

1 AN ACT to amend the School Code.

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 Sections 1D-1, 14-7.02, 14-8.01, and 18-4.3 and adding  
6 Section 14-7.02b 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  
10 thereafter, the State Board of Education shall award to a  
11 school district having a population exceeding 500,000  
12 inhabitants a general education block grant and an  
13 educational services block grant, determined as provided in  
14 this Section, in lieu of distributing to the district  
15 separate State funding for the programs described in  
16 subsections (b) and (c). The provisions of this Section,  
17 however, do not apply to any federal funds that the district  
18 is entitled to receive. In accordance with Section 2-3.32,  
19 all block grants are subject to an audit. Therefore, block  
20 grant receipts and block grant expenditures shall be recorded  
21 to the appropriate fund code for the designated block grant.

22 (b) The general education block grant shall include the  
23 following programs: REI Initiative, Summer Bridges, Preschool  
24 At Risk, K-6 Comprehensive Arts, School Improvement Support,  
25 Urban Education, Scientific Literacy, Substance Abuse  
26 Prevention, Second Language Planning, Staff Development,  
27 Outcomes and Assessment, K-6 Reading Improvement, Truants'  
28 Optional Education, Hispanic Programs, Agriculture Education,  
29 Gifted Education, Parental Education, Prevention Initiative,  
30 Report Cards, and Criminal Background Investigations.  
31 Notwithstanding any other provision of law, all amounts paid

1 under the general education block grant from State  
2 appropriations to a school district in a city having a  
3 population exceeding 500,000 inhabitants shall be  
4 appropriated and expended by the board of that district for  
5 any of the programs included in the block grant or any of the  
6 board's lawful purposes.

7 (c) The educational services block grant shall include  
8 the following programs: Bilingual, Regular and Vocational  
9 Transportation, State Lunch and Free Breakfast Program,  
10 Special Education (Personnel, ~~Extraordinary~~, Transportation,  
11 Orphanage~~, Private-Tuition~~), funding for children requiring  
12 special education services, Summer School, Educational  
13 Service Centers, and Administrator's Academy. This  
14 subsection (c) does not relieve the district of its  
15 obligation to provide the services required under a program  
16 that is included within the educational services block grant.  
17 It is the intention of the General Assembly in enacting the  
18 provisions of this subsection (c) to relieve the district of  
19 the administrative burdens that impede efficiency and  
20 accompany single-program funding. The General Assembly  
21 encourages the board to pursue mandate waivers pursuant to  
22 Section 2-3.25g.

23 The funding program included in the educational services  
24 block grant for funding for children requiring special  
25 education services in each fiscal year shall be treated in  
26 that fiscal year as a payment to the school district in  
27 respect of services provided or costs incurred in the prior  
28 fiscal year, calculated in each case as provided in this  
29 Section. Nothing in this Section shall change the nature of  
30 payments for any program that, apart from this Section, would  
31 be or, prior to adoption or amendment of this Section, was on  
32 the basis of a payment in a fiscal year in respect of  
33 services provided or costs incurred in the prior fiscal year,  
34 calculated in each case as provided in this Section.

1 (d) For fiscal year 1996 and each fiscal year  
2 thereafter, the amount of the district's block grants shall  
3 be determined as follows: (i) with respect to each program  
4 that is included within each block grant, the district shall  
5 receive an amount equal to the same percentage of the current  
6 fiscal year appropriation made for that program as the  
7 percentage of the appropriation received by the district from  
8 the 1995 fiscal year appropriation made for that program, and  
9 (ii) the total amount that is due the district under the  
10 block grant shall be the aggregate of the amounts that the  
11 district is entitled to receive for the fiscal year with  
12 respect to each program that is included within the block  
13 grant that the State Board of Education shall award the  
14 district under this Section for that fiscal year. In the  
15 case of the Summer Bridges program, the amount of the  
16 district's block grant shall be equal to 44% of the amount of  
17 the current fiscal year appropriation made for that program.

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

24 (f) A school district to which this Section applies  
25 shall report to the State Board of Education on its use of  
26 the block grants in such form and detail as the State Board  
27 of Education may specify.

