

1 AMENDMENT TO HOUSE BILL 1445

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1445 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing  
5 Section 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  
9 State Housing Units. If a school district maintains special  
10 education classes on the site of orphanages and children's  
11 homes, or if children from the orphanages, children's homes,  
12 foster family homes, other State agencies, or State  
13 residential units for children attend classes for children  
14 with disabilities in which the school district is a  
15 participating member of a joint agreement, or if the children  
16 from the orphanages, children's homes, foster family homes,  
17 other State agencies, or State residential units attend  
18 classes for the children with disabilities maintained by the  
19 school district, then reimbursement shall be paid to eligible  
20 districts in accordance with the provisions of this Section  
21 by the Comptroller as directed by the State Superintendent of  
22 Education.

1           The amount of tuition for such children shall be  
2 determined by the actual cost of maintaining such classes,  
3 using the per capita cost formula set forth in Section  
4 14-7.01, such program and cost to be pre-approved by the  
5 State Superintendent of Education.

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

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

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

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

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

24           (5) The number of children attending special  
25 education classes for children with disabilities  
26 maintained by the district;

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

30           If a school district makes a claim for reimbursement  
31 under Section 18-3 or 18-4 of this Act it shall not include  
32 in any claim filed under this Section a claim for such  
33 children. Payments authorized by law, including State or  
34 federal grants for education of children included in this

1 Section, shall be deducted in determining the tuition amount.

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

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

21 The State Board of Education shall establish such rules  
22 and regulations as may be necessary to implement the  
23 provisions of this Section.

24 Claims filed on behalf of programs operated under this  
25 Section housed in a jail, ~~or~~ detention center, or  
26 county-owned shelter care facility shall be on an individual  
27 student basis only for eligible students with disabilities.  
28 These claims shall be in accordance with applicable rules.

29 Each district claiming reimbursement for a program  
30 operated as a group program shall have an approved budget on  
31 file with the State Board of Education prior to the  
32 initiation of the program's operation. On September 30,  
33 December 31, and March 31, the State Board of Education shall  
34 voucher payments to group programs based upon the approved

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

8 Each district claiming reimbursement for individual  
9 students shall have the eligibility of those students  
10 verified by the State Board of Education. On September 30,  
11 December 31, and March 31, the State Board of Education shall  
12 voucher payments for individual students based upon an  
13 estimated cost calculated from the prior year's claim. Final  
14 claims for individual students for the regular school term  
15 must be received at the State Board of Education by July 15.  
16 Claims for individual students received after July 15 shall  
17 not be 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,  
23 December, March, June, or August, respectively. However,  
24 notwithstanding any other provisions of this Section or the  
25 School Code, beginning with fiscal year 1994 and each fiscal  
26 year thereafter through fiscal year 2002, if the amount  
27 appropriated for any fiscal year is less than the amount  
28 required for purposes of this Section, the amount required to  
29 eliminate any insufficient reimbursement for each district  
30 claim under this Section shall be reimbursed on August 30 of  
31 the next fiscal year, and the payments required to eliminate  
32 any insufficiency for prior fiscal year claims shall be made  
33 before any claims are paid for the current fiscal year.  
34 Notwithstanding any other provision of this Section or this

1 Code, beginning with fiscal year 2003, total reimbursement  
2 under this Section in any fiscal year is limited to the  
3 amount appropriated for that purpose for that fiscal year,  
4 and if the amount appropriated for any fiscal year is less  
5 than the amount required for purposes of this Section, the  
6 insufficiency shall be apportioned pro rata among the school  
7 districts seeking reimbursement.

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

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

20 Regional superintendents may operate special education  
21 classes for children from orphanages, foster family homes,  
22 children's homes or State housing units located within the  
23 educational services region upon consent of the school board  
24 otherwise so obligated. In electing to assume the powers and  
25 duties of a school district in providing and maintaining such  
26 a special education program, the regional superintendent may  
27 enter into joint agreements with other districts and may  
28 contract with public or private schools or the orphanage,  
29 foster family home, children's home or State housing unit for  
30 provision of the special education program. The regional  
31 superintendent exercising the powers granted under this  
32 Section shall claim the reimbursement authorized by this  
33 Section directly from the State Board of Education.

34 Any child who is not a resident of Illinois who is placed

1 in a child welfare institution, private facility, foster  
2 family home, State operated program, orphanage or children's  
3 home shall have the payment for his educational tuition and  
4 any related services assured by the placing agent.

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

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

25 When a dispute arises over the determination of the  
26 district of residence, the district or districts may appeal  
27 the decision in writing to the State Superintendent of  
28 Education. The decision of the State Superintendent of  
29 Education shall be final.

30 In the event a district does not make a tuition payment  
31 to another district that is providing the special education  
32 program and services, the State Board of Education shall  
33 immediately withhold 125% of the then remaining annual  
34 tuition cost from the State aid or categorical aid payment

1 due to the school district that is determined to be the  
2 resident school district. All funds withheld by the State  
3 Board of Education shall immediately be forwarded to the  
4 school district where the student is being served.

5 When a child eligible for services under this Section  
6 14-7.03 must be placed in a nonpublic facility, that facility  
7 shall meet the programmatic requirements of Section 14-7.02  
8 and its regulations, and the educational services shall be  
9 funded only in accordance with this Section 14-7.03.

10 (Source: P.A. 92-597, eff. 7-1-02.)

11 Section 99. Effective date. This Act takes effect upon  
12 becoming law."