

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 10-20.12a as follows:

6 (105 ILCS 5/10-20.12a) (from Ch. 122, par. 10-20.12a)

7 Sec. 10-20.12a. Tuition for non-resident pupils. To charge
8 non-resident pupils who attend the schools of the district
9 tuition in an amount not exceeding 110% of the per capita cost
10 of maintaining the schools of the district for the preceding
11 school year.

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

19 The tuition charged shall in no case exceed 110% of the per
20 capita cost of conducting and maintaining the schools of the
21 district attended, as determined with reference to the most
22 recent audit prepared under Section 3-7 which is available at
23 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; ~~7~~ however,
3 pupils who become non-resident during a grading period school
4 ~~term~~ shall not be charged tuition for the remainder of the
5 grading period school term in which they became non-resident
6 pupils, except that a pupil who began the school year as a
7 resident pupil but becomes non-resident during that school year
8 shall not be charged tuition for the remainder of the school
9 year if he or she is graduating from high school that school
10 year. Notwithstanding any other rulemaking authority that may
11 exist, neither the Governor nor any agency or agency head under
12 the jurisdiction of the Governor has any authority to make or
13 promulgate rules to implement or enforce the provisions of this
14 amendatory Act of the 95th General Assembly. If, however, the
15 Governor believes that rules are necessary to implement or
16 enforce the provisions of this amendatory Act of the 95th
17 General Assembly, the Governor may suggest rules to the General
18 Assembly by filing them with the Clerk of the House and the
19 Secretary of the Senate and by requesting that the General
20 Assembly authorize such rulemaking by law, enact those
21 suggested rules into law, or take any other appropriate action
22 in the General Assembly's discretion. Nothing contained in this
23 amendatory Act of the 95th General Assembly shall be
24 interpreted to grant rulemaking authority under any other
25 Illinois statute where such authority is not otherwise
26 explicitly given. For the purposes of this paragraph, "rules"

1 is given the meaning contained in Section 1-70 of the Illinois
2 Administrative Procedure Act, and "agency" and "agency head"
3 are given the meanings contained in Sections 1-20 and 1-25 of
4 the Illinois Administrative Procedure Act to the extent that
5 such definitions apply to agencies or agency heads under the
6 jurisdiction of the Governor.

7 Unless otherwise agreed to by the parties involved and
8 where the educational services are not otherwise provided for,
9 educational services for an Illinois student under the age of
10 21 in a residential program designed to correct alcohol or
11 other drug dependencies shall be provided by the district in
12 which the facility is located and financed as follows. The cost
13 of educational services shall be paid by the district in which
14 the student resides in an amount equal to the cost of providing
15 educational services in a treatment facility. Payments shall be
16 made by the district of the student's residence and shall be
17 made to the district wherein the facility is located no less
18 than once per month unless otherwise agreed to by the parties.

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

20 Section 99. Effective date. This Act takes effect July 1,
21 2008.