28 (g) This paragraph provides for the treatment of block  
29 grants under Article 1C for purposes of calculating the  
30 amount of block grants for a district under this Section.  
31 Those block grants under Article 1C are, for this purpose,  
32 treated as included in the amount of appropriation for the  
33 various programs set forth in paragraph (b) above. The  
34 appropriation in each current fiscal year for each block

1 grant under Article 1C shall be treated for these purposes as  
2 appropriations for the individual program included in that  
3 block grant. The proportion of each block grant so allocated  
4 to each such program included in it shall be the proportion  
5 which the appropriation for that program was of all  
6 appropriations for such purposes now in that block grant, in  
7 fiscal 1995.

8 Payments to the school district under this Section with  
9 respect to each program for which payments to school  
10 districts generally, as of the date of this amendatory Act of  
11 the 92nd General Assembly, are on a reimbursement basis shall  
12 continue to be made to the district on a reimbursement basis,  
13 pursuant to the provisions of this Code governing those  
14 programs.

15 (h) Notwithstanding any other provision of law, any  
16 school district receiving a block grant under this Section  
17 may classify all or a portion of the funds that it receives  
18 in a particular fiscal year from any block grant authorized  
19 under this Code or from general State aid pursuant to Section  
20 18-8.05 of this Code (other than supplemental general State  
21 aid) as funds received in connection with any funding program  
22 for which it is entitled to receive funds from the State in  
23 that fiscal year (including, without limitation, any funding  
24 program referred to in subsection (c) of this Section),  
25 regardless of the source or timing of the receipt. The  
26 district may not classify more funds as funds received in  
27 connection with the funding program than the district is  
28 entitled to receive in that fiscal year for that program.  
29 Any classification by a district must be made by a resolution  
30 of its board of education. The resolution must identify the  
31 amount of any block grant or general State aid to be  
32 classified under this subsection (h) and must specify the  
33 funding program to which the funds are to be treated as  
34 received in connection therewith. This resolution is

1 controlling as to the classification of funds referenced  
2 therein. A certified copy of the resolution must be sent to  
3 the State Superintendent of Education. The resolution shall  
4 still take effect even though a copy of the resolution has  
5 not been sent to the State Superintendent of Education in a  
6 timely manner. No classification under this subsection (h)  
7 by a district shall affect the total amount or timing of  
8 money the district is entitled to receive under this Code.  
9 No classification under this subsection (h) by a district  
10 shall in any way relieve the district from or affect any  
11 requirements that otherwise would apply with respect to the  
12 block grant as provided in this Section, including any  
13 accounting of funds by source, reporting expenditures by  
14 original source and purpose, reporting requirements, or  
15 requirements of provision of services.  
16 (Source: P.A. 91-711, eff. 7-1-00; 92-568, eff. 6-26-02;  
17 92-651, eff. 7-11-02.)

18 (105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)  
19 Sec. 14-7.02. Children attending private schools, public  
20 out-of-state schools, public school residential facilities or  
21 private special education facilities. The General Assembly  
22 recognizes that non-public schools or special education  
23 facilities provide an important service in the educational  
24 system in Illinois.

25 If because of his or her disability the special education  
26 program of a district is unable to meet the needs of a child  
27 and the child attends a non-public school or special  
28 education facility, a public out-of-state school or a special  
29 education facility owned and operated by a county government  
30 unit that provides special educational services required by  
31 the child and is in compliance with the appropriate rules and  
32 regulations of the State Superintendent of Education, the  
33 school district in which the child is a resident shall pay

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

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

26 The State Board of Education shall also promulgate rules  
27 and regulations for transportation to and from a residential  
28 school. ~~Transportation--to--and--from--home--to--a--residential~~  
29 ~~school--more--than--once--each--school--term--shall--be--subject--to~~  
30 ~~prior--approval--by--the--State--Superintendent--in--accordance--with~~  
31 ~~the--rules--and--regulations--of--the--State--Board.~~

32 ~~A--school--district--making--tuition--payments--pursuant--to~~  
33 ~~this--Section--is--eligible--for--reimbursement--from--the--State--for~~  
34 ~~the--amount--of--such--payments--actually--made--in--excess--of--the~~

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

22 No child shall be placed in a special education program  
23 pursuant to this Section if the tuition cost for special  
24 education and related services increases more than 10 percent  
25 over the tuition cost for the previous school year or exceeds  
26 \$4,500 per year unless such costs have been approved by the  
27 Illinois Purchased Care Review Board. The Illinois  
28 Purchased Care Review Board shall consist of the following  
29 persons, or their designees: the Directors of Children and  
30 Family Services, Public Health, Public Aid, and the Bureau of  
31 the Budget; the Secretary of Human Services; the State  
32 Superintendent of Education; and such other persons as the  
33 Governor may designate. The Review Board shall establish  
34 rules and regulations for its determination of allowable

1 costs and payments made by local school districts for special  
2 education, room and board, and other related services  
3 provided by non-public schools or special education  
4 facilities and shall establish uniform standards and criteria  
5 which it shall follow.

