

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 21-29 as follows:

6 (105 ILCS 5/21-29)

7 Sec. 21-29. Salary Incentive Program for Hard-to-Staff  
8 Schools.

9 (a) The Salary Incentive Program for Hard-to-Staff Schools  
10 is established to provide categorical funding for monetary  
11 incentives and bonuses for teachers and school administrators  
12 who are employed by school districts in schools designated as  
13 hard-to-staff by the State Board of Education.

14 For the purposes of this Section, "hard-to-staff school"  
15 means an elementary, middle, or high school that is operated by  
16 a school district and that ranks in the top 5% of schools in  
17 this State in the average rate of teacher attrition over a  
18 5-year period. The State Board of Education shall allocate and  
19 distribute to qualifying schools ~~school districts~~ an amount as  
20 annually appropriated by the General Assembly for the Salary  
21 Incentive Program for Hard-to-Staff Schools. The State Board of  
22 Education's annual budget must set out by separate line item  
23 the appropriation for the program. Only teachers and principals

1 who work full time and for a full school year are eligible for  
2 the incentives and bonuses.

3 (b) Unless otherwise provided by appropriation, each  
4 school's ~~school district's~~ annual allocation under the Salary  
5 Incentive Program for Hard-to-Staff Schools shall be the sum of  
6 the following incentives and bonuses:

7 (1) An annual payment of \$3,000 to be paid to each  
8 certificated teacher employed as a school teacher by the ~~a~~  
9 school district. The school ~~district~~ shall distribute this  
10 payment to each eligible teacher as a single payment or in  
11 not more than 3 payments.

12 (2) An annual payment of \$5,000 to each certificated  
13 principal that is employed as a school principal by the ~~a~~  
14 school district. The school ~~district~~ shall distribute this  
15 payment to each eligible principal as a single payment or  
16 in not more than 3 payments.

17 If the appropriation in a given fiscal year is insufficient  
18 to meet all needs under this Section, then claims under this  
19 Section must be prorated proportionally.

20 (c) Each regional superintendent of schools shall provide  
21 information about the Salary Incentive Program for  
22 Hard-to-Staff Schools to each individual seeking to register or  
23 renew a certificate.

24 (d) The State Board of Education, the Teachers' Retirement  
25 System of the State of Illinois, and the Public School  
26 Teachers' Pension and Retirement Fund of Chicago shall work

1 together to validate data for the purposes of this Section as  
2 necessary.

3 (Source: P.A. 95-707, eff. 1-11-08.)

4 Section 10. If and only if Senate Bill 2042 of the 95th  
5 General Assembly becomes law, the School Code is amended by  
6 changing Sections 10-20.12a and 14-7.05 as follows:

7 (105 ILCS 5/10-20.12a) (from Ch. 122, par. 10-20.12a)

8 Sec. 10-20.12a. Tuition for non-resident pupils.

9 (a) To charge non-resident pupils who attend the schools of  
10 the district tuition in an amount not exceeding 110% of the per  
11 capita cost of maintaining the schools of the district for the  
12 preceding school year.

13 Such per capita cost shall be computed by dividing the  
14 total cost of conducting and maintaining the schools of the  
15 district by the average daily attendance, including tuition  
16 pupils. Depreciation on the buildings and equipment of the  
17 schools of the district, and the amount of annual depreciation  
18 on such buildings and equipment shall be dependent upon the  
19 useful life of such property.

20 The tuition charged shall in no case exceed 110% of the per  
21 capita cost of conducting and maintaining the schools of the  
22 district attended, as determined with reference to the most  
23 recent audit prepared under Section 3-7 which is available at  
24 the commencement of the current school year. Non-resident

1 pupils attending the schools of the district for less than the  
2 school term shall have their tuition apportioned, however  
3 pupils who become non-resident during a school term shall not  
4 be charged tuition for the remainder of the school term in  
5 which they became non-resident pupils.

6 (b) Unless otherwise agreed to by the parties involved and  
7 where the educational services are not otherwise provided for,  
8 educational services for an Illinois student under the age of  
9 21 (and not eligible for services pursuant to Article 14 of  
10 this Code) in any residential program shall be provided by the  
11 district in which the facility is located and financed as  
12 follows. The cost of educational services shall be paid by the  
13 district in which the student resides in an amount equal to the  
14 cost of providing educational services in the residential  
15 facility. Payments shall be made by the district of the  
16 student's residence and shall be made to the district wherein  
17 the facility is located no less than once per month unless  
18 otherwise agreed to by the parties.

