

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
5 Sections 14-7.03 and 18-3 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. ~~7-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 (Source: P.A. 92-597, eff. 7-1-02; 92-877, eff. 1-7-03.)

2 (105 ILCS 5/18-3) (from Ch. 122, par. 18-3)

3 Sec. 18-3. Tuition of children from orphanages and
4 children's homes.

5 When the children from any home for orphans, dependent,
6 abandoned or maladjusted children maintained by any
7 organization or association admitting to such home children
8 from the State in general or when children residing in a
9 school district wherein the State of Illinois maintains and
10 operates any welfare or penal institution on property owned
11 by the State of Illinois, which contains houses, housing
12 units or housing accommodations within a school district,
13 attend grades kindergarten through 12 of the public schools
14 maintained by that school district, the State Superintendent
15 of Education shall direct the State Comptroller to pay a
16 specified amount sufficient to pay the annual tuition cost of
17 such children who attended such public schools during the
18 regular school year ending on June 30 or the summer term for
19 that school year, and the Comptroller shall pay the amount
20 after receipt of a voucher submitted by the State
21 Superintendent of Education.

22 The amount of the tuition for such children attending the
23 public schools of the district shall be determined by the
24 State Superintendent of Education by multiplying the number
25 of such children in average daily attendance in such schools
26 by 1.2 times the total annual per capita cost of
27 administering the schools of the district. Such total annual
28 per capita cost shall be determined by totaling all expenses
29 of the school district in the educational, operations and
30 maintenance, bond and interest, transportation, Illinois
31 municipal retirement, and rent funds for the school year
32 preceding the filing of such tuition claims less expenditures
33 not applicable to the regular K-12 program, less offsetting

1 revenues from State sources except those from the common
2 school fund, less offsetting revenues from federal sources
3 except those from federal impaction aid, less student and
4 community service revenues, plus a depreciation allowance;
5 and dividing such total by the average daily attendance for
6 the year.

7 Annually on or before June 30 the superintendent of the
8 district upon forms prepared by the State Superintendent of
9 Education shall certify to the regional superintendent the
10 following:

11 1. The name of the home and of the organization or
12 association maintaining it; or the legal description of
13 the real estate upon which the house, housing units, or
14 housing accommodations are located and that no taxes or
15 service charges or other payments authorized by law to be
16 made in lieu of taxes were collected therefrom or on
17 account thereof during either of the calendar years
18 included in the school year for which claim is being
19 made;

20 2. The number of children from the home or living
21 in such houses, housing units or housing accommodations
22 and attending the schools of the district;

23 3. The total number of children attending the
24 schools of the district;

25 4. The per capita tuition charge of the district;
26 and

27 5. The computed amount of the tuition payment
28 claimed as due.

29 Whenever the persons in charge of such home for orphans,
30 dependent, abandoned or maladjusted children have received
31 from the parent or guardian of any such child or by virtue of
32 an order of court a specific allowance for educating such
33 child, such persons shall pay to the school board in the
34 district where the child attends school such amount of the

1 allowance as is necessary to pay the tuition required by such
2 district for the education of the child. If the allowance is
3 insufficient to pay the tuition in full the State
4 Superintendent of Education shall direct the Comptroller to
5 pay to the district the difference between the total tuition
6 charged and the amount of the allowance.

7 Whenever the facilities of a school district in which
8 such house, housing units or housing accommodations are
9 located, are limited, pupils may be assigned by that district
10 to the schools of any adjacent district to the limit of the
11 facilities of the adjacent district to properly educate such
12 pupils as shall be determined by the school board of the
13 adjacent district, and the State Superintendent of Education
14 shall direct the Comptroller to pay a specified amount
15 sufficient to pay the annual tuition of the children so
16 assigned to and attending public schools in the adjacent
17 districts and the Comptroller shall draw his warrant upon the
18 State Treasurer for the payment of such amount for the
19 benefit of the adjacent school districts in the same manner
20 as for districts in which the houses, housing units or
21 housing accommodations are located.

22 The school district shall certify to the State
23 Superintendent of Education the report of claims due for such
24 tuition payments on or before July 31. Failure on the part of
25 the school board to certify its claim on July 31 shall
26 constitute a forfeiture by the district of its right to the
27 payment of any such tuition claim for the school year. The
28 State Superintendent of Education shall direct the
29 Comptroller to pay to the district, on or before August 15,
30 the amount due the district for the school year in accordance
31 with the calculation of the claim as set forth in this
32 Section.

33 Claims for tuition for children from any home for orphans
34 or dependent, abandoned, or maladjusted children beginning

1 with the 1993-1994 school year shall be paid on a current
2 year basis. On September 30, December 31, and March 31, the
3 State Board of Education shall voucher payments for districts
4 with those students based on an estimated cost calculated
5 from the prior year's claim. Final claims for those students
6 for the regular school term and summer term must be received
7 at the State Board of Education by July 31 following the end
8 of the regular school year. Final claims for those students
9 shall be vouchered by August 15. During fiscal year 1994
10 both the 1992-1993 school year and the 1993-1994 school year
11 shall be paid in order to change the cycle of payment from a
12 reimbursement basis to a current year funding basis of
13 payment. However, notwithstanding any other provisions of
14 this Section or the School Code, beginning with fiscal year
15 1994 and each fiscal year thereafter through-fiscal-year
16 2002, if the amount appropriated for any fiscal year is less
17 than the amount required for purposes of this Section, the
18 amount required to eliminate any insufficient reimbursement
19 for each district claim under this Section shall be
20 reimbursed on August 30 of the next fiscal year.7--and--the
21 Payments required to eliminate any insufficiency for prior
22 fiscal year claims shall be made before any claims are paid
23 for the current fiscal year. Notwithstanding--any--other
24 provision-of-this-Section-or-this-Code,7-beginning-with-fiscal
25 year-2003,7-total-reimbursement--under--this--Section--in--any
26 fiscal--year--is--limited-to-the-amount-appropriated-for-that
27 purpose-for-that-fiscal-year,7-and-if-the-amount--appropriated
28 for--any--fiscal--year--is--less-than-the-amount-required-for
29 purposes--of--this--Section,7--the--insufficiency---shall---be
30 apportioned--pro--rata--among--the--school--districts-seeking
31 reimbursement.

32 If a school district makes a claim for reimbursement
33 under Section 18-4 or 14-7.03 it shall not include in any
34 claim filed under this Section children residing on the

1 property of State institutions included in its claim under
2 Section 18-4 or 14-7.03.

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

8 In order to provide services appropriate to allow a
9 student under the legal guardianship or custodianship of the
10 State to participate in local school district educational
11 programs, costs may be incurred in appropriate cases by the
12 district that are in excess of 1.2 times the district per
13 capita tuition charge allowed under the provisions of this
14 Section. In the event such excess costs are incurred, they
15 must be documented in accordance with cost rules established
16 under the authority of this Section and may then be claimed
17 for reimbursement under this Section.

18 Planned services for students eligible for this funding
19 must be a collaborative effort between the appropriate State
20 agency or the student's group home or institution and the
21 local school district.

22 (Source: P.A. 91-764, eff. 6-9-00; 92-94, eff. 1-1-02;
23 92-597, eff. 7-1-02.)

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