



Sen. Dan Kotowski

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1 AMENDMENT TO SENATE BILL 218

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 218 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections  
5 1D-1, 14-7.02, 14-7.02b, and 14-7.03 and by adding Section  
6 14-17 as follows:

7 (105 ILCS 5/1D-1)

8 Sec. 1D-1. Block grant funding.

9 (a) For fiscal year 1996 and each fiscal year thereafter,  
10 the State Board of Education shall award to a school district  
11 having a population exceeding 500,000 inhabitants a general  
12 education block grant and an educational services block grant,  
13 determined as provided in this Section, in lieu of distributing  
14 to the district separate State funding for the programs  
15 described in subsections (b) and (c). The provisions of this  
16 Section, however, do not apply to any federal funds that the

1 district is entitled to receive. In accordance with Section  
2 2-3.32, all block grants are subject to an audit. Therefore,  
3 block grant receipts and block grant expenditures shall be  
4 recorded to the appropriate fund code for the designated block  
5 grant.

6 (b) The general education block grant shall include the  
7 following programs: REI Initiative, Summer Bridges, Preschool  
8 At Risk, K-6 Comprehensive Arts, School Improvement Support,  
9 Urban Education, Scientific Literacy, Substance Abuse  
10 Prevention, Second Language Planning, Staff Development,  
11 Outcomes and Assessment, K-6 Reading Improvement, 7-12  
12 Continued Reading Improvement, Truants' Optional Education,  
13 Hispanic Programs, Agriculture Education, Parental Education,  
14 Prevention Initiative, Report Cards, and Criminal Background  
15 Investigations. Notwithstanding any other provision of law,  
16 all amounts paid under the general education block grant from  
17 State appropriations to a school district in a city having a  
18 population exceeding 500,000 inhabitants shall be appropriated  
19 and expended by the board of that district for any of the  
20 programs included in the block grant or any of the board's  
21 lawful purposes.

22 (c) The educational services block grant shall include the  
23 following programs: Regular and Vocational Transportation,  
24 State Lunch and Free Breakfast Program, Special Education  
25 (Personnel, Transportation, Orphanage, ~~Private Tuition~~),  
26 funding for children requiring special education services,

1 Summer School, Educational Service Centers, and  
2 Administrator's Academy. This subsection (c) does not relieve  
3 the district of its obligation to provide the services required  
4 under a program that is included within the educational  
5 services block grant. It is the intention of the General  
6 Assembly in enacting the provisions of this subsection (c) to  
7 relieve the district of the administrative burdens that impede  
8 efficiency and accompany single-program funding. The General  
9 Assembly encourages the board to pursue mandate waivers  
10 pursuant to Section 2-3.25g.

11 The funding program included in the educational services  
12 block grant for funding for children requiring special  
13 education services in each fiscal year shall be treated in that  
14 fiscal year as a payment to the school district in respect of  
15 services provided or costs incurred in the prior fiscal year,  
16 calculated in each case as provided in this Section. Nothing in  
17 this Section shall change the nature of payments for any  
18 program that, apart from this Section, would be or, prior to  
19 adoption or amendment of this Section, was on the basis of a  
20 payment in a fiscal year in respect of services provided or  
21 costs incurred in the prior fiscal year, calculated in each  
22 case as provided in this Section.

23 (d) For fiscal year 1996 and each fiscal year thereafter,  
24 the amount of the district's block grants shall be determined  
25 as follows: (i) with respect to each program that is included  
26 within each block grant, the district shall receive an amount

1 equal to the same percentage of the current fiscal year  
2 appropriation made for that program as the percentage of the  
3 appropriation received by the district from the 1995 fiscal  
4 year appropriation made for that program, and (ii) the total  
5 amount that is due the district under the block grant shall be  
6 the aggregate of the amounts that the district is entitled to  
7 receive for the fiscal year with respect to each program that  
8 is included within the block grant that the State Board of  
9 Education shall award the district under this Section for that  
10 fiscal year. In the case of the Summer Bridges program, the  
11 amount of the district's block grant shall be equal to 44% of  
12 the amount of the current fiscal year appropriation made for  
13 that program.

14 (e) The district is not required to file any application or  
15 other claim in order to receive the block grants to which it is  
16 entitled under this Section. The State Board of Education shall  
17 make payments to the district of amounts due under the  
18 district's block grants on a schedule determined by the State  
19 Board of Education.

20 (f) A school district to which this Section applies shall  
21 report to the State Board of Education on its use of the block  
22 grants in such form and detail as the State Board of Education  
23 may specify. In addition, the report must include the following  
24 description for the district, which must also be reported to  
25 the General Assembly: block grant allocation and expenditures  
26 by program; population and service levels by program; and

1 administrative expenditures by program. The State Board of  
2 Education shall ensure that the reporting requirements for the  
3 district are the same as for all other school districts in this  
4 State.

