



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB1604

Introduced 2/20/2015, by Sen. Kyle McCarter

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-2

Amends the Children with Disabilities Article of the School Code. Provides that the State Board of Education shall have no authority to adopt any administrative rules that establish or limit the class size or ratio of the student population of a general education class for special education students receiving services in general education classes beyond what may be required by federal rule or law, unless the Board fully funds the cost of additional teachers and other staff that are required by such class-size limitations. Limits the Board's authority to adopt any administrative rules that establish or limit the class size of special education classes. Defines "special education classes". Requires that any rule in effect on the effective date of this amendatory Act establishing or limiting the class size or ratio of the student population of general education classes for special education students receiving services in general education classes or establishing or limiting the class size of special education classes is null and void on the effective date of this amendatory Act. Effective immediately.

LRB099 08484 SXM 28640 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 14-2 as follows:

6 (105 ILCS 5/14-2)

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

10 (a) The State Board of Education shall have no authority to  
11 adopt any administrative rules that establish or limit the  
12 class size or ratio of the student population of a general  
13 education class for special education students receiving  
14 services in general education classes beyond what may be  
15 required by federal rule or law, unless the State Board fully  
16 funds the cost of additional teachers and other staff that are  
17 required by such class-size limitations. ~~With respect to any~~  
18 ~~State statute or administrative rule that defines a general~~  
19 ~~education classroom to be composed of a certain percentage of~~  
20 ~~students with individualized education programs (IEPs),~~  
21 ~~students with individualized education programs shall exclude~~  
22 ~~students receiving only speech services outside of the general~~  
23 ~~education classroom, provided that the instruction the~~

1 ~~students receive in the general education classroom does not~~  
2 ~~require modification.~~

3 (a-5) In this subsection (a-5), "special education  
4 classes" means any circumstance where only students with  
5 individualized educational programs are served and at least one  
6 special education teacher is assigned and provides instruction  
7 or therapy exclusively to students with individualized  
8 educational programs.

9 The State Board shall have no authority to adopt any  
10 administrative rules that establish or limit the class size of  
11 special education classes beyond what may be required by  
12 federal rule or law, unless the State Board fully funds the  
13 cost of additional teachers and other staff that are required  
14 by such class size limitation.

15 (b) (Blank). ~~In every instance, a school district must~~  
16 ~~ensure that composition of the general education classroom does~~  
17 ~~not interfere with the provision of a free and appropriate~~  
18 ~~public education to any student.~~

19 (c) Any rule in effect on the effective date of this  
20 amendatory Act of the 99th General Assembly establishing or  
21 limiting the class size or ratio of the student population of  
22 general education classes for special education students  
23 receiving services in general education classes or  
24 establishing or limiting the class size of special education  
25 classes is null and void on the effective date of this  
26 amendatory Act of the 99th General Assembly.

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

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