



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0422

Introduced 1/26/2007, by Rep. Jerry L. Mitchell - Sandra M. Pihos

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-7.02b

Amends the Children with Disabilities Article of the School Code. In a Section concerning funding for children requiring special education services, provides that through fiscal year 2010 (instead of fiscal year 2007), individual school districts shall not receive payments totaling less than they received during fiscal year 2004 under the funding authorized under certain repealed provisions. Effective immediately.

LRB095 05128 NHT 25198 b

FISCAL NOTE ACT
MAY APPLY

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 14-7.02b as follows:

6 (105 ILCS 5/14-7.02b)

7 Sec. 14-7.02b. Funding for children requiring special
8 education services. Payments to school districts for children
9 requiring special education services documented in their
10 individualized education program regardless of the program
11 from which these services are received, excluding children
12 claimed under Sections 14-7.02 and 14-7.03 of this Code, shall
13 be made in accordance with this Section. Funds received under
14 this Section may be used only for the provision of special
15 educational facilities and services as defined in Section
16 14-1.08 of this Code.

17 The appropriation for fiscal year 2005 and thereafter shall
18 be based upon the IDEA child count of all students in the
19 State, excluding students claimed under Sections 14-7.02 and
20 14-7.03 of this Code, on December 1 of the fiscal year 2 years
21 preceding, multiplied by 17.5% of the general State aid
22 foundation level of support established for that fiscal year
23 under Section 18-8.05 of this Code.

1 Beginning with fiscal year 2005 and through fiscal year
2 2010 ~~2007~~, individual school districts shall not receive
3 payments under this Section totaling less than they received
4 under the funding authorized under Section 14-7.02a of this
5 Code during fiscal year 2004, pursuant to the provisions of
6 Section 14-7.02a as they were in effect before the effective
7 date of this amendatory Act of the 93rd General Assembly. This
8 base level funding shall be computed first.

9 An amount equal to 85% of the funds remaining in the
10 appropriation, after subtracting any base level funding for
11 that fiscal year, shall be allocated to school districts based
12 upon the district's average daily attendance reported for
13 purposes of Section 18-8.05 of this Code for the preceding
14 school year. Fifteen percent of the funds remaining in the
15 appropriation, after subtracting any base level funding for
16 that fiscal year, shall be allocated to school districts based
17 upon the district's low income eligible pupil count used in the
18 calculation of general State aid under Section 18-8.05 of this
19 Code for the same fiscal year. One hundred percent of the funds
20 computed and allocated to districts under this Section shall be
21 distributed and paid to school districts.

22 For individual students with disabilities whose program
23 costs exceed 4 times the district's per capita tuition rate as
24 calculated under Section 10-20.12a of this Code, the costs in
25 excess of 4 times the district's per capita tuition rate shall
26 be paid by the State Board of Education from unexpended IDEA

1 discretionary funds originally designated for room and board
2 reimbursement pursuant to Section 14-8.01 of this Code. The
3 amount of tuition for these children shall be determined by the
4 actual cost of maintaining classes for these children, using
5 the per capita cost formula set forth in Section 14-7.01 of
6 this Code, with the program and cost being pre-approved by the
7 State Superintendent of Education. Reimbursement for
8 individual students with disabilities whose program costs
9 exceed 4 times the district's per capita tuition rate shall be
10 claimed beginning with costs encumbered for the 2004-2005
11 school year and thereafter.

12 The State Board of Education shall prepare vouchers equal
13 to one-fourth the amount allocated to districts, for
14 transmittal to the State Comptroller on the 30th day of
15 September, December, and March, respectively, and the final
16 voucher, no later than June 20. The Comptroller shall make
17 payments pursuant to this Section to school districts as soon
18 as possible after receipt of vouchers. If the money
19 appropriated from the General Assembly for such purposes for
20 any year is insufficient, it shall be apportioned on the basis
21 of the payments due to school districts.

22 Nothing in this Section shall be construed to decrease or
23 increase the percentage of all special education funds that are
24 allocated annually under Article 1D of this Code or to alter
25 the requirement that a school district provide special
26 education services.

1 Nothing in this amendatory Act of the 93rd General Assembly
2 shall eliminate any reimbursement obligation owed as of the
3 effective date of this amendatory Act of the 93rd General
4 Assembly to a school district with in excess of 500,000
5 inhabitants.

6 (Source: P.A. 93-1022, eff. 8-24-04.)

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.