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

16 The Review Board shall review the costs for special  
17 education and related services provided by non-public schools  
18 or special education facilities and shall approve or  
19 disapprove such facilities in accordance with the rules and  
20 regulations established by it with respect to allowable  
21 costs.

22 The State Board of Education shall provide administrative  
23 and staff support for the Review Board as deemed reasonable  
24 by the State Superintendent of Education. This support shall  
25 not include travel expenses or other compensation for any  
26 Review Board member other than the State Superintendent of  
27 Education.

28 The Review Board shall seek the advice of the Advisory  
29 Council on Education of Children with Disabilities on the  
30 rules and regulations to be promulgated by it relative to  
31 providing special education services.

32 If a child has been placed in a program in which the  
33 actual per pupil costs of tuition for special education and  
34 related services based on program enrollment, excluding room,



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

11 If a child has been placed in an approved individual  
12 program and the tuition costs including room and board costs  
13 have been approved by the Review Board, then such room and  
14 board costs shall be paid by the appropriate State agency  
15 subject to the provisions of Section 14-8.01 of this Act.  
16 Room and board costs not provided by a State agency other  
17 than the State Board of Education shall be provided by the  
18 State Board of Education on a current basis. In no event,  
19 however, shall the State's liability for funding of these  
20 tuition costs begin until after the legal obligations of  
21 third party payors have been subtracted from such costs. If  
22 the money appropriated by the General Assembly for such  
23 purpose for any year is insufficient, it shall be apportioned  
24 on the basis of the claims approved. Each district shall  
25 submit estimated claims to the State Superintendent of  
26 Education. Upon approval of such claims, the State  
27 Superintendent of Education shall direct the State  
28 Comptroller to make payments on a monthly basis. The  
29 frequency for submitting estimated claims and the method of  
30 determining payment shall be prescribed in rules and  
31 regulations adopted by the State Board of Education. Such  
32 current state reimbursement shall be reduced by an amount  
33 equal to the proceeds which the child or child's parents are  
34 eligible to receive under any public or private insurance or

1 assistance program. Nothing in this Section shall be  
 2 construed as relieving an insurer or similar third party from  
 3 an otherwise valid obligation to provide or to pay for  
 4 services provided to a disabled child.

5 ~~If--it-otherwise-qualifies,--a-school-district-is-eligible~~  
 6 ~~for-the-transportation-reimbursement-under--Section--14-13.01~~  
 7 ~~and--for--the--reimbursement--of--tuition-payments-under-this~~  
 8 ~~Section-whether-the-non-public-school--or--special--education~~  
 9 ~~faaility,---public--out-of-state--school--or--county--special~~  
 10 ~~education-faaility,--attended-by-a-child-who-resides--in--that~~  
 11 ~~district-and-requires-special-educational-services,--is-within~~  
 12 ~~or--outside-of-the-State-of-Illinois,--However,--a-district-is~~  
 13 ~~not-eligible-to-claim-transportation-reimbursement-under-this~~  
 14 ~~Section--unless--the--district---certifies---to---the---State~~  
 15 ~~Superintendent--of--Education--that-the-district-is-unable-to~~  
 16 ~~provide-special-educational-services-required--by--the--child~~  
 17 ~~for-the-current-school-year.~~

18 ~~Nothing-in-this-Section-authorizes-the-reimbursement-of-a~~  
 19 ~~school--district--for--the-amount-paid-for-tuition-of-a-child~~  
 20 ~~attending-a-non-public-school-or-special-education--facility,~~  
 21 ~~public---out-of-state--school--or--county--special--education~~  
 22 ~~faaility-unless-the-school-district-certifies--to--the--State~~  
 23 ~~Superintendent---of--Education--that--the--special--education~~  
 24 ~~program-of-that-district-is-unable-to-meet-the-needs-of--that~~  
 25 ~~child--because-of-his-disability-and-the-State-Superintendent~~  
 26 ~~of-Education-finds-that-the-school-district-is-in-substantial~~  
 27 ~~compliance-with-Section-14-4.01.~~

28 Any educational or related services provided, pursuant to  
 29 this Section in a non-public school or special education  
 30 facility or a special education facility owned and operated  
 31 by a county government unit shall be at no cost to the parent  
 32 or guardian of the child. However, current law and practices  
 33 relative to contributions by parents or guardians for costs  
 34 other than educational or related services are not affected

1 by this amendatory Act of 1978.

