



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

SB0398

Introduced 2/7/2007, by Sen. Deanna Demuzio

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-7.03

from Ch. 122, par. 14-7.03

Amends the School Code with respect to special education classes for children from orphanages, foster family homes, children's homes, or in-State housing units. In a provision that allows reimbursement for the costs of educating a disabled student who is placed residentially by a State agency or the courts for care or custody, welfare, medical or mental health treatment, rehabilitation, and protection, provides that it is the intent of that provision that school districts be reimbursed for the eligible costs of educating all disabled students residentially placed by a State agency or the courts or placed and paid for by a State agency for any of the reasons listed. Provides that reimbursements under the provision shall first be provided for claims made for the 2007-2008 school year payable in fiscal year 2008. Effective immediately.

LRB095 08157 NHT 28322 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

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 14-7.03 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.

22 The amount of tuition for such children shall be determined  
23 by the actual cost of maintaining such classes, using the per

1     capita cost formula set forth in Section 14-7.01, such program  
2     and cost to be pre-approved by the State Superintendent of  
3     Education.

4             On forms prepared by the State Superintendent of Education,  
5     the district shall certify to the regional superintendent the  
6     following:

7             (1) The name of the home or State residential unit with  
8             the name of the owner or proprietor and address of those  
9             maintaining it;

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

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

17            (4) The number of children attending special education  
18            classes for children with disabilities in which the  
19            district is a participating member of a special education  
20            joint agreement;

21            (5) The number of children attending special education  
22            classes for children with disabilities maintained by the  
23            district;

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

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

7           Nothing in this Act shall be construed so as to prohibit  
8 reimbursement for the tuition of children placed in for profit  
9 facilities. Private facilities shall provide adequate space at  
10 the facility for special education classes provided by a school  
11 district or joint agreement for children with disabilities who  
12 are residents of the facility at no cost to the school district  
13 or joint agreement upon request of the school district or joint  
14 agreement. If such a private facility provides space at no cost  
15 to the district or joint agreement for special education  
16 classes provided to children with disabilities who are  
17 residents of the facility, the district or joint agreement  
18 shall not include any costs for the use of those facilities in  
19 its claim for reimbursement.

20           Reimbursement for tuition may include the cost of providing  
21 summer school programs for children with severe and profound  
22 disabilities served under this Section. Claims for that  
23 reimbursement shall be filed by November 1 and shall be paid on  
24 or before December 15 from appropriations made for the purposes  
25 of this Section.

26           The State Board of Education shall establish such rules and

1 regulations as may be necessary to implement the provisions of  
2 this Section.

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

8 Each district claiming reimbursement for a program  
9 operated as a group program shall have an approved budget on  
10 file with the State Board of Education prior to the initiation  
11 of the program's operation. On September 30, December 31, and  
12 March 31, the State Board of Education shall voucher payments  
13 to group programs based upon the approved budget during the  
14 year of operation. Final claims for group payments shall be  
15 filed on or before July 15. Final claims for group programs  
16 received at the State Board of Education on or before June 15  
17 shall be vouchered by June 30. Final claims received at the  
18 State Board of Education between June 16 and July 15 shall be  
19 vouchered by August 30. Claims for group programs received  
20 after July 15 shall not be honored.

21 Each district claiming reimbursement for individual  
22 students shall have the eligibility of those students verified  
23 by the State Board of Education. On September 30, December 31,  
24 and March 31, the State Board of Education shall voucher  
25 payments for individual students based upon an estimated cost  
26 calculated from the prior year's claim. Final claims for

1 individual students for the regular school term must be  
2 received at the State Board of Education by July 15. Claims for  
3 individual students received after July 15 shall not be  
4 honored. Final claims for individual students shall be  
5 vouchered by August 30.

6 Reimbursement shall be made based upon approved group  
7 programs or individual students. The State Superintendent of  
8 Education shall direct the Comptroller to pay a specified  
9 amount to the district by the 30th day of September, December,  
10 March, June, or August, respectively. However, notwithstanding  
11 any other provisions of this Section or the School Code,  
12 beginning with fiscal year 1994 and each fiscal year  
13 thereafter, if the amount appropriated for any fiscal year is  
14 less than the amount required for purposes of this Section, the  
15 amount required to eliminate any insufficient reimbursement  
16 for each district claim under this Section shall be reimbursed  
17 on August 30 of the next fiscal year. Payments required to  
18 eliminate any insufficiency for prior fiscal year claims shall  
19 be made before any claims are paid for the current fiscal year.

20 The claim of a school district otherwise eligible to be  
21 reimbursed in accordance with Section 14-12.01 for the 1976-77  
22 school year but for this amendatory Act of 1977 shall not be  
23 paid unless the district ceases to maintain such classes for  
24 one entire school year.

25 If a school district's current reimbursement payment for  
26 the 1977-78 school year only is less than the prior year's

1 reimbursement payment owed, the district shall be paid the  
2 amount of the difference between the payments in addition to  
3 the current reimbursement payment, and the amount so paid shall  
4 be subtracted from the amount of prior year's reimbursement  
5 payment owed to the district.

6 Regional superintendents may operate special education  
7 classes for children from orphanages, foster family homes,  
8 children's homes or State housing units located within the  
9 educational services region upon consent of the school board  
10 otherwise so obligated. In electing to assume the powers and  
11 duties of a school district in providing and maintaining such a  
12 special education program, the regional superintendent may  
13 enter into joint agreements with other districts and may  
14 contract with public or private schools or the orphanage,  
15 foster family home, children's home or State housing unit for  
16 provision of the special education program. The regional  
17 superintendent exercising the powers granted under this  
18 Section shall claim the reimbursement authorized by this  
19 Section directly from the State Board of Education.

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

25 Commencing July 1, 1992, for each disabled student who is  
26 placed residentially by a State agency or the courts for care

1 or custody or both care and custody, welfare, medical or mental  
2 health treatment or both medical and mental health treatment,  
3 rehabilitation, and protection, whether placed there on,  
4 before, or after July 1, 1992, the costs for educating the  
5 student are eligible for reimbursement under this Section  
6 providing the placing agency or court has notified the  
7 appropriate school district authorities of the status of  
8 student residency where applicable prior to or upon placement.  
9 It is the intent of this paragraph that school districts be  
10 reimbursed under this Section for the eligible costs of  
11 educating all disabled students residentially placed by a State  
12 agency or the courts or placed and paid for by a State agency  
13 for any of the reasons listed in this paragraph. Reimbursements  
14 under this paragraph shall first be provided for claims made  
15 for the 2007-2008 school year payable in fiscal year 2008.

16 The district of residence of the parent, guardian, or  
17 disabled student as defined in Sections 14-1.11 and 14-1.11a is  
18 responsible for the actual costs of the student's special  
19 education program and is eligible for reimbursement under this  
20 Section when placement is made by a State agency or the courts.  
21 Payments shall be made by the resident district to the district  
22 wherein the facility is located no less than once per quarter  
23 unless otherwise agreed to in writing by the parties.

24 When a dispute arises over the determination of the  
25 district of residence, the district or districts may appeal the  
26 decision in writing to the State Superintendent of Education.



1 The decision of the State Superintendent of Education shall be  
2 final.

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

12 When a child eligible for services under this Section  
13 14-7.03 must be placed in a nonpublic facility, that facility  
14 shall meet the programmatic requirements of Section 14-7.02 and  
15 its regulations, and the educational services shall be funded  
16 only in accordance with this Section 14-7.03.

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

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.