



Sen. Chapin Rose

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LRB100 10069 NHT 26568 a

1 AMENDMENT TO SENATE BILL 1482

2 AMENDMENT NO. _____. Amend Senate Bill 1482, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Education for Homeless Children Act is
6 amended by changing Sections 1-10, 1-15, 1-20, and 1-25 as
7 follows:

8 (105 ILCS 45/1-10)
9 Sec. 1-10. Choice of schools.

10 (a) In this Section, "best interest" means that all
11 decisions are made with the ultimate goal of fostering and
12 encouraging a child's happiness, security, mental health, and
13 emotional development into young adulthood.

14 (b) When a child loses permanent housing and becomes a
15 homeless person within the meaning of Section 1-5 ~~57~~, or when a
16 homeless child changes his or her temporary living

1 arrangements, the school district shall, pursuant to a best
2 interest determination under the federal Every Student
3 Succeeds Act ~~the parents or guardians of the homeless child~~
4 ~~shall have the option of either:~~

5 (1) continue ~~continuing~~ the child's education in the
6 school of origin for as long as the child remains homeless
7 or, if the child becomes permanently housed, until the end
8 of the academic year during which the housing is acquired;
9 or

10 (2) notify the ~~enrolling the child in any~~ school that
11 nonhomeless students who live in the attendance area in
12 which the child or youth is actually living are eligible to
13 attend, in which case the school district for that school
14 shall immediately enroll the child or youth in that school
15 at the beginning of the next academic semester. However, if
16 the child's parent or guardian disagrees with this
17 enrollment decision, he or she may appeal that decision to
18 the regional superintendent of schools, stating, in
19 writing, the reasons why continuing the child's education
20 in the school of origin is in the child's best interest. If
21 such an appeal is made, enrollment may not occur until and
22 unless the regional superintendent orders such enrollment.

23 (Source: P.A. 88-634, eff. 1-1-95; revised 10-25-16.)

24 (105 ILCS 45/1-15)

25 Sec. 1-15. Transportation to school of origin. Subject to

1 the provisions of Article 29 of the School Code, if a child
2 becomes a homeless child or if a homeless child changes his or
3 her temporary living arrangements, and if the homeless child's
4 parents or guardians decide to continue the child's education
5 in the school of origin, the parents or guardians shall make a
6 good faith effort to provide or arrange for transportation to
7 and from the school of origin, including authorizing relatives,
8 friends, or a program for homeless persons to provide the child
9 with transportation to and from the school of origin. If
10 transportation to and from the school of origin is not provided
11 in that manner, it shall be provided in the following manner:

12 (1) if the homeless child continues to live in the
13 school district in which the school of origin is located,
14 the child's transportation to and from the school of origin
15 shall be provided or arranged by the school district in
16 which the school of origin is located consistent with the
17 requirements of Article 29 of the School Code; and

18 (2) if the homeless child's living arrangements in the
19 school district of origin terminate and the child, though
20 continuing his or her education in the school of origin,
21 begins living in another school district, the school
22 district of origin and the school district in which the
23 homeless child is living shall meet to apportion the
24 responsibility and costs for providing the child with
25 transportation to and from the school of origin. If the
26 school districts are unable to agree, the responsibility

1 and costs for transportation shall be shared equally.

2 If a parent or guardian chooses to have the child attend
3 the school of origin, that parent or guardian, a teacher of the
4 child, and the principal or his or her designee from the school
5 of origin may meet at the option of the parent or the school to
6 evaluate whether that travel is in the best interest of the
7 child's development and education as compared to the
8 development and education available in attending the school
9 nearest the child's abode. The meeting shall also include
10 consideration of the best interests of the homeless family at
11 its current abode. A parent may bring a representative of his
12 or her choice to the meeting. The meeting shall be convened
13 upon notice of the parent's or guardian's intent to have the
14 child attend the school of origin and shall reconvene at the
15 end of each academic semester to determine the continued best
16 interest ~~if travel time is longer than one hour each way.~~

17 (Source: P.A. 88-634, eff. 1-1-95; 88-686, eff. 1-24-95.)

18 (105 ILCS 45/1-20)

19 Sec. 1-20. Enrollment. If the parents or guardians of a
20 homeless child or youth choose or if it has been determined,
21 due to the best interests of the child, that it is necessary to
22 enroll the child in a school other than the school of origin,
23 that school immediately shall enroll the homeless child or
24 youth even if the child or youth is unable to produce records
25 normally required for enrollment, such as previous academic

1 records, medical records, proof of residency, or other
2 documentation. Proof of residency may be established by having
3 the contact information of a shelter for persons displaced due
4 to financial hardship, abuse, or neglect where the child is
5 staying. Nothing in this Section ~~subsection~~ shall prohibit
6 school districts from requiring parents or guardians of a
7 homeless child to submit an address or such other contact
8 information as the district may require from parents or
9 guardians of nonhomeless children. It shall be the duty of the
10 enrolling school to immediately contact the school last
11 attended by the child or youth to obtain relevant academic and
12 other records. If the child or youth must obtain immunizations,
13 it shall be the duty of the enrolling school to promptly refer
14 the child or youth for those immunizations.

15 (Source: P.A. 88-634, eff. 1-1-95; 88-686, eff. 1-24-95.)

16 (105 ILCS 45/1-25)

17 Sec. 1-25. Ombudspersons; dispute resolution; civil
18 actions.

19 (a) Each regional superintendent of schools shall appoint
20 an ombudsperson who is fair and impartial and familiar with the
21 educational rights and needs of homeless children to provide
22 resource information and resolve disputes at schools within his
23 or her jurisdiction relating to the rights of homeless children
24 under this Act. If a school denies a homeless child enrollment
25 or transportation, it shall immediately refer the child or his

1 or her parent or guardian to the ombudsperson and provide the
2 child or his or her parent or guardian with a written statement
3 of the basis for the denial. The child shall be admitted and
4 transported to the school chosen by the parent or guardian
5 until final resolution of the dispute. The ombudsperson shall
6 convene a meeting of all parties and attempt to resolve the
7 dispute within 5 school days after receiving notice of the
8 dispute, if possible.

9 (a-5) Whenever a child and his or her parent or guardian
10 who initially share the housing of another person due to loss
11 of housing, economic hardship, or a similar hardship continue
12 to share the housing, a school district may, after the passage
13 of an academic semester and each semester ~~18 months and~~
14 ~~annually~~ thereafter, conduct a review as to whether such
15 hardship continues to exist. The district may, at the time of
16 review, request information from the parent or guardian to
17 reasonably establish the hardship, and sworn affidavits or
18 declarations may be sought and provided. If, upon review, the
19 district determines that the family no longer suffers such
20 hardship, it may notify the family in writing and begin the
21 process of dispute resolution as set forth in this Act. Any
22 change required as a result of this review and determination
23 shall be effective solely at the close of the school year. Any
24 person who knowingly or willfully presents false information
25 regarding the hardship of a child in any review under this
26 subsection (a-5) shall be guilty of a Class C misdemeanor.

1 (b) Any party to a dispute under this Act may file a civil
2 action in a court of competent jurisdiction to seek appropriate
3 relief. In any civil action, a party whose rights under this
4 Act are found to have been violated shall be entitled to
5 recover reasonable attorney's fees and costs.

6 (c) If a dispute arises, the school district shall inform
7 parents and guardians of homeless children of the availability
8 of the ombudsperson, sources of low cost or free legal
9 assistance, and other advocacy services in the community.

10 (Source: P.A. 94-235, eff. 7-14-05.)"