

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Disabled Persons Rehabilitation Act is  
5 amended by changing Sections 10 and 13 as follows:

6 (20 ILCS 2405/10) (from Ch. 23, par. 3441)

7 Sec. 10. Residential schools; visual and hearing  
8 handicaps.

9 (a) The Department of Human Services shall operate  
10 residential schools for the education of children with visual  
11 and hearing handicaps who are unable to take advantage of the  
12 regular educational facilities provided in the community, and  
13 shall provide in connection therewith such academic,  
14 vocational, and related services as may be required. Children  
15 shall be eligible for admission to these schools only after  
16 proper diagnosis and evaluation, in accordance with procedures  
17 prescribed by the Department.

18 (a-5) The Superintendent of the Illinois School for the  
19 Deaf shall be the chief executive officer of, and shall be  
20 responsible for the day to day operations of, the School, and  
21 shall obtain educational and professional employees who are  
22 certified by the Illinois State Board of Education or licensed  
23 by the appropriate agency or entity to which licensing

1 authority has been delegated, as well as all other employees of  
2 the School, subject to the provisions of the Personnel Code and  
3 any applicable collective bargaining agreement. The  
4 Superintendent shall be appointed by the Governor, by and with  
5 the advice and consent of the Senate. In the case of a vacancy  
6 in the office of Superintendent during the recess of the  
7 Senate, the Governor shall make a temporary appointment until  
8 the next meeting of the Senate, when the Governor shall  
9 nominate some person to fill the office, and any person so  
10 nominated who is confirmed by the Senate shall hold office  
11 during the remainder of the term and until his or her successor  
12 is appointed and qualified. The Superintendent shall hold  
13 office (i) for a term expiring on June 30 of 2015, and every 4  
14 years thereafter and (ii) until the Superintendent's successor  
15 is appointed and qualified. The Superintendent shall devote his  
16 or her full time to the duties of the office, shall not serve  
17 in any other capacity during his or her term of office, and  
18 shall receive such compensation as the Governor shall  
19 determine. The Superintendent shall have an administrative  
20 certificate with a superintendent endorsement as provided for  
21 under Section 21-7.1 of the School Code, and shall have degrees  
22 in both educational administration and deaf education,  
23 together with at least 15 years of experience in either deaf  
24 education, the administration of deaf education, or a  
25 combination of the 2.

26 (a-10) The Superintendent of the Illinois School for the

1 Visually Impaired shall be the chief executive officer of, and  
2 shall be responsible for the day to day operations of, the  
3 School, and shall obtain educational and professional  
4 employees who are certified by the Illinois State Board of  
5 Education or licensed by the appropriate agency or entity to  
6 which licensing authority has been delegated, as well as all  
7 other employees of the School, subject to the provisions of the  
8 Personnel Code and any applicable collective bargaining  
9 agreement. The Superintendent shall be appointed by the  
10 Governor, by and with the advice and consent of the Senate. In  
11 the case of a vacancy in the office of Superintendent during  
12 the recess of the Senate, the Governor shall make a temporary  
13 appointment until the next meeting of the Senate, when the  
14 Governor shall nominate some person to fill the office, and any  
15 person so nominated who is confirmed by the Senate shall hold  
16 office during the remainder of the term and until his or her  
17 successor is appointed and qualified. The Superintendent shall  
18 hold office (i) for a term expiring on June 30 of 2015, and  
19 every 4 years thereafter and (ii) until the Superintendent's  
20 successor is appointed and qualified. The Superintendent shall  
21 devote his or her full time to the duties of the office, shall  
22 not serve in any other capacity during his or her term of  
23 office, and shall receive such compensation as the Governor  
24 shall determine. The Superintendent shall have an  
25 administrative certificate with a superintendent endorsement  
26 as provided for under Section 21-7.1 of the School Code, and

1 shall have degrees in both educational administration and blind  
2 or visually impaired education, together with at least 15 years  
3 of experience in either blind or visually impaired education,  
4 the administration of blind or visually impaired education, or  
5 a combination of the 2.

6 (b) In administering the Illinois School for the Deaf, the  
7 Department shall adopt an admission policy which permits day or  
8 residential enrollment, when resources are sufficient, of  
9 children with hearing handicaps who are able to take advantage  
10 of the regular educational facilities provided in the community  
11 and thus unqualified for admission under subsection (a). In  
12 doing so, the Department shall establish an annual deadline by  
13 which shall be completed the enrollment of children qualified  
14 under subsection (a) for admission to the Illinois School for  
15 the Deaf. After the deadline, the Illinois School for the Deaf  
16 may enroll other children with hearing handicaps at the request  
17 of their parents or guardians if the Department determines  
18 there are sufficient resources to meet their needs as well as  
19 the needs of children enrolled before the deadline and children  
20 qualified under subsection (a) who may be enrolled after the  
21 deadline on an emergency basis. The Department shall adopt any  
22 rules and regulations necessary for the implementation of this  
23 subsection.

