



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2327

Introduced 2/10/2023, by Sen. Meg Loughran Cappel

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-7.02b

Amends the Children With Disabilities Article of the School Code. Provides that for individual students with disabilities who attend tier 1 or 2 schools whose program costs exceed 3 times the district's per capita tuition rate, the costs in excess of 3 times the district's per capita tuition rate shall be paid by the State Board of Education from unexpended IDEA discretionary funds originally designated for room and board reimbursement (instead of for individual students with disabilities whose program costs exceed 4 times the district's per capita tuition rate, the costs in excess of 4 times the district's per capita tuition rate shall be paid by the State Board of Education from unexpended IDEA discretionary funds originally designated for room and board reimbursement). Provides that for individual students with disabilities who attend Tier 3 or 4 schools whose program costs exceed 4 times the district's per capita tuition rate, the costs in excess of 4 times the district's per capita tuition rate shall be paid by the State Board of Education from unexpended IDEA discretionary funds originally designated for room and board reimbursement. Effective immediately.

LRB103 28838 RJT 55223 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 Section
5 14-7.02b as follows:

6 (105 ILCS 5/14-7.02b)

7 Sec. 14-7.02b. Funding for children requiring special
8 education services. Payments to school districts for children
9 requiring special education services documented in their
10 individualized education program regardless of the program
11 from which these services are received, excluding children
12 claimed under Sections 14-7.02 and 14-7.03 of this Code, shall
13 be made in accordance with this Section. Funds received under
14 this Section may be used only for the provision of special
15 educational facilities and services as defined in Section
16 14-1.08 of this Code.

17 The appropriation for fiscal year 2005 through fiscal year
18 2017 shall be based upon the IDEA child count of all students
19 in the State, excluding students claimed under Sections
20 14-7.02 and 14-7.03 of this Code, on December 1 of the fiscal
21 year 2 years preceding, multiplied by 17.5% of the general
22 State aid foundation level of support established for that
23 fiscal year under Section 18-8.05 of this Code.

1 Beginning with fiscal year 2005 and through fiscal year
2 2007, individual school districts shall not receive payments
3 under this Section totaling less than they received under the
4 funding authorized under Section 14-7.02a of this Code during
5 fiscal year 2004, pursuant to the provisions of Section
6 14-7.02a as they were in effect before the effective date of
7 this amendatory Act of the 93rd General Assembly. This base
8 level funding shall be computed first.

9 Beginning with fiscal year 2008 through fiscal year 2017,
10 individual school districts must not receive payments under
11 this Section totaling less than they received in fiscal year
12 2007. This funding shall be computed last and shall be a
13 separate calculation from any other calculation set forth in
14 this Section. This amount is exempt from the requirements of
15 Section 1D-1 of this Code.

16 Through fiscal year 2017, an amount equal to 85% of the
17 funds remaining in the appropriation shall be allocated to
18 school districts based upon the district's average daily
19 attendance reported for purposes of Section 18-8.05 of this
20 Code for the preceding school year. Fifteen percent of the
21 funds remaining in the appropriation shall be allocated to
22 school districts based upon the district's low income eligible
23 pupil count used in the calculation of general State aid under
24 Section 18-8.05 of this Code for the same fiscal year. One
25 hundred percent of the funds computed and allocated to
26 districts under this Section shall be distributed and paid to

1 school districts.

2 For individual students with disabilities who attend Tier
3 1 or 2 schools as defined under Section 18-8.15 of this Code
4 whose program costs exceed 3 4 times the district's per capita
5 tuition rate as calculated under Section 10-20.12a of this
6 Code, the costs in excess of 3 4 times the district's per
7 capita tuition rate shall be paid by the State Board of
8 Education from unexpended IDEA discretionary funds originally
9 designated for room and board reimbursement pursuant to
10 Section 14-8.01 of this Code. For individual students with
11 disabilities who attend Tier 3 or 4 schools as defined under
12 Section 18-8.15 of this Code whose program costs exceed 4
13 times the district's per capita tuition rate as calculated
14 under Section 10-20.12a of this Code, the costs in excess of 4
15 times the district's per capita tuition rate shall be paid by
16 the State Board of Education from unexpended IDEA
17 discretionary funds originally designated for room and board
18 reimbursement pursuant to Section 14-8.01 of this Code. The
19 amount of tuition for these children shall be determined by
20 the actual cost of maintaining classes for these children,
21 using the per capita cost formula set forth in Section 14-7.01
22 of this Code, with the program and cost being pre-approved by
23 the State Superintendent of Education. Reimbursement for
24 individual students with disabilities whose program costs
25 exceed 4 times the district's per capita tuition rate shall be
26 claimed beginning with costs encumbered for the 2004-2005

1 school year and thereafter.

2 The State Board of Education shall prepare vouchers equal
3 to one-fourth the amount allocated to districts, for
4 transmittal to the State Comptroller on the 30th day of
5 September, December, and March, respectively, and the final
6 voucher, no later than June 20. The Comptroller shall make
7 payments pursuant to this Section to school districts as soon
8 as possible after receipt of vouchers. If the money
9 appropriated from the General Assembly for such purposes for
10 any year is insufficient, it shall be apportioned on the basis
11 of the payments due to school districts.

12 Nothing in this Section shall be construed to decrease or
13 increase the percentage of all special education funds that
14 are allocated annually under Article 1D of this Code or to
15 alter the requirement that a school district provide special
16 education services.

17 Nothing in this amendatory Act of the 93rd General
18 Assembly shall eliminate any reimbursement obligation owed as
19 of the effective date of this amendatory Act of the 93rd
20 General Assembly to a school district with in excess of
21 500,000 inhabitants.

22 Except for reimbursement for individual students with
23 disabilities whose program costs exceed 4 times the district's
24 per capita tuition rate, no funding shall be provided to
25 school districts under this Section after fiscal year 2017.

26 In fiscal year 2018 and each fiscal year thereafter, all

1 funding received by a school district from the State pursuant
2 to Section 18-8.15 of this Code that is attributable to
3 students requiring special education services must be used for
4 special education services authorized under this Code.

5 (Source: P.A. 100-465, eff. 8-31-17.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.