

1 AN ACT to amend the School Code.

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
5 Sections 1D-1, 14-8.01, and 18-4.3 and adding Section
6 14-7.02b as follows:

7 (105 ILCS 5/1D-1)

8 Sec. 1D-1. Block grant funding.

9 (a) For fiscal year 1996 and each fiscal year
10 thereafter, the State Board of Education shall award to a
11 school district having a population exceeding 500,000
12 inhabitants a general education block grant and an
13 educational services block grant, determined as provided in
14 this Section, in lieu of distributing to the district
15 separate State funding for the programs described in
16 subsections (b) and (c). The provisions of this Section,
17 however, do not apply to any federal funds that the district
18 is entitled to receive. In accordance with Section 2-3.32,
19 all block grants are subject to an audit. Therefore, block
20 grant receipts and block grant expenditures shall be recorded
21 to the appropriate fund code for the designated block grant.

22 (b) The general education block grant shall include the
23 following programs: REI Initiative, Summer Bridges, Preschool
24 At Risk, K-6 Comprehensive Arts, School Improvement Support,
25 Urban Education, Scientific Literacy, Substance Abuse
26 Prevention, Second Language Planning, Staff Development,
27 Outcomes and Assessment, K-6 Reading Improvement, Truants'
28 Optional Education, Hispanic Programs, Agriculture Education,
29 Gifted Education, Parental Education, Prevention Initiative,
30 Report Cards, and Criminal Background Investigations.
31 Notwithstanding any other provision of law, all amounts paid

1 under the general education block grant from State
2 appropriations to a school district in a city having a
3 population exceeding 500,000 inhabitants shall be
4 appropriated and expended by the board of that district for
5 any of the programs included in the block grant or any of the
6 board's lawful purposes.

7 (c) The educational services block grant shall include
8 the following programs: Bilingual, Regular and Vocational
9 Transportation, State Lunch and Free Breakfast Program,
10 Special Education (Personnel, ~~Extraordinary~~, Transportation,
11 Orphanage, Private Tuition), funding for children requiring
12 special education services, Summer School, Educational
13 Service Centers, and Administrator's Academy. This
14 subsection (c) does not relieve the district of its
15 obligation to provide the services required under a program
16 that is included within the educational services block grant.
17 It is the intention of the General Assembly in enacting the
18 provisions of this subsection (c) to relieve the district of
19 the administrative burdens that impede efficiency and
20 accompany single-program funding. The General Assembly
21 encourages the board to pursue mandate waivers pursuant to
22 Section 2-3.25g.

23 The funding program included in the educational services
24 block grant for funding for children requiring special
25 education services in each fiscal year shall be treated in
26 that fiscal year as a payment to the school district in
27 respect of services provided or costs incurred in the prior
28 fiscal year, calculated in each case as provided in this
29 Section. Nothing in this Section shall change the nature of
30 payments for any program that, apart from this Section, would
31 be or, prior to adoption or amendment of this Section, was on
32 the basis of a payment in a fiscal year in respect of
33 services provided or costs incurred in the prior fiscal year,
34 calculated in each case as provided in this Section.

1 (d) For fiscal year 1996 and each fiscal year
2 thereafter, the amount of the district's block grants shall
3 be determined as follows: (i) with respect to each program
4 that is included within each block grant, the district shall
5 receive an amount equal to the same percentage of the current
6 fiscal year appropriation made for that program as the
7 percentage of the appropriation received by the district from
8 the 1995 fiscal year appropriation made for that program, and
9 (ii) the total amount that is due the district under the
10 block grant shall be the aggregate of the amounts that the
11 district is entitled to receive for the fiscal year with
12 respect to each program that is included within the block
13 grant that the State Board of Education shall award the
14 district under this Section for that fiscal year. In the
15 case of the Summer Bridges program, the amount of the
16 district's block grant shall be equal to 44% of the amount of
17 the current fiscal year appropriation made for that program.

18 (e) The district is not required to file any application
19 or other claim in order to receive the block grants to which
20 it is entitled under this Section. The State Board of
21 Education shall make payments to the district of amounts due
22 under the district's block grants on a schedule determined by
23 the State Board of Education.

24 (f) A school district to which this Section applies
25 shall report to the State Board of Education on its use of
26 the block grants in such form and detail as the State Board
27 of Education may specify.

