



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0266

Introduced 2/7/2007, by Sen. M. Maggie Crotty

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-7.03

from Ch. 122, par. 14-7.03

Amends the School Code. In a Section concerning reimbursement for special education classes for children from orphanages, foster family homes, children's homes, or State housing units, provides that if a child who was eligible to receive services under that Section (i) is eligible for the subsidized adoption program available through the Department of Children and Family Services or is under subsidized guardianship and (ii) continues to receive support services from the Department of Children and Family Services, then the child shall continue to be eligible to receive services under the Section and the school district shall continue to be reimbursed under the Section. Provides that this provision applies only to children who are eligible for the subsidized adoption program or who are under subsidized guardianship on or after the effective date of the amendatory Act. Effective immediately.

LRB095 08156 NHT 28321 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT in relation to 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 14-7.03 as follows:

6 (105 ILCS 5/14-7.03) (from Ch. 122, par. 14-7.03)

7 Sec. 14-7.03. Special Education Classes for Children from
8 Orphanages, Foster Family Homes, Children's Homes, or in State
9 Housing Units. If a school district maintains special education
10 classes on the site of orphanages and children's homes, or if
11 children from the orphanages, children's homes, foster family
12 homes, other State agencies, or State residential units for
13 children attend classes for children with disabilities in which
14 the school district is a participating member of a joint
15 agreement, or if the children from the orphanages, children's
16 homes, foster family homes, other State agencies, or State
17 residential units attend classes for the children with
18 disabilities maintained by the school district, then
19 reimbursement shall be paid to eligible districts in accordance
20 with the provisions of this Section by the Comptroller as
21 directed by the State Superintendent of Education. If a child
22 who was eligible to receive services under this Section (i) is
23 eligible for the subsidized adoption program available through

1 the Department of Children and Family Services or is under
2 subsidized guardianship and (ii) continues to receive support
3 services from the Department of Children and Family Services,
4 then the child shall continue to be eligible to receive
5 services under this Section and the school district shall
6 continue to be reimbursed under this Section. The changes made
7 to this Section by this amendatory Act of the 95th General
8 Assembly apply only to children who are eligible for the
9 subsidized adoption program or who are under subsidized
10 guardianship on or after the effective date of this amendatory
11 Act of the 95th General Assembly.

12 The amount of tuition for ~~such~~ children under this Section
13 shall be determined by the actual cost of maintaining such
14 classes, using the per capita cost formula set forth in Section
15 14-7.01, such program and cost to be pre-approved by the State
16 Superintendent of Education.

17 On forms prepared by the State Superintendent of Education,
18 the district shall certify to the regional superintendent the
19 following:

20 (1) The name of the home or State residential unit with
21 the name of the owner or proprietor and address of those
22 maintaining it;

23 (2) That no service charges or other payments
24 authorized by law were collected in lieu of taxes therefrom
25 or on account thereof during either of the calendar years
26 included in the school year for which claim is being made;

1 (3) The number of children qualifying under this Act in
2 special education classes for instruction on the site of
3 the orphanages and children's homes;

4 (4) The number of children attending special education
5 classes for children with disabilities in which the
6 district is a participating member of a special education
7 joint agreement;

8 (5) The number of children attending special education
9 classes for children with disabilities maintained by the
10 district;

11 (6) The computed amount of tuition payment claimed as
12 due, as approved by the State Superintendent of Education,
13 for maintaining these classes.

14 If a school district makes a claim for reimbursement under
15 Section 18-3 or 18-4 of this Act it shall not include in any
16 claim filed under this Section a claim for such children.
17 Payments authorized by law, including State or federal grants
18 for education of children included in this Section, shall be
19 deducted in determining the tuition amount.

20 Nothing in this Act shall be construed so as to prohibit
21 reimbursement for the tuition of children placed in for profit
22 facilities. Private facilities shall provide adequate space at
23 the facility for special education classes provided by a school
24 district or joint agreement for children with disabilities who
25 are residents of the facility at no cost to the school district
26 or joint agreement upon request of the school district or joint

1 agreement. If such a private facility provides space at no cost
2 to the district or joint agreement for special education
3 classes provided to children with disabilities who are
4 residents of the facility, the district or joint agreement
5 shall not include any costs for the use of those facilities in
6 its claim for reimbursement.

7 Reimbursement for tuition may include the cost of providing
8 summer school programs for children with severe and profound
9 disabilities served under this Section. Claims for that
10 reimbursement shall be filed by November 1 and shall be paid on
11 or before December 15 from appropriations made for the purposes
12 of this Section.

13 The State Board of Education shall establish such rules and
14 regulations as may be necessary to implement the provisions of
15 this Section.

16 Claims filed on behalf of programs operated under this
17 Section housed in a jail, detention center, or county-owned
18 shelter care facility shall be on an individual student basis
19 only for eligible students with disabilities. These claims
20 shall be in accordance with applicable rules.