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

5 Notwithstanding any other provision of law, any school  
6 district receiving a payment under this Section or under  
7 Section 14-7.02a, 14-13.01, or 29-5 of this Code may classify  
8 all or a portion of the funds that it receives in a  
9 particular fiscal year or from general State aid pursuant to  
10 Section 18-8.05 of this Code as funds received in connection  
11 with any funding program for which it is entitled to receive  
12 funds from the State in that fiscal year (including, without  
13 limitation, any funding program referenced in this Section),  
14 regardless of the source or timing of the receipt. The  
15 district may not classify more funds as funds received in  
16 connection with the funding program than the district is  
17 entitled to receive in that fiscal year for that program.  
18 Any classification by a district must be made by a resolution  
19 of its board of education. The resolution must identify the  
20 amount of any payments or general State aid to be classified  
21 under this paragraph and must specify the funding program to  
22 which the funds are to be treated as received in connection  
23 therewith. This resolution is controlling as to the  
24 classification of funds referenced therein. A certified copy  
25 of the resolution must be sent to the State Superintendent of  
26 Education. The resolution shall still take effect even though  
27 a copy of the resolution has not been sent to the State  
28 Superintendent of Education in a timely manner. No  
29 classification under this paragraph by a district shall  
30 affect the total amount or timing of money the district is  
31 entitled to receive under this Code. No classification under  
32 this paragraph by a district shall in any way relieve the  
33 district from or affect any requirements that otherwise would  
34 apply with respect to that funding program, including any

1 accounting of funds by source, reporting expenditures by  
2 original source and purpose, reporting requirements, or  
3 requirements of providing services.

4 (Source: P.A. 91-764, eff. 6-9-00; 92-568, eff. 6-26-02.)

5 (105 ILCS 5/14-7.02b new)

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

16 The appropriation for fiscal year 2004 and thereafter  
17 shall be based upon the IDEA child count of all students in  
18 the State, excluding students claimed under Section 14-7.03  
19 of this Code, on December 1 of the fiscal year 2 years  
20 preceding, multiplied by 21.5% of the general State aid  
21 foundation level of support established for that fiscal year  
22 under Section 18-8.05 of this Code.

23 Beginning with fiscal year 2004 and thereafter,  
24 individual school districts shall not receive payments  
25 totaling less than they received under the funding authorized  
26 under Sections 14-7.02 and 14-7.02a of this Code during  
27 fiscal year 2003, pursuant to the provisions of those  
28 Sections as they were in effect before the effective date of  
29 this amendatory Act of the 93rd General Assembly. This base  
30 level funding shall be computed first.

31 An amount equal to 85% of the funds remaining in the  
32 appropriation after subtracting the base level funding shall  
33 be allocated to school districts based upon the district's

1 average daily attendance reported for purposes of Section  
2 18-8.05 of this Code for the preceding school year. Fifteen  
3 percent of the funds remaining in the appropriation after  
4 subtracting the base level funding shall be allocated to  
5 school districts based upon the district's low income  
6 eligible pupil count used in the calculation of general State  
7 aid under Section 18-8.05 of this Code for the same fiscal  
8 year. One hundred percent of the funds computed and  
9 allocated to districts under this Section shall be  
10 distributed and paid to school districts.

11 For individual students with disabilities whose program  
12 costs exceed 4 times the district's per capita tuition rate  
13 as calculated under Section 10-20.12a of this Code, districts  
14 shall be paid by the State Board of Education from IDEA  
15 discretionary funds. The distribution of funds for high cost  
16 students shall be in accordance with rules promulgated by the  
17 State Board of Education.

