

SB2209



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB2209

Introduced 1/11/2006, by Sen. M. Maggie Crotty

SYNOPSIS AS INTRODUCED:

105 ILCS 5/18-3

from Ch. 122, par. 18-3

Amends the School Code. Makes a technical change in a Section concerning tuition of children from orphanages and children's homes.

LRB094 18050 NHT 53355 b

A BILL FOR

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 Section
5 18-3 as follows:

6 (105 ILCS 5/18-3) (from Ch. 122, par. 18-3)

7 Sec. 18-3. Tuition of children from orphanages and
8 children's homes.

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

25 The amount of the tuition for such children attending the
26 public schools of the district shall be determined by the State
27 Superintendent of Education by multiplying the number of such
28 children in average daily attendance in such schools by 1.2
29 times the total annual per capita cost of administering the
30 schools of the district. Such total annual per capita cost
31 shall be determined by totaling all expenses of the school
32 district in the educational, operations and maintenance, bond

1 and interest, transportation, Illinois municipal retirement,
2 and rent funds for the school year preceding the filing of such
3 tuition claims less expenditures not applicable to the regular
4 K-12 program, less offsetting revenues from State sources
5 except those from the common school fund, less offsetting
6 revenues from federal sources except those from federal
7 impaction aid, less student and community service revenues,
8 plus a depreciation allowance; and dividing such total by the
9 average daily attendance for the year.

10 Annually on or before June 30 the superintendent of the
11 district upon forms prepared by the State Superintendent of
12 Education shall certify to the regional superintendent the
13 following:

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

22 2. The number of children from the home or living in
23 such houses, housing units or housing accommodations and
24 attending the schools of the district;

25 3. The total number of children attending the schools
26 of the district;

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

28 5. The computed amount of the tuition payment claimed
29 as due.

30 Whenever the persons in charge of such home for orphans,
31 dependent, abandoned or maladjusted children have received
32 from the parent or guardian of any such child or by virtue of
33 an order of court a specific allowance for educating such
34 child, such persons shall pay to the school board in the
35 district where the child attends school such amount of the
36 allowance as is necessary to pay the tuition required by such

1 district for the education of the child. If the allowance is
2 insufficient to pay the tuition in full the State
3 Superintendent of Education shall direct the Comptroller to pay
4 to the district the difference between the total tuition
5 charged and the amount of the allowance.

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

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

30 Claims for tuition for children from any home for orphans
31 or dependent, abandoned, or maladjusted children beginning
32 with the 1993-1994 school year shall be paid on a current year
33 basis. On September 30, December 31, and March 31, the State
34 Board of Education shall voucher payments for districts with
35 those students based on an estimated cost calculated from the
36 prior year's claim. Final claims for those students for the

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

18 If a school district makes a claim for reimbursement under
19 Section 18-4 or 14-7.03 it shall not include in any claim filed
20 under this Section children residing on the property of State
21 institutions included in its claim under Section 18-4 or
22 14-7.03.

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

28 In order to provide services appropriate to allow a student
29 under the legal guardianship or custodianship of the State to
30 participate in local school district educational programs,
31 costs may be incurred in appropriate cases by the district that
32 are in excess of 1.2 times the district per capita tuition
33 charge allowed under the provisions of this Section. In the
34 event such excess costs are incurred, they must be documented
35 in accordance with cost rules established under the authority
36 of this Section and may then be claimed for reimbursement under

1 this Section.

2 Planned services for students eligible for this funding
3 must be a collaborative effort between the appropriate State
4 agency or the student's group home or institution and the local
5 school district.

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