5 (g) This paragraph provides for the treatment of block  
6 grants under Article 1C for purposes of calculating the amount  
7 of block grants for a district under this Section. Those block  
8 grants under Article 1C are, for this purpose, treated as  
9 included in the amount of appropriation for the various  
10 programs set forth in paragraph (b) above. The appropriation in  
11 each current fiscal year for each block grant under Article 1C  
12 shall be treated for these purposes as appropriations for the  
13 individual program included in that block grant. The proportion  
14 of each block grant so allocated to each such program included  
15 in it shall be the proportion which the appropriation for that  
16 program was of all appropriations for such purposes now in that  
17 block grant, in fiscal 1995.

18 Payments to the school district under this Section with  
19 respect to each program for which payments to school districts  
20 generally, as of the date of this amendatory Act of the 92nd  
21 General Assembly, are on a reimbursement basis shall continue  
22 to be made to the district on a reimbursement basis, pursuant  
23 to the provisions of this Code governing those programs.

24 (h) Notwithstanding any other provision of law, any school  
25 district receiving a block grant under this Section may  
26 classify all or a portion of the funds that it receives in a

1 particular fiscal year from any block grant authorized under  
2 this Code or from general State aid pursuant to Section 18-8.05  
3 of this Code (other than supplemental general State aid) as  
4 funds received in connection with any funding program for which  
5 it is entitled to receive funds from the State in that fiscal  
6 year (including, without limitation, any funding program  
7 referred to in subsection (c) of this Section), regardless of  
8 the source or timing of the receipt. The district may not  
9 classify more funds as funds received in connection with the  
10 funding program than the district is entitled to receive in  
11 that fiscal year for that program. Any classification by a  
12 district must be made by a resolution of its board of  
13 education. The resolution must identify the amount of any block  
14 grant or general State aid to be classified under this  
15 subsection (h) and must specify the funding program to which  
16 the funds are to be treated as received in connection  
17 therewith. This resolution is controlling as to the  
18 classification of funds referenced therein. A certified copy of  
19 the resolution must be sent to the State Superintendent of  
20 Education. The resolution shall still take effect even though a  
21 copy of the resolution has not been sent to the State  
22 Superintendent of Education in a timely manner. No  
23 classification under this subsection (h) by a district shall  
24 affect the total amount or timing of money the district is  
25 entitled to receive under this Code. No classification under  
26 this subsection (h) by a district shall in any way relieve the

1 district from or affect any requirements that otherwise would  
2 apply with respect to the block grant as provided in this  
3 Section, including any accounting of funds by source, reporting  
4 expenditures by original source and purpose, reporting  
5 requirements, or requirements of provision of services.

6 (Source: P.A. 97-238, eff. 8-2-11; 97-324, eff. 8-12-11;  
7 97-813, eff. 7-13-12.)

8 (105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

9 Sec. 14-7.02. Children attending ~~private schools~~, public  
10 out-of-state schools, ~~public school residential facilities~~ or  
11 non-public ~~private~~ special education facilities. The General  
12 Assembly recognizes that non-public ~~schools~~ or special  
13 education facilities provide an important service in the  
14 educational system in Illinois.

15 If because of his or her disability the special education  
16 program of a district is unable to meet the needs of a child  
17 and the child attends a non-public ~~school~~ or special education  
18 facility, a public out-of-state school or a special education  
19 facility owned and operated by a county government unit that  
20 provides special educational services required by the child and  
21 is in compliance with the appropriate rules and regulations of  
22 the State Superintendent of Education, the school district in  
23 which the child is a resident shall pay the actual cost of  
24 tuition for special education and related services provided  
25 during the regular school term and during the summer school

1 term if the child's educational needs so require, excluding  
2 room ~~and~~, board ~~and transportation costs~~ charged ~~the child~~ by  
3 ~~the that~~ non-public ~~school or~~ special education facility,  
4 public out-of-state school or county special education  
5 facility, ~~or \$4,500 per year, whichever is less,~~ and shall  
6 provide him any necessary transportation. "Non-public  
7 ~~Nonpublic~~ special education facility" shall include a  
8 residential facility, within or outside ~~without~~ the State of  
9 Illinois, which provides special education and related  
10 services to meet the needs of the child by utilizing private  
11 schools or public schools, whether located on the site or off  
12 the site of the residential facility.

13 The State Board of Education shall promulgate rules and  
14 regulations for determining when placement in a private special  
15 education facility is appropriate. Such rules and regulations  
16 shall take into account the various types of services needed by  
17 a child and the availability of such services to the particular  
18 child in the public school. In developing these rules and  
19 regulations the State Board of Education shall consult with the  
20 Advisory Council on Education of Children with Disabilities and  
21 hold public hearings to secure recommendations from parents,  
22 school personnel, and others concerned about this matter.

