



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5532

by Rep. Linda Chapa LaVia

SYNOPSIS AS INTRODUCED:

105 ILCS 5/1D-1
105 ILCS 5/14-7.02 from Ch. 122, par. 14-7.02
105 ILCS 5/14-7.02b
105 ILCS 5/14-7.02c new
105 ILCS 5/14-12.01 rep.

Amends the School Code. Removes private tuition for special education from the list of programs that Chicago's educational services block grant shall include. In the Children with Disabilities Article, makes changes in provisions concerning children attending nonpublic schools or special education facilities, public out-of-state schools, or county special education facilities and funding for children requiring special education services; adds provisions concerning funding for children with excess cost; and repeals provisions concerning an account of expenditures, a cost report, and reimbursement. Effective immediately.

LRB098 17941 OMW 53065 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 Sections
5 1D-1, 14-7.02, and 14-7.02b and by adding Section 14-7.02c as
6 follows:

7 (105 ILCS 5/1D-1)

8 Sec. 1D-1. Block grant funding.

9 (a) For fiscal year 1996 and each fiscal year thereafter,
10 the State Board of Education shall award to a school district
11 having a population exceeding 500,000 inhabitants a general
12 education block grant and an educational services block grant,
13 determined as provided in this Section, in lieu of distributing
14 to the district separate State funding for the programs
15 described in subsections (b) and (c). The provisions of this
16 Section, however, do not apply to any federal funds that the
17 district is entitled to receive. In accordance with Section
18 2-3.32, all block grants are subject to an audit. Therefore,
19 block grant receipts and block grant expenditures shall be
20 recorded to the appropriate fund code for the designated block
21 grant.

22 (b) The general education block grant shall include the
23 following programs: REI Initiative, Summer Bridges, Preschool

1 At Risk, K-6 Comprehensive Arts, School Improvement Support,
2 Urban Education, Scientific Literacy, Substance Abuse
3 Prevention, Second Language Planning, Staff Development,
4 Outcomes and Assessment, K-6 Reading Improvement, 7-12
5 Continued Reading Improvement, Truants' Optional Education,
6 Hispanic Programs, Agriculture Education, Parental Education,
7 Prevention Initiative, Report Cards, and Criminal Background
8 Investigations. Notwithstanding any other provision of law,
9 all amounts paid under the general education block grant from
10 State appropriations to a school district in a city having a
11 population exceeding 500,000 inhabitants shall be appropriated
12 and expended by the board of that district for any of the
13 programs included in the block grant or any of the board's
14 lawful purposes.

15 (c) The educational services block grant shall include the
16 following programs: Regular and Vocational Transportation,
17 State Lunch and Free Breakfast Program, Special Education
18 (Personnel, Transportation, Orphanage, ~~Private Tuition~~),
19 funding for children requiring special education services,
20 Summer School, Educational Service Centers, and
21 Administrator's Academy. This subsection (c) does not relieve
22 the district of its obligation to provide the services required
23 under a program that is included within the educational
24 services block grant. It is the intention of the General
25 Assembly in enacting the provisions of this subsection (c) to
26 relieve the district of the administrative burdens that impede

1 efficiency and accompany single-program funding. The General
2 Assembly encourages the board to pursue mandate waivers
3 pursuant to Section 2-3.25g.

4 The funding program included in the educational services
5 block grant for funding for children requiring special
6 education services in each fiscal year shall be treated in that
7 fiscal year as a payment to the school district in respect of
8 services provided or costs incurred in the prior fiscal year,
9 calculated in each case as provided in this Section. Nothing in
10 this Section shall change the nature of payments for any
11 program that, apart from this Section, would be or, prior to
12 adoption or amendment of this Section, was on the basis of a
13 payment in a fiscal year in respect of services provided or
14 costs incurred in the prior fiscal year, calculated in each
15 case as provided in this Section.

16 (d) For fiscal year 1996 and each fiscal year thereafter,
17 the amount of the district's block grants shall be determined
18 as follows: (i) with respect to each program that is included
19 within each block grant, the district shall receive an amount
20 equal to the same percentage of the current fiscal year
21 appropriation made for that program as the percentage of the
22 appropriation received by the district from the 1995 fiscal
23 year appropriation made for that program, and (ii) the total
24 amount that is due the district under the block grant shall be
25 the aggregate of the amounts that the district is entitled to
26 receive for the fiscal year with respect to each program that

1 is included within the block grant that the State Board of
2 Education shall award the district under this Section for that
3 fiscal year. In the case of the Summer Bridges program, the
4 amount of the district's block grant shall be equal to 44% of
5 the amount of the current fiscal year appropriation made for
6 that program.

