

# SB3171



## 100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3171

Introduced 2/15/2018, by Sen. Kimberly A. Lightford

### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-7.03

from Ch. 122, par. 14-7.03

Amends the School Code. Makes a technical change in a Section concerning special education classes for children from orphanages, foster family homes, children's homes, or State housing units.

LRB100 19834 AXK 35110 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 14-7.03 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 ~~the~~ site of orphanages and children's homes, or  
11 if children from the orphanages, children's homes, foster  
12 family homes, other State agencies, or State residential units  
13 for children attend classes for children with disabilities in  
14 which 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             If a school district makes a claim for reimbursement under  
5     Section 18-3 or 18-4 of this Act it shall not include in any  
6     claim filed under this Section a claim for such children.  
7     Payments authorized by law, including State or federal grants  
8     for education of children included in this Section, shall be  
9     deducted in determining the tuition amount.

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

23            Reimbursement for tuition may include the cost of providing  
24     summer school programs for children with severe and profound  
25     disabilities served under this Section. Claims for that  
26     reimbursement shall be filed by November 1 and shall be paid on

1 or before December 15 from appropriations made for the purposes  
2 of this Section.

3 The State Board of Education shall establish such rules and  
4 regulations as may be necessary to implement the provisions of  
5 this Section.

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

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

24 Each district claiming reimbursement for individual  
25 students shall have the eligibility of those students verified  
26 by the State Board of Education. On September 30, December 31,

1 and March 31, the State Board of Education shall voucher  
2 payments for individual students based upon an estimated cost  
3 calculated from the prior year's claim. Final claims for  
4 individual students for the regular school term must be  
5 received at the State Board of Education by July 15. Claims for  
6 individual students received after July 15 shall not be  
7 honored. Final claims for individual students shall be  
8 vouchered by August 30.

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

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

1 one entire school year.

2 If a school district's current reimbursement payment for  
3 the 1977-78 school year only is less than the prior year's  
4 reimbursement payment owed, the district shall be paid the  
5 amount of the difference between the payments in addition to  
6 the current reimbursement payment, and the amount so paid shall  
7 be subtracted from the amount of prior year's reimbursement  
8 payment owed to the district.

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

23 Any child who is not a resident of Illinois who is placed  
24 in a child welfare institution, private facility, foster family  
25 home, State operated program, orphanage or children's home  
26 shall have the payment for his educational tuition and any

1 related services assured by the placing agent.

2 For each student with a disability who is placed in a  
3 residential facility by an Illinois public agency or by any  
4 court in this State, the costs for educating the student are  
5 eligible for reimbursement under this Section.

6 The district of residence of the student with a disability  
7 as defined in Section 14-1.11a is responsible for the actual  
8 costs of the student's special education program and is  
9 eligible for reimbursement under this Section when placement is  
10 made by a State agency or the courts.

11 When a dispute arises over the determination of the  
12 district of residence under this Section, the district or  
13 districts may appeal the decision in writing to the State  
14 Superintendent of Education, who, upon review of materials  
15 submitted and any other items or information he or she may  
16 request for submission, shall issue a written decision on the  
17 matter. The decision of the State Superintendent of Education  
18 shall be final.

19 In the event a district does not make a tuition payment to  
20 another district that is providing the special education  
21 program and services, the State Board of Education shall  
22 immediately withhold 125% of the then remaining annual tuition  
23 cost from the State aid or categorical aid payment due to the  
24 school district that is determined to be the resident school  
25 district. All funds withheld by the State Board of Education  
26 shall immediately be forwarded to the school district where the

1 student is being served.

2 When a child eligible for services under this Section  
3 14-7.03 must be placed in a nonpublic facility, that facility  
4 shall meet the programmatic requirements of Section 14-7.02 and  
5 its regulations, and the educational services shall be funded  
6 only in accordance with this Section 14-7.03.

7 (Source: P.A. 98-739, eff. 7-16-14; 99-143, eff. 7-27-15.)