

Fact Sheet



A Growing Residential Crisis: Children with Disabilities in Need of Safe Space

Illinois school districts seek the Illinois State Board of Education's (ISBE) immediate assistance in resolving the residential placement and related funding issue for Illinois children and school districts immediately impacted. This crisis exists due to insufficient available and appropriate ISBE-approved residential facilities for many Illinois children with disabilities.

In 2020-2021, 293,553 Illinois children ages 3-21 needed special education and related services in accordance with their individualized education programs (IEPs).

Illinois State Report Card 2020-2021 Students with Individualized Education Plan

The Solution

Statutory changes to Section 14-7.02 and regulatory change to 23 Ill. Admin. Code Section 226.330 will ensure that these provisions align with the allowances for Illinois agency and court placements in non-approved residential programs is essential, fair, and long overdue. It would require:

- Addition of language to Sections 14-7.02, 14-7.05, and 14-15.01 of the Illinois School Code.
- Addition of language to Section 226.330(c) of the ISBE rules.
- A repeal of the ISBE's 2020 change in its informal procedure for reimbursing school districts for residential placements of children with disabilities in non-approved programs if ordered by an impartial due process hearing officer.

The Facts

Federal and State special education laws and regulations such as free appropriate public education (FAPE) require that ISBE and Illinois school districts ensure that all eligible children with disabilities are provided with a FAPE, including an appropriate placement to meet each student's unique needs.



- ✓ For some children that have the most significant challenges and needs, placement in a special education residential program is the least restrictive environment in which the child's needs can be met.
- ✓ There is no exception or way around the ISBE approval requirement for residential placements made by districts.
- ✓ There are many Illinois children with disabilities whose resident school districts and parents agree that residential placement is needed but for whom there is no appropriate and available residential program.

Additional Resources

- [HB 4365](#)
- [ISBE Notice Letter](#)
- [ISBE Response Letter](#)
- [Proposed Emergency Rules](#)

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