23 The State Board of Education shall also promulgate rules  
24 and regulations for transportation to and from a residential  
25 school. Transportation to and from home to a residential school  
26 more than once each school term shall be subject to prior

1 approval by the State Superintendent in accordance with the  
2 rules and regulations of the State Board.

3 A school district making tuition payments pursuant to this  
4 Section is eligible for reimbursement from the State in  
5 accordance with Section 14-17 of this Code ~~for the amount of~~  
6 ~~such payments actually made in excess of the district per~~  
7 ~~capita tuition charge for students not receiving special~~  
8 ~~education services. Such reimbursement shall be approved in~~  
9 ~~accordance with Section 14-12.01 and each district shall file~~  
10 ~~its claims, computed in accordance with rules prescribed by the~~  
11 ~~State Board of Education, on forms prescribed by the State~~  
12 ~~Superintendent of Education. Data used as a basis of~~  
13 ~~reimbursement claims shall be for the preceding regular school~~  
14 ~~term and summer school term. Each school district shall~~  
15 ~~transmit its claims to the State Board of Education on or~~  
16 ~~before August 15. The State Board of Education, before~~  
17 ~~approving any such claims, shall determine their accuracy and~~  
18 ~~whether they are based upon services and facilities provided~~  
19 ~~under approved programs. Upon approval the State Board shall~~  
20 ~~cause vouchers to be prepared showing the amount due for~~  
21 ~~payment of reimbursement claims to school districts, for~~  
22 ~~transmittal to the State Comptroller on the 30th day of~~  
23 ~~September, December, and March, respectively, and the final~~  
24 ~~voucher, no later than June 20. If the money appropriated by~~  
25 ~~the General Assembly for such purpose for any year is~~  
26 ~~insufficient, it shall be apportioned on the basis of the~~

1 ~~claims approved.~~

2 No child shall be placed in a special education program  
3 pursuant to this Section ~~if the tuition cost for special~~  
4 ~~education and related services increases more than 10 percent~~  
5 ~~over the tuition cost for the previous school year or exceeds~~  
6 ~~\$4,500 per year~~ unless such costs have been approved by the  
7 Illinois Purchased Care Review Board. The Illinois Purchased  
8 Care Review Board shall consist of the following persons, or  
9 their designees: the Directors of Children and Family Services,  
10 Healthcare and Family Services, Public Health, ~~Public Aid~~, and  
11 the Governor's Office of Management and Budget; the Secretary  
12 of Human Services; the State Superintendent of Education; and  
13 such other persons as the Governor may designate. The Review  
14 Board shall also consist of one non-voting member who is an  
15 administrator of a private, nonpublic, special education  
16 school. The Review Board shall establish rules and regulations  
17 for its determination of allowable costs and payments made by  
18 local school districts for special education, room and board,  
19 and other related services provided by non-public ~~schools or~~  
20 special education facilities and shall establish uniform  
21 standards and criteria which it shall follow. The Review Board  
22 shall approve the usual and customary rate or rates of a  
23 special education program that (i) is offered by an  
24 out-of-state, non-public provider of integrated autism  
25 specific educational and autism specific residential services,  
26 (ii) offers 2 or more levels of residential care, including at

1 least one locked facility, and (iii) serves 12 or fewer  
2 Illinois students.

3 The Review Board shall establish uniform definitions and  
4 criteria for accounting separately by special education, room  
5 and board and other related services costs. The Board shall  
6 also establish guidelines for the coordination of services and  
7 financial assistance provided by all State agencies to assure  
8 that no otherwise qualified disabled child receiving services  
9 under Article 14 shall be excluded from participation in, be  
10 denied the benefits of or be subjected to discrimination under  
11 any program or activity provided by any State agency.

12 The Review Board shall review the costs for special  
13 education and related services provided by non-public ~~schools~~  
14 ~~or~~ special education facilities and shall approve or disapprove  
15 such facilities in accordance with the rules and regulations  
16 established by it with respect to allowable costs.

17 The State Board of Education shall provide administrative  
18 and staff support for the Review Board as deemed reasonable by  
19 the State Superintendent of Education. This support shall not  
20 include travel expenses or other compensation for any Review  
21 Board member other than the State Superintendent of Education.

22 The Review Board shall seek the advice of the Advisory  
23 Council on Education of Children with Disabilities on the rules  
24 and regulations to be promulgated by it relative to providing  
25 special education services.

