

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  
5 Sections 1D-1, 14-7.02, 14-7.02a, 14-13.01, and 29-5 as  
6 follows:

7 (105 ILCS 5/1D-1)

8 Sec. 1D-1. Block grant funding.

9 (a) For fiscal year 1996 and each fiscal year  
10 thereafter, the State Board of Education shall award to a  
11 school district having a population exceeding 500,000  
12 inhabitants a general education block grant and an  
13 educational services block grant, determined as provided in  
14 this Section, in lieu of distributing to the district  
15 separate State funding for the programs described in  
16 subsections (b) and (c). The provisions of this Section,  
17 however, do not apply to any federal funds that the district  
18 is entitled to receive. In accordance with Section 2-3.32,  
19 all block grants are subject to an audit. Therefore, block  
20 grant receipts and block grant expenditures shall be recorded  
21 to the appropriate fund code for the designated block grant.

22 (b) The general education block grant shall include the  
23 following programs: REI Initiative, Summer Bridges, Preschool  
24 At Risk, K-6 Comprehensive Arts, School Improvement Support,  
25 Urban Education, Scientific Literacy, Substance Abuse  
26 Prevention, Second Language Planning, Staff Development,  
27 Outcomes and Assessment, K-6 Reading Improvement, Truants'  
28 Optional Education, Hispanic Programs, Agriculture Education,  
29 Gifted Education, Parental Education, Prevention Initiative,  
30 Report Cards, and Criminal Background Investigations.  
31 Notwithstanding any other provision of law, all amounts paid

1 under the general education block grant from State  
2 appropriations to a school district in a city having a  
3 population exceeding 500,000 inhabitants shall be  
4 appropriated and expended by the board of that district for  
5 any of the programs included in the block grant or any of the  
6 board's lawful purposes.

7 (c) The educational services block grant shall include  
8 the following programs: Bilingual, Regular and Vocational  
9 Transportation, State Lunch and Free Breakfast Program,  
10 Special Education (Personnel, Extraordinary, Transportation,  
11 Orphanage, Private Tuition), Summer School, Educational  
12 Service Centers, and Administrator's Academy. This  
13 subsection (c) does not relieve the district of its  
14 obligation to provide the services required under a program  
15 that is included within the educational services block grant.  
16 It is the intention of the General Assembly in enacting the  
17 provisions of this subsection (c) to relieve the district of  
18 the administrative burdens that impede efficiency and  
19 accompany single-program funding. The General Assembly  
20 encourages the board to pursue mandate waivers pursuant to  
21 Section 2-3.25g.

22 (d) For fiscal year 1996 and each fiscal year  
23 thereafter, the amount of the district's block grants shall  
24 be determined as follows: (i) with respect to each program  
25 that is included within each block grant, the district shall  
26 receive an amount equal to the same percentage of the current  
27 fiscal year appropriation made for that program as the  
28 percentage of the appropriation received by the district from  
29 the 1995 fiscal year appropriation made for that program, and  
30 (ii) the total amount that is due the district under the  
31 block grant shall be the aggregate of the amounts that the  
32 district is entitled to receive for the fiscal year with  
33 respect to each program that is included within the block  
34 grant that the State Board of Education shall award the

1 district under this Section for that fiscal year. In the  
2 case of the Summer Bridges program, the amount of the  
3 district's block grant shall be equal to 44% of the amount of  
4 the current fiscal year appropriation made for that program.

5 (e) The district is not required to file any application  
6 or other claim in order to receive the block grants to which  
7 it is entitled under this Section. The State Board of  
8 Education shall make payments to the district of amounts due  
9 under the district's block grants on a schedule determined by  
10 the State Board of Education.

11 (f) A school district to which this Section applies  
12 shall report to the State Board of Education on its use of  
13 the block grants in such form and detail as the State Board  
14 of Education may specify.

15 (g) This paragraph provides for the treatment of block  
16 grants under Article 1C for purposes of calculating the  
17 amount of block grants for a district under this Section.  
18 Those block grants under Article 1C ~~1E~~ are, for this purpose,  
19 treated as included in the amount of appropriation for the  
20 various programs set forth in paragraph (b) above. The  
21 appropriation in each current fiscal year for each block  
22 grant under Article 1C shall be treated for these purposes as  
23 appropriations for the individual program included in that  
24 block grant. The proportion of each block grant so allocated  
25 to each such program included in it shall be the proportion  
26 which the appropriation for that program was of all  
27 appropriations for such purposes now in that block grant, in  
28 fiscal 1995.

29 Payments to the school district under this Section with  
30 respect to each program for which payments to school  
31 districts generally, as of the date of this amendatory Act of  
32 the 92nd General Assembly, are on a reimbursement basis shall  
33 continue to be made to the district on a reimbursement basis,  
34 pursuant to the provisions of this Code governing those

1 programs.

