

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

Section 5. The School Code is amended by changing Sections 14-1.10 and 14-13.01 as follows:

(105 ILCS 5/14-1.10) (from Ch. 122, par. 14-1.10)

Sec. 14-1.10. Qualified ~~Professional~~ worker. "Qualified ~~Professional~~ worker" means a trained specialist and includes a behavior analyst, certificated school nurse, professional consultant, registered therapist, school nurse intern, school counselor, school counselor intern, school psychologist, school psychologist intern, school social worker, school social worker intern, special administrator or supervisor giving full time to special education, speech language pathologist, speech language pathologist intern, and teacher of students with IEPs who meets the requirements of this Article, who has the required special training in the understandings, techniques, and special instructional strategies for children with disabilities and who delivers services to students with IEPs, and any other trained specialist set forth by the State Board of Education in rules. ~~and is limited to speech correctionist, school social worker, school counselor, school psychologist, psychologist intern,~~

~~school nurse intern, school social worker intern, school counselor intern, certificated school nurse, special administrator intern, registered therapist, professional consultant, special administrator or supervisor giving full time to special education, behavior analyst, and teacher of any class or program defined in this Article who meets the requirements of this Article, who has the required special training in the understandings, techniques, and special methods of instruction for children who because of their disabling conditions are placed in any program provided for in this Article, and who works in such program.~~

(Source: P.A. 94-948, eff. 1-1-07; 95-363, eff. 8-23-07.)

(105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

Sec. 14-13.01. Reimbursement payable by State; amounts for personnel and transportation ~~Amounts. Reimbursement for furnishing special educational facilities in a recognized school to the type of children defined in Section 14-1.02 shall be paid to the school districts in accordance with Section 14-12.01 for each school year ending June 30 by the State Comptroller out of any money in the treasury appropriated for such purposes on the presentation of vouchers by the State Board of Education.~~

~~The reimbursement shall be limited to funds expended for construction and maintenance of special education facilities designed and utilized to house instructional programs,~~

~~diagnostic services, other special education services for children with disabilities and reimbursement as provided in Section 14-13.01. There shall be no reimbursement for construction and maintenance of any administrative facility separated from special education facilities designed and utilized to house instructional programs, diagnostic services and other special education services for children with disabilities.~~

(a) For staff working on behalf of children who have not been identified as eligible for special education and for eligible children with physical disabilities, including all eligible children whose placement has been determined under Section 14-8.02 in hospital or home instruction, 1/2 of the teacher's salary but not more than \$1,000 annually per child or ~~\$8,000 per teacher for the 1985-1986 school year through the 2005-2006 school year and \$1,000 per child or \$9,000 per teacher for the 2006-2007 school year and for each school year thereafter~~, whichever is less. To qualify for home or hospital instruction, a child must, due to a medical condition, be unable to attend school, and instead must be instructed at home or in the hospital, for a period of 2 or more consecutive weeks or on an ongoing intermittent basis. In order to establish eligibility for home or hospital services, a student's parent or guardian must submit to the child's school district of residence a written statement from a physician licensed to practice medicine in all of its branches stating the existence

of such medical condition, the impact on the child's ability to participate in education, and the anticipated duration or nature of the child's absence from school. Eligible children
~~Children~~ to be included in any reimbursement under this paragraph must regularly receive a minimum of one hour of instruction each school day, or in lieu thereof of a minimum of 5 hours of instruction in each school week in order to qualify for full reimbursement under this Section. If the attending physician for such a child has certified that the child should not receive as many as 5 hours of instruction in a school week, however, reimbursement under this paragraph on account of that child shall be computed proportionate to the actual hours of instruction per week for that child divided by 5. The State Board of Education shall establish rules governing the required qualifications of staff providing home or hospital instruction.

