

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 14-7.03 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.

22 The amount of tuition for such children shall be determined
23 by the actual cost of maintaining such classes, using the per

1 capita cost formula set forth in Section 14-7.01, such program
2 and cost to be pre-approved by the State Superintendent of
3 Education.

4 On forms prepared by the State Superintendent of Education,
5 the district shall certify to the regional superintendent the
6 following:

7 (1) The name of the home or State residential unit with
8 the name of the owner or proprietor and address of those
9 maintaining it;

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

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

17 (4) The number of children attending special education
18 classes for children with disabilities in which the
19 district is a participating member of a special education
20 joint agreement;

21 (5) The number of children attending special education
22 classes for children with disabilities maintained by the
23 district;

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

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

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

20 Reimbursement for tuition may include the cost of providing
21 summer school programs for children with severe and profound
22 disabilities served under this Section. Claims for that
23 reimbursement shall be filed by November 1 and shall be paid on
24 or before December 15 from appropriations made for the purposes
25 of this Section.

26 The State Board of Education shall establish such rules and

1 regulations as may be necessary to implement the provisions of
2 this Section.

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

8 Each district claiming reimbursement for a program
9 operated as a group program shall have an approved budget on
10 file with the State Board of Education prior to the initiation
11 of the program's operation. On September 30, December 31, and
12 March 31, the State Board of Education shall voucher payments
13 to group programs based upon the approved budget during the
14 year of operation. Final claims for group payments shall be
15 filed on or before July 15. Final claims for group programs
16 received at the State Board of Education on or before June 15
17 shall be vouchered by June 30. Final claims received at the
18 State Board of Education between June 16 and July 15 shall be
19 vouchered by August 30. Claims for group programs received
20 after July 15 shall not be honored.

21 Each district claiming reimbursement for individual
22 students shall have the eligibility of those students verified
23 by the State Board of Education. On September 30, December 31,
24 and March 31, the State Board of Education shall voucher
25 payments for individual students based upon an estimated cost
26 calculated from the prior year's claim. Final claims for

1 individual students for the regular school term must be
2 received at the State Board of Education by July 15. Claims for
3 individual students received after July 15 shall not be
4 honored. Final claims for individual students shall be
5 vouchered by August 30.

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

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

25 If a school district's current reimbursement payment for
26 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

1 or custody or both care and custody, welfare, medical or mental
2 health treatment or both medical and mental health treatment,
3 rehabilitation, and protection, whether placed there on,
4 before, or after July 1, 1992, the costs for educating the
5 student are eligible for reimbursement under this Section
6 providing the placing agency or court has notified the
7 appropriate school district authorities of the status of
8 student residency where applicable prior to or upon placement.
9 Subject to appropriation, school districts shall be reimbursed
10 under this Section for the eligible costs of educating all
11 disabled students residentially placed by a State agency or the
12 courts or placed and paid for by a State agency for any of the
13 reasons listed in this paragraph. Reimbursements under this
14 paragraph shall first be provided for claims made for the
15 2007-2008 school year payable in fiscal year 2008.

16 The district of residence of the parent, guardian, or
17 disabled student as defined in Sections 14-1.11 and 14-1.11a is
18 responsible for the actual costs of the student's special
19 education program and is eligible for reimbursement under this
20 Section when placement is made by a State agency or the courts.
21 Payments shall be made by the resident district to the district
22 wherein the facility is located no less than once per quarter
23 unless otherwise agreed to in writing by the parties.

24 When a dispute arises over the determination of the
25 district of residence, the district or districts may appeal the
26 decision in writing to the State Superintendent of Education.

1 The decision of the State Superintendent of Education shall be
2 final.

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

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

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

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