28 (g) This paragraph provides for the treatment of block
29 grants under Article 1C for purposes of calculating the
30 amount of block grants for a district under this Section.
31 Those block grants under Article 1C are, for this purpose,
32 treated as included in the amount of appropriation for the
33 various programs set forth in paragraph (b) above. The
34 appropriation in each current fiscal year for each block

1 grant under Article 1C shall be treated for these purposes as
2 appropriations for the individual program included in that
3 block grant. The proportion of each block grant so allocated
4 to each such program included in it shall be the proportion
5 which the appropriation for that program was of all
6 appropriations for such purposes now in that block grant, in
7 fiscal 1995.

8 Payments to the school district under this Section with
9 respect to each program for which payments to school
10 districts generally, as of the date of this amendatory Act of
11 the 92nd General Assembly, are on a reimbursement basis shall
12 continue to be made to the district on a reimbursement basis,
13 pursuant to the provisions of this Code governing those
14 programs.

15 (h) Notwithstanding any other provision of law, any
16 school district receiving a block grant under this Section
17 may classify all or a portion of the funds that it receives
18 in a particular fiscal year from any block grant authorized
19 under this Code or from general State aid pursuant to Section
20 18-8.05 of this Code (other than supplemental general State
21 aid) as funds received in connection with any funding program
22 for which it is entitled to receive funds from the State in
23 that fiscal year (including, without limitation, any funding
24 program referred to in subsection (c) of this Section),
25 regardless of the source or timing of the receipt. The
26 district may not classify more funds as funds received in
27 connection with the funding program than the district is
28 entitled to receive in that fiscal year for that program.
29 Any classification by a district must be made by a resolution
30 of its board of education. The resolution must identify the
31 amount of any block grant or general State aid to be
32 classified under this subsection (h) and must specify the
33 funding program to which the funds are to be treated as
34 received in connection therewith. This resolution is

1 controlling as to the classification of funds referenced
2 therein. A certified copy of the resolution must be sent to
3 the State Superintendent of Education. The resolution shall
4 still take effect even though a copy of the resolution has
5 not been sent to the State Superintendent of Education in a
6 timely manner. No classification under this subsection (h)
7 by a district shall affect the total amount or timing of
8 money the district is entitled to receive under this Code.
9 No classification under this subsection (h) by a district
10 shall in any way relieve the district from or affect any
11 requirements that otherwise would apply with respect to the
12 block grant as provided in this Section, including any
13 accounting of funds by source, reporting expenditures by
14 original source and purpose, reporting requirements, or
15 requirements of provision of services.
16 (Source: P.A. 91-711, eff. 7-1-00; 92-568, eff. 6-26-02;
17 92-651, eff. 7-11-02.)

18 (105 ILCS 5/14-7.02b new)

19 Sec. 14-7.02b. Funding for children requiring special
20 education services. Payments to school districts and joint
21 agreements for children requiring special education services
22 documented in their individualized education program
23 regardless of the program from which these services are
24 received, excluding children claimed under Sections 14-7.02
25 and 14-7.03 of this Code, shall be made in accordance with
26 this Section. Funds received under this Section may be used
27 only for the provision of special educational facilities and
28 services as defined in Section 14-1.08 of this Code.

29 The appropriation for fiscal year 2004 and thereafter
30 shall be based upon the IDEA child count of all students in
31 the State, excluding students claimed under Sections 14-7.02
32 and 14-7.03 of this Code, on December 1 of the fiscal year 2
33 years preceding, multiplied by 17.5% of the general State aid

1 foundation level of support established for that fiscal year
2 under Section 18-8.05 of this Code.

3 Beginning with fiscal year 2004 and thereafter,
4 individual school districts shall not receive payments under
5 this Section totaling less than they received under the
6 funding authorized under Section 14-7.02a of this Code during
7 fiscal year 2003, pursuant to the provisions of Section
8 14-7.02a as they were in effect before the effective date of
9 this amendatory Act of the 93rd General Assembly. This base
10 level funding shall be computed first.

11 An amount equal to 85% of the funds remaining in the
12 appropriation after subtracting the base level funding shall
13 be allocated to school districts based upon the district's
14 average daily attendance reported for purposes of Section
15 18-8.05 of this Code for the preceding school year. Fifteen
16 percent of the funds remaining in the appropriation after
17 subtracting the base level funding shall be allocated to
18 school districts based upon the district's low income
19 eligible pupil count used in the calculation of general State
20 aid under Section 18-8.05 of this Code for the same fiscal
21 year. One hundred percent of the funds computed and
22 allocated to districts under this Section shall be
23 distributed and paid to school districts.

