

**96TH GENERAL ASSEMBLY****State of Illinois****2009 and 2010****SB2268**

Introduced 2/20/2009, by Sen. Chris Lauzen

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.148 new

Amends the School Code. Establishes the Autism Scholarship Program to permit the parent of a qualified special education child the choice to send the child to a special education program, instead of the one operated by or for the school district in which the child is entitled to attend school, to receive the services prescribed in the child's individualized education program once the individualized education program is finalized. Requires the State Board of Education to pay a scholarship of up to \$20,000 to the parent of each qualified special education child upon application. Provides that each scholarship shall be used only to pay tuition for the child on whose behalf the scholarship is awarded to attend a special education program that implements the child's individualized education program and that is operated by an alternative public provider or by a registered private provider. Contains provisions concerning limitations on the amount, award, and use of a scholarship, transportation costs, payments, approval of private providers, and rules. Effective immediately.

LRB096 07443 NHT 17530 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 adding Section
5 2-3.148 as follows:

6 (105 ILCS 5/2-3.148 new)

7 Sec. 2-3.148. Autism scholarship program.

8 (a) As used in this Section:

9 "Alternative public provider" means either of the
10 following providers that agrees to enroll a child in the
11 provider's special education program to implement the child's
12 individualized education program and to which the child's
13 parent owes fees for the services provided to the child:

14 (1) a school district that is not the pupil's resident
15 school district; or

16 (2) a public special education cooperative.

17 "Individualized education program" has the same meaning as
18 in Article 14 of this Code.

19 "Qualified special education child" means a child for whom
20 all of the following conditions apply:

21 (1) The pupil's resident school district has
22 identified the child with autism spectrum disorder.

23 (2) The pupil's resident school district has developed

1 an individualized education program as defined in Article
2 14 of this Code and the State Board of Education's
3 administrative rules.

4 (3) The child either:

5 (A) was enrolled in his or her resident school
6 district in any grade from preschool through 12 in the
7 school year prior to the school year in which a
8 scholarship under this Section is first sought for the
9 child; or

10 (B) is eligible to enter school in any of grades
11 preschool through 12 in the pupil's resident school
12 district in which a scholarship under this Section is
13 first sought for the child.

14 "Registered private provider" means a nonpublic school or
15 other nonpublic entity that has been approved by the State
16 Board of Education to participate in the program established
17 under this Section.

18 "Special education program" means a school or facility that
19 provides special education and related services to children
20 with disabilities.

21 (b) There is hereby established the Autism Scholarship
22 Program. Under the program, the State Board of Education shall
23 pay a scholarship of up to \$20,000 to the parent of each
24 qualified special education child upon application of that
25 parent pursuant to procedures and deadlines established by
26 rules of the State Board of Education. Each scholarship shall

1 be used only to pay tuition for the child on whose behalf the
2 scholarship is awarded to attend a special education program
3 that implements the child's individualized education program
4 and that is operated by an alternative public provider or by a
5 registered private provider. Each scholarship shall be in an
6 amount not to exceed the lesser of the tuition charged for the
7 child by the special education program or \$20,000.

8 The purpose of the program is to permit the parent of a
9 qualified special education child the choice to send the child
10 to a special education program, instead of the one operated by
11 or for the school district in which the child is entitled to
12 attend school, to receive the services prescribed in the
13 child's individualized education program once the
14 individualized education program is finalized.

15 A scholarship under this Section must not be awarded to the
16 parent of a child while the child's individualized education
17 program is being developed by the school district in which the
18 child is entitled to attend school or while any administrative
19 or judicial mediation or proceedings with respect to the
20 content of the child's individualized education program are
21 pending. A scholarship under this Section must not be used for
22 a child to attend a public special education program that
23 operates under a contract between the child's resident school
24 district and another school district or other public provider.
25 However, nothing in this Section or in any rule adopted by the
26 State Board of Education shall prohibit a parent whose child

1 attends a public special education program under a contract
2 from applying for and accepting a scholarship under this
3 Section so that the parent may withdraw the child from that
4 program and use the scholarship for the child to attend a
5 special education program for which the parent is required to
6 pay for services for the child.

7 A child attending a special education program with a
8 scholarship under this Section shall continue to be entitled to
9 claim transportation costs to and from that program in the
10 manner prescribed by law.

11 (c) From time to time, the State Board of Education shall
12 make a payment to the parent of each qualified special
13 education child for whom a scholarship has been awarded under
14 this Section. The scholarship amount shall be proportionately
15 reduced in the case of any such child who is not enrolled in
16 the special education program for which a scholarship was
17 awarded under this Section for the entire school year. The
18 State Board of Education shall make no payments to the parent
19 of a child while any administrative or judicial mediation or
20 proceedings with respect to the content of the child's
21 individualized education program are pending.

22 (d) A scholarship must not be paid to a parent for payment
23 of tuition owed to a nonpublic entity unless that entity is a
24 registered private provider. The State Board of Education shall
25 approve entities that meet the standards established by rule of
26 the State Board of Education for the program established under

1 this Section.

2 (e) The State Board of Education shall adopt any rules
3 prescribing procedures necessary to implement this Section,
4 including, but not limited to, procedures and deadlines for
5 parents to apply for scholarships, standards for registered
6 private providers, and procedures for the approval of entities
7 as registered private providers.

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