

**HB5039**



**95TH GENERAL ASSEMBLY**

**State of Illinois**

**2007 and 2008**

**HB5039**

by Rep. Monique D. Davis

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/14-7.02b

Amends the School Code. Makes a technical change in a Section concerning children with disabilities.

LRB095 18510 NHT 44596 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 14-7.02b as follows:

6 (105 ILCS 5/14-7.02b)

7 Sec. 14-7.02b. Funding for children requiring special  
8 education services. Payments to school districts for children  
9 requiring special education services documented in their  
10 individualized education program regardless of the ~~the~~ program  
11 from which these services are received, excluding children  
12 claimed under Sections 14-7.02 and 14-7.03 of this Code, shall  
13 be made in accordance with this Section. Funds received under  
14 this Section may be used only for the provision of special  
15 educational facilities and services as defined in Section  
16 14-1.08 of this Code.

17 The appropriation for fiscal year 2005 and thereafter shall  
18 be based upon the IDEA child count of all students in the  
19 State, excluding students claimed under Sections 14-7.02 and  
20 14-7.03 of this Code, on December 1 of the fiscal year 2 years  
21 preceding, multiplied by 17.5% of the general State aid  
22 foundation level of support established for that fiscal year  
23 under Section 18-8.05 of this Code.

1           Beginning with fiscal year 2005 and through fiscal year  
2 2007, individual school districts shall not receive payments  
3 under this Section totaling less than they received under the  
4 funding authorized under Section 14-7.02a of this Code during  
5 fiscal year 2004, pursuant to the provisions of Section  
6 14-7.02a as they were in effect before the effective date of  
7 this amendatory Act of the 93rd General Assembly. This base  
8 level funding shall be computed first.

9           Beginning with fiscal year 2008 and each fiscal year  
10 thereafter, individual school districts must not receive  
11 payments under this Section totaling less than they received in  
12 fiscal year 2007. This funding shall be computed last and shall  
13 be a separate calculation from any other calculation set forth  
14 in this Section. This amount is exempt from the requirements of  
15 Section 1D-1 of this Code.

16           An amount equal to 85% of the funds remaining in the  
17 appropriation shall be allocated to school districts based upon  
18 the district's average daily attendance reported for purposes  
19 of Section 18-8.05 of this Code for the preceding school year.  
20 Fifteen percent of the funds remaining in the appropriation  
21 shall be allocated to school districts based upon the  
22 district's low income eligible pupil count used in the  
23 calculation of general State aid under Section 18-8.05 of this  
24 Code for the same fiscal year. One hundred percent of the funds  
25 computed and allocated to districts under this Section shall be  
26 distributed and paid to school districts.

1           For individual students with disabilities whose program  
2 costs exceed 4 times the district's per capita tuition rate as  
3 calculated under Section 10-20.12a of this Code, the costs in  
4 excess of 4 times the district's per capita tuition rate shall  
5 be paid by the State Board of Education from unexpended IDEA  
6 discretionary funds originally designated for room and board  
7 reimbursement pursuant to Section 14-8.01 of this Code. The  
8 amount of tuition for these children shall be determined by the  
9 actual cost of maintaining classes for these children, using  
10 the per capita cost formula set forth in Section 14-7.01 of  
11 this Code, with the program and cost being pre-approved by the  
12 State Superintendent of Education. Reimbursement for  
13 individual students with disabilities whose program costs  
14 exceed 4 times the district's per capita tuition rate shall be  
15 claimed beginning with costs encumbered for the 2004-2005  
16 school year and thereafter.

17           The State Board of Education shall prepare vouchers equal  
18 to one-fourth the amount allocated to districts, for  
19 transmittal to the State Comptroller on the 30th day of  
20 September, December, and March, respectively, and the final  
21 voucher, no later than June 20. The Comptroller shall make  
22 payments pursuant to this Section to school districts as soon  
23 as possible after receipt of vouchers. If the money  
24 appropriated from the General Assembly for such purposes for  
25 any year is insufficient, it shall be apportioned on the basis  
26 of the payments due to school districts.

1           Nothing in this Section shall be construed to decrease or  
2 increase the percentage of all special education funds that are  
3 allocated annually under Article 1D of this Code or to alter  
4 the requirement that a school district provide special  
5 education services.

6           Nothing in this amendatory Act of the 93rd General Assembly  
7 shall eliminate any reimbursement obligation owed as of the  
8 effective date of this amendatory Act of the 93rd General  
9 Assembly to a school district with in excess of 500,000  
10 inhabitants.

11         (Source: P.A. 93-1022, eff. 8-24-08. 95-705, eff. 1-8-08.)