

1 AN ACT relating to 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
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.

23 The amount of tuition for such children shall be
24 determined by the actual cost of maintaining such classes,
25 using the per capita cost formula set forth in Section
26 14-7.01, such program and cost to be pre-approved by the
27 State Superintendent of Education.

28 On forms prepared by the State Superintendent of
29 Education, the district shall certify to the regional
30 superintendent the following:

31 (1) The name of the home or State residential unit

1 with the name of the owner or proprietor and address of
2 those maintaining it;

3 (2) That no service charges or other payments
4 authorized by law were collected in lieu of taxes
5 therefrom or on account thereof during either of the
6 calendar years included in the school year for which
7 claim is being made;

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

11 (4) The number of children attending special
12 education classes for children with disabilities in which
13 the district is a participating member of a special
14 education joint agreement;

15 (5) The number of children attending special
16 education classes for children with disabilities
17 maintained by the district;

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

21 If a school district makes a claim for reimbursement
22 under Section 18-3 or 18-4 of this Act it shall not include
23 in any claim filed under this Section a claim for such
24 children. Payments authorized by law, including State or
25 federal grants for education of children included in this
26 Section, shall be deducted in determining the tuition amount.

27 Nothing in this Act shall be construed so as to prohibit
28 reimbursement for the tuition of children placed in for
29 profit facilities. Private facilities shall provide adequate
30 space at the facility for special education classes provided
31 by a school district or joint agreement for children with
32 disabilities who are residents of the facility at no cost to
33 the school district or joint agreement upon request of the
34 school district or joint agreement. If such a private

1 facility provides space at no cost to the district or joint
2 agreement for special education classes provided to children
3 with disabilities who are residents of the facility, the
4 district or joint agreement shall not include any costs for
5 the use of those facilities in its claim for reimbursement.

6 Reimbursement for tuition may include the cost of
7 providing summer school programs for children with severe and
8 profound disabilities served under this Section. Claims for
9 that reimbursement shall be filed by November 1 and shall be
10 paid on or before December 15 from appropriations made for
11 the purposes of this Section.

12 The State Board of Education shall establish such rules
13 and regulations as may be necessary to implement the
14 provisions of this Section.

15 Claims filed on behalf of programs operated under this
16 Section housed in a jail or detention center shall be on an
17 individual student basis only for eligible students with
18 disabilities. These claims shall be in accordance with
19 applicable rules.

20 Each district claiming reimbursement for a program
21 operated as a group program shall have an approved budget on
22 file with the State Board of Education prior to the
23 initiation of the program's operation. On September 30,
24 December 31, and March 31, the State Board of Education shall
25 voucher payments to group programs based upon the approved
26 budget during the year of operation. Final claims for group
27 payments shall be filed on or before July 15. Final claims
28 for group programs received at the State Board of Education
29 on or before June 15 shall be vouchered by June 30. Final
30 claims received at the State Board of Education between June
31 16 and July 15 shall be vouchered by August 30. Claims for
32 group programs received after July 15 shall not be honored.

33 Each district claiming reimbursement for individual
34 students shall have the eligibility of those students

1 verified by the State Board of Education. On September 30,
2 December 31, and March 31, the State Board of Education shall
3 voucher payments for individual students based upon an
4 estimated cost calculated from the prior year's claim. Final
5 claims for individual students for the regular school term
6 must be received at the State Board of Education by July 15.
7 Claims for individual students received after July 15 shall
8 not be honored. Final claims for individual students shall be
9 vouchered by August 30.

10 Reimbursement shall be made based upon approved group
11 programs or individual students. The State Superintendent of
12 Education shall direct the Comptroller to pay a specified
13 amount to the district by the 30th day of September,
14 December, March, June, or August, respectively. However,
15 notwithstanding any other provisions of this Section or the
16 School Code, beginning with Fiscal Year 1994 and each fiscal
17 year thereafter, if the amount appropriated for any fiscal
18 year is less than the amount required for purposes of this
19 Section, the amount required to eliminate any insufficient
20 reimbursement for each district claim under this Section
21 shall be reimbursed on August 30 of the next fiscal year.
22 Payments required to eliminate any insufficiency for prior
23 fiscal year claims shall be made before any claims are paid
24 for the current fiscal year.