18 The State Board of Education shall prepare vouchers equal  
19 to one-fourth the amount allocated to districts and their  
20 joint agreements, for transmittal to the State Comptroller on  
21 the 30th day of September, December, and March, respectively,  
22 and the final voucher, no later than June 20. The Comptroller  
23 shall make payments pursuant to this Section to school  
24 districts and their joint agreements as soon as possible  
25 after receipt of vouchers. If the money appropriated from the  
26 General Assembly for such purposes for any year is  
27 insufficient, it shall be apportioned on the basis of the  
28 payments due to school districts.

29 Nothing in this Section shall be construed to decrease or  
30 increase the percentage of all special education funds that  
31 are allocated annually under Article 1D of this Code or to  
32 alter the requirement that a school district provide special  
33 education services.

34 Nothing in this amendatory Act of the 93rd General

1 Assembly shall eliminate any reimbursement obligation owed as  
2 of the effective date of this amendatory Act of the 93rd  
3 General Assembly to a school district with in excess of  
4 500,000 inhabitants.

5 (105 ILCS 5/14-8.01) (from Ch. 122, par. 14-8.01)

6 Sec. 14-8.01. Supervision of special education buildings  
7 and facilities. All special educational facilities, building  
8 programs, housing, and all educational programs for the types  
9 of disabled children defined in Section 14-1.02 shall be  
10 under the supervision of and subject to the approval of the  
11 State Board of Education.

12 All special education facilities, building programs, and  
13 housing shall comply with the building code authorized by  
14 Section 2-3.12.

15 All educational programs for children with disabilities  
16 as defined in Section 14-1.02 administered by any State  
17 agency shall be under the general supervision of the State  
18 Board of Education. Such supervision shall be limited to  
19 insuring that such educational programs meet standards  
20 jointly developed and agreed to by both the State Board of  
21 Education and the operating State agency, including standards  
22 for educational personnel.

23 Any State agency providing special educational programs  
24 for children with disabilities as defined in Section 14-1.02  
25 shall promulgate rules and regulations, in consultation with  
26 the State Board of Education and pursuant to the Illinois  
27 Administrative Procedure Act as now or hereafter amended, to  
28 insure that all such programs comply with this Section and  
29 Section 14-8.02.

30 No otherwise qualified disabled child receiving special  
31 education and related services under Article 14 shall solely  
32 by reason of his or her disability be excluded from the  
33 participation in or be denied the benefits of or be subjected

1 to discrimination under any program or activity provided by a  
2 State agency.

3 State agencies providing special education and related  
4 services, including room and board, either directly or  
5 through grants or purchases of services shall continue to  
6 provide these services according to current law and practice.  
7 Room and board costs not provided by a State agency other  
8 than the State Board of Education shall be provided by the  
9 State Board of Education to the extent of available funds.  
10 An amount equal to one-half of the State education agency's  
11 share of IDEA PART B federal monies, or so much thereof as  
12 may actually be needed, shall annually be appropriated to pay  
13 for the additional costs of providing for room and board for  
14 those children placed pursuant to Section 14-7.02 of this  
15 Code Act and, after all such room and board costs are paid,  
16 for similar expenditures for children served pursuant to  
17 Section 14-7.02 ~~or~~ 14-7.02a of this Code Act, based in  
18 community based programs that serve as alternatives to  
19 residential placements.

20 Beginning with Fiscal Year 1997 and continuing through  
21 Fiscal Year 2000, 100% of the former Chapter I, Section  
22 89-313 federal funds shall be allocated by the State Board of  
23 Education in the same manner as IDEA, PART B "flow through"  
24 funding to local school districts, joint agreements, and  
25 special education cooperatives for the maintenance of  
26 instructional and related support services to students with  
27 disabilities. However, beginning with Fiscal Year 1998, the  
28 total IDEA Part B discretionary funds available to the State  
29 Board of Education shall not exceed the maximum permissible  
30 under federal law or 20% of the total federal funds available  
31 to the State, whichever is less. In no case shall the  
32 aggregate IDEA Part B discretionary funds received by the  
33 State Board of Education exceed the amount of IDEA Part B  
34 discretionary funds available to the State Board of Education

1 for Fiscal Year 1997, excluding any carryover funds from  
2 prior fiscal years, increased by 3% for Fiscal Year 1998 and  
3 increased by an additional 3% for each fiscal year  
4 thereafter. After all room and board payments and similar  
5 expenditures are made by the State Board of Education as  
6 required by this Section, the State Board of Education may  
7 use the remaining funds for administration and for providing  
8 discretionary activities. However, the State Board of  
9 Education may use no more than 25% of its available IDEA Part  
10 B discretionary funds for administrative services.

