

SB2257



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2257

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

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-7.03

from Ch. 122, par. 14-7.03

Amends the School Code. In a Section concerning reimbursement for special education classes for children from orphanages, foster family homes, children's homes, or State housing units, provides that if a child who was eligible to receive services under that Section is adopted and that child continues to receive support services from the Department of Children and Family Services, then the child shall continue to be eligible to receive services under that Section. Effective immediately.

LRB094 15073 RAS 50233 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation 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 Section
5 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 State
9 Housing Units. If a school district maintains special education
10 classes on the site of orphanages and children's homes, or if
11 children from the orphanages, children's homes, foster family
12 homes, other State agencies, or State residential units for
13 children attend classes for children with disabilities in which
14 the school district is a participating member of a joint
15 agreement, or if the children from the orphanages, children's
16 homes, foster family homes, other State agencies, or State
17 residential units attend classes for the children with
18 disabilities maintained by the school district, then
19 reimbursement shall be paid to eligible districts in accordance
20 with the provisions of this Section by the Comptroller as
21 directed by the State Superintendent of Education. If a child
22 who was eligible to receive services under this Section is
23 adopted and that child continues to receive support services
24 from the Department of Children and Family Services, then the
25 child shall continue to be eligible to receive services under
26 this Section.

27 The amount of tuition for ~~such~~ children under this Section
28 shall be determined by the actual cost of maintaining such
29 classes, using the per capita cost formula set forth in Section
30 14-7.01, such program and cost to be pre-approved by the State
31 Superintendent of Education.

32 On forms prepared by the State Superintendent of Education,

1 the district shall certify to the regional superintendent the
2 following:

3 (1) The name of the home or State residential unit with
4 the name of the owner or proprietor and address of those
5 maintaining it;

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

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

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

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

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

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

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

1 to the district or joint agreement for special education
2 classes provided to children with disabilities who are
3 residents of the facility, the district or joint agreement
4 shall not include any costs for the use of those facilities in
5 its claim for reimbursement.

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

12 The State Board of Education shall establish such rules and
13 regulations as may be necessary to implement the provisions of
14 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 initiation
23 of the program's operation. On September 30, December 31, and
24 March 31, the State Board of Education shall voucher payments
25 to group programs based upon the approved budget during the
26 year of operation. Final claims for group payments shall be
27 filed on or before July 15. Final claims for group programs
28 received at the State Board of Education on or before June 15
29 shall be vouchered by June 30. Final claims received at the
30 State Board of Education between June 16 and July 15 shall be
31 vouchered by August 30. Claims for group programs received
32 after July 15 shall not be honored.

33 Each district claiming reimbursement for individual
34 students shall have the eligibility of those students verified
35 by the State Board of Education. On September 30, December 31,
36 and March 31, the State Board of Education shall voucher

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

8 Reimbursement shall be made based upon approved group
9 programs or individual students. The State Superintendent of
10 Education shall direct the Comptroller to pay a specified
11 amount to the district by the 30th day of September, December,
12 March, June, or August, respectively. However, notwithstanding
13 any other provisions of this Section or the School Code,
14 beginning with fiscal year 1994 and each fiscal year
15 thereafter, if the amount appropriated for any fiscal year is
16 less than the amount required for purposes of this Section, the
17 amount required to eliminate any insufficient reimbursement
18 for each district claim under this Section shall be reimbursed
19 on August 30 of the next fiscal year. Payments required to
20 eliminate any insufficiency for prior fiscal year claims shall
21 be made before any claims are paid for the current fiscal year.

22 The claim of a school district otherwise eligible to be
23 reimbursed in accordance with Section 14-12.01 for the 1976-77
24 school year but for this amendatory Act of 1977 shall not be
25 paid unless the district ceases to maintain such classes for
26 one entire school year.

27 If a school district's current reimbursement payment for
28 the 1977-78 school year only is less than the prior year's
29 reimbursement payment owed, the district shall be paid the
30 amount of the difference between the payments in addition to
31 the current reimbursement payment, and the amount so paid shall
32 be subtracted from the amount of prior year's reimbursement
33 payment owed to the district.

34 Regional superintendents may operate special education
35 classes for children from orphanages, foster family homes,
36 children's homes or State housing units located within the

1 educational services region upon consent of the school board
2 otherwise so obligated. In electing to assume the powers and
3 duties of a school district in providing and maintaining such a
4 special education program, the regional superintendent may
5 enter into joint agreements with other districts and may
6 contract with public or private schools or the orphanage,
7 foster family home, children's home or State housing unit for
8 provision of the special education program. The regional
9 superintendent exercising the powers granted under this
10 Section shall claim the reimbursement authorized by this
11 Section directly from the State Board of Education.

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

17 Commencing July 1, 1992, for each disabled student who is
18 placed residentially by a State agency or the courts for care
19 or custody or both care and custody, welfare, medical or mental
20 health treatment or both medical and mental health treatment,
21 rehabilitation, and protection, whether placed there on,
22 before, or after July 1, 1992, the costs for educating the
23 student are eligible for reimbursement under this Section
24 providing the placing agency or court has notified the
25 appropriate school district authorities of the status of
26 student residency where applicable prior to or upon placement.

27 The district of residence of the parent, guardian, or
28 disabled student as defined in Sections 14-1.11 and 14-1.11a is
29 responsible for the actual costs of the student's special
30 education program and is eligible for reimbursement under this
31 Section when placement is made by a State agency or the courts.
32 Payments shall be made by the resident district to the district
33 wherein the facility is located no less than once per quarter
34 unless otherwise agreed to in writing by the parties.

35 When a dispute arises over the determination of the
36 district of residence, the district or districts may appeal the

1 decision in writing to the State Superintendent of Education.
2 The decision of the State Superintendent of Education shall be
3 final.

4 In the event a district does not make a tuition payment to
5 another district that is providing the special education
6 program and services, the State Board of Education shall
7 immediately withhold 125% of the then remaining annual tuition
8 cost from the State aid or categorical aid payment due to the
9 school district that is determined to be the resident school
10 district. All funds withheld by the State Board of Education
11 shall immediately be forwarded to the school district where the
12 student is being served.

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

18 (Source: P.A. 92-597, eff. 7-1-02; 92-877, eff. 1-7-03; 93-609,
19 eff. 11-20-03.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.