24 (c) In administering the Illinois School for the Visually  
25 Impaired, the Department shall adopt an admission policy that  
26 permits day or residential enrollment, when resources are

1 sufficient, of children with visual handicaps who are able to  
2 take advantage of the regular educational facilities provided  
3 in the community and thus unqualified for admission under  
4 subsection (a). In doing so, the Department shall establish an  
5 annual deadline by which the enrollment of children qualified  
6 under subsection (a) for admission to the Illinois School for  
7 the Visually Impaired shall be completed. After the deadline,  
8 the Illinois School for the Visually Impaired may enroll other  
9 children with visual handicaps at the request of their parents  
10 or guardians if the Department determines there are sufficient  
11 resources to meet their needs as well as the needs of children  
12 enrolled before the deadline and children qualified under  
13 subsection (a) who may be enrolled after the deadline on an  
14 emergency basis. The Department shall adopt any rules and  
15 regulations necessary for the implementation of this  
16 subsection.

17 (Source: P.A. 89-264, eff. 8-10-95; 89-507, eff. 7-1-97.)

18 (20 ILCS 2405/13) (from Ch. 23, par. 3444)

19 Sec. 13. The Department shall have all powers reasonable  
20 and necessary for the administration of institutions for  
21 persons with one or more disabilities under subsection (f) of  
22 Section 3 of this Act, including, but not limited to, the  
23 authority to do the following:

24 (a) Appoint and remove the superintendents of the  
25 institutions operated by the Department, except for those

1 superintendents whose appointment and removal is provided for  
2 under Section 10 of this Act; obtain all other employees  
3 subject to the provisions of the Personnel Code, except for  
4 educational and professional employees of the Illinois School  
5 for the Deaf and the Illinois School for the Visually Impaired  
6 who are certified by the Illinois State Board of Education or  
7 licensed by the appropriate agency or entity to which licensing  
8 authority has been delegated, and all other employees of the  
9 Schools who are obtained by the superintendents as provided  
10 under Section 10 of this Act, subject to the provisions of the  
11 Personnel Code and any applicable collective bargaining  
12 agreement; and conduct staff training programs for the  
13 development and improvement of services.

14 (b) Provide supervision, housing accommodations, board or  
15 the payment of boarding costs, tuition, and treatment free of  
16 charge, except as otherwise specified in this Act, for  
17 residents of this State who are cared for in any institution,  
18 or for persons receiving services under any program under the  
19 jurisdiction of the Department. Residents of other states may  
20 be admitted upon payment of the costs of board, tuition, and  
21 treatment as determined by the Department; provided, that no  
22 resident of another state shall be received or retained to the  
23 exclusion of any resident of this State. The Department shall  
24 accept any donation for the board, tuition, and treatment of  
25 any person receiving service or care.

26 (c) Cooperate with the State Board of Education and the

1 Department of Children and Family Services in a program to  
2 provide for the placement, supervision, and foster care of  
3 children with handicaps who must leave their home community in  
4 order to attend schools offering programs in special education.

5 (d) Assess and collect (i) student activity fees and (ii)  
6 charges to school districts for transportation of students  
7 required under the School Code and provided by the Department.  
8 The Department shall direct the expenditure of all money that  
9 has been or may be received by any officer of the several State  
10 institutions under the direction and supervision of the  
11 Department as profit on sales from commissary stores, student  
12 activity fees, or charges for student transportation. The money  
13 shall be deposited into a locally held fund and expended under  
14 the direction of the Department for the special comfort,  
15 pleasure, and amusement of residents and employees and the  
16 transportation of residents, provided that amounts expended  
17 for comfort, pleasure, and amusement of employees shall not  
18 exceed the amount of profits derived from sales made to  
19 employees by the commissaries, as determined by the Department.

20 Funds deposited with State institutions under the  
21 direction and supervision of the Department by or for residents  
22 of those State institutions shall be deposited into  
23 interest-bearing accounts, and money received as interest and  
24 income on those funds shall be deposited into a "needy student  
25 fund" to be held and administered by the institution. Money in  
26 the "needy student fund" shall be expended for the special

1 comfort, pleasure, and amusement of the residents of the  
2 particular institution where the money is paid or received.

3 Any money belonging to residents separated by death,  
4 discharge, or unauthorized absence from institutions described  
5 under this Section, in custody of officers of the institutions,  
6 may, if unclaimed by the resident or the legal representatives  
7 of the resident for a period of 2 years, be expended at the  
8 direction of the Department for the purposes and in the manner  
9 specified in this subsection (d). Articles of personal  
10 property, with the exception of clothing left in the custody of  
11 those officers, shall, if unclaimed for the period of 2 years,  
12 be sold and the money disposed of in the same manner.

13 Clothing left at the institution by residents at the time  
14 of separation may be used as determined by the institution if  
15 unclaimed by the resident or legal representatives of the  
16 resident within 30 days after notification.

17 (e) Keep, for each institution under the jurisdiction of  
18 the Department, a register of the number of officers,  
19 employees, and residents present each day in the year, in a  
20 form that will permit a calculation of the average number  
21 present each month.