24 For individual students with disabilities whose program
25 costs exceed 4 times the district's per capita tuition rate
26 as calculated under Section 10-20.12a of this Code, the costs
27 in excess of 4 times the district's per capita tuition rate
28 shall be paid by the State Board of Education from unexpended
29 IDEA discretionary funds originally designated for room and
30 board reimbursement pursuant to Section 14-8.01 of this Code.
31 The amount of tuition for these children shall be determined
32 by the actual cost of maintaining classes for these children,
33 using the per capita cost formula set forth in Section
34 14-7.01 of this Code, with the program and cost being

1 pre-approved by the State Superintendent of Education.

2 The State Board of Education shall prepare vouchers equal
3 to one-fourth the amount allocated to districts and their
4 joint agreements, for transmittal to the State Comptroller on
5 the 30th day of September, December, and March, respectively,
6 and the final voucher, no later than June 20. The Comptroller
7 shall make payments pursuant to this Section to school
8 districts and their joint agreements as soon as possible
9 after receipt of vouchers. If the money appropriated from the
10 General Assembly for such purposes for any year is
11 insufficient, it shall be apportioned on the basis of the
12 payments due to school districts.

13 Nothing in this Section shall be construed to decrease or
14 increase the percentage of all special education funds that
15 are allocated annually under Article 1D of this Code or to
16 alter the requirement that a school district provide special
17 education services.

18 Nothing in this amendatory Act of the 93rd General
19 Assembly shall eliminate any reimbursement obligation owed as
20 of the effective date of this amendatory Act of the 93rd
21 General Assembly to a school district with in excess of
22 500,000 inhabitants.

23 (105 ILCS 5/14-8.01) (from Ch. 122, par. 14-8.01)

24 Sec. 14-8.01. Supervision of special education buildings
25 and facilities. All special educational facilities, building
26 programs, housing, and all educational programs for the types
27 of disabled children defined in Section 14-1.02 shall be
28 under the supervision of and subject to the approval of the
29 State Board of Education.

30 All special education facilities, building programs, and
31 housing shall comply with the building code authorized by
32 Section 2-3.12.

33 All educational programs for children with disabilities

1 as defined in Section 14-1.02 administered by any State
2 agency shall be under the general supervision of the State
3 Board of Education. Such supervision shall be limited to
4 insuring that such educational programs meet standards
5 jointly developed and agreed to by both the State Board of
6 Education and the operating State agency, including standards
7 for educational personnel.

8 Any State agency providing special educational programs
9 for children with disabilities as defined in Section 14-1.02
10 shall promulgate rules and regulations, in consultation with
11 the State Board of Education and pursuant to the Illinois
12 Administrative Procedure Act as now or hereafter amended, to
13 insure that all such programs comply with this Section and
14 Section 14-8.02.

15 No otherwise qualified disabled child receiving special
16 education and related services under Article 14 shall solely
17 by reason of his or her disability be excluded from the
18 participation in or be denied the benefits of or be subjected
19 to discrimination under any program or activity provided by a
20 State agency.

21 State agencies providing special education and related
22 services, including room and board, either directly or
23 through grants or purchases of services shall continue to
24 provide these services according to current law and practice.
25 Room and board costs not provided by a State agency other
26 than the State Board of Education shall be provided by the
27 State Board of Education to the extent of available funds.
28 An amount equal to one-half of the State education agency's
29 share of IDEA PART B federal monies, or so much thereof as
30 may actually be needed, shall annually be appropriated to pay
31 for the additional costs of providing for room and board for
32 those children placed pursuant to Section 14-7.02 of this
33 Code Act and, after all such room and board costs are paid,
34 for similar expenditures for children served pursuant to

1 Section 14-7.02 or 14-7.02b ~~14-7.02a~~ of this Code. Any such
2 excess room and board funds must first be directed to those
3 school districts with students costing in excess of 4 times
4 the district's per capita tuition charge and then to Act,
5 based-in community based programs that serve as alternatives
6 to residential placements.

7 Beginning with Fiscal Year 1997 and continuing through
8 Fiscal Year 2000, 100% of the former Chapter I, Section
9 89-313 federal funds shall be allocated by the State Board of
10 Education in the same manner as IDEA, PART B "flow through"
11 funding to local school districts, joint agreements, and
12 special education cooperatives for the maintenance of
13 instructional and related support services to students with
14 disabilities. However, beginning with Fiscal Year 1998, the
15 total IDEA Part B discretionary funds available to the State
16 Board of Education shall not exceed the maximum permissible
17 under federal law or 20% of the total federal funds available
18 to the State, whichever is less. In no case shall the
19 aggregate IDEA Part B discretionary funds received by the
20 State Board of Education exceed the amount of IDEA Part B
21 discretionary funds available to the State Board of Education
22 for Fiscal Year 1997, excluding any carryover funds from
23 prior fiscal years, increased by 3% for Fiscal Year 1998 and
24 increased by an additional 3% for each fiscal year
25 thereafter. After all room and board payments and similar
26 expenditures are made by the State Board of Education as
27 required by this Section, the State Board of Education may
28 use the remaining funds for administration and for providing
29 discretionary activities. However, the State Board of
30 Education may use no more than 25% of its available IDEA Part
31 B discretionary funds for administrative services.