26 If a child has been placed in a program in which the actual

1 per pupil costs of tuition for special education and related  
2 services based on program enrollment, ~~excluding room, board and~~  
3 ~~transportation costs, exceed \$4,500 and such costs~~ have been  
4 approved by the Review Board, the district shall pay such total  
5 costs ~~which exceed \$4,500. A district making such tuition~~  
6 ~~payments in excess of \$4,500 pursuant to this Section shall be~~  
7 ~~responsible for an amount in excess of \$4,500 equal to the~~  
8 ~~district per capita tuition charge and shall be eligible for~~  
9 ~~reimbursement from the State for the amount of such payments~~  
10 ~~actually made in excess of the districts per capita tuition~~  
11 ~~charge for students not receiving special education services.~~

12 If a child has been placed in an approved individual  
13 program and the tuition costs including room and board costs  
14 have been approved by the Review Board, then such room and  
15 board costs shall be paid by the appropriate State agency  
16 subject to the provisions of Section 14-8.01 of this Act. Room  
17 and board costs not provided by a State agency other than the  
18 State Board of Education shall be provided by the State Board  
19 of Education on a current basis. In no event, however, shall  
20 the State's liability for funding of the ~~these~~ tuition costs,  
21 including room and board costs, begin until after the legal  
22 obligations of third party payees ~~payors~~ have been subtracted  
23 from such costs. If the money appropriated by the General  
24 Assembly for such purpose for any year is insufficient, it  
25 shall be apportioned on the basis of the claims approved. Each  
26 district shall submit room and board ~~estimated~~ claims to the

1 State Superintendent of Education. Upon approval of such  
2 claims, the State Superintendent of Education shall direct the  
3 State Comptroller to make payments on such submitted claims ~~a~~  
4 ~~monthly basis~~. The frequency for submitting ~~estimated~~ claims  
5 and the method of determining payment shall be prescribed in  
6 rules and regulations adopted by the State Board of Education.  
7 Such current state reimbursement shall be reduced by an amount  
8 equal to the proceeds which the child or child's parents or  
9 legal guardian are eligible to receive under any public or  
10 private insurance or assistance program. Nothing in this  
11 Section shall be construed as relieving an insurer or similar  
12 third party from an otherwise valid obligation to provide or to  
13 pay for services provided to a disabled child.

14 If it otherwise qualifies, a school district is eligible  
15 for the transportation reimbursement under Section 14-13.01  
16 and for the reimbursement of tuition payments ~~under this~~  
17 ~~Section~~ whether the non-public ~~school or~~ special education  
18 facility, public out-of-state school or county special  
19 education facility, attended by a child who resides in that  
20 district and requires special educational services, is within  
21 or outside of the State of Illinois. However, a district is not  
22 eligible to claim transportation reimbursement under this  
23 Section unless the district certifies to the State  
24 Superintendent of Education that the district is unable to  
25 provide special educational services required by the child for  
26 the current school year.

1           Nothing in this Section authorizes the reimbursement of a  
2 school district for the amount paid for tuition of a child  
3 attending a non-public ~~school or~~ special education facility,  
4 public out-of-state school or county special education  
5 facility unless the school district certifies to the State  
6 Superintendent of Education that the special education program  
7 of that district is unable to meet the needs of that child  
8 because of his disability and the State Superintendent of  
9 Education finds that the school district is in substantial  
10 compliance with Section 14-4.01. However, if a child is  
11 unilaterally placed by a State agency or any court in a  
12 non-public ~~school or~~ special education facility, public  
13 out-of-state school, or county special education facility, a  
14 school district shall not be required to certify to the State  
15 Superintendent of Education, for the purpose of tuition  
16 reimbursement, that the special education program of that  
17 district is unable to meet the needs of a child because of his  
18 or her disability.

19           Any educational or related services provided, pursuant to  
20 this Section in a non-public school or special education  
21 facility or a special education facility owned and operated by  
22 a county government unit shall be at no cost to the parent or  
23 guardian of the child. However, current law and practices  
24 relative to contributions by parents or guardians for costs  
25 other than educational or related services are not affected by  
26 this amendatory Act of 1978.

1       ~~Reimbursement for children attending public school~~  
2 ~~residential facilities shall be made in accordance with the~~  
3 ~~provisions of this Section.~~

4       ~~Notwithstanding any other provision of law, any school~~  
5 ~~district receiving a payment under this Section or under~~  
6 ~~Section 14-7.02b, 14-13.01, or 29-5 of this Code may classify~~  
7 ~~all or a portion of the funds that it receives in a particular~~  
8 ~~fiscal year or from general State aid pursuant to Section~~  
9 ~~18-8.05 of this Code as funds received in connection with any~~  
10 ~~funding program for which it is entitled to receive funds from~~  
11 ~~the State in that fiscal year (including, without limitation,~~  
12 ~~any funding program referenced in this Section), regardless of~~  
13 ~~the source or timing of the receipt. The district may not~~  
14 ~~classify more funds as funds received in connection with the~~  
15 ~~funding program than the district is entitled to receive in~~  
16 ~~that fiscal year for that program. Any classification by a~~  
17 ~~district must be made by a resolution of its board of~~  
18 ~~education. The resolution must identify the amount of any~~  
19 ~~payments or general State aid to be classified under this~~  
20 ~~paragraph and must specify the funding program to which the~~  
21 ~~funds are to be treated as received in connection therewith.~~  
22 ~~This resolution is controlling as to the classification of~~  
23 ~~funds referenced therein. A certified copy of the resolution~~  
24 ~~must be sent to the State Superintendent of Education. The~~  
25 ~~resolution shall still take effect even though a copy of the~~  
26 ~~resolution has not been sent to the State Superintendent of~~

