

1 AN ACT in relation to schools.

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 Section 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
9 State Housing Units. If a school district maintains special
10 education classes on the site of orphanages and children's
11 homes, or if children from the orphanages, children's homes,
12 foster family homes, other State agencies, or State
13 residential units for children attend classes for children
14 with disabilities in which the school district is a
15 participating member of a joint agreement, or if the children
16 from the orphanages, children's homes, foster family homes,
17 other State agencies, or State residential units attend
18 classes for the children with disabilities maintained by the
19 school district, then reimbursement shall be paid to eligible
20 districts in accordance with the provisions of this Section
21 by the Comptroller as directed by the State Superintendent of
22 Education. If a child who was eligible to receive services
23 under this Section is adopted and that child continues to
24 receive support services from the Department of Children and
25 Family Services, then the child shall continue to be eligible
26 to receive services under this Section.

27 The amount of tuition for such children under this
28 Section shall be determined by the actual cost of maintaining
29 such classes, using the per capita cost formula set forth in
30 Section 14-7.01, such program and cost to be pre-approved by
31 the State Superintendent of Education.

1 On forms prepared by the State Superintendent of
2 Education, the district shall certify to the regional
3 superintendent the following:

4 (1) The name of the home or State residential unit
5 with the name of the owner or proprietor and address of
6 those maintaining it;

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

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

15 (4) The number of children attending special
16 education classes for children with disabilities in which
17 the district is a participating member of a special
18 education joint agreement;

19 (5) The number of children attending special
20 education classes for children with disabilities
21 maintained by the district;

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

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

31 Nothing in this Act shall be construed so as to prohibit
32 reimbursement for the tuition of children placed in for
33 profit facilities. Private facilities shall provide adequate
34 space at the facility for special education classes provided

1 by a school district or joint agreement for children with
2 disabilities who are residents of the facility at no cost to
3 the school district or joint agreement upon request of the
4 school district or joint agreement. If such a private
5 facility provides space at no cost to the district or joint
6 agreement for special education classes provided to children
7 with disabilities who are residents of the facility, the
8 district or joint agreement shall not include any costs for
9 the use of those facilities in its claim for reimbursement.

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

16 The State Board of Education shall establish such rules
17 and regulations as may be necessary to implement the
18 provisions of this Section.

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

24 Each district claiming reimbursement for a program
25 operated as a group program shall have an approved budget on
26 file with the State Board of Education prior to the
27 initiation of the program's operation. On September 30,
28 December 31, and March 31, the State Board of Education shall
29 voucher payments to group programs based upon the approved
30 budget during the year of operation. Final claims for group
31 payments shall be filed on or before July 15. Final claims
32 for group programs received at the State Board of Education
33 on or before June 15 shall be vouchered by June 30. Final
34 claims received at the State Board of Education between June

1 16 and July 15 shall be vouchered by August 30. Claims for
2 group programs received after July 15 shall not be honored.

3 Each district claiming reimbursement for individual
4 students shall have the eligibility of those students
5 verified by the State Board of Education. On September 30,
6 December 31, and March 31, the State Board of Education shall
7 voucher payments for individual students based upon an
8 estimated cost calculated from the prior year's claim. Final
9 claims for individual students for the regular school term
10 must be received at the State Board of Education by July 15.
11 Claims for individual students received after July 15 shall
12 not be honored. Final claims for individual students shall be
13 vouchered by August 30.

14 Reimbursement shall be made based upon approved group
15 programs or individual students. The State Superintendent of
16 Education shall direct the Comptroller to pay a specified
17 amount to the district by the 30th day of September,
18 December, March, June, or August, respectively. However,
19 notwithstanding any other provisions of this Section or the
20 School Code, beginning with fiscal year 1994 and each fiscal
21 year thereafter through fiscal year 2002, if the amount
22 appropriated for any fiscal year is less than the amount
23 required for purposes of this Section, the amount required to
24 eliminate any insufficient reimbursement for each district
25 claim under this Section shall be reimbursed on August 30 of
26 the next fiscal year, and the payments required to eliminate
27 any insufficiency for prior fiscal year claims shall be made
28 before any claims are paid for the current fiscal year.
29 Notwithstanding any other provision of this Section or this
30 Code, beginning with fiscal year 2003, total reimbursement
31 under this Section in any fiscal year is limited to the
32 amount appropriated for that purpose for that fiscal year,
33 and if the amount appropriated for any fiscal year is less
34 than the amount required for purposes of this Section, the

1 insufficiency shall be apportioned pro rata among the school
2 districts seeking reimbursement.

3 The claim of a school district otherwise eligible to be
4 reimbursed in accordance with Section 14-12.01 for the
5 1976-77 school year but for this amendatory Act of 1977 shall
6 not be paid unless the district ceases to maintain such
7 classes for one entire school year.

8 If a school district's current reimbursement payment for
9 the 1977-78 school year only is less than the prior year's
10 reimbursement payment owed, the district shall be paid the
11 amount of the difference between the payments in addition to
12 the current reimbursement payment, and the amount so paid
13 shall be subtracted from the amount of prior year's
14 reimbursement payment owed to the district.

15 Regional superintendents may operate special education
16 classes for children from orphanages, foster family homes,
17 children's homes or State housing units located within the
18 educational services region upon consent of the school board
19 otherwise so obligated. In electing to assume the powers and
20 duties of a school district in providing and maintaining such
21 a special education program, the regional superintendent may
22 enter into joint agreements with other districts and may
23 contract with public or private schools or the orphanage,
24 foster family home, children's home or State housing unit for
25 provision of the special education program. The regional
26 superintendent exercising the powers granted under this
27 Section shall claim the reimbursement authorized by this
28 Section directly from the State Board of Education.

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

34 Commencing July 1, 1992, for each disabled student who is

1 placed residentially by a State agency or the courts for care
2 or custody or both care and custody, welfare, medical or
3 mental health treatment or both medical and mental health
4 treatment, rehabilitation, and protection, whether placed
5 there on, before, or after July 1, 1992, the costs for
6 educating the student are eligible for reimbursement under
7 this Section providing the placing agency or court has
8 notified the appropriate school district authorities of the
9 status of student residency where applicable prior to or upon
10 placement.

11 The district of residence of the parent, guardian, or
12 disabled student as defined in Sections 14-1.11 and 14-1.11a
13 is responsible for the actual costs of the student's special
14 education program and is eligible for reimbursement under
15 this Section when placement is made by a State agency or the
16 courts. Payments shall be made by the resident district to
17 the district wherein the facility is located no less than
18 once per quarter unless otherwise agreed to in writing by the
19 parties.

20 When a dispute arises over the determination of the
21 district of residence, the district or districts may appeal
22 the decision in writing to the State Superintendent of
23 Education. The decision of the State Superintendent of
24 Education shall be final.

25 In the event a district does not make a tuition payment
26 to another district that is providing the special education
27 program and services, the State Board of Education shall
28 immediately withhold 125% of the then remaining annual
29 tuition cost from the State aid or categorical aid payment
30 due to the school district that is determined to be the
31 resident school district. All funds withheld by the State
32 Board of Education shall immediately be forwarded to the
33 school district where the student is being served.

34 When a child eligible for services under this Section

1 14-7.03 must be placed in a nonpublic facility, that facility
2 shall meet the programmatic requirements of Section 14-7.02
3 and its regulations, and the educational services shall be
4 funded only in accordance with this Section 14-7.03.

5 (Source: P.A. 92-597, eff. 7-1-02; 92-877, eff. 1-7-03.)

6 Section 99. Effective date. This Act takes effect on
7 July 1, 2003.