21 Each district claiming reimbursement for a program
22 operated as a group program shall have an approved budget on
23 file with the State Board of Education prior to the initiation
24 of the program's operation. On September 30, December 31, and
25 March 31, the State Board of Education shall voucher payments
26 to group programs based upon the approved budget during the

1 year of operation. Final claims for group payments shall be
2 filed on or before July 15. Final claims for group programs
3 received at the State Board of Education on or before June 15
4 shall be vouchered by June 30. Final claims received at the
5 State Board of Education between June 16 and July 15 shall be
6 vouchered by August 30. Claims for group programs received
7 after July 15 shall not be honored.

8 Each district claiming reimbursement for individual
9 students shall have the eligibility of those students verified
10 by the State Board of Education. On September 30, December 31,
11 and March 31, the State Board of Education shall voucher
12 payments for individual students based upon an estimated cost
13 calculated from the prior year's claim. Final claims for
14 individual students for the regular school term must be
15 received at the State Board of Education by July 15. Claims for
16 individual students received after July 15 shall not be
17 honored. Final claims for individual students shall be
18 vouchered by August 30.

19 Reimbursement shall be made based upon approved group
20 programs or individual students. The State Superintendent of
21 Education shall direct the Comptroller to pay a specified
22 amount to the district by the 30th day of September, December,
23 March, June, or August, respectively. However, notwithstanding
24 any other provisions of this Section or the School Code,
25 beginning with fiscal year 1994 and each fiscal year
26 thereafter, if the amount appropriated for any fiscal year is

1 less than the amount required for purposes of this Section, the
2 amount required to eliminate any insufficient reimbursement
3 for each district claim under this Section shall be reimbursed
4 on August 30 of the next fiscal year. Payments required to
5 eliminate any insufficiency for prior fiscal year claims shall
6 be made before any claims are paid for the current fiscal year.

7 The claim of a school district otherwise eligible to be
8 reimbursed in accordance with Section 14-12.01 for the 1976-77
9 school year but for this amendatory Act of 1977 shall not be
10 paid unless the district ceases to maintain such classes for
11 one entire school year.

12 If a school district's current reimbursement payment for
13 the 1977-78 school year only is less than the prior year's
14 reimbursement payment owed, the district shall be paid the
15 amount of the difference between the payments in addition to
16 the current reimbursement payment, and the amount so paid shall
17 be subtracted from the amount of prior year's reimbursement
18 payment owed to the district.

19 Regional superintendents may operate special education
20 classes for children from orphanages, foster family homes,
21 children's homes or State housing units located within the
22 educational services region upon consent of the school board
23 otherwise so obligated. In electing to assume the powers and
24 duties of a school district in providing and maintaining such a
25 special education program, the regional superintendent may
26 enter into joint agreements with other districts and may

1 contract with public or private schools or the orphanage,
2 foster family home, children's home or State housing unit for
3 provision of the special education program. The regional
4 superintendent exercising the powers granted under this
5 Section shall claim the reimbursement authorized by this
6 Section directly from the State Board of Education.

7 Any child who is not a resident of Illinois who is placed
8 in a child welfare institution, private facility, foster family
9 home, State operated program, orphanage or children's home
10 shall have the payment for his educational tuition and any
11 related services assured by the placing agent.

12 Commencing July 1, 1992, for each disabled student who is
13 placed residentially by a State agency or the courts for care
14 or custody or both care and custody, welfare, medical or mental
15 health treatment or both medical and mental health treatment,
16 rehabilitation, and protection, whether placed there on,
17 before, or after July 1, 1992, the costs for educating the
18 student are eligible for reimbursement under this Section
19 providing the placing agency or court has notified the
20 appropriate school district authorities of the status of
21 student residency where applicable prior to or upon placement.

22 The district of residence of the parent, guardian, or
23 disabled student as defined in Sections 14-1.11 and 14-1.11a is
24 responsible for the actual costs of the student's special
25 education program and is eligible for reimbursement under this
26 Section when placement is made by a State agency or the courts.

1 Payments shall be made by the resident district to the district
2 wherein the facility is located no less than once per quarter
3 unless otherwise agreed to in writing by the parties.

4 When a dispute arises over the determination of the
5 district of residence, the district or districts may appeal the
6 decision in writing to the State Superintendent of Education.
7 The decision of the State Superintendent of Education shall be
8 final.

9 In the event a district does not make a tuition payment to
10 another district that is providing the special education
11 program and services, the State Board of Education shall
12 immediately withhold 125% of the then remaining annual tuition
13 cost from the State aid or categorical aid payment due to the
14 school district that is determined to be the resident school
15 district. All funds withheld by the State Board of Education
16 shall immediately be forwarded to the school district where the
17 student is being served.

18 When a child eligible for services under this Section
19 14-7.03 must be placed in a nonpublic facility, that facility
20 shall meet the programmatic requirements of Section 14-7.02 and
21 its regulations, and the educational services shall be funded
22 only in accordance with this Section 14-7.03.

23 (Source: P.A. 92-597, eff. 7-1-02; 92-877, eff. 1-7-03; 93-609,
24 eff. 11-20-03.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.