(b) For children described in Section 14-1.02, 80% ~~4/5~~ of the cost of transportation approved as a related service in the Individualized Education Program for each student ~~for each such child, whom the State Superintendent of Education determined in advance requires special transportation service~~ in order to take advantage of special educational facilities. Transportation costs shall be determined in the same fashion as provided in Section 29-5. For purposes of this subsection (b), the dates for processing claims specified in Section 29-5 shall apply.

(c) For each qualified ~~professional~~ worker ~~excluding those included in subparagraphs (a), (d), (e), and (f) of this Section,~~ the annual sum of ~~\$8,000 for the 1985-1986 school year through the 2005-2006 school year and \$9,000 for the 2006-2007 school year and for each school year thereafter.~~

(d) For one full time qualified director of the special education program of each school district which maintains a fully approved program of special education the annual sum of ~~\$8,000 for the 1985-1986 school year through the 2005-2006 school year and \$9,000 for the 2006-2007 school year and for each school year thereafter.~~ Districts participating in a joint agreement special education program shall not receive such reimbursement if reimbursement is made for a director of the joint agreement program.

(e) (Blank). ~~For each school psychologist as defined in Section 14-1.09 the annual sum of \$8,000 for the 1985-1986 school year through the 2005-2006 school year and \$9,000 for the 2006-2007 school year and for each school year thereafter.~~

(f) (Blank). ~~For each qualified teacher working in a fully approved program for children of preschool age who are deaf or hard of hearing the annual sum of \$8,000 for the 1985-1986 school year through the 2005-2006 school year and \$9,000 for the 2006-2007 school year and for each school year thereafter.~~

(g) For readers, working with blind or partially seeing children 1/2 of their salary but not more than \$400 annually per child. Readers may be employed to assist such children and

shall not be required to be certified but prior to employment shall meet standards set up by the State Board of Education.

(h) For ~~necessary~~ non-certified employees, as defined by rules promulgated by the State Board of Education, who deliver services to students with IEPs ~~working in any class or program for children defined in this Article~~, 1/2 of the salary paid or ~~\$2,800 annually per employee through the 2005-2006 school year and \$3,500 per employee for the 2006-2007 school year and for each school year thereafter~~, whichever is less.

The State Board of Education shall set standards and prescribe rules for determining the allocation of reimbursement under this section on less than a full time basis and for less than a school year.

When any school district eligible for reimbursement under this Section operates a school or program approved by the State Superintendent of Education for a number of days in excess of the adopted school calendar but not to exceed 235 school days, such reimbursement shall be increased by 1/180 of the amount or rate paid hereunder for each day such school is operated in excess of 180 days per calendar year.

Notwithstanding any other provision of law, any school district receiving a payment under this Section or under Section 14-7.02, 14-7.02b, or 29-5 of this Code may classify all or a portion of the funds that it receives in a particular fiscal year or from general State aid pursuant to Section 18-8.05 of this Code as funds received in connection with any

funding program for which it is entitled to receive funds from the State in that fiscal year (including, without limitation, any funding program referenced in this Section), regardless of the source or timing of the receipt. The district may not classify more funds as funds received in connection with the funding program than the district is entitled to receive in that fiscal year for that program. Any classification by a district must be made by a resolution of its board of education. The resolution must identify the amount of any payments or general State aid to be classified under this paragraph and must specify the funding program to which the funds are to be treated as received in connection therewith. This resolution is controlling as to the classification of funds referenced therein. A certified copy of the resolution must be sent to the State Superintendent of Education. The resolution shall still take effect even though a copy of the resolution has not been sent to the State Superintendent of Education in a timely manner. No classification under this paragraph by a district shall affect the total amount or timing of money the district is entitled to receive under this Code. No classification under this paragraph by a district shall in any way relieve the district from or affect any requirements that otherwise would apply with respect to that funding program, including any accounting of funds by source, reporting expenditures by original source and purpose, reporting requirements, or requirements of providing services.

Public Act 096-0257

HB1190 Enrolled

LRB096 03443 NHT 13467 b

(Source: P.A. 95-415, eff. 8-24-07; 95-707, eff. 1-11-08.)

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