

**104TH GENERAL ASSEMBLY****State of Illinois****2025 and 2026****HB1861**

Introduced 1/29/2025, by Rep. William "Will" Davis

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/14-1.11	from Ch. 122, par. 14-1.11
105 ILCS 5/14-1.11a	from Ch. 122, par. 14-1.11a
105 ILCS 5/14-7.05	

Amends the Children with Disabilities Article of the School Code. Provides that for a child residing in a long-term, acute care facility serving a majority of patients who are (i) minor children and (ii) Medicaid-eligible in Harvey School District 152, if a parent or guardian moves out of the State after the child is placed in such a facility, that parent or guardian shall enroll the child in a school in the other state to initiate reimbursement to Illinois. With respect to determining the location of a student's parent or guardian, provides that the information submitted to the State Superintendent of Education must include an affidavit from that school district's superintendent or the facility's director attesting that the location of the parent or guardian is unknown and at least 3 satisfactory attempts (rather than 4 items of documentary evidence that a minimum of 4 separate attempts) were made on 3 separate days to locate the parent or guardian and no response was received from the parent or guardian within 14 days after such satisfactory attempts. Provides that for a child residing in a long-term, acute care facility serving a majority of patients who are (i) minor children and (ii) Medicaid-eligible in Harvey School District 152, the following apply: (1) if the child is not currently enrolled in a school district or if the resident school district is unknown, the appropriate resident school district must be identified and the child must be enrolled in that district prior to the placement of the child, except in emergency situations; (2) for a child with an out-of-state resident district whose out-of-state resident district has refused to enroll the child in the district, despite being contacted by both the nonpublic school within the applicable facility and the State Board of Education, the resident district shall be the student's most recent resident district in Illinois and that resident district shall be the responsible payee; and (3) the equivalent of each applicable child's tuition receipts for the 2025-2026 school year shall be paid to the resident district. Makes other changes. Effective immediately.

LRB104 07629 LNS 17673 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 14-1.11, 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  
18 Harvey School District 152, if a parent or guardian moves out  
19 of this State after the child is placed in such a facility,  
20 that parent or guardian shall enroll the child in a school in  
21 the other state to initiate reimbursement to Illinois. If the  
22 laws, policies, or procedures of the other state prohibit the  
23 foregoing or if the parent or guardian otherwise provides  
24 proof of at least one satisfactory attempt to enroll the child  
25 but is refused by the other state, the child shall continue to  
26 be deemed a resident of the last school district in which the

1 child was enrolled. This process must be conducted when the  
2 student is placed in the facility and every 3 years from the  
3 date of placement.

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

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

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

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

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

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

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

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

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

21 (b) In cases where an Illinois public agency has legal  
22 guardianship and has placed the student residentially outside  
23 of Illinois, the last school district that provided at least  
24 45 days of educational service to the student shall continue  
25 to be the district of residence until the student is no longer

1 under guardianship of an Illinois public agency or until the  
2 student is returned to Illinois.

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

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

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

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

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

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

16 (105 ILCS 5/14-7.05)

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

1 responsibility and reimbursement must be calculated in  
2 accordance with the provisions of Section 14-7.02 of this  
3 Code. In those instances in which a district receives a block  
4 grant pursuant to Article 1D of this Code, the district's  
5 financial responsibility is limited to the actual educational  
6 costs of the placement, which must be paid by the district from  
7 its block grant appropriation. Resident district financial  
8 responsibility and reimbursement applies for both residential  
9 facilities that are approved by the State Board of Education  
10 and non-approved facilities, subject to the requirements of  
11 this Section. The Illinois placing agency or court remains  
12 responsible for funding the residential portion of the  
13 placement and for notifying the resident district prior to the  
14 placement, except in emergency situations. For a child  
15 residing in a long-term, acute care facility serving a  
16 majority of patients who are (i) minor children and (ii)  
17 Medicaid-eligible in Harvey School District 152, the following  
18 shall apply:

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

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

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

19 (3) For fiscal year 2027 only, subject to  
20 appropriation, the equivalent of each applicable child's  
21 tuition receipts for the 2025-2026 school year, as found  
22 in paragraph (1), shall be paid to the resident district  
23 determined by this Section. The provisions of this  
24 paragraph (3), other than this sentence, are inoperative  
25 after June 30, 2027.

26 The residential facility in which the student is placed shall



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

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

1 option to place the child in a comparable special education  
2 residential facility located within this State, if any.

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

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

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

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

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