



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5332

by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-2

105 ILCS 5/14-4.05 new

105 ILCS 5/14-8.01

from Ch. 122, par. 14-8.01

Amends the Children with Disabilities Article of the School Code. Provides that if a student's individualized educational program (IEP) calls for services in a general education classroom, the student must be served in a class that is composed of students of whom at least 70% are without IEPs, that utilizes the general curriculum, that is taught by an instructor certified for general education, and that is not designated as a general remedial classroom. Provides that, in the formation of special education classes, consideration shall be given to the age of the students, the nature and severity of their disabilities, the educational needs of the students, and the degree of intervention necessary, subject to specified maximum class size limitations. Provides that, notwithstanding these class size limitations, class size shall be limited according to the needs of the students for individualized instruction and services. Provides that the maximum class sizes shall, if necessary, be further restricted at the local level to account for the activities and services in which the affected educators participate. Removes language that requires the State Board of Education to include a class size limitation in its standards and rules. Makes a related change.

LRB098 17746 NHT 54608 b

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 Sections
5 14-2 and 14-8.01 and by adding Section 14-4.05 as follows:

6 (105 ILCS 5/14-2)

7 Sec. 14-2. Definition of general education classroom for
8 special education students receiving services in the general
9 education classroom.

10 (a) With respect to the provisions of Section 14-4.05 of
11 this Code ~~any State statute or administrative rule~~ that define
12 ~~defines~~ a general education classroom to be composed of a
13 certain percentage of students with individualized education
14 programs (IEPs), students with individualized education
15 programs shall exclude students receiving only speech services
16 outside of the general education classroom, provided that the
17 instruction the students receive in the general education
18 classroom does not require modification.

19 (b) In every instance, a school district must ensure that
20 composition of the general education classroom does not
21 interfere with the provision of a free and appropriate public
22 education to any student.

23 (Source: P.A. 97-284, eff. 8-9-11.)

1 (105 ILCS 5/14-4.05 new)

2 Sec. 14-4.05. Class size.

3 (a) In this Section, "IEP" means an individualized
4 educational program.

5 (b) If a student's IEP calls for services in a general
6 education classroom, the student must be served in a class that
7 is composed of students of whom at least 70% are without IEPs,
8 that utilizes the general curriculum, that is taught by an
9 instructor certified for general education, and that is not
10 designated as a general remedial classroom. For purposes of
11 this subsection (b), a student who receives speech services
12 outside of the general education classroom and who does not
13 require modifications to the content of the general education
14 curriculum shall be included in the calculation of the
15 percentage of students without IEPs as provided under Section
16 14-2 of this Code.

17 (c) In this subsection (c):

18 "Class" means any circumstance in which only students with
19 IEPs are served and at least one special education teacher is
20 assigned and provides instruction or therapy or both
21 exclusively to students with IEPs.

22 "Class size" means the total number of students an educator
23 serves during any special education class.

24 In the formation of special education classes,
25 consideration shall be given to the age of the students, the

1 nature and severity of their disabilities, the educational
2 needs of the students, and the degree of intervention
3 necessary, subject to the limitations of this subsection (c).

4 (1) Except as provided in paragraph (5) of this
5 subsection (c), classes in which all of the students
6 receive special education services for 20% of the school
7 day or less shall have at least one qualified teacher for
8 each 15 students in attendance during any given class.
9 However, the district may increase the class size by a
10 maximum of 2 students if a paraprofessional is provided for
11 the entire class.

12 (2) Except as provided in paragraph (5) of this
13 subsection (c), each class in which any student receives
14 special education services for more than 20% of the school
15 day, but no more than 60% of the school day, shall have at
16 least one qualified teacher for each 10 students in
17 attendance during that class. However, the district may
18 increase the class size by a maximum of 5 students if a
19 paraprofessional is provided for the entire class.

20 (3) Except as provided in paragraph (5) of this
21 subsection (c), each class in which any student receives
22 special education services for more than 60% of the school
23 day shall have at least one qualified teacher for each 8
24 students in attendance during that class. However, the
25 district may increase the class size by a maximum of 5
26 students if a paraprofessional is provided for the entire

1 class.

2 (4) Each class for children ages 3 through 5 shall have
3 at least one qualified teacher for each 5 students in
4 attendance during that class. However, the district may
5 increase the class size by a maximum of 5 students if a
6 paraprofessional is provided for the entire class.

7 (5) For any school year in which the amount of State
8 reimbursement for teachers identified in Section 14-13.01
9 of this Code exceeds the amount in effect on January 1,
10 2007 by at least 100% and no corresponding reduction has
11 been made in other State sources of support for special
12 education:

13 (A) the maximum class size stated in paragraph (1)
14 of this subsection (c) shall be 13 rather than 15;

15 (B) the maximum class size stated in paragraph (2)
16 of this subsection (c) shall be 8 rather than 10; and

17 (C) the maximum class size stated in paragraph (3)
18 of this subsection (c) shall be 6 rather than 8.

