

**SB2210**



**94TH GENERAL ASSEMBLY**

**State of Illinois**

**2005 and 2006**

**SB2210**

Introduced 1/11/2006, by Sen. M. Maggie Crotty

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/18-3

from Ch. 122, par. 18-3

Amends the School Code. Makes a technical change in a Section concerning tuition of children from orphanages and children's homes.

LRB094 18051 NHT 53356 b

**A BILL FOR**

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 18-3 as follows:

6 (105 ILCS 5/18-3) (from Ch. 122, par. 18-3)

7 Sec. 18-3. Tuition of children from orphanages and ~~and~~  
8 children's homes.

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

25 The amount of the tuition for such children attending the  
26 public schools of the district shall be determined by the State  
27 Superintendent of Education by multiplying the number of such  
28 children in average daily attendance in such schools by 1.2  
29 times the total annual per capita cost of administering the  
30 schools of the district. Such total annual per capita cost  
31 shall be determined by totaling all expenses of the school  
32 district in the educational, operations and maintenance, bond

1 and interest, transportation, Illinois municipal retirement,  
2 and rent funds for the school year preceding the filing of such  
3 tuition claims less expenditures not applicable to the regular  
4 K-12 program, less offsetting revenues from State sources  
5 except those from the common school fund, less offsetting  
6 revenues from federal sources except those from federal  
7 impaction aid, less student and community service revenues,  
8 plus a depreciation allowance; and dividing such total by the  
9 average daily attendance for the year.

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

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

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

25 3. The total number of children attending the schools  
26 of the district;

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

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

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

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

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

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

30 Claims for tuition for children from any home for orphans  
31 or dependent, abandoned, or maladjusted children beginning  
32 with the 1993-1994 school year shall be paid on a current year  
33 basis. On September 30, December 31, and March 31, the State  
34 Board of Education shall voucher payments for districts with  
35 those students based on an estimated cost calculated from the  
36 prior year's claim. Final claims for those students for the

1 regular school term and summer term must be received at the  
2 State Board of Education by July 31 following the end of the  
3 regular school year. Final claims for those students shall be  
4 vouchered by August 15. During fiscal year 1994 both the  
5 1992-1993 school year and the 1993-1994 school year shall be  
6 paid in order to change the cycle of payment from a  
7 reimbursement basis to a current year funding basis of payment.  
8 However, notwithstanding any other provisions of this Section  
9 or the School Code, beginning with fiscal year 1994 and each  
10 fiscal year thereafter , if the amount appropriated for any  
11 fiscal year is less than the amount required for purposes of  
12 this Section, the amount required to eliminate any insufficient  
13 reimbursement for each district claim under this Section shall  
14 be reimbursed on August 30 of the next fiscal year. Payments  
15 required to eliminate any insufficiency for prior fiscal year  
16 claims shall be made before any claims are paid for the current  
17 fiscal year.

18 If a school district makes a claim for reimbursement under  
19 Section 18-4 or 14-7.03 it shall not include in any claim filed  
20 under this Section children residing on the property of State  
21 institutions included in its claim under Section 18-4 or  
22 14-7.03.

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

28 In order to provide services appropriate to allow a student  
29 under the legal guardianship or custodianship of the State to  
30 participate in local school district educational programs,  
31 costs may be incurred in appropriate cases by the district that  
32 are in excess of 1.2 times the district per capita tuition  
33 charge allowed under the provisions of this Section. In the  
34 event such excess costs are incurred, they must be documented  
35 in accordance with cost rules established under the authority  
36 of this Section and may then be claimed for reimbursement under

1 this Section.

2 Planned services for students eligible for this funding  
3 must be a collaborative effort between the appropriate State  
4 agency or the student's group home or institution and the local  
5 school district.

6 (Source: P.A. 92-94, eff. 1-1-02; 92-597, eff. 7-1-02; 93-609,  
7 eff. 11-20-03.)