

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 14-1.11, 14-1.11a, and 14-7.05 as follows:

6 (105 ILCS 5/14-1.11) (from Ch. 122, par. 14-1.11)

7 Sec. 14-1.11. Resident district; parent; legal guardian.

8 The resident district is the school district in which the
9 parent or guardian, or both parent and guardian, of the
10 student reside when:

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

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

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

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

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

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

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

1 child shall continue to be deemed a resident of the last school
2 district in which the child was enrolled. This process must be
3 conducted when the student is placed in the facility and every
4 3 years from the date of placement.

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

6 (105 ILCS 5/14-1.11a) (from Ch. 122, par. 14-1.11a)

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

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

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

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

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

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

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

22 (b) In cases where an Illinois public agency has legal
23 guardianship and has placed the student residentially outside
24 of Illinois, the last school district that provided at least
25 45 days of educational service to the student shall continue

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

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

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

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

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

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

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

17 (105 ILCS 5/14-7.05)

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

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

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

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

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

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

1 after June 30, 2027.

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

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

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

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

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

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

1 Superintendent of Education is final.

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

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