

# SB2824



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2824

Introduced 1/19/2024, by Sen. Steve McClure

### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.12a

from Ch. 122, par. 10-20.12a

Amends the School Boards Article of the School Code. Provides that a school district shall waive tuition costs for a non-resident pupil who was previously a resident of the district if the pupil submits a letter stating that the pupil no longer resides in the district because the pupil has made allegations of domestic violence, abuse, or sexual abuse against the pupil's parent or guardian and the Department of Children and Family Services has removed the pupil from the parent's or guardian's home.

LRB103 36735 RJT 66845 b

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

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 10-20.12a as follows:

6 (105 ILCS 5/10-20.12a) (from Ch. 122, par. 10-20.12a)  
7 Sec. 10-20.12a. Tuition for non-resident pupils.

8 (a) To charge non-resident pupils who attend the schools  
9 of the district tuition in an amount not exceeding 110% of the  
10 per capita cost of maintaining the schools of the district for  
11 the preceding school year.

12 Such per capita cost shall be computed by dividing the  
13 total cost of conducting and maintaining the schools of the  
14 district by the average daily attendance, including tuition  
15 pupils. Depreciation on the buildings and equipment of the  
16 schools of the district, and the amount of annual depreciation  
17 on such buildings and equipment shall be dependent upon the  
18 useful life of such property.

19 The tuition charged shall in no case exceed 110% of the per  
20 capita cost of conducting and maintaining the schools of the  
21 district attended, as determined with reference to the most  
22 recent audit prepared under Section 3-7 which is available at  
23 the commencement of the current school year. Non-resident

1 pupils attending the schools of the district for less than the  
2 school term shall have their tuition apportioned, however  
3 pupils who become non-resident during a school term shall not  
4 be charged tuition for the remainder of the school term in  
5 which they became non-resident pupils.

6 Notwithstanding the provisions of this Section, a school  
7 district may adopt a policy to waive tuition costs for a  
8 non-resident pupil if the pupil is a child of a district  
9 employee. For purposes of this paragraph, "child" means a  
10 district employee's child who is a biological child, adopted  
11 child, foster child, stepchild, or a child for which the  
12 employee serves as a legal guardian.

13 Notwithstanding the other provisions of this Section, a  
14 school district shall waive tuition costs for a non-resident  
15 pupil who was previously a resident of the district if the  
16 pupil submits a letter stating that the pupil no longer  
17 resides in the district because the pupil has made allegations  
18 of domestic violence, abuse, or sexual abuse against the  
19 pupil's parent or guardian and the Department of Children and  
20 Family Services has removed the pupil from the parent's or  
21 guardian's home.

22 (b) Unless otherwise agreed to by the parties involved and  
23 where the educational services are not otherwise provided for,  
24 educational services for an Illinois student under the age of  
25 21 (and not eligible for services pursuant to Article 14 of  
26 this Code) in any residential program shall be provided by the

1 district in which the facility is located and financed as  
2 follows. The cost of educational services shall be paid by the  
3 district in which the student resides in an amount equal to the  
4 cost of providing educational services in the residential  
5 facility. Payments shall be made by the district of the  
6 student's residence and shall be made to the district wherein  
7 the facility is located no less than once per month unless  
8 otherwise agreed to by the parties.

9 The funding provision of this subsection (b) applies to  
10 all Illinois students under the age of 21 (and not eligible for  
11 services pursuant to Article 14 of this Code) receiving  
12 educational services in residential facilities, irrespective  
13 of whether the student was placed therein pursuant to this  
14 Code or the Juvenile Court Act of 1987 or by an Illinois public  
15 agency or a court. The changes to this subsection (b) made by  
16 this amendatory Act of the 95th General Assembly apply to all  
17 placements in effect on July 1, 2007 and all placements  
18 thereafter. For purposes of this subsection (b), a student's  
19 district of residence shall be determined in accordance with  
20 subsection (a) of Section 10-20.12b of this Code. The  
21 placement of a student in a residential facility shall not  
22 affect the residency of the student. When a dispute arises  
23 over the determination of the district of residence under this  
24 subsection (b), any person or entity, including without  
25 limitation a school district or residential facility, may make  
26 a written request for a residency decision to the State

1 Superintendent of Education, who, upon review of materials  
2 submitted and any other items or information he or she may  
3 request for submission, shall issue his or her decision in  
4 writing. The decision of the State Superintendent of Education  
5 is final.

6 (Source: P.A. 103-111, eff. 6-29-23.)