19 (6) The provisions of paragraphs (1) through (5) of
20 this subsection (c) notwithstanding, class size shall be
21 limited according to the needs of the students for
22 individualized instruction and services.

23 (d) The maximum class sizes set forth in subsection (c) of
24 this Section shall, if necessary, be further restricted at the
25 local level to account for the activities and services in which
26 the affected educators participate in order to provide students

1 with IEPs the free, appropriate, public education in the least
2 restrictive environment to which they are entitled.

3 (105 ILCS 5/14-8.01) (from Ch. 122, par. 14-8.01)

4 Sec. 14-8.01. Supervision of special education buildings
5 and facilities. All special educational facilities, building
6 programs, housing, and all educational programs for the types
7 of disabled children defined in Section 14-1.02 shall be under
8 the supervision of and subject to the approval of the State
9 Board of Education.

10 All special education facilities, building programs, and
11 housing shall comply with the building code authorized by
12 Section 2-3.12.

13 All educational programs for children with disabilities as
14 defined in Section 14-1.02 administered by any State agency
15 shall be under the general supervision of the State Board of
16 Education. Such supervision shall be limited to insuring that
17 such educational programs meet standards jointly developed and
18 agreed to by both the State Board of Education and the
19 operating State agency, including standards for educational
20 personnel.

21 Any State agency providing special educational programs
22 for children with disabilities as defined in Section 14-1.02
23 shall promulgate rules and regulations, in consultation with
24 the State Board of Education and pursuant to the Illinois
25 Administrative Procedure Act as now or hereafter amended, to

1 insure that all such programs comply with this Section and
2 Section 14-8.02.

3 No otherwise qualified disabled child receiving special
4 education and related services under Article 14 shall solely by
5 reason of his or her disability be excluded from the
6 participation in or be denied the benefits of or be subjected
7 to discrimination under any program or activity provided by a
8 State agency.

9 State agencies providing special education and related
10 services, including room and board, either directly or through
11 grants or purchases of services shall continue to provide these
12 services according to current law and practice. Room and board
13 costs not provided by a State agency other than the State Board
14 of Education shall be provided by the State Board of Education
15 to the extent of available funds. An amount equal to one-half
16 of the State education agency's share of IDEA PART B federal
17 monies, or so much thereof as may actually be needed, shall
18 annually be appropriated to pay for the additional costs of
19 providing for room and board for those children placed pursuant
20 to Section 14-7.02 of this Code and, after all such room and
21 board costs are paid, for similar expenditures for children
22 served pursuant to Section 14-7.02 or 14-7.02b of this Code.
23 Any such excess room and board funds must first be directed to
24 those school districts with students costing in excess of 4
25 times the district's per capita tuition charge and then to
26 community based programs that serve as alternatives to

1 residential placements.

2 Beginning with Fiscal Year 1997 and continuing through
3 Fiscal Year 2000, 100% of the former Chapter I, Section 89-313
4 federal funds shall be allocated by the State Board of
5 Education in the same manner as IDEA, PART B "flow through"
6 funding to local school districts, joint agreements, and
7 special education cooperatives for the maintenance of
8 instructional and related support services to students with
9 disabilities. However, beginning with Fiscal Year 1998, the
10 total IDEA Part B discretionary funds available to the State
11 Board of Education shall not exceed the maximum permissible
12 under federal law or 20% of the total federal funds available
13 to the State, whichever is less. After all room and board
14 payments and similar expenditures are made by the State Board
15 of Education as required by this Section, the State Board of
16 Education may use the remaining funds for administration and
17 for providing discretionary activities. However, the State
18 Board of Education may use no more than 25% of its available
19 IDEA Part B discretionary funds for administrative services.

20 Special education and related services included in the
21 child's individualized educational program which are not
22 provided by another State agency shall be included in the
23 special education and related services provided by the State
24 Board of Education and the local school district.

25 The State Board of Education with the advice of the
26 Advisory Council shall prescribe the standards and make the

1 necessary rules and regulations for special education programs
2 administered by local school boards, including but not limited
3 to establishment of classes, training requirements of teachers
4 and other professional personnel, eligibility and admission of
5 pupils, the curriculum, ~~class size limitation,~~ building
6 programs, housing, transportation, special equipment and
7 instructional supplies, and the applications for claims for
8 reimbursement. The State Board of Education shall promulgate
9 rules and regulations for annual evaluations of the
10 effectiveness of all special education programs and annual
11 evaluation by the local school district of the individualized
12 educational program for each child for whom it provides special
13 education services.

14 A school district is responsible for the provision of
15 educational services for all school age children residing
16 within its boundaries excluding any student placed under the
17 provisions of Section 14-7.02 or any disabled student whose
18 parent or guardian lives outside of the State of Illinois as
19 described in Section 14-1.11.

20 (Source: P.A. 93-1022, eff. 8-24-04; 94-69, eff. 7-1-05.)