7 (e) The district is not required to file any application or
8 other claim in order to receive the block grants to which it is
9 entitled under this Section. The State Board of Education shall
10 make payments to the district of amounts due under the
11 district's block grants on a schedule determined by the State
12 Board of Education.

13 (f) A school district to which this Section applies shall
14 report to the State Board of Education on its use of the block
15 grants in such form and detail as the State Board of Education
16 may specify. In addition, the report must include the following
17 description for the district, which must also be reported to
18 the General Assembly: block grant allocation and expenditures
19 by program; population and service levels by program; and
20 administrative expenditures by program. The State Board of
21 Education shall ensure that the reporting requirements for the
22 district are the same as for all other school districts in this
23 State.

24 (g) This paragraph provides for the treatment of block
25 grants under Article 1C for purposes of calculating the amount
26 of block grants for a district under this Section. Those block

1 grants under Article 1C are, for this purpose, treated as
2 included in the amount of appropriation for the various
3 programs set forth in paragraph (b) above. The appropriation in
4 each current fiscal year for each block grant under Article 1C
5 shall be treated for these purposes as appropriations for the
6 individual program included in that block grant. The proportion
7 of each block grant so allocated to each such program included
8 in it shall be the proportion which the appropriation for that
9 program was of all appropriations for such purposes now in that
10 block grant, in fiscal 1995.

11 Payments to the school district under this Section with
12 respect to each program for which payments to school districts
13 generally, as of the date of this amendatory Act of the 92nd
14 General Assembly, are on a reimbursement basis shall continue
15 to be made to the district on a reimbursement basis, pursuant
16 to the provisions of this Code governing those programs.

17 (h) Notwithstanding any other provision of law, any school
18 district receiving a block grant under this Section may
19 classify all or a portion of the funds that it receives in a
20 particular fiscal year from any block grant authorized under
21 this Code or from general State aid pursuant to Section 18-8.05
22 of this Code (other than supplemental general State aid) as
23 funds received in connection with any funding program for which
24 it is entitled to receive funds from the State in that fiscal
25 year (including, without limitation, any funding program
26 referred to in subsection (c) of this Section), regardless of

1 the source or timing of the receipt. The district may not
2 classify more funds as funds received in connection with the
3 funding program than the district is entitled to receive in
4 that fiscal year for that program. Any classification by a
5 district must be made by a resolution of its board of
6 education. The resolution must identify the amount of any block
7 grant or general State aid to be classified under this
8 subsection (h) and must specify the funding program to which
9 the funds are to be treated as received in connection
10 therewith. This resolution is controlling as to the
11 classification of funds referenced therein. A certified copy of
12 the resolution must be sent to the State Superintendent of
13 Education. The resolution shall still take effect even though a
14 copy of the resolution has not been sent to the State
15 Superintendent of Education in a timely manner. No
16 classification under this subsection (h) by a district shall
17 affect the total amount or timing of money the district is
18 entitled to receive under this Code. No classification under
19 this subsection (h) by a district shall in any way relieve the
20 district from or affect any requirements that otherwise would
21 apply with respect to the block grant as provided in this
22 Section, including any accounting of funds by source, reporting
23 expenditures by original source and purpose, reporting
24 requirements, or requirements of provision of services.

25 (Source: P.A. 97-238, eff. 8-2-11; 97-324, eff. 8-12-11;
26 97-813, eff. 7-13-12.)

1 (105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

2 Sec. 14-7.02. Children attending ~~private schools,~~ public
3 out-of-state schools, ~~public school residential facilities~~ or
4 nonpublic ~~private~~ special education facilities. The General
5 Assembly recognizes that nonpublic ~~non public schools or~~
6 special education facilities provide an important service in
7 the educational system in Illinois.

