



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4155**

Introduced 1/21/2004, by Rosemary Mulligan

**SYNOPSIS AS INTRODUCED:**

105 ILCS 5/14-7.03

from Ch. 122, par. 14-7.03

Amends the Children with Disabilities Article of the School Code. Provides that administrative expenses incurred by a responsible school district for children whose residence is other than a foster family home and who are educationally placed in a nonpublic school, nonpublic special education facility, public out-of-state school, or county special education facility are reimbursable. Provides that these administrative expenses must be associated with supervisory and case coordination responsibilities specific to these eligible students. Effective immediately.

LRB093 18787 NHT 44521 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT relating to 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  
24 capita cost formula set forth in Section 14-7.01, such program  
25 and cost to be pre-approved by the State Superintendent of  
26 Education.

27 On forms prepared by the State Superintendent of Education,  
28 the district shall certify to the regional superintendent the  
29 following:

30 (1) The name of the home or State residential unit with  
31 the name of the owner or proprietor and address of those  
32 maintaining it;

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

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

8           (4) The number of children attending special education  
9 classes for children with disabilities in which the  
10 district is a participating member of a special education  
11 joint agreement;

12           (5) The number of children attending special education  
13 classes for children with disabilities maintained by the  
14 district;

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

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

24           Nothing in this Act shall be construed so as to prohibit  
25 reimbursement for the tuition of children placed in for profit  
26 facilities. Private facilities shall provide adequate space at  
27 the facility for special education classes provided by a school  
28 district or joint agreement for children with disabilities who  
29 are residents of the facility at no cost to the school district  
30 or joint agreement upon request of the school district or joint  
31 agreement. If such a private facility provides space at no cost  
32 to the district or joint agreement for special education  
33 classes provided to children with disabilities who are  
34 residents of the facility, the district or joint agreement  
35 shall not include any costs for the use of those facilities in  
36 its claim for reimbursement.

1 Reimbursement for tuition may include the cost of providing  
2 summer school programs for children with severe and profound  
3 disabilities served under this Section. Claims for that  
4 reimbursement shall be filed by November 1 and shall be paid on  
5 or before December 15 from appropriations made for the purposes  
6 of this Section.

7 The State Board of Education shall establish such rules and  
8 regulations as may be necessary to implement the provisions of  
9 this Section.

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

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

28 Each district claiming reimbursement for individual  
29 students shall have the eligibility of those students verified  
30 by the State Board of Education. On September 30, December 31,  
31 and March 31, the State Board of Education shall voucher  
32 payments for individual students based upon an estimated cost  
33 calculated from the prior year's claim. Final claims for  
34 individual students for the regular school term must be  
35 received at the State Board of Education by July 15. Claims for  
36 individual students received after July 15 shall not be

1 honored. Final claims for individual students shall be  
2 vouchered by August 30.

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

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

22 If a school district's current reimbursement payment for  
23 the 1977-78 school year only is less than the prior year's  
24 reimbursement payment owed, the district shall be paid the  
25 amount of the difference between the payments in addition to  
26 the current reimbursement payment, and the amount so paid shall  
27 be subtracted from the amount of prior year's reimbursement  
28 payment owed to the district.

29 Regional superintendents may operate special education  
30 classes for children from orphanages, foster family homes,  
31 children's homes or State housing units located within the  
32 educational services region upon consent of the school board  
33 otherwise so obligated. In electing to assume the powers and  
34 duties of a school district in providing and maintaining such a  
35 special education program, the regional superintendent may  
36 enter into joint agreements with other districts and may

1 contract with public or private schools or the orphanage,  
2 foster family home, children's home or State housing unit for  
3 provision of the special education program. The regional  
4 superintendent exercising the powers granted under this  
5 Section shall claim the reimbursement authorized by this  
6 Section directly from the State Board of Education.

7 Any child who is not a resident of Illinois who is placed  
8 in a child welfare institution, private facility, foster family  
9 home, State operated program, orphanage or children's home  
10 shall have the payment for his educational tuition and any  
11 related services assured by the placing agent.

12 Commencing July 1, 1992, for each disabled student who is  
13 placed residentially by a State agency or the courts for care  
14 or custody or both care and custody, welfare, medical or mental  
15 health treatment or both medical and mental health treatment,  
16 rehabilitation, and protection, whether placed there on,  
17 before, or after July 1, 1992, the costs for educating the  
18 student are eligible for reimbursement under this Section  
19 providing the placing agency or court has notified the  
20 appropriate school district authorities of the status of  
21 student residency where applicable prior to or upon placement.

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

30 When a dispute arises over the determination of the  
31 district of residence, the district or districts may appeal the  
32 decision in writing to the State Superintendent of Education.  
33 The decision of the State Superintendent of Education shall be  
34 final.

35 In the event a district does not make a tuition payment to  
36 another district that is providing the special education

1 program and services, the State Board of Education shall  
2 immediately withhold 125% of the then remaining annual tuition  
3 cost from the State aid or categorical aid payment due to the  
4 school district that is determined to be the resident school  
5 district. All funds withheld by the State Board of Education  
6 shall immediately be forwarded to the school district where the  
7 student is being served.

8 When a child eligible for services under this Section  
9 14-7.03 must be placed in a nonpublic facility, that facility  
10 shall meet the programmatic requirements of Section 14-7.02 and  
11 its regulations, and the educational services shall be funded  
12 only in accordance with this Section 14-7.03. Administrative  
13 expenses incurred by a responsible school district, as defined  
14 by rule, for children whose residence is other than a foster  
15 family home and who are educationally placed pursuant to  
16 Section 14-7.02 of this Code are reimbursable in accordance  
17 with this Section. These administrative expenses must be  
18 associated with supervisory and case coordination  
19 responsibilities specific to these eligible students.

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

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.