25 The claim of a school district otherwise eligible to be
26 reimbursed in accordance with Section 14-12.01 for the
27 1976-77 school year but for this amendatory Act of 1977 shall
28 not be paid unless the district ceases to maintain such
29 classes for one entire school year.

30 If a school district's current reimbursement payment for
31 the 1977-78 school year only is less than the prior year's
32 reimbursement payment owed, the district shall be paid the
33 amount of the difference between the payments in addition to
34 the current reimbursement payment, and the amount so paid

1 shall be subtracted from the amount of prior year's
2 reimbursement payment owed to the district.

3 Regional superintendents may operate special education
4 classes for children from orphanages, foster family homes,
5 children's homes or State housing units located within the
6 educational services region upon consent of the school board
7 otherwise so obligated. In electing to assume the powers and
8 duties of a school district in providing and maintaining such
9 a special education program, the regional superintendent may
10 enter into joint agreements with other districts and may
11 contract with public or private schools or the orphanage,
12 foster family home, children's home or State housing unit for
13 provision of the special education program. The regional
14 superintendent exercising the powers granted under this
15 Section shall claim the reimbursement authorized by this
16 Section directly from the State Board of Education.

17 Any child who is not a resident of Illinois who is placed
18 in a child welfare institution, private facility, foster
19 family home, State operated program, orphanage or children's
20 home shall have the payment for his educational tuition and
21 any related services assured by the placing agent.

22 Commencing July 1, 1992, for each disabled student who is
23 placed residentially by a State agency or the courts for care
24 or custody or both care and custody, welfare, medical or
25 mental health treatment or both medical and mental health
26 treatment, rehabilitation, and protection, whether placed
27 there on, before, or after July 1, 1992, the costs for
28 educating the student are eligible for reimbursement under
29 this Section providing the placing agency or court has
30 notified the appropriate school district authorities of the
31 status of student residency where applicable prior to or upon
32 placement.

33 The district of residence of the parent, guardian, or
34 disabled student as defined in Sections 14-1.11 and 14-1.11a

1 is responsible for the actual costs of the student's special
2 education program and is eligible for reimbursement under
3 this Section when placement is made by a State agency or the
4 courts. Payments shall be made by the resident district to
5 the district wherein the facility is located no less than
6 once per quarter unless otherwise agreed to in writing by the
7 parties.

8 When a dispute arises over the determination of the
9 district of residence, the district or districts may appeal
10 the decision in writing to the State Superintendent of
11 Education. The decision of the State Superintendent of
12 Education shall be final.

13 In the event a district does not make a tuition payment
14 to another district that is providing the special education
15 program and services, the State Board of Education shall
16 immediately withhold 125% of the then remaining annual
17 tuition cost from the State aid or categorical aid payment
18 due to the school district that is determined to be the
19 resident school district. All funds withheld by the State
20 Board of Education shall immediately be forwarded to the
21 school district where the student is being served.

22 When a child eligible for services under this Section
23 14-7.03 must be placed in a nonpublic facility, that facility
24 shall meet the programmatic requirements of Section 14-7.02
25 and its regulations, and the educational services shall be
26 funded only in accordance with this Section 14-7.03.
27 Administrative expenses incurred by a responsible school
28 district, as defined by rule, for children whose residence is
29 other than a foster family home and who are educationally
30 placed pursuant to Section 14-7.02 of this Code are
31 reimbursable in accordance with this Section. These
32 administrative expenses must be associated with supervisory
33 and case coordination responsibilities specific to these
34 eligible students.

1 (Source: P.A. 89-235, eff. 8-4-95; 89-397, eff. 8-20-95;
2 89-698, eff. 1-14-97; 90-463, eff. 8-17-97; 90-644, eff.
3 7-24-98.)

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