8 If because of his or her disability the special education
9 program of a district is unable to meet the needs of a child
10 and the child attends a nonpublic ~~non public school or~~ special
11 education facility, a public out-of-state school, or a special
12 education facility owned and operated by a county government
13 unit that provides special educational services required by the
14 child and is in compliance with the appropriate rules and
15 regulations of the State Superintendent of Education, the
16 school district in which the child is a resident shall pay the
17 actual cost of tuition for special education and related
18 services provided during the regular school term and during the
19 summer school term if the child's educational needs so require,
20 excluding room and board charged by the nonpublic ~~excluding~~
21 ~~room, board and transportation costs charged the child by that~~
22 ~~non public school or~~ special education facility, public
23 out-of-state school, or county special education facility, ~~or~~
24 ~~\$4,500 per year, whichever is less,~~ and shall provide him any
25 necessary transportation. "Nonpublic special education

1 facility" shall include a residential facility, within or
2 outside ~~without~~ the State of Illinois, which provides special
3 education and related services to meet the needs of the child
4 by utilizing private schools or public schools, whether located
5 on the site or off the site of the residential facility.

6 The State Board of Education shall promulgate rules and
7 regulations for determining when placement in a private special
8 education facility is appropriate. Such rules and regulations
9 shall take into account the various types of services needed by
10 a child and the availability of such services to the particular
11 child in the public school. In developing these rules and
12 regulations the State Board of Education shall consult with the
13 Advisory Council on Education of Children with Disabilities and
14 hold public hearings to secure recommendations from parents,
15 school personnel, and others concerned about this matter.

16 The State Board of Education shall also promulgate rules
17 and regulations for transportation to and from a residential
18 school. Transportation to and from home to a residential school
19 more than once each school term shall be subject to prior
20 approval by the State Superintendent in accordance with the
21 rules and regulations of the State Board.

22 A school district making tuition payments pursuant to this
23 Section is eligible for reimbursement from the State in
24 accordance with Section 14-7.02c of this Code ~~for the amount of~~
25 ~~such payments actually made in excess of the district per~~
26 ~~capita tuition charge for students not receiving special~~

1 ~~education services. Such reimbursement shall be approved in~~
2 ~~accordance with Section 14-12.01 and each district shall file~~
3 ~~its claims, computed in accordance with rules prescribed by the~~
4 ~~State Board of Education, on forms prescribed by the State~~
5 ~~Superintendent of Education. Data used as a basis of~~
6 ~~reimbursement claims shall be for the preceding regular school~~
7 ~~term and summer school term. Each school district shall~~
8 ~~transmit its claims to the State Board of Education on or~~
9 ~~before August 15. The State Board of Education, before~~
10 ~~approving any such claims, shall determine their accuracy and~~
11 ~~whether they are based upon services and facilities provided~~
12 ~~under approved programs. Upon approval the State Board shall~~
13 ~~cause vouchers to be prepared showing the amount due for~~
14 ~~payment of reimbursement claims to school districts, for~~
15 ~~transmittal to the State Comptroller on the 30th day of~~
16 ~~September, December, and March, respectively, and the final~~
17 ~~voucher, no later than June 20. If the money appropriated by~~
18 ~~the General Assembly for such purpose for any year is~~
19 ~~insufficient, it shall be apportioned on the basis of the~~
20 ~~claims approved.~~

21 No child shall be placed in a special education program
22 pursuant to this Section ~~if the tuition cost for special~~
23 ~~education and related services increases more than 10 percent~~
24 ~~over the tuition cost for the previous school year or exceeds~~
25 ~~\$4,500 per year unless such costs have been approved by the~~
26 ~~Illinois Purchased Care Review Board. The Illinois Purchased~~

1 Care Review Board shall consist of the following persons, or
2 their designees: the Directors of Children and Family Services,
3 Healthcare and Family Services ~~Public Health~~, Public Aid, and
4 the Governor's Office of Management and Budget; the Secretary
5 of Human Services; the State Superintendent of Education; and
6 such other persons as the Governor may designate. The Review
7 Board shall establish rules and regulations for its
8 determination of allowable costs and payments made by local
9 school districts for special education, room and board, and
10 other related services provided by nonpublic ~~non-public~~
11 ~~schools or~~ special education facilities and shall establish
12 uniform standards and criteria which it shall follow.