19 The funding provision of this subsection (b) applies to all  
20 Illinois students under the age of 21 (and not eligible for  
21 services pursuant to Article 14 of this Code) receiving  
22 educational services in residential facilities, irrespective  
23 of whether the student was placed therein pursuant to this Code  
24 or the Juvenile Court Act of 1987 or by an Illinois public  
25 agency or a court. ~~Nothing in this Section shall be construed~~  
26 ~~to relieve the district of the student's residence of financial~~

1 ~~responsibility based on the manner in which the student was~~  
2 ~~placed at the facility.~~ The changes to this subsection (b) made  
3 by this amendatory Act of the 95th General Assembly apply to  
4 all placements in effect on July 1, 2007 and all placements  
5 thereafter. For purposes of this subsection (b), a student's  
6 district of residence shall be determined in accordance with  
7 subsection (a) of Section 10-20.12b of this Code. The placement  
8 of a student in a residential facility shall not affect the  
9 residency of the student. When a dispute arises over the  
10 determination of the district of residence under this  
11 subsection (b), any person or entity, including without  
12 limitation a school district or residential facility, may make  
13 a written request for a residency decision to the State  
14 Superintendent of Education, who, upon review of materials  
15 submitted and any other items or information he or she may  
16 request for submission, shall issue his or her decision in  
17 writing. The decision of the State Superintendent of Education  
18 is final.

19 (Source: P.A. 89-397, eff. 8-20-95; 90-649, eff. 7-24-98;  
20 95SB2042enr.)

21 (105 ILCS 5/14-7.05)

22 Sec. 14-7.05. Placement in residential facility; payment  
23 of educational costs. For any student with a disability in a  
24 residential facility placement made or paid for by an Illinois  
25 public State agency or made by any court in this State, the

1 school district of residence as determined pursuant to this  
2 Article is responsible for the costs of educating the child and  
3 shall be reimbursed for those costs in accordance with this  
4 Code. Subject to this Section and relevant State appropriation,  
5 the resident district's financial responsibility and  
6 reimbursement must be calculated in accordance with the  
7 provisions of Section 14-7.02 of this Code. In those instances  
8 in which a district receives a block grant pursuant to Article  
9 1D of this Code, the district's financial responsibility is  
10 limited to the actual educational costs of the placement, which  
11 must be paid by the district from its block grant  
12 appropriation. Resident district financial responsibility and  
13 reimbursement applies for both residential facilities that are  
14 approved by the State Board of Education and non-approved  
15 facilities, subject to the requirements of this Section. The  
16 Illinois placing agency or court remains responsible for  
17 funding the residential portion of the placement and for  
18 notifying the resident district prior to the placement, except  
19 in emergency situations. The residential facility in which the  
20 student is placed shall notify the resident district of the  
21 student's enrollment as soon as practicable after the  
22 placement. Failure of the placing agency or court to notify the  
23 resident district prior to the placement does not absolve the  
24 resident district of financial responsibility for the  
25 educational costs of the placement; however, the resident  
26 district shall not become financially responsible unless and

1 until it receives written notice of the placement by either the  
2 placing agency, court, or residential facility. The placing  
3 agency or parent shall request an individualized education  
4 program (IEP) meeting from the resident district if the  
5 placement would entail additional educational services beyond  
6 the student's current IEP. The district of residence shall  
7 retain control of the IEP process, and any changes to the IEP  
8 must be done in compliance with the federal Individuals with  
9 Disabilities Education Act.

10 Payments shall be made by the resident district to the  
11 entity providing the educational services, whether the entity  
12 is the residential facility or the school district wherein the  
13 facility is located, no less than once per quarter unless  
14 otherwise agreed to in writing by the parties.

15 A residential facility providing educational services  
16 within the facility, but not approved by the State Board of  
17 Education, is required to demonstrate proof to the State Board  
18 of (i) appropriate certification of teachers for the student  
19 population, (ii) age-appropriate curriculum, (iii) enrollment  
20 and attendance data, and (iv) the ability to implement the  
21 child's IEP. A school district is under no obligation to pay  
22 such a residential facility unless and until such proof is  
23 provided to the State Board's satisfaction.

24 When a dispute arises over the determination of the  
25 district of residence under this Section, any person or entity,  
26 including without limitation a school district or residential

1 facility, may make a written request for a residency decision  
2 to the State Superintendent of Education, who, upon review of  
3 materials submitted and any other items of information he or  
4 she may request for submission, shall issue his or her decision  
5 in writing. The decision of the State Superintendent of  
6 Education is final.

7 (Source: 95SB2042enr.)

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law, except that Section 10 takes effect upon becoming  
10 law or on the effective date of Senate Bill 2042 of the 95th  
11 General Assembly, whichever is later.