1 ~~Education in a timely manner. No classification under this~~  
2 ~~paragraph by a district shall affect the total amount or timing~~  
3 ~~of money the district is entitled to receive under this Code.~~  
4 ~~No classification under this paragraph by a district shall in~~  
5 ~~any way relieve the district from or affect any requirements~~  
6 ~~that otherwise would apply with respect to that funding~~  
7 ~~program, including any accounting of funds by source, reporting~~  
8 ~~expenditures by original source and purpose, reporting~~  
9 ~~requirements, or requirements of providing services.~~

10 (Source: P.A. 98-636, eff. 6-6-14; 98-1008, eff. 1-1-15;  
11 revised 10-1-14.)

12 (105 ILCS 5/14-7.02b)

13 Sec. 14-7.02b. Funding for children requiring special  
14 education services. Payments to school districts for children  
15 requiring special education services documented in their  
16 individualized education program regardless of the program  
17 from which these services are received, excluding children  
18 identified ~~claimed~~ under Sections 14-7.02, ~~and~~ 14-7.03, ~~and~~  
19 14-11.02 of this Code, shall be made in accordance with this  
20 Section. Funds received under this Section may be used only for  
21 the provision of special educational facilities and services as  
22 defined in Section 14-1.08 of this Code.

23 The appropriation for each fiscal year ~~2005 and thereafter~~  
24 shall be based upon the IDEA child count of all students in the  
25 State, excluding students identified ~~claimed~~ under Sections

1 14-7.02, ~~and~~ 14-7.03, and 14-11.02 of this Code, on December 1  
2 of the fiscal year 2 years preceding, multiplied by 17.5% of  
3 the general State aid foundation level of support established  
4 for that fiscal year under Section 18-8.05 of this Code.

5 ~~Beginning with fiscal year 2005 and through fiscal year~~  
6 ~~2007, individual school districts shall not receive payments~~  
7 ~~under this Section totaling less than they received under the~~  
8 ~~funding authorized under Section 14-7.02a of this Code during~~  
9 ~~fiscal year 2004, pursuant to the provisions of Section~~  
10 ~~14-7.02a as they were in effect before the effective date of~~  
11 ~~this amendatory Act of the 93rd General Assembly. This base~~  
12 ~~level funding shall be computed first.~~

13 Beginning with fiscal year 2008 and each fiscal year  
14 thereafter, individual school districts must not receive  
15 payments under this Section totaling less than they received in  
16 fiscal year 2007. This funding shall be computed last and shall  
17 be a separate calculation from any other calculation set forth  
18 in this Section. This amount is exempt from the requirements of  
19 Section 1D-1 of this Code.

20 An amount equal to 85% of the funds remaining in the  
21 appropriation shall be allocated to school districts based upon  
22 the district's average daily attendance reported for purposes  
23 of Section 18-8.05 of this Code for the preceding school year.  
24 Fifteen percent of the funds remaining in the appropriation  
25 shall be allocated to school districts based upon the  
26 district's low income eligible pupil count used in the

1 calculation of general State aid under Section 18-8.05 of this  
2 Code for the same fiscal year. One hundred percent of the funds  
3 computed and allocated to districts under this Section shall be  
4 distributed and paid to school districts.

5 ~~For individual students with disabilities whose program~~  
6 ~~costs exceed 4 times the district's per capita tuition rate as~~  
7 ~~calculated under Section 10-20.12a of this Code, the costs in~~  
8 ~~excess of 4 times the district's per capita tuition rate shall~~  
9 ~~be paid by the State Board of Education from unexpended IDEA~~  
10 ~~discretionary funds originally designated for room and board~~  
11 ~~reimbursement pursuant to Section 14-8.01 of this Code. The~~  
12 ~~amount of tuition for these children shall be determined by the~~  
13 ~~actual cost of maintaining classes for these children, using~~  
14 ~~the per capita cost formula set forth in Section 14-7.01 of~~  
15 ~~this Code, with the program and cost being pre approved by the~~  
16 ~~State Superintendent of Education. Reimbursement for~~  
17 ~~individual students with disabilities whose program costs~~  
18 ~~exceed 4 times the district's per capita tuition rate shall be~~  
19 ~~claimed beginning with costs encumbered for the 2004-2005~~  
20 ~~school year and thereafter.~~

21 The State Board of Education shall prepare vouchers equal  
22 to one-fourth the amount allocated to districts, for  
23 transmittal to the State Comptroller on ~~the 30th day of~~  
24 September 30, December 31, and March 31, ~~respectively~~, and the  
25 final voucher, no later than June 20. The Comptroller shall  
26 make payments pursuant to this Section to school districts as

1 soon as possible after receipt of vouchers. ~~If the money~~  
2 ~~appropriated from the General Assembly for such purposes for~~  
3 ~~any year is insufficient, it shall be apportioned on the basis~~  
4 ~~of the payments due to school districts.~~

5 Nothing in this Section shall be construed to decrease or  
6 increase the percentage of all special education funds that are  
7 allocated annually under Article 1D of this Code or to alter  
8 the requirement that a school district provide special  
9 education services.