13 The Review Board shall establish uniform definitions and
14 criteria for accounting separately by special education, room
15 and board and other related services costs. The Board shall
16 also establish guidelines for the coordination of services and
17 financial assistance provided by all State agencies to assure
18 that no otherwise qualified disabled child receiving services
19 under Article 14 shall be excluded from participation in, be
20 denied the benefits of or be subjected to discrimination under
21 any program or activity provided by any State agency.

22 The Review Board shall review the costs for special
23 education and related services provided by nonpublic
24 ~~non-public schools or~~ special education facilities and shall
25 approve or disapprove such facilities in accordance with the
26 rules and regulations established by it with respect to

1 allowable costs.

2 The State Board of Education shall provide administrative
3 and staff support for the Review Board as deemed reasonable by
4 the State Superintendent of Education. This support shall not
5 include travel expenses or other compensation for any Review
6 Board member other than the State Superintendent of Education.

7 The Review Board shall seek the advice of the Advisory
8 Council on Education of Children with Disabilities on the rules
9 and regulations to be promulgated by it relative to providing
10 special education services.

11 If a child has been placed in a program in which the actual
12 per pupil costs of tuition for special education and related
13 services based on program enrollment, ~~excluding room, board and~~
14 ~~transportation costs, exceed \$4,500 and such costs~~ have been
15 approved by the Review Board, the district shall pay such total
16 costs ~~which exceed \$4,500. A district making such tuition~~
17 ~~payments in excess of \$4,500 pursuant to this Section shall be~~
18 ~~responsible for an amount in excess of \$4,500 equal to the~~
19 ~~district per capita tuition charge and shall be eligible for~~
20 ~~reimbursement from the State for the amount of such payments~~
21 ~~actually made in excess of the districts per capita tuition~~
22 ~~charge for students not receiving special education services.~~

23 If a child has been placed in an approved individual
24 program and the tuition costs including room and board costs
25 have been approved by the Review Board, then such room and
26 board costs shall be paid by the appropriate State agency

1 subject to the provisions of Section 14-8.01 of this Act. Room
2 and board costs not provided by a State agency other than the
3 State Board of Education shall be provided by the State Board
4 of Education on a current basis. In no event, however, shall
5 the State's liability for funding of the ~~these~~ tuition costs,
6 including room and board costs, begin until after the legal
7 obligations of third party payees ~~payors~~ have been subtracted
8 from such costs. If the money appropriated by the General
9 Assembly for such purpose for any year is insufficient, it
10 shall be apportioned on the basis of the claims approved. Each
11 district shall submit room and board ~~estimated~~ claims to the
12 State Superintendent of Education. Upon approval of such
13 claims, the State Superintendent of Education shall direct the
14 State Comptroller to make payments on submitted claims ~~a~~
15 ~~monthly basis~~. The frequency for submitting ~~estimated~~ claims
16 and the method of determining payment shall be prescribed in
17 rules and regulations adopted by the State Board of Education.
18 Such current state reimbursement shall be reduced by an amount
19 equal to the proceeds which the child or child's parents or
20 legal guardian are eligible to receive under any public or
21 private insurance or assistance program. Nothing in this
22 Section shall be construed as relieving an insurer or similar
23 third party from an otherwise valid obligation to provide or to
24 pay for services provided to a disabled child.

25 If it otherwise qualifies, a school district is eligible
26 for the transportation reimbursement under Section 14-13.01

1 and for the reimbursement of tuition payments ~~under this~~
2 ~~Section~~ whether the nonpublic ~~non-public school or~~ special
3 education facility, public out-of-state school, or county
4 special education facility, attended by a child who resides in
5 that district and requires special educational services, is
6 within or outside of the State of Illinois. However, a district
7 is not eligible to claim transportation reimbursement under
8 this Section unless the district certifies to the State
9 Superintendent of Education that the district is unable to
10 provide special educational services required by the child for
11 the current school year.

12 Nothing in this Section authorizes the reimbursement of a
13 school district for the amount paid for tuition of a child
14 attending a nonpublic ~~non-public school or~~ special education
15 facility, public out-of-state school, or county special
16 education facility unless the school district certifies to the
17 State Superintendent of Education that the special education
18 program of that district is unable to meet the needs of that
19 child because of his disability and the State Superintendent of
20 Education finds that the school district is in substantial
21 compliance with Section 14-4.01. However, if a child is
22 unilaterally placed by a State agency or any court in a
23 nonpublic ~~non-public school or~~ special education facility,
24 public out-of-state school, or county special education
25 facility, a school district shall not be required to certify to
26 the State Superintendent of Education, for the purpose of

1 tuition reimbursement, that the special education program of
2 that district is unable to meet the needs of a child because of
3 his or her disability.

