

1 AN ACT relating to 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
5 Section 14-7.03 as follows:

6 (105 ILCS 5/14-7.03) (from Ch. 122, par. 14-7.03)

7 Sec. 14-7.03. Special Education Classes for Children from
8 Orphanages, Foster Family Homes, Children's Homes, or in
9 State Housing Units. If a school district maintains special
10 education classes on the site of orphanages and children's
11 homes, or if children from the orphanages, children's homes,
12 foster family homes, other State agencies, or State
13 residential units for children attend classes for children
14 with disabilities in which the school district is a
15 participating member of a joint agreement, or if the children
16 from the orphanages, children's homes, foster family homes,
17 other State agencies, or State residential units attend
18 classes for the children with disabilities maintained by the
19 school district, then reimbursement shall be paid to eligible
20 districts in accordance with the provisions of this Section
21 by the Comptroller as directed by the State Superintendent of
22 Education.

23 The amount of tuition for such children shall be
24 determined by the actual cost of maintaining such classes,
25 using the per capita cost formula set forth in Section
26 14-7.01, such program and cost to be pre-approved by the
27 State Superintendent of Education.

28 On forms prepared by the State Superintendent of
29 Education, the district shall certify to the regional
30 superintendent the following:

31 (1) The name of the home or State residential unit

1 with the name of the owner or proprietor and address of
2 those maintaining it;

3 (2) That no service charges or other payments
4 authorized by law were collected in lieu of taxes
5 therefrom or on account thereof during either of the
6 calendar years included in the school year for which
7 claim is being made;

8 (3) The number of children qualifying under this
9 Act in special education classes for instruction on the
10 site of the orphanages and children's homes;

11 (4) The number of children attending special
12 education classes for children with disabilities in which
13 the district is a participating member of a special
14 education joint agreement;

15 (5) The number of children attending special
16 education classes for children with disabilities
17 maintained by the district;

18 (6) The computed amount of tuition payment claimed
19 as due, as approved by the State Superintendent of
20 Education, for maintaining these classes.

21 If a school district makes a claim for reimbursement
22 under Section 18-3 or 18-4 of this Act it shall not include
23 in any claim filed under this Section a claim for such
24 children. Payments authorized by law, including State or
25 federal grants for education of children included in this
26 Section, shall be deducted in determining the tuition amount.

27 Nothing in this Act shall be construed so as to prohibit
28 reimbursement for the tuition of children placed in for
29 profit facilities. Private facilities shall provide adequate
30 space at the facility for special education classes provided
31 by a school district or joint agreement for children with
32 disabilities who are residents of the facility at no cost to
33 the school district or joint agreement upon request of the
34 school district or joint agreement. If such a private

1 facility provides space at no cost to the district or joint
2 agreement for special education classes provided to children
3 with disabilities who are residents of the facility, the
4 district or joint agreement shall not include any costs for
5 the use of those facilities in its claim for reimbursement.

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

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

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

20 Each district claiming reimbursement for a program
21 operated as a group program shall have an approved budget on
22 file with the State Board of Education prior to the
23 initiation of the program's operation. On September 30,
24 December 31, and March 31, the State Board of Education shall
25 voucher payments to group programs based upon the approved
26 budget during the year of operation. Final claims for group
27 payments shall be filed on or before July 15. Final claims
28 for group programs received at the State Board of Education
29 on or before June 15 shall be vouchered by June 30. Final
30 claims received at the State Board of Education between June
31 16 and July 15 shall be vouchered by August 30. Claims for
32 group programs received after July 15 shall not be honored.

33 Each district claiming reimbursement for individual
34 students shall have the eligibility of those students

1 verified by the State Board of Education. On September 30,
2 December 31, and March 31, the State Board of Education shall
3 voucher payments for individual students based upon an
4 estimated cost calculated from the prior year's claim. Final
5 claims for individual students for the regular school term
6 must be received at the State Board of Education by July 15.
7 Claims for individual students received after July 15 shall
8 not be honored. Final claims for individual students shall be
9 vouchered by August 30.