22 (f) (Blank).

23 (g) (Blank).

24 (h) (Blank).

25 (i) Accept and hold in behalf of the State, if for the  
26 public interest, a grant, gift, or legacy of money or property

1 to the State of Illinois, to the Department, or to any  
2 institution or program of the Department made in trust for the  
3 maintenance or support of a resident of an institution of the  
4 Department, or for any other legitimate purpose connected with  
5 any such institution or program. The Department shall cause  
6 each gift, grant, or legacy to be kept as a distinct fund, and  
7 shall invest the gift, grant, or legacy in the manner provided  
8 by the laws of this State as those laws now exist or shall  
9 hereafter be enacted relating to securities in which the  
10 deposits in savings banks may be invested. The Department may,  
11 however, in its discretion, deposit in a proper trust company  
12 or savings bank, during the continuance of the trust, any fund  
13 so left in trust for the life of a person and shall adopt rules  
14 and regulations governing the deposit, transfer, or withdrawal  
15 of the fund. The Department shall, on the expiration of any  
16 trust as provided in any instrument creating the trust, dispose  
17 of the fund thereby created in the manner provided in the  
18 instrument. The Department shall include in its required  
19 reports a statement showing what funds are so held by it and  
20 the condition of the funds. Monies found on residents at the  
21 time of their admission, or accruing to them during their  
22 period of institutional care, and monies deposited with the  
23 superintendents by relatives, guardians, or friends of  
24 residents for the special comfort and pleasure of a resident,  
25 shall remain in the possession of the superintendents, who  
26 shall act as trustees for disbursement to, in behalf of, or for

1 the benefit of the resident. All types of retirement and  
2 pension benefits from private and public sources may be paid  
3 directly to the superintendent of the institution where the  
4 person is a resident, for deposit to the resident's trust fund  
5 account.

6 (j) Appoint, subject to the Personnel Code, persons to be  
7 members of a police and security force. Members of the police  
8 and security force shall be peace officers and as such have all  
9 powers possessed by policemen in cities and sheriffs, including  
10 the power to make arrests on view or warrants of violations of  
11 State statutes or city or county ordinances. These powers may,  
12 however, be exercised only in counties of more than 500,000  
13 population when required for the protection of Department  
14 properties, interests, and personnel, or specifically  
15 requested by appropriate State or local law enforcement  
16 officials. Members of the police and security force may not  
17 serve and execute civil processes.

18 (k) Maintain, and deposit receipts from the sale of tickets  
19 to athletic, musical, and other events, fees for participation  
20 in school sponsored tournaments and events, and revenue from  
21 student activities relating to charges for art and woodworking  
22 projects, charges for automobile repairs, and other revenue  
23 generated from student projects into, locally held accounts not  
24 to exceed \$20,000 per account for the purposes of (i) providing  
25 immediate payment to officials, judges, and athletic referees  
26 for their services rendered and for other related expenses at

1 school sponsored contests, tournaments, or events, (ii)  
2 providing payment for expenses related to student revenue  
3 producing activities such as art and woodworking projects,  
4 automotive repair work, and other student activities or  
5 projects that generate revenue and incur expenses, and (iii)  
6 providing students who are enrolled in an independent living  
7 program with cash so that they may fulfill course objectives by  
8 purchasing commodities and other required supplies.

9 (1) Advance moneys from its appropriations to be maintained  
10 in locally held accounts at the schools to establish (i) a  
11 "Student Compensation Account" to pay students for work  
12 performed under the student work program, and (ii) a "Student  
13 Activity Travel Account" to pay transportation, meals, and  
14 lodging costs of students, coaches, and activity sponsors while  
15 traveling off campus for sporting events, lessons, and other  
16 activities directly associated with the representation of the  
17 school. Funds in the "Student Compensation Account" shall not  
18 exceed \$20,000, and funds in the "Student Activity Travel  
19 Account" shall not exceed \$200,000.

20 (1-5) Establish a locally held account to be maintained and  
21 administered for the Therkelsen/Hansen College Loan Fund  
22 (referred to as the Fund). Existing funds for this purpose  
23 shall be transferred from the State Treasury to the locally  
24 held account. The Department shall promulgate rules regarding  
25 the Fund; the use of funds; the eligibility of potential  
26 borrowers; the awarding and repayment of loans; and other

1 rules, as applicable. The administration of the Fund and the  
2 promulgation of rules shall meet the requirements of the will  
3 of Petrea Therkelsen, which establishes the Fund.

4 (m) Promulgate rules of conduct applicable to the residents  
5 of institutions for persons with one or more disabilities. The  
6 rules shall include specific standards to be used by the  
7 Department to determine (i) whether financial restitution  
8 shall be required in the event of losses or damages resulting  
9 from a resident's action and (ii) the ability of the resident  
10 and the resident's parents to pay restitution.

11 (Source: P.A. 94-887, eff. 6-20-06.)

12 Section 99. Effective date. This Act takes effect upon  
13 becoming law.