10 Nothing in this amendatory Act of the 93rd General Assembly  
11 shall eliminate any reimbursement obligation owed as of the  
12 effective date of this amendatory Act of the 93rd General  
13 Assembly to a school district with in excess of 500,000  
14 inhabitants.

15 (Source: P.A. 93-1022, eff. 8-24-08. 95-705, eff. 1-8-08.)

16 (105 ILCS 5/14-7.03) (from Ch. 122, par. 14-7.03)

17 Sec. 14-7.03. Special Education Classes for Children from  
18 Orphanages, Foster Family Homes, Children's Homes, or in State  
19 Housing Units. If a school district maintains special education  
20 classes on the site of orphanages and children's homes, or if  
21 children from the orphanages, children's homes, foster family  
22 homes, other State agencies, or State residential units for  
23 children attend classes for children with disabilities in which  
24 the school district is a participating member of a joint  
25 agreement, or if the children from the orphanages, children's

1 homes, foster family homes, other State agencies, or State  
2 residential units attend classes for the children with  
3 disabilities maintained by the school district, then  
4 reimbursement shall be paid to eligible districts in accordance  
5 with the provisions of this Section by the Comptroller as  
6 directed by the State Superintendent of Education.

7 The amount of tuition for such children shall be determined  
8 by the actual cost of maintaining such classes, using the per  
9 capita cost formula set forth in Section 14-7.01, such program  
10 and cost to be pre-approved by the State Superintendent of  
11 Education.

12 If a school district makes a claim for reimbursement under  
13 Section 18-3 or 18-4 of this Act it shall not include in any  
14 claim filed under this Section a claim for such children.  
15 Payments authorized by law, including State or federal grants  
16 for education of children included in this Section, shall be  
17 deducted in determining the tuition amount.

18 Nothing in this Act shall be construed so as to prohibit  
19 reimbursement for the tuition of children placed in for profit  
20 facilities. Private facilities shall provide adequate space at  
21 the facility for special education classes provided by a school  
22 district or joint agreement for children with disabilities who  
23 are residents of the facility at no cost to the school district  
24 or joint agreement upon request of the school district or joint  
25 agreement. If such a private facility provides space at no cost  
26 to the district or joint agreement for special education

1 classes provided to children with disabilities who are  
2 residents of the facility, the district or joint agreement  
3 shall not include any costs for the use of those facilities in  
4 its claim for reimbursement.

5 Reimbursement for tuition may include the cost of providing  
6 summer school programs for children with severe and profound  
7 disabilities served under this Section. Claims for that  
8 reimbursement shall be filed by November 1 and shall be paid on  
9 or before December 15 from appropriations made for the purposes  
10 of this Section.

11 The State Board of Education shall establish such rules and  
12 regulations as may be necessary to implement the provisions of  
13 this Section.

14 Claims filed on behalf of programs operated under this  
15 Section housed in a jail, detention center, or county-owned  
16 shelter care facility shall be on an individual student basis  
17 only for eligible students with disabilities. These claims  
18 shall be in accordance with applicable rules.

19 ~~Each district claiming reimbursement for a program~~  
20 ~~operated as a group program shall have an approved budget on~~  
21 ~~file with the State Board of Education prior to the initiation~~  
22 ~~of the program's operation. On September 30, December 31, and~~  
23 ~~March 31, the State Board of Education shall voucher payments~~  
24 ~~to group programs based upon the approved budget during the~~  
25 ~~year of operation. Final claims for group payments shall be~~  
26 ~~filed on or before July 15. Final claims for group programs~~

1 ~~received at the State Board of Education on or before June 15~~  
2 ~~shall be vouchered by June 30. Final claims received at the~~  
3 ~~State Board of Education between June 16 and July 15 shall be~~  
4 ~~vouchered by August 30. Claims for group programs received~~  
5 ~~after July 15 shall not be honored.~~

6 Each district claiming reimbursement for individual  
7 students shall have the eligibility of those students verified  
8 by the State Board of Education. On September 30, December 31,  
9 and March 31, the State Board of Education shall voucher  
10 payments for individual students based upon an estimated cost  
11 calculated from the prior year's claim. Final claims for  
12 individual students for the regular school term must be  
13 received at the State Board of Education by July 15. Claims for  
14 individual students received after July 15 shall not be  
15 honored. Final claims for individual students shall be  
16 vouchered by August 30.