4 Any educational or related services provided, pursuant to
5 this Section in a nonpublic ~~non public school~~ or special
6 education facility or a special education facility owned and
7 operated by a county government unit shall be at no cost to the
8 parent or guardian of the child. However, current law and
9 practices relative to contributions by parents or guardians for
10 costs other than educational or related services are not
11 affected by this amendatory Act of 1978.

12 ~~Reimbursement for children attending public school~~
13 ~~residential facilities shall be made in accordance with the~~
14 ~~provisions of this Section.~~

15 ~~Notwithstanding any other provision of law, any school~~
16 ~~district receiving a payment under this Section or under~~
17 ~~Section 14 7.02b, 14 13.01, or 29 5 of this Code may classify~~
18 ~~all or a portion of the funds that it receives in a particular~~
19 ~~fiscal year or from general State aid pursuant to Section~~
20 ~~19 8.05 of this Code as funds received in connection with any~~
21 ~~funding program for which it is entitled to receive funds from~~
22 ~~the State in that fiscal year (including, without limitation,~~
23 ~~any funding program referenced in this Section), regardless of~~
24 ~~the source or timing of the receipt. The district may not~~
25 ~~classify more funds as funds received in connection with the~~
26 ~~funding program than the district is entitled to receive in~~

1 ~~that fiscal year for that program. Any classification by a~~
2 ~~district must be made by a resolution of its board of~~
3 ~~education. The resolution must identify the amount of any~~
4 ~~payments or general State aid to be classified under this~~
5 ~~paragraph and must specify the funding program to which the~~
6 ~~funds are to be treated as received in connection therewith.~~
7 ~~This resolution is controlling as to the classification of~~
8 ~~funds referenced therein. A certified copy of the resolution~~
9 ~~must be sent to the State Superintendent of Education. The~~
10 ~~resolution shall still take effect even though a copy of the~~
11 ~~resolution has not been sent to the State Superintendent of~~
12 ~~Education in a timely manner. No classification under this~~
13 ~~paragraph by a district shall affect the total amount or timing~~
14 ~~of money the district is entitled to receive under this Code.~~
15 ~~No classification under this paragraph by a district shall in~~
16 ~~any way relieve the district from or affect any requirements~~
17 ~~that otherwise would apply with respect to that funding~~
18 ~~program, including any accounting of funds by source, reporting~~
19 ~~expenditures by original source and purpose, reporting~~
20 ~~requirements, or requirements of providing services.~~

21 (Source: P.A. 93-1022, eff. 8-24-04; 94-177, eff. 7-12-05.)

22 (105 ILCS 5/14-7.02b)

23 Sec. 14-7.02b. Funding for children requiring special
24 education services. Payments to school districts for children
25 requiring special education services documented in their

1 individualized education program regardless of the program
2 from which these services are received, excluding children
3 identified ~~claimed~~ under Sections 14-7.02, ~~and~~ 14-7.03, ~~and~~
4 14-11.02 of this Code, shall be made in accordance with this
5 Section. Funds received under this Section may be used only for
6 the provision of special educational facilities and services as
7 defined in Section 14-1.08 of this Code.

8 The appropriation for fiscal year 2005 and thereafter shall
9 be based upon the IDEA child count of all students in the
10 State, excluding students identified ~~claimed~~ under Sections
11 14-7.02, ~~and~~ 14-7.03, ~~and~~ 14-11.02 of this Code, on December 1
12 of the fiscal year 2 years preceding, multiplied by 17.5% of
13 the general State aid foundation level of support established
14 for that fiscal year under Section 18-8.05 of this Code.

