a director of the joint agreement  
26      program.

1 (e) (Blank).

2 (f) (Blank).

3 (g) For readers, working with blind or partially seeing  
4 children 1/2 of their salary but not more than \$400 annually  
5 per child. Readers may be employed to assist such children and  
6 shall not be required to be certified but prior to employment  
7 shall meet standards set up by the State Board of Education.

8 (h) For non-certified employees, as defined by rules  
9 promulgated by the State Board of Education, who deliver  
10 services to students with IEPs, 1/2 of the salary paid or  
11 \$3,500 per employee, whichever is less.

12 The State Board of Education shall set standards and  
13 prescribe rules for determining the allocation of  
14 reimbursement under this section on less than a full time basis  
15 and for less than a school year.

16 When any school district eligible for reimbursement under  
17 this Section operates a school or program approved by the State  
18 Superintendent of Education for a number of days in excess of  
19 the adopted school calendar but not to exceed 235 school days,  
20 such reimbursement shall be increased by 1/180 of the amount or  
21 rate paid hereunder for each day such school is operated in  
22 excess of 180 days per calendar year.

23 Notwithstanding any other provision of law, any school  
24 district receiving a payment under this Section or under  
25 Section 14-7.02, 14-7.02b, or 29-5 of this Code may classify  
26 all or a portion of the funds that it receives in a particular

1 fiscal year or from general State aid pursuant to Section  
2 18-8.05 of this Code as funds received in connection with any  
3 funding program for which it is entitled to receive funds from  
4 the State in that fiscal year (including, without limitation,  
5 any funding program referenced in this Section), regardless of  
6 the source or timing of the receipt. The district may not  
7 classify more funds as funds received in connection with the  
8 funding program than the district is entitled to receive in  
9 that fiscal year for that program. Any classification by a  
10 district must be made by a resolution of its board of  
11 education. The resolution must identify the amount of any  
12 payments or general State aid to be classified under this  
13 paragraph and must specify the funding program to which the  
14 funds are to be treated as received in connection therewith.  
15 This resolution is controlling as to the classification of  
16 funds referenced therein. A certified copy of the resolution  
17 must be sent to the State Superintendent of Education. The  
18 resolution shall still take effect even though a copy of the  
19 resolution has not been sent to the State Superintendent of  
20 Education in a timely manner. No classification under this  
21 paragraph by a district shall affect the total amount or timing  
22 of money the district is entitled to receive under this Code.  
23 No classification under this paragraph by a district shall in  
24 any way relieve the district from or affect any requirements  
25 that otherwise would apply with respect to that funding  
26 program, including any accounting of funds by source, reporting

1 expenditures by original source and purpose, reporting  
2 requirements, or requirements of providing services.

3 (Source: P.A. 95-415, eff. 8-24-07; 95-707, eff. 1-11-08;  
4 96-257, eff. 8-11-09.)

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