**Section 900.342 Basis for Appeals**

a) The Board can grant an increase in allowable costs for any of the following reasons:

1) There has been an extraordinary increase in program operating costs that is beyond the reasonable control of the provider and substantially threatens the educational program's financial viability.

2) Mechanical or clerical errors were committed by the provider or the Board as depicted on required cost reports and in the rate calculation process used by the Board in determination of allowable costs.

3) Statutory or regulatory requirements of any governmental agency have generated or will generate a substantial increase in allowable costs during the current cost reporting period.

4) There has been or will be an extraordinary decrease in program revenues or in external funding, subsidies, grants, gifts, or donations that constitute a substantial portion of the funding for the core functions of the provider's program to the extent that such revenues were considered available when the Board approved the allowable costs for the provider.

5) A substantial program change has been or will be undertaken, resulting in a substantial increase in costs. Each appeal must contain documentation with respect to the necessity of these program costs.

6) A provider believes a significant discrepancy exists between its enrollment figures as submitted and the enrollment figures determined by the State Board of Education. The provider may resolve the discrepancy with the appropriate local school districts and appeal the initial per-student allowable cost determination. Such an appeal will only be considered when the local school districts amend their enrollment figures with the State Board of Education.

7) There have been wage increases awarded by the General Assembly to front-line personnel, defined as direct support persons, aides, front-line supervisors, qualified intellectual disabilities professionals, nurses, and non-administrative support staff working in service settings in community-based settings within the State and the provider has given the same wage increases to similar front-line personnel in the provider's special education program.

b) If a provider elects not to submit costs to the Board for approval because the tuition charge for special education and related services has not increased by more than 10% over the prior school year and does not exceed $4,500 per year, the provider may not then submit its costs for review after the beginning of the school year. Such costs will not be approved by the Board. Any provider electing to submit a cost report used for allowable cost determination may not revert to this provision in subsequent years.

(Source: Amended at 44 Ill. Reg. 1954, effective January 8, 2020)