11 Special education and related services included in the  
12 child's individualized educational program which are not  
13 provided by another State agency shall be included in the  
14 special education and related services provided by the State  
15 Board of Education and the local school district.

16 The State Board of Education with the advice of the  
17 Advisory Council shall prescribe the standards and make the  
18 necessary rules and regulations for special education  
19 programs administered by local school boards, including but  
20 not limited to establishment of classes, training  
21 requirements of teachers and other professional personnel,  
22 eligibility and admission of pupils, the curriculum, class  
23 size limitation, building programs, housing, transportation,  
24 special equipment and instructional supplies, and the  
25 applications for claims for reimbursement. The State Board of  
26 Education shall promulgate rules and regulations for annual  
27 evaluations of the effectiveness of all special education  
28 programs and annual evaluation by the local school district  
29 of the individualized educational program for each child for  
30 whom it provides special education services.

31 A school district is responsible for the provision of  
32 educational services for all school age children residing  
33 within its boundaries excluding any student placed under the  
34 provisions of Section 14-7.02 or any disabled student whose



1 parent or guardian lives outside of the State of Illinois as  
2 described in Section 14-1.11.

3 (Source: P.A. 89-397, eff. 8-20-95; 89-622, eff. 8-9-96;  
4 90-547, eff. 12-1-97.)

5 (105 ILCS 5/18-4.3) (from Ch. 122, par. 18-4.3)

6 Sec. 18-4.3. Summer school grants. Grants shall be  
7 determined for pupil attendance in summer schools conducted  
8 under Sections 10-22.33A and 34-18 and approved under Section  
9 2-3.25 in the following manner.

10 The amount of grant for each accredited summer school  
11 attendance pupil shall be obtained by dividing the total  
12 amount of apportionments determined under Section 18-8.05 by  
13 the actual number of pupils in average daily attendance used  
14 for such apportionments. The number of credited summer  
15 school attendance pupils shall be determined (a) by counting  
16 clock hours of class instruction by pupils enrolled in grades  
17 1 through 12 in approved courses conducted at least 60 clock  
18 hours in summer sessions; (b) by dividing such total of clock  
19 hours of class instruction by 4 to produce days of credited  
20 pupil attendance; (c) by dividing such days of credited pupil  
21 attendance by the actual number of days in the regular term  
22 as used in computation in the general apportionment in  
23 Section 18-8.05; and (d) by multiplying by 1.25.

24 The amount of the grant for a summer school program  
25 approved by the State Superintendent of Education for  
26 children with disabilities, as defined in Sections 14-1.02  
27 through 14-1.07, shall be determined in the manner contained  
28 above except that average daily membership shall be utilized  
29 in lieu of average daily attendance.

30 In the case of an apportionment based on summer school  
31 attendance or membership pupils, the claim therefor shall be  
32 presented as a separate claim for the particular school year  
33 in which such summer school session ends. On or before

1 November 1 of each year the superintendent of each eligible  
2 school district shall certify to the State Superintendent of  
3 Education the claim of the district for the summer session  
4 just ended. Failure on the part of the school board to so  
5 certify shall constitute a forfeiture of its right to such  
6 payment. The State Superintendent of Education shall  
7 transmit to the Comptroller no later than December 15th of  
8 each year vouchers for payment of amounts due school  
9 districts for summer school. The State Superintendent of  
10 Education shall direct the Comptroller to draw his warrants  
11 for payments thereof by the 30th day of December. If the  
12 money appropriated by the General Assembly for such purpose  
13 for any year is insufficient, it shall be apportioned on the  
14 basis of claims approved.

15 However, notwithstanding the foregoing provisions, for  
16 each fiscal year the money appropriated by the General  
17 Assembly for the purposes of this Section shall only be used  
18 for grants for approved summer school programs for those  
19 children with disabilities served pursuant to Section  
20 Sections 14-7.02 and ~~14-7.02a~~ of this the-School Code.

21 (Source: P.A. 90-548, eff. 1-1-98; 91-764, eff. 6-9-00.)

22 (105 ILCS 5/14-7.02a rep.)

23 Section 10. The School Code is amended by repealing  
24 Section 14-7.02a.

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.