15 ~~Beginning with fiscal year 2005 and through fiscal year~~
16 ~~2007, individual school districts shall not receive payments~~
17 ~~under this Section totaling less than they received under the~~
18 ~~funding authorized under Section 14-7.02a of this Code during~~
19 ~~fiscal year 2004, pursuant to the provisions of Section~~
20 ~~14-7.02a as they were in effect before the effective date of~~
21 ~~this amendatory Act of the 93rd General Assembly. This base~~
22 ~~level funding shall be computed first.~~

23 Beginning with fiscal year 2008 and each fiscal year
24 thereafter, individual school districts must not receive
25 payments under this Section totaling less than they received in
26 fiscal year 2007. This funding shall be computed last and shall

1 be a separate calculation from any other calculation set forth
2 in this Section. This amount is exempt from the requirements of
3 Section 1D-1 of this Code.

4 An amount equal to 85% of the funds remaining in the
5 appropriation shall be allocated to school districts based upon
6 the district's average daily attendance reported for purposes
7 of Section 18-8.05 of this Code for the preceding school year.
8 Fifteen percent of the funds remaining in the appropriation
9 shall be allocated to school districts based upon the
10 district's low income eligible pupil count used in the
11 calculation of general State aid under Section 18-8.05 of this
12 Code for the same fiscal year. One hundred percent of the funds
13 computed and allocated to districts under this Section shall be
14 distributed and paid to school districts.

15 ~~For individual students with disabilities whose program~~
16 ~~costs exceed 4 times the district's per capita tuition rate as~~
17 ~~calculated under Section 10-20.12a of this Code, the costs in~~
18 ~~excess of 4 times the district's per capita tuition rate shall~~
19 ~~be paid by the State Board of Education from unexpended IDEA~~
20 ~~discretionary funds originally designated for room and board~~
21 ~~reimbursement pursuant to Section 14-8.01 of this Code. The~~
22 ~~amount of tuition for these children shall be determined by the~~
23 ~~actual cost of maintaining classes for these children, using~~
24 ~~the per capita cost formula set forth in Section 14-7.01 of~~
25 ~~this Code, with the program and cost being pre-approved by the~~
26 ~~State Superintendent of Education. Reimbursement for~~

1 ~~individual students with disabilities whose program costs~~
2 ~~exceed 4 times the district's per capita tuition rate shall be~~
3 ~~claimed beginning with costs encumbered for the 2004-2005~~
4 ~~school year and thereafter.~~

5 The State Board of Education shall prepare vouchers equal
6 to one-fourth the amount allocated to districts, for
7 transmittal to the State Comptroller on ~~the 30th day of~~
8 September 30, December 31, and March 31, respectively, and the
9 final voucher, no later than June 20. The Comptroller shall
10 make payments pursuant to this Section to school districts as
11 soon as possible after receipt of vouchers. ~~If the money~~
12 ~~appropriated from the General Assembly for such purposes for~~
13 ~~any year is insufficient, it shall be apportioned on the basis~~
14 ~~of the payments due to school districts.~~

15 Nothing in this Section shall be construed to decrease or
16 increase the percentage of all special education funds that are
17 allocated annually under Article 1D of this Code or to alter
18 the requirement that a school district provide special
19 education services.

20 Nothing in this amendatory Act of the 93rd General Assembly
21 shall eliminate any reimbursement obligation owed as of the
22 effective date of this amendatory Act of the 93rd General
23 Assembly to a school district with in excess of 500,000
24 inhabitants.

25 (Source: P.A. 93-1022, eff. 8-24-08. 95-705, eff. 1-8-08.)

1 (105 ILCS 5/14-7.02c new)

2 Sec. 14-7.02c. Funding for children with excess cost.
3 Payments to school districts and State-authorized charter
4 schools for children requiring special education services as
5 documented in their individualized educational programs,
6 regardless of the program from which these services are
7 received, excluding children claimed under Section 14-7.03 of
8 this Code, shall be made in accordance with this Section. Funds
9 received under this Section may be used only for the provision
10 of special educational facilities and services as defined in
11 Section 14-1.08 of this Code and tuition payments to nonpublic
12 special education facilities as defined in Section 14-7.02 of
13 this Code.

14 Each school district and State-authorized charter school
15 shall keep an accurate, detailed, and separate account of all
16 expenditures for the maintenance of each of the types of
17 facilities, classes, and schools authorized by this Article for
18 the instruction and care of pupils attending them and for the
19 cost of their transportation.

20 The amount of tuition for children, excluding children
21 designated under Section 14-7.02 of this Code, shall be
22 determined using the per capita cost formula set forth in
23 Section 14-7.01 of this Code and rules adopted by the State
24 Board of Education.

