

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. ~~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,--beginning--with--fiscal~~  
25 ~~year--2003,--total--reimbursement--under--this--Section--in--any~~  
26 ~~fiscal--year--is--limited--to--the--amount--appropriated--for--that~~  
27 ~~purpose--for--that--fiscal--year,--and--if--the--amount--appropriated~~  
28 ~~for--any--fiscal--year--is--less--than--the--amount--required--for~~  
29 ~~purposes--of--this--Section,--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.