17 ~~Notwithstanding Reimbursement shall be made based upon~~  
18 ~~approved group programs or individual students. The State~~  
19 ~~Superintendent of Education shall direct the Comptroller to pay~~  
20 ~~a specified amount to the district by the 30th day of~~  
21 ~~September, December, March, June, or August, respectively.~~  
22 ~~However, notwithstanding~~ any other provisions of this Section  
23 or the School Code, beginning with fiscal year 1994 and each  
24 fiscal year thereafter, if the amount appropriated for any  
25 fiscal year is less than the amount required for purposes of  
26 this Section, the amount required to eliminate any insufficient

1 reimbursement for each district claim under this Section shall  
2 be reimbursed on August 30 of the next fiscal year. Payments  
3 required to eliminate any insufficiency for prior fiscal year  
4 claims shall be made before any claims are paid for the current  
5 fiscal year.

6 ~~The claim of a school district otherwise eligible to be~~  
7 ~~reimbursed in accordance with Section 14-12.01 for the 1976-77~~  
8 ~~school year but for this amendatory Act of 1977 shall not be~~  
9 ~~paid unless the district ceases to maintain such classes for~~  
10 ~~one entire school year.~~

11 ~~If a school district's current reimbursement payment for~~  
12 ~~the 1977-78 school year only is less than the prior year's~~  
13 ~~reimbursement payment owed, the district shall be paid the~~  
14 ~~amount of the difference between the payments in addition to~~  
15 ~~the current reimbursement payment, and the amount so paid shall~~  
16 ~~be subtracted from the amount of prior year's reimbursement~~  
17 ~~payment owed to the district.~~

18 Regional superintendents may operate special education  
19 classes for children from orphanages, foster family homes,  
20 children's homes or State housing units located within the  
21 educational services region upon consent of the school board  
22 otherwise so obligated. In electing to assume the powers and  
23 duties of a school district in providing and maintaining such a  
24 special education program, the regional superintendent may  
25 enter into joint agreements with other districts and may  
26 contract with public or private schools or the orphanage,

1 foster family home, children's home or State housing unit for  
2 provision of the special education program. The regional  
3 superintendent exercising the powers granted under this  
4 Section shall claim the reimbursement authorized by this  
5 Section directly from the State Board of Education.

6 Any child who is not a resident of Illinois who is placed  
7 in a child welfare institution, private facility, foster family  
8 home, State operated program, orphanage or children's home  
9 shall have the payment for his educational tuition and any  
10 related services assured by the placing agent.

11 For each disabled student who is placed in a residential  
12 facility by an Illinois public agency or by any court in this  
13 State, the costs for educating the student are eligible for  
14 reimbursement under this Section.

15 The district of residence of the disabled student as  
16 defined in Section 14-1.11a is responsible for the actual costs  
17 of the student's special education program and is eligible for  
18 reimbursement under this Section when placement is made by a  
19 State agency or the courts.

20 When a dispute arises over the determination of the  
21 district of residence under this Section, the district or  
22 districts may appeal the decision in writing to the State  
23 Superintendent of Education, who, upon review of materials  
24 submitted and any other items or information he or she may  
25 request for submission, shall issue a written decision on the  
26 matter. The decision of the State Superintendent of Education

1 shall be final.

2 In the event a district does not make a tuition payment to  
3 another district that is providing the special education  
4 program and services, the State Board of Education shall  
5 immediately withhold 125% of the then remaining annual tuition  
6 cost from the State aid or categorical aid payment due to the  
7 school district that is determined to be the resident school  
8 district. All funds withheld by the State Board of Education  
9 shall immediately be forwarded to the school district where the  
10 student is being served.

11 When a child eligible for services under this Section  
12 14-7.03 must be placed in a nonpublic facility, that facility  
13 shall meet the programmatic requirements of Section 14-7.02 and  
14 its regulations, and the educational services shall be funded  
15 only in accordance with this Section 14-7.03.

16 (Source: P.A. 98-739, eff. 7-16-14.)

17 (105 ILCS 5/14-17 new)

18 Sec. 14-17. Funding for children with excess cost. Payments  
19 to school districts and State-authorized charter schools for  
20 children requiring special education services as documented in  
21 their individualized educational program, regardless of the  
22 program from which these services are received, excluding  
23 children claimed under Section 14-7.03 of this Code, shall be  
24 made in accordance with this Section. Funds received under this  
25 Section may be used only for the provision of special

1 educational facilities and services, as defined in Section  
2 14-1.08, and tuition payments to non-public special education  
3 facilities, as defined in Section 14-7.02 of this Code.

