



Rep. Gary Hannig

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1 AMENDMENT TO SENATE BILL 1497

2 AMENDMENT NO. _____. Amend Senate Bill 1497 by replacing
3 everything after the enacting clause with the following:

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

1 and cost to be pre-approved by the State Superintendent of
2 Education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 State Board of Education between June 16 and July 15 shall be
2 vouchered by August 30. Claims for group programs received
3 after July 15 shall not be honored.

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

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

29 The claim of a school district otherwise eligible to be
30 reimbursed in accordance with Section 14-12.01 for the 1976-77
31 school year but for this amendatory Act of 1977 shall not be
32 paid unless the district ceases to maintain such classes for
33 one entire school year.

34 If a school district's current reimbursement payment for

1 the 1977-78 school year only is less than the prior year's
2 reimbursement payment owed, the district shall be paid the
3 amount of the difference between the payments in addition to
4 the current reimbursement payment, and the amount so paid shall
5 be subtracted from the amount of prior year's reimbursement
6 payment owed to the district.

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

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

26 Commencing July 1, 1992, for each disabled student who is
27 placed residentially by a State agency or the courts for care
28 or custody or both care and custody, welfare, medical or mental
29 health treatment or both medical and mental health treatment,
30 rehabilitation, and protection, whether placed there on,
31 before, or after July 1, 1992, the costs for educating the
32 student are eligible for reimbursement under this Section
33 providing the placing agency or court has notified the
34 appropriate school district authorities of the status of

1 student residency where applicable prior to or upon placement.
2 It is the intent of this paragraph that school districts be
3 reimbursed under this Section for the eligible costs of
4 educating all disabled students placed by a State agency or the
5 courts or placed and paid for by a State agency for any of the
6 reasons listed in this paragraph, provided the residential
7 facility is outside of the student's school district of
8 residence, the residential facility does not provide an
9 educational program approved by the State Board of Education
10 and the Illinois Purchased Care Review Board as provided for
11 and reimbursable under Section 14-7.02 of this Code, and the
12 school district in which the residential facility is located
13 provides the educational and related services. Reimbursements
14 under this paragraph shall first be provided for claims made
15 for the 2005-2006 school year payable in fiscal year 2006 and
16 shall not exceed \$2,500,000. Nothing in this amendatory Act of
17 the 94th General Assembly precludes any other reimbursements
18 otherwise provided for in this Section.

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

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

32 In the event a district does not make a tuition payment to
33 another district that is providing the special education
34 program and services, the State Board of Education shall

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

7 When a child eligible for services under this Section
8 14-7.03 must be placed in a nonpublic facility, that facility
9 shall meet the programmatic requirements of Section 14-7.02 and
10 its regulations, and the educational services shall be funded
11 only in accordance with this Section 14-7.03.

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

14 Section 99. Effective date. This Act takes effect upon
15 becoming law."