



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/04/04, by Elaine Nekritz

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-7.03

from Ch. 122, par. 14-7.03

105 ILCS 5/18-3

from Ch. 122, par. 18-3

Amends the School Code. Makes technical changes in Sections concerning special education classes and tuition for children from orphanages, foster family homes, children's homes, and in-State housing units.

LRB093 18555 NHT 44276 b

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 Sections
5 14-7.03 and 18-3 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 of this Code,
25 such program and cost to be pre-approved by the State
26 Superintendent of 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.

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

15 (105 ILCS 5/18-3) (from Ch. 122, par. 18-3)

16 Sec. 18-3. Tuition of children from orphanages and
17 children's homes.

18 When the children from any home for orphans, dependent,
19 abandoned or maladjusted children maintained by any
20 organization or association admitting to such home children
21 from the State in general or when children residing in a school
22 district wherein the State of Illinois maintains and operates
23 any welfare or penal institution on property owned by the State
24 ~~of Illinois~~, which contains houses, housing units or housing
25 accommodations within a school district, attend grades
26 kindergarten through 12 of the public schools maintained by
27 that school district, the State Superintendent of Education
28 shall direct the State Comptroller to pay a specified amount
29 sufficient to pay the annual tuition cost of such children who
30 attended such public schools during the regular school year
31 ending on June 30 or the summer term for that school year, and
32 the Comptroller shall pay the amount after receipt of a voucher
33 submitted by the State Superintendent of Education.

34 The amount of the tuition for such children attending the
35 public schools of the district shall be determined by the State

1 Superintendent of Education by multiplying the number of such
2 children in average daily attendance in such schools by 1.2
3 times the total annual per capita cost of administering the
4 schools of the district. Such total annual per capita cost
5 shall be determined by totaling all expenses of the school
6 district in the educational, operations and maintenance, bond
7 and interest, transportation, Illinois municipal retirement,
8 and rent funds for the school year preceding the filing of such
9 tuition claims less expenditures not applicable to the regular
10 K-12 program, less offsetting revenues from State sources
11 except those from the common school fund, less offsetting
12 revenues from federal sources except those from federal
13 impaction aid, less student and community service revenues,
14 plus a depreciation allowance; and dividing such total by the
15 average daily attendance for the year.

16 Annually on or before June 30 the superintendent of the
17 district upon forms prepared by the State Superintendent of
18 Education shall certify to the regional superintendent the
19 following:

20 1. The name of the home and of the organization or
21 association maintaining it; or the legal description of the
22 real estate upon which the house, housing units, or housing
23 accommodations are located and that no taxes or service
24 charges or other payments authorized by law to be made in
25 lieu of taxes were collected therefrom or on account
26 thereof during either of the calendar years included in the
27 school year for which claim is being made;

28 2. The number of children from the home or living in
29 such houses, housing units or housing accommodations and
30 attending the schools of the district;

31 3. The total number of children attending the schools
32 of the district;

33 4. The per capita tuition charge of the district; and

34 5. The computed amount of the tuition payment claimed
35 as due.

36 Whenever the persons in charge of such home for orphans,

1 dependent, abandoned or maladjusted children have received
2 from the parent or guardian of any such child or by virtue of
3 an order of court a specific allowance for educating such
4 child, such persons shall pay to the school board in the
5 district where the child attends school such amount of the
6 allowance as is necessary to pay the tuition required by such
7 district for the education of the child. If the allowance is
8 insufficient to pay the tuition in full the State
9 Superintendent of Education shall direct the Comptroller to pay
10 to the district the difference between the total tuition
11 charged and the amount of the allowance.

12 Whenever the facilities of a school district in which such
13 house, housing units or housing accommodations are located, are
14 limited, pupils may be assigned by that district to the schools
15 of any adjacent district to the limit of the facilities of the
16 adjacent district to properly educate such pupils as shall be
17 determined by the school board of the adjacent district, and
18 the State Superintendent of Education shall direct the
19 Comptroller to pay a specified amount sufficient to pay the
20 annual tuition of the children so assigned to and attending
21 public schools in the adjacent districts and the Comptroller
22 shall draw his warrant upon the State Treasurer for the payment
23 of such amount for the benefit of the adjacent school districts
24 in the same manner as for districts in which the houses,
25 housing units or housing accommodations are located.

26 The school district shall certify to the State
27 Superintendent of Education the report of claims due for such
28 tuition payments on or before July 31. Failure on the part of
29 the school board to certify its claim on July 31 shall
30 constitute a forfeiture by the district of its right to the
31 payment of any such tuition claim for the school year. The
32 State Superintendent of Education shall direct the Comptroller
33 to pay to the district, on or before August 15, the amount due
34 the district for the school year in accordance with the
35 calculation of the claim as set forth in this Section.

36 Claims for tuition for children from any home for orphans

1 or dependent, abandoned, or maladjusted children beginning
2 with the 1993-1994 school year shall be paid on a current year
3 basis. On September 30, December 31, and March 31, the State
4 Board of Education shall voucher payments for districts with
5 those students based on an estimated cost calculated from the
6 prior year's claim. Final claims for those students for the
7 regular school term and summer term must be received at the
8 State Board of Education by July 31 following the end of the
9 regular school year. Final claims for those students shall be
10 vouchered by August 15. During fiscal year 1994 both the
11 1992-1993 school year and the 1993-1994 school year shall be
12 paid in order to change the cycle of payment from a
13 reimbursement basis to a current year funding basis of payment.
14 However, notwithstanding any other provisions of this Section
15 or the School Code, beginning with fiscal year 1994 and each
16 fiscal year thereafter , if the amount appropriated for any
17 fiscal year is less than the amount required for purposes of
18 this Section, the amount required to eliminate any insufficient
19 reimbursement for each district claim under this Section shall
20 be reimbursed on August 30 of the next fiscal year. Payments
21 required to eliminate any insufficiency for prior fiscal year
22 claims shall be made before any claims are paid for the current
23 fiscal year.

24 If a school district makes a claim for reimbursement under
25 Section 18-4 or 14-7.03 it shall not include in any claim filed
26 under this Section children residing on the property of State
27 institutions included in its claim under Section 18-4 or
28 14-7.03.

29 Any child who is not a resident of Illinois who is placed
30 in a child welfare institution, private facility, State
31 operated program, orphanage or children's home shall have the
32 payment for his educational tuition and any related services
33 assured by the placing agent.

34 In order to provide services appropriate to allow a student
35 under the legal guardianship or custodianship of the State to
36 participate in local school district educational programs,

1 costs may be incurred in appropriate cases by the district that
2 are in excess of 1.2 times the district per capita tuition
3 charge allowed under the provisions of this Section. In the
4 event such excess costs are incurred, they must be documented
5 in accordance with cost rules established under the authority
6 of this Section and may then be claimed for reimbursement under
7 this Section.

8 Planned services for students eligible for this funding
9 must be a collaborative effort between the appropriate State
10 agency or the student's group home or institution and the local
11 school district.

12 (Source: P.A. 92-94, eff. 1-1-02; 92-597, eff. 7-1-02; 93-609,
13 eff. 11-20-03.)