



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3825

Introduced 2/17/2023, by Rep. Brad Halbrook

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.12a

from Ch. 122, par. 10-20.12a

Amends the School Boards Article of the School Code. In the provision concerning tuition for non-resident pupils, provides that, for any school district other than the Chicago school district, if the parent or guardian of a non-resident pupil requests to enroll the pupil in the district and both the pupil and the pupil's parent or guardian reside within one-quarter mile of the district's boundaries, then the district may not charge the pupil tuition.

LRB103 25747 RJT 52096 b

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

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 10-20.12a as follows:

6 (105 ILCS 5/10-20.12a) (from Ch. 122, par. 10-20.12a)
7 Sec. 10-20.12a. Tuition for non-resident pupils.

8 (a) To charge non-resident pupils who attend the schools
9 of the district tuition in an amount not exceeding 110% of the
10 per capita cost of maintaining the schools of the district for
11 the preceding school year. However, for any district not
12 subject to Article 34 of this Code, if the parent or guardian
13 of a non-resident pupil requests to enroll the pupil in the
14 district and both the pupil and the pupil's parent or guardian
15 reside within one-quarter mile of the district's boundaries,
16 then the district may not charge the pupil tuition.

17 Such per capita cost shall be computed by dividing the
18 total cost of conducting and maintaining the schools of the
19 district by the average daily attendance, including tuition
20 pupils. Depreciation on the buildings and equipment of the
21 schools of the district, and the amount of annual depreciation
22 on such buildings and equipment shall be dependent upon the
23 useful life of such property.

1 The tuition charged shall in no case exceed 110% of the per
2 capita cost of conducting and maintaining the schools of the
3 district attended, as determined with reference to the most
4 recent audit prepared under Section 3-7 which is available at
5 the commencement of the current school year. Non-resident
6 pupils attending the schools of the district for less than the
7 school term shall have their tuition apportioned, however
8 pupils who become non-resident during a school term shall not
9 be charged tuition for the remainder of the school term in
10 which they became non-resident pupils.

11 (b) Unless otherwise agreed to by the parties involved and
12 where the educational services are not otherwise provided for,
13 educational services for an Illinois student under the age of
14 21 (and not eligible for services pursuant to Article 14 of
15 this Code) in any residential program shall be provided by the
16 district in which the facility is located and financed as
17 follows. The cost of educational services shall be paid by the
18 district in which the student resides in an amount equal to the
19 cost of providing educational services in the residential
20 facility. Payments shall be made by the district of the
21 student's residence and shall be made to the district wherein
22 the facility is located no less than once per month unless
23 otherwise agreed to by the parties.

24 The funding provision of this subsection (b) applies to
25 all Illinois students under the age of 21 (and not eligible for
26 services pursuant to Article 14 of this Code) receiving

1 educational services in residential facilities, irrespective
2 of whether the student was placed therein pursuant to this
3 Code or the Juvenile Court Act of 1987 or by an Illinois public
4 agency or a court. The changes to this subsection (b) made by
5 this amendatory Act of the 95th General Assembly apply to all
6 placements in effect on July 1, 2007 and all placements
7 thereafter. For purposes of this subsection (b), a student's
8 district of residence shall be determined in accordance with
9 subsection (a) of Section 10-20.12b of this Code. The
10 placement of a student in a residential facility shall not
11 affect the residency of the student. When a dispute arises
12 over the determination of the district of residence under this
13 subsection (b), any person or entity, including without
14 limitation a school district or residential facility, may make
15 a written request for a residency decision to the State
16 Superintendent of Education, who, upon review of materials
17 submitted and any other items or information he or she may
18 request for submission, shall issue his or her decision in
19 writing. The decision of the State Superintendent of Education
20 is final.

21 (Source: P.A. 95-844, eff. 8-15-08; 95-938, eff. 8-29-08.)