

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 (i) is
23 eligible for the subsidized adoption program available through
24 the Department of Children and Family Services or is under
25 subsidized guardianship and (ii) continues to receive support
26 services from the Department of Children and Family Services,
27 then the child shall continue to be eligible to receive
28 services under this Section and the school district shall
29 continue to be reimbursed under this Section. The changes made
30 to this Section by this amendatory Act of the 94th General
31 Assembly apply only to children who are eligible for the
32 subsidized adoption program or who are under subsidized

1 guardianship on or after the effective date of this amendatory
2 Act of the 94th General Assembly.

3 The amount of tuition for ~~such~~ children under this Section
4 shall be determined by the actual cost of maintaining such
5 classes, using the per capita cost formula set forth in Section
6 14-7.01, such program and cost to be pre-approved by the State
7 Superintendent of Education.

8 On forms prepared by the State Superintendent of Education,
9 the district shall certify to the regional superintendent the
10 following:

11 (1) The name of the home or State residential unit with
12 the name of the owner or proprietor and address of those
13 maintaining it;

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

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

21 (4) The number of children attending special education
22 classes for children with disabilities in which the
23 district is a participating member of a special education
24 joint agreement;

25 (5) The number of children attending special education
26 classes for children with disabilities maintained by the
27 district;

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

31 If a school district makes a claim for reimbursement under
32 Section 18-3 or 18-4 of this Act it shall not include in any
33 claim filed under this Section a claim for such children.
34 Payments authorized by law, including State or federal grants
35 for education of children included in this Section, shall be
36 deducted in determining the tuition amount.

1 Nothing in this Act shall be construed so as to prohibit
2 reimbursement for the tuition of children placed in for profit
3 facilities. Private facilities shall provide adequate space at
4 the facility for special education classes provided by a school
5 district or joint agreement for children with disabilities who
6 are residents of the facility at no cost to the school district
7 or joint agreement upon request of the school district or joint
8 agreement. If such a private facility provides space at no cost
9 to the district or joint agreement for special education
10 classes provided to children with disabilities who are
11 residents of the facility, the district or joint agreement
12 shall not include any costs for the use of those facilities in
13 its claim for reimbursement.

14 Reimbursement for tuition may include the cost of providing
15 summer school programs for children with severe and profound
16 disabilities served under this Section. Claims for that
17 reimbursement shall be filed by November 1 and shall be paid on
18 or before December 15 from appropriations made for the purposes
19 of this Section.

20 The State Board of Education shall establish such rules and
21 regulations as may be necessary to implement the provisions of
22 this Section.

23 Claims filed on behalf of programs operated under this
24 Section housed in a jail, detention center, or county-owned
25 shelter care facility shall be on an individual student basis
26 only for eligible students with disabilities. These claims
27 shall be in accordance with applicable rules.

28 Each district claiming reimbursement for a program
29 operated as a group program shall have an approved budget on
30 file with the State Board of Education prior to the initiation
31 of the program's operation. On September 30, December 31, and
32 March 31, the State Board of Education shall voucher payments
33 to group programs based upon the approved budget during the
34 year of operation. Final claims for group payments shall be
35 filed on or before July 15. Final claims for group programs
36 received at the State Board of Education on or before June 15

1 shall be vouchered by June 30. Final claims received at the
2 State Board of Education between June 16 and July 15 shall be
3 vouchered by August 30. Claims for group programs received
4 after July 15 shall not be honored.

5 Each district claiming reimbursement for individual
6 students shall have the eligibility of those students verified
7 by the State Board of Education. On September 30, December 31,
8 and March 31, the State Board of Education shall voucher
9 payments for individual students based upon an estimated cost
10 calculated from the prior year's claim. Final claims for
11 individual students for the regular school term must be
12 received at the State Board of Education by July 15. Claims for
13 individual students received after July 15 shall not be
14 honored. Final claims for individual students shall be
15 vouchered by August 30.

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

30 The claim of a school district otherwise eligible to be
31 reimbursed in accordance with Section 14-12.01 for the 1976-77
32 school year but for this amendatory Act of 1977 shall not be
33 paid unless the district ceases to maintain such classes for
34 one entire school year.

35 If a school district's current reimbursement payment for
36 the 1977-78 school year only is less than the prior year's

1 reimbursement payment owed, the district shall be paid the
2 amount of the difference between the payments in addition to
3 the current reimbursement payment, and the amount so paid shall
4 be subtracted from the amount of prior year's reimbursement
5 payment owed to the district.

6 Regional superintendents may operate special education
7 classes for children from orphanages, foster family homes,
8 children's homes or State housing units located within the
9 educational services region upon consent of the school board
10 otherwise so obligated. In electing to assume the powers and
11 duties of a school district in providing and maintaining such a
12 special education program, the regional superintendent may
13 enter into joint agreements with other districts and may
14 contract with public or private schools or the orphanage,
15 foster family home, children's home or State housing unit for
16 provision of the special education program. The regional
17 superintendent exercising the powers granted under this
18 Section shall claim the reimbursement authorized by this
19 Section directly from the State Board of Education.

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

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

35 The district of residence of the parent, guardian, or
36 disabled student as defined in Sections 14-1.11 and 14-1.11a is

1 responsible for the actual costs of the student's special
2 education program and is eligible for reimbursement under this
3 Section when placement is made by a State agency or the courts.
4 Payments shall be made by the resident district to the district
5 wherein the facility is located no less than once per quarter
6 unless otherwise agreed to in writing by the parties.

7 When a dispute arises over the determination of the
8 district of residence, the district or districts may appeal the
9 decision in writing to the State Superintendent of Education.
10 The decision of the State Superintendent of Education shall be
11 final.

12 In the event a district does not make a tuition payment to
13 another district that is providing the special education
14 program and services, the State Board of Education shall
15 immediately withhold 125% of the then remaining annual tuition
16 cost from the State aid or categorical aid payment due to the
17 school district that is determined to be the resident school
18 district. All funds withheld by the State Board of Education
19 shall immediately be forwarded to the school district where the
20 student is being served.

21 When a child eligible for services under this Section
22 14-7.03 must be placed in a nonpublic facility, that facility
23 shall meet the programmatic requirements of Section 14-7.02 and
24 its regulations, and the educational services shall be funded
25 only in accordance with this Section 14-7.03.

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

28 Section 99. Effective date. This Act takes effect upon
29 becoming law.