4 Each school district and State-authorized charter school  
5 shall keep an accurate, detailed, and separate account of all  
6 expenditures for the maintenance of each of the types of  
7 facilities, classes, and schools authorized by this Article for  
8 the instruction and care of pupils attending them and for the  
9 cost of their transportation.

10 The amount of tuition for children, excluding children  
11 designated under Section 14-7.02 of this Code, shall be  
12 determined using the per capita cost formula set forth in  
13 Section 14-7.01 and rules adopted by the State Board of  
14 Education.

15 The amount of tuition for children attending public  
16 out-of-state schools or non-public special education  
17 facilities designated under Section 14-7.02 of this Code shall  
18 be determined in accordance with the costs approved by the  
19 Review Board in Section 14-7.02 of this Code, with the program  
20 being pre-approved by the State Superintendent of Education.

21 Each district or State-authorized charter school shall  
22 transmit its claims in a manner prescribed by the State  
23 Superintendent of Education on or before August 15. Tuition  
24 payments shall be claimed for the preceding regular school year  
25 and summer term following. The State Board of Education shall  
26 determine the accuracy of the claims and whether they are based

1 upon services and facilities provided under approved programs  
2 as defined in this Code.

3 For children identified under Section 14-7.02 of this Code,  
4 the State Board of Education shall reimburse each school  
5 district the tuition amount approved by the Review Board and  
6 paid for the regular school year and following summer term,  
7 less 2.33 times the per capita tuition charge amounts of the  
8 resident district for claims transmitted in the 2015-2016  
9 school year, 2.66 times the per capita tuition amounts for  
10 claims transmitted in the 2016-2017 school year, and 3 times  
11 the per capita tuition charge amounts for claims transmitted in  
12 the 2017-2018 school year and thereafter.

13 For children, excluding those identified under Sections  
14 14-7.02 and 14-7.03 of this Code, the State Board of Education  
15 shall reimburse each school district the education costs for  
16 each child, plus a maximum 20% of transportation costs if  
17 approved as a related service in the individualized educational  
18 program for the regular school year and following summer term,  
19 less 3.66 times the per capita tuition charge amounts of the  
20 resident district for claims transmitted in the 2015-2016  
21 school year, 3.33 times the per capita tuition amounts for  
22 claims transmitted in the 2016-2017 school year, and 3 per  
23 times the capita tuition charge amounts for claims transmitted  
24 in the 2017-2018 school year and thereafter.

25 The per capita tuition charge as defined in this Section  
26 shall be utilized in accordance with the calculation set forth

1 in Section 18-3 of this Code. The maximum State reimbursement  
2 for children claimed under this Section is \$100,000.

3 The State Board of Education shall prepare vouchers for the  
4 amount due to each district and transmit them to the Office of  
5 the State Comptroller on or before September 30, December 31,  
6 and March 31 and the final voucher no later than June 20. If,  
7 after preparation and transmittal of the September 30 vouchers,  
8 any claim has been adjusted by the State Superintendent of  
9 Education, subsequent vouchers shall be recomputed to  
10 compensate for any overpayment or underpayment previously  
11 made. If the money appropriated by the General Assembly for  
12 such purpose for any year is insufficient, it shall be  
13 apportioned on the basis of the claims approved.

14 Notwithstanding any other provision of law, any school  
15 district receiving a payment under this Section or under  
16 Section 14-7.02b, 14-13.01, or 29-5 of this Code may classify  
17 all or a portion of the funds that it receives in a particular  
18 fiscal year or from general State aid pursuant to Section  
19 18-8.05 of this Code as funds received in connection with any  
20 funding program for which it is entitled to receive funds from  
21 the State in that fiscal year (including without limitation any  
22 funding program referenced in this Section), regardless of the  
23 source or timing of the receipt. The district may not classify  
24 more funds as funds received in connection with the funding  
25 program than the district is entitled to receive in that fiscal  
26 year for that program. Any classification by a district must be

1 made by a resolution of its school board. The resolution must  
2 identify the amount of any payments or general State aid to be  
3 classified under this paragraph and must specify the funding  
4 program to which the funds are to be treated as received in  
5 connection therewith. This resolution is controlling as to the  
6 classification of funds referenced therein. A certified copy of  
7 the resolution must be sent to the State Superintendent of  
8 Education. The resolution shall still take effect even though a  
9 copy of the resolution has not been sent to the State  
10 Superintendent of Education in a timely manner. No  
11 classification under this paragraph by a district shall affect  
12 the total amount or timing of money the district is entitled to  
13 receive under this Code. No classification under this paragraph  
14 by a district shall in any way relieve the district from or  
15 affect any requirements that otherwise would apply with respect  
16 to that funding program, including any accounting of funds by  
17 source, reporting expenditures by original source and purpose,  
18 reporting requirements, or requirements of providing services.

19 (105 ILCS 5/14-12.01 rep.)

20 Section 10. The School Code is amended by repealing Section  
21 14-12.01."