



Sen. Kimberly A. Lightford

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1 AMENDMENT TO HOUSE BILL 1141

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1141, AS AMENDED, by  
3 replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The School Code is amended by changing Section  
6 21-29 as follows:

7 (105 ILCS 5/21-29)

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

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

15 For the purposes of this Section, "hard-to-staff school"  
16 means an elementary, middle, or high school that is operated by

1 a school district and that ranks in the top 5% of schools in  
2 this State in the average rate of teacher attrition over a  
3 5-year period. The State Board of Education shall allocate and  
4 distribute to qualifying schools ~~school districts~~ an amount as  
5 annually appropriated by the General Assembly for the Salary  
6 Incentive Program for Hard-to-Staff Schools. The State Board of  
7 Education's annual budget must set out by separate line item  
8 the appropriation for the program. Only teachers and principals  
9 who work full time and for a full school year are eligible for  
10 the incentives and bonuses.

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

15 (1) An annual payment of \$3,000 to be paid to each  
16 certificated teacher employed as a school teacher by the a  
17 school district. The school ~~district~~ shall distribute this  
18 payment to each eligible teacher as a single payment or in  
19 not more than 3 payments.

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

25 If the appropriation in a given fiscal year is insufficient  
26 to meet all needs under this Section, then claims under this

1 Section must be prorated proportionally.

2 (c) Each regional superintendent of schools shall provide  
3 information about the Salary Incentive Program for  
4 Hard-to-Staff Schools to each individual seeking to register or  
5 renew a certificate.

6 (d) The State Board of Education, the Teachers' Retirement  
7 System of the State of Illinois, and the Public School  
8 Teachers' Pension and Retirement Fund of Chicago shall work  
9 together to validate data for the purposes of this Section as  
10 necessary.

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

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

15 (105 ILCS 5/10-20.12a) (from Ch. 122, par. 10-20.12a)  
16 Sec. 10-20.12a. Tuition for non-resident pupils.

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

21 Such per capita cost shall be computed by dividing the  
22 total cost of conducting and maintaining the schools of the  
23 district by the average daily attendance, including tuition  
24 pupils. Depreciation on the buildings and equipment of the

1 schools of the district, and the amount of annual depreciation  
2 on such buildings and equipment shall be dependent upon the  
3 useful life of such property.

4 The tuition charged shall in no case exceed 110% of the per  
5 capita cost of conducting and maintaining the schools of the  
6 district attended, as determined with reference to the most  
7 recent audit prepared under Section 3-7 which is available at  
8 the commencement of the current school year. Non-resident  
9 pupils attending the schools of the district for less than the  
10 school term shall have their tuition apportioned, however  
11 pupils who become non-resident during a school term shall not  
12 be charged tuition for the remainder of the school term in  
13 which they became non-resident pupils.

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

1           The funding provision of this subsection (b) applies to all  
2 Illinois students under the age of 21 (and not eligible for  
3 services pursuant to Article 14 of this Code) receiving  
4 educational services in residential facilities, irrespective  
5 of whether the student was placed therein pursuant to this Code  
6 or the Juvenile Court Act of 1987 or by an Illinois public  
7 agency or a court. ~~Nothing in this Section shall be construed~~  
8 ~~to relieve the district of the student's residence of financial~~  
9 ~~responsibility based on the manner in which the student was~~  
10 ~~placed at the facility.~~ The changes to this subsection (b) made  
11 by this amendatory Act of the 95th General Assembly apply to  
12 all placements in effect on July 1, 2007 and all placements  
13 thereafter. For purposes of this subsection (b), a student's  
14 district of residence shall be determined in accordance with  
15 subsection (a) of Section 10-20.12b of this Code. The placement  
16 of a student in a residential facility shall not affect the  
17 residency of the student. When a dispute arises over the  
18 determination of the district of residence under this  
19 subsection (b), any person or entity, including without  
20 limitation a school district or residential facility, may make  
21 a written request for a residency decision to the State  
22 Superintendent of Education, who, upon review of materials  
23 submitted and any other items or information he or she may  
24 request for submission, shall issue his or her decision in  
25 writing. The decision of the State Superintendent of Education  
26 is final.

1 (Source: P.A. 89-397, eff. 8-20-95; 90-649, eff. 7-24-98;  
2 95SB2042enr.)

3 (105 ILCS 5/14-7.05)

4 Sec. 14-7.05. Placement in residential facility; payment  
5 of educational costs. For any student with a disability in a  
6 residential facility placement made or paid for by an Illinois  
7 public State agency or made by any court in this State, the  
8 school district of residence as determined pursuant to this  
9 Article is responsible for the costs of educating the child and  
10 shall be reimbursed for those costs in accordance with this  
11 Code. Subject to the this Section and relevant State  
12 appropriation, the resident district's financial  
13 responsibility and reimbursement must be calculated in  
14 accordance with the provisions of Section 14-7.02 of this Code.  
15 In those instances in which a district receives a block grant  
16 pursuant to Article 1D of this Code, the district's financial  
17 responsibility is limited to the actual educational costs of  
18 the placement, which must be paid by the district from its  
19 block grant appropriation. Resident district financial  
20 responsibility and reimbursement applies for both residential  
21 facilities that are approved by the State Board of Education  
22 and non-approved facilities, subject to the requirements of  
23 this Section. The Illinois placing agency or court remains  
24 responsible for funding the residential portion of the  
25 placement and for notifying the resident district prior to the

1 placement, except in emergency situations. The residential  
2 facility in which the student is placed shall notify the  
3 resident district of the student's enrollment as soon as  
4 practicable after the placement. Failure of the placing agency  
5 or court to notify the resident district prior to the placement  
6 does not absolve the resident district of financial  
7 responsibility for the educational costs of the placement;  
8 however, the resident district shall not become financially  
9 responsible unless and until it receives written notice of the  
10 placement by either the placing agency, court, or residential  
11 facility. The placing agency or parent shall request an  
12 individualized education program (IEP) meeting from the  
13 resident district if the placement would entail additional  
14 educational services beyond the student's current IEP. The  
15 district of residence shall retain control of the IEP process,  
16 and any changes to the IEP must be done in compliance with the  
17 federal Individuals with Disabilities Education Act.

18       Payments shall be made by the resident district to the  
19 entity providing the educational services, whether the entity  
20 is the residential facility or the school district wherein the  
21 facility is located, no less than once per quarter unless  
22 otherwise agreed to in writing by the parties.

23       A residential facility providing educational services  
24 within the facility, but not approved by the State Board of  
25 Education, is required to demonstrate proof to the State Board  
26 of (i) appropriate certification of teachers for the student

1 population, (ii) age-appropriate curriculum, (iii) enrollment  
2 and attendance data, and (iv) the ability to implement the  
3 child's IEP. A school district is under no obligation to pay  
4 such a residential facility unless and until such proof is  
5 provided to the State Board's satisfaction.

6       When a dispute arises over the determination of the  
7 district of residence under this Section, any person or entity,  
8 including without limitation a school district or residential  
9 facility, may make a written request for a residency decision  
10 to the State Superintendent of Education, who, upon review of  
11 materials submitted and any other items of information he or  
12 she may request for submission, shall issue his or her decision  
13 in writing. The decision of the State Superintendent of  
14 Education is final.

15       (Source: 95SB2042enr.)

16       Section 99. Effective date. This Act takes effect upon  
17 becoming law, except that Section 10 takes effect upon becoming  
18 law or on the effective date of Senate Bill 2042 of the 95th  
19 General Assembly, whichever is later."