10 Reimbursement shall be made based upon approved group
11 programs or individual students. The State Superintendent of
12 Education shall direct the Comptroller to pay a specified
13 amount to the district by the 30th day of September,
14 December, March, June, or August, respectively. However,
15 notwithstanding any other provisions of this Section or the
16 School Code, beginning with fiscal year 1994 and each fiscal
17 year thereafter through fiscal year 2002, if the amount
18 appropriated for any fiscal year is less than the amount
19 required for purposes of this Section, the amount required to
20 eliminate any insufficient reimbursement for each district
21 claim under this Section shall be reimbursed on August 30 of
22 the next fiscal year, and the payments required to eliminate
23 any insufficiency for prior fiscal year claims shall be made
24 before any claims are paid for the current fiscal year.
25 Notwithstanding any other provision of this Section or this
26 Code, beginning with fiscal year 2003, total reimbursement
27 under this Section in any fiscal year is limited to the
28 amount appropriated for that purpose for that fiscal year,
29 and if the amount appropriated for any fiscal year is less
30 than the amount required for purposes of this Section, the
31 insufficiency shall be apportioned pro rata among the school
32 districts seeking reimbursement.

33 The claim of a school district otherwise eligible to be
34 reimbursed in accordance with Section 14-12.01 for the

1 1976-77 school year but for this amendatory Act of 1977 shall
2 not be paid unless the district ceases to maintain such
3 classes for one entire school year.

4 If a school district's current reimbursement payment for
5 the 1977-78 school year only is less than the prior year's
6 reimbursement payment owed, the district shall be paid the
7 amount of the difference between the payments in addition to
8 the current reimbursement payment, and the amount so paid
9 shall be subtracted from the amount of prior year's
10 reimbursement payment owed to the district.

11 Regional superintendents may operate special education
12 classes for children from orphanages, foster family homes,
13 children's homes or State housing units located within the
14 educational services region upon consent of the school board
15 otherwise so obligated. In electing to assume the powers and
16 duties of a school district in providing and maintaining such
17 a special education program, the regional superintendent may
18 enter into joint agreements with other districts and may
19 contract with public or private schools or the orphanage,
20 foster family home, children's home or State housing unit for
21 provision of the special education program. The regional
22 superintendent exercising the powers granted under this
23 Section shall claim the reimbursement authorized by this
24 Section directly from the State Board of Education.

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

30 Commencing July 1, 1992, for each disabled student who is
31 placed residentially by a State agency or the courts for care
32 or custody or both care and custody, welfare, medical or
33 mental health treatment or both medical and mental health
34 treatment, rehabilitation, and protection, whether placed

1 there on, before, or after July 1, 1992, the costs for
2 educating the student are eligible for reimbursement under
3 this Section providing the placing agency or court has
4 notified the appropriate school district authorities of the
5 status of student residency where applicable prior to or upon
6 placement.

7 The district of residence of the parent, guardian, or
8 disabled student as defined in Sections 14-1.11 and 14-1.11a
9 is responsible for the actual costs of the student's special
10 education program and is eligible for reimbursement under
11 this Section when placement is made by a State agency or the
12 courts. Payments shall be made by the resident district to
13 the district wherein the facility is located no less than
14 once per quarter unless otherwise agreed to in writing by the
15 parties.

16 When a dispute arises over the determination of the
17 district of residence, the district or districts may appeal
18 the decision in writing to the State Superintendent of
19 Education. The decision of the State Superintendent of
20 Education shall be final.

21 In the event a district does not make a tuition payment
22 to another district that is providing the special education
23 program and services, the State Board of Education shall
24 immediately withhold 125% of the then remaining annual
25 tuition cost from the State aid or categorical aid payment
26 due to the school district that is determined to be the
27 resident school district. All funds withheld by the State
28 Board of Education shall immediately be forwarded to the
29 school district where the student is being served.

30 When a child eligible for services under this Section
31 14-7.03 must be placed in a nonpublic facility, that facility
32 shall meet the programmatic requirements of Section 14-7.02
33 and its regulations, and the educational services shall be
34 funded only in accordance with this Section 14-7.03.

1 Administrative expenses incurred by a responsible school
2 district, as defined by rule, for children whose residence is
3 other than a foster family home and who are educationally
4 placed pursuant to Section 14-7.02 of this Code are
5 reimbursable in accordance with this Section. These
6 administrative expenses must be associated with supervisory
7 and case coordination responsibilities specific to these
8 eligible students.

9 (Source: P.A. 92-597, eff. 7-1-02; 92-877, eff. 1-7-03.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.