32 Special education and related services included in the
33 child's individualized educational program which are not
34 provided by another State agency shall be included in the

1 special education and related services provided by the State
2 Board of Education and the local school district.

3 The State Board of Education with the advice of the
4 Advisory Council shall prescribe the standards and make the
5 necessary rules and regulations for special education
6 programs administered by local school boards, including but
7 not limited to establishment of classes, training
8 requirements of teachers and other professional personnel,
9 eligibility and admission of pupils, the curriculum, class
10 size limitation, building programs, housing, transportation,
11 special equipment and instructional supplies, and the
12 applications for claims for reimbursement. The State Board of
13 Education shall promulgate rules and regulations for annual
14 evaluations of the effectiveness of all special education
15 programs and annual evaluation by the local school district
16 of the individualized educational program for each child for
17 whom it provides special education services.

18 A school district is responsible for the provision of
19 educational services for all school age children residing
20 within its boundaries excluding any student placed under the
21 provisions of Section 14-7.02 or any disabled student whose
22 parent or guardian lives outside of the State of Illinois as
23 described in Section 14-1.11.

24 (Source: P.A. 89-397, eff. 8-20-95; 89-622, eff. 8-9-96;
25 90-547, eff. 12-1-97.)

26 (105 ILCS 5/18-4.3) (from Ch. 122, par. 18-4.3)

27 Sec. 18-4.3. Summer school grants. Grants shall be
28 determined for pupil attendance in summer schools conducted
29 under Sections 10-22.33A and 34-18 and approved under Section
30 2-3.25 in the following manner.

31 The amount of grant for each accredited summer school
32 attendance pupil shall be obtained by dividing the total
33 amount of apportionments determined under Section 18-8.05 by

1 the actual number of pupils in average daily attendance used
2 for such apportionments. The number of credited summer
3 school attendance pupils shall be determined (a) by counting
4 clock hours of class instruction by pupils enrolled in grades
5 1 through 12 in approved courses conducted at least 60 clock
6 hours in summer sessions; (b) by dividing such total of clock
7 hours of class instruction by 4 to produce days of credited
8 pupil attendance; (c) by dividing such days of credited pupil
9 attendance by the actual number of days in the regular term
10 as used in computation in the general apportionment in
11 Section 18-8.05; and (d) by multiplying by 1.25.

12 The amount of the grant for a summer school program
13 approved by the State Superintendent of Education for
14 children with disabilities, as defined in Sections 14-1.02
15 through 14-1.07, shall be determined in the manner contained
16 above except that average daily membership shall be utilized
17 in lieu of average daily attendance.

18 In the case of an apportionment based on summer school
19 attendance or membership pupils, the claim therefor shall be
20 presented as a separate claim for the particular school year
21 in which such summer school session ends. On or before
22 November 1 of each year the superintendent of each eligible
23 school district shall certify to the State Superintendent of
24 Education the claim of the district for the summer session
25 just ended. Failure on the part of the school board to so
26 certify shall constitute a forfeiture of its right to such
27 payment. The State Superintendent of Education shall
28 transmit to the Comptroller no later than December 15th of
29 each year vouchers for payment of amounts due school
30 districts for summer school. The State Superintendent of
31 Education shall direct the Comptroller to draw his warrants
32 for payments thereof by the 30th day of December. If the
33 money appropriated by the General Assembly for such purpose
34 for any year is insufficient, it shall be apportioned on the

1 basis of claims approved.

2 However, notwithstanding the foregoing provisions, for
3 each fiscal year the money appropriated by the General
4 Assembly for the purposes of this Section shall only be used
5 for grants for approved summer school programs for those
6 children with disabilities served pursuant to Sections
7 14-7.02 and 14-7.02b of this ~~the-School~~ Code.

8 (Source: P.A. 90-548, eff. 1-1-98; 91-764, eff. 6-9-00.)

9 (105 ILCS 5/14-7.02a rep.)

10 Section 10. The School Code is amended by repealing
11 Section 14-7.02a.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.