

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 14-7.02b as follows:

6 (105 ILCS 5/14-7.02b)

7 Sec. 14-7.02b. Funding for children requiring special
8 education services. Payments to school districts for children
9 requiring special education services documented in their
10 individualized education program regardless of the program
11 from which these services are received, excluding children
12 claimed under Sections 14-7.02 and 14-7.03 of this Code, shall
13 be made in accordance with this Section. Funds received under
14 this Section may be used only for the provision of special
15 educational facilities and services as defined in Section
16 14-1.08 of this Code.

17 The appropriation for fiscal year 2005 and thereafter shall
18 be based upon the IDEA child count of all students in the
19 State, excluding students claimed under Sections 14-7.02 and
20 14-7.03 of this Code, on December 1 of the fiscal year 2 years
21 preceding, multiplied by 17.5% of the general State aid
22 foundation level of support established for that fiscal year
23 under Section 18-8.05 of this Code.

1 Beginning with fiscal year 2005 and through fiscal year
2 2007, individual school districts shall not receive payments
3 under this Section totaling less than they received under the
4 funding authorized under Section 14-7.02a of this Code during
5 fiscal year 2004, pursuant to the provisions of Section
6 14-7.02a as they were in effect before the effective date of
7 this amendatory Act of the 93rd General Assembly. This base
8 level funding shall be computed first.

9 Beginning with fiscal year 2008 and each fiscal year
10 thereafter, individual school districts must not receive
11 payments under this Section totaling less than they received in
12 fiscal year 2007. This funding shall be computed last and shall
13 be a separate calculation from any other calculation set forth
14 in this Section. This amount is exempt from the requirements of
15 Section 1D-1 of this Code. Beginning with fiscal year 2014 and
16 each fiscal year thereafter, if the State authorizes the
17 conduct of electronic gaming or authorizes owners licenses
18 under the Riverboat Gambling Act in addition to the 10 initial
19 licenses authorized under subsection (e) of Section 7 of the
20 Riverboat Gambling Act, \$15,000,000 in gaming revenues
21 deposited into the Education Assistance Fund from the State
22 Gaming Fund shall be used by the State Board of Education for
23 the purpose of making the hold harmless payments authorized in
24 this paragraph.

25 An amount equal to 85% of the funds remaining in the
26 appropriation shall be allocated to school districts based upon

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

10 For individual students with disabilities whose program
11 costs exceed 4 times the district's per capita tuition rate as
12 calculated under Section 10-20.12a of this Code, the costs in
13 excess of 4 times the district's per capita tuition rate shall
14 be paid by the State Board of Education from unexpended IDEA
15 discretionary funds originally designated for room and board
16 reimbursement pursuant to Section 14-8.01 of this Code. The
17 amount of tuition for these children shall be determined by the
18 actual cost of maintaining classes for these children, using
19 the per capita cost formula set forth in Section 14-7.01 of
20 this Code, with the program and cost being pre-approved by the
21 State Superintendent of Education. Reimbursement for
22 individual students with disabilities whose program costs
23 exceed 4 times the district's per capita tuition rate shall be
24 claimed beginning with costs encumbered for the 2004-2005
25 school year and thereafter.

26 The State Board of Education shall prepare vouchers equal

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

10 Nothing in this Section shall be construed to decrease or
11 increase the percentage of all special education funds that are
12 allocated annually under Article 1D of this Code or to alter
13 the requirement that a school district provide special
14 education services.

15 Nothing in this amendatory Act of the 93rd General Assembly
16 shall eliminate any reimbursement obligation owed as of the
17 effective date of this amendatory Act of the 93rd General
18 Assembly to a school district with in excess of 500,000
19 inhabitants.

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

21 Section 99. Effective date. This Act takes effect July 1,
22 2013.