25 The amount of tuition for children attending public
26 out-of-state schools or nonpublic special education facilities

1 designated under Section 14-7.02 of this Code shall be
2 determined in accordance with the costs approved by the Review
3 Board in Section 14-7.02 of this Code, with the program being
4 pre-approved by the State Superintendent of Education.

5 Each district or State-authorized charter school shall
6 transmit its claims in a manner prescribed by the State
7 Superintendent of Education on or before August 15 of each
8 year. Tuition payments shall be claimed for the preceding
9 regular school term and summer term following. The State Board
10 of Education shall determine the accuracy of the claims and
11 whether they are based upon services and facilities provided
12 under approved programs as defined in this Code.

13 For children identified under Section 14-7.02 of this Code,
14 the State Board of Education shall reimburse each school
15 district the tuition amount approved by the Review Board and
16 paid for the regular and following summer term less 2.33 times
17 the per capita tuition charge of the resident district for
18 claims transmitted for the 2014-2015 school year, 2.66 times
19 the per capita tuition charge for claims transmitted for the
20 2015-2016 school year, and 3 times the per capita tuition
21 charge for claims transmitted in the 2016-2017 school year and
22 every school year thereafter.

23 For children, excluding those children identified under
24 Sections 14-7.02 and 14-7.03 of this Code, the State Board of
25 Education shall reimburse each school district the education
26 costs for each child, plus a maximum of 20% of transportation

1 costs if approved as a related service in the individualized
2 educational program, for the regular and following summer term
3 less 3.66 times the per capita tuition charge of the resident
4 district for claims transmitted in the 2014-2015 school year,
5 3.33 times the per capita tuition charge for claims transmitted
6 in the 2015-2016 school year, and 3 times the per capita
7 tuition charge for claims transmitted in the 2016-2017 school
8 year and every school year thereafter.

9 The per capita tuition charge under this Section shall be
10 set in accordance with the calculation set forth in Section
11 18-3 of this Code. The maximum State reimbursement for children
12 claimed under this Section is \$100,000.

13 The State Board of Education shall prepare vouchers for the
14 amount due to each school district and transmit them to the
15 Office of the Comptroller on or before September 30, December
16 31, and March 31, respectively, and the final voucher no later
17 than June 20. If, after preparation and transmission of the
18 September 30 vouchers, any claim has been adjusted by the State
19 Superintendent of Education, subsequent vouchers shall be
20 recomputed to compensate for any overpayment or underpayment
21 previously made. If the money appropriated by the General
22 Assembly for such purpose for any year is insufficient, it
23 shall be apportioned on the basis of the claims approved.

24 Notwithstanding any other provision of law, any school
25 district receiving a payment under this Section or under
26 Section 14-7.02b, 14-13.01, or 29-5 of this Code may classify

1 all or a portion of the funds that it receives in a particular
2 fiscal year or from general State aid under Section 18-8.05 of
3 this Code as funds received in connection with any funding
4 program for which it is entitled to receive funds from the
5 State in that fiscal year (including without limitation any
6 funding program referenced in this Section), regardless of the
7 source or timing of the receipt. The school district may not
8 classify more funds as funds received in connection with the
9 funding program than the school district is entitled to receive
10 in that fiscal year for that program. Any classification by a
11 school district shall be made by resolution of its school
12 board. The resolution shall identify the amount of any payments
13 or general State aid to be classified under this Section and
14 shall specify the funding program to which the funds are to be
15 treated as received. The resolution shall control the
16 classification of referenced funds. A certified copy of the
17 resolution shall be sent to the State Superintendent of
18 Education. The resolution shall take effect without regard to
19 whether a copy of the resolution has been sent to the State
20 Superintendent of Education in a timely manner. No
21 classification under this Section by a school district shall
22 affect the total amount or timing of money the school district
23 is entitled to receive under this Code. No classification under
24 this Section by a school district shall in any way relieve the
25 school district from or affect any requirements that otherwise
26 would apply with respect to that funding program, including any

1 accounting of funds by source, reporting expenditures by
2 original source and purpose, reporting requirements, or
3 requirements of providing services.

4 (105 ILCS 5/14-12.01 rep.)

5 Section 10. The School Code is amended by repealing Section
6 14-12.01.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.