2 (h) Notwithstanding any other provision of law, any  
3 school district receiving a block grant under this Section  
4 may classify all or a portion of the funds that it receives  
5 in a particular fiscal year from any block grant authorized  
6 under this Code or from general State aid pursuant to Section  
7 18-8.05 of this Code (other than supplemental general State  
8 aid) as funds received in connection with any funding program  
9 for which it is entitled to receive funds from the State in  
10 that fiscal year (including, without limitation, any funding  
11 program referred to in subsection (c) of this Section),  
12 regardless of the source or timing of the receipt. The  
13 district may not classify more funds as funds received in  
14 connection with the funding program than the district is  
15 entitled to receive in that fiscal year for that program.  
16 Any classification by a district must be made by a resolution  
17 of its board of education. The resolution must identify the  
18 amount of any block grant or general State aid to be  
19 classified under this subsection (h) and must specify the  
20 funding program to which the funds are to be treated as  
21 received in connection therewith. This resolution is  
22 controlling as to the classification of funds referenced  
23 therein. A certified copy of the resolution must be sent to  
24 the State Superintendent of Education. The resolution shall  
25 still take effect even though a copy of the resolution has  
26 not been sent to the State Superintendent of Education in a  
27 timely manner. No classification under this subsection (h)  
28 by a district shall affect the total amount or timing of  
29 money the district is entitled to receive under this Code.  
30 No classification under this subsection (h) by a district  
31 shall in any way relieve the district from or affect any  
32 requirements that otherwise would apply with respect to the  
33 block grant as provided in this Section, including any  
34 accounting of funds by source, reporting expenditures by

1 original source and purpose, reporting requirements, or  
2 requirements of provision of services.

3 (Source: P.A. 90-566, eff. 1-2-98; 90-653, eff. 7-29-98;  
4 91-711, eff. 7-1-00; revised 12-04-01.)

5 (105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

6 Sec. 14-7.02. Children attending private schools, public  
7 out-of-state schools, public school residential facilities or  
8 private special education facilities. The General Assembly  
9 recognizes that non-public schools or special education  
10 facilities provide an important service in the educational  
11 system in Illinois.

12 If because of his or her disability the special education  
13 program of a district is unable to meet the needs of a child  
14 and the child attends a non-public school or special  
15 education facility, a public out-of-state school or a special  
16 education facility owned and operated by a county government  
17 unit that provides special educational services required by  
18 the child and is in compliance with the appropriate rules and  
19 regulations of the State Superintendent of Education, the  
20 school district in which the child is a resident shall pay  
21 the actual cost of tuition for special education and related  
22 services provided during the regular school term and during  
23 the summer school term if the child's educational needs so  
24 require, excluding room, board and transportation costs  
25 charged the child by that non-public school or special  
26 education facility, public out-of-state school or county  
27 special education facility, or \$4,500 per year, whichever is  
28 less, and shall provide him any necessary transportation.

29 "Nonpublic special education facility" shall include a  
30 residential facility, within or without the State of  
31 Illinois, which provides special education and related  
32 services to meet the needs of the child by utilizing private  
33 schools or public schools, whether located on the site or off

1 the site of the residential facility.

2 The State Board of Education shall promulgate rules and  
3 regulations for determining when placement in a private  
4 special education facility is appropriate. Such rules and  
5 regulations shall take into account the various types of  
6 services needed by a child and the availability of such  
7 services to the particular child in the public school. In  
8 developing these rules and regulations the State Board of  
9 Education shall consult with the Advisory Council on  
10 Education of Children with Disabilities and hold public  
11 hearings to secure recommendations from parents, school  
12 personnel, and others concerned about this matter.

13 The State Board of Education shall also promulgate rules  
14 and regulations for transportation to and from a residential  
15 school. Transportation to and from home to a residential  
16 school more than once each school term shall be subject to  
17 prior approval by the State Superintendent in accordance with  
18 the rules and regulations of the State Board.

19 A school district making tuition payments pursuant to  
20 this Section is eligible for reimbursement from the State for  
21 the amount of such payments actually made in excess of the  
22 district per capita tuition charge for students not receiving  
23 special education services. Such reimbursement shall be  
24 approved in accordance with Section 14-12.01 and each  
25 district shall file its claims, computed in accordance with  
26 rules prescribed by the State Board of Education, on forms  
27 prescribed by the State Superintendent of Education. Data  
28 used as a basis of reimbursement claims shall be for the  
29 preceding regular school term and summer school term. Each  
30 school district shall transmit its claims to the State Board  
31 of Education on or before August 15. The State Board of  
32 Education, before approving any such claims, shall determine  
33 their accuracy and whether they are based upon services and  
34 facilities provided under approved programs. Upon approval

1 the State Board shall cause vouchers to be prepared showing  
2 the amount due for payment of reimbursement claims to school  
3 districts, for transmittal to the State Comptroller on the  
4 30th day of September, December, and March, respectively, and  
5 the final voucher, no later than June 20. If the money  
6 appropriated by the General Assembly for such purpose for any  
7 year is insufficient, it shall be apportioned on the basis of  
8 the claims approved.

9 No child shall be placed in a special education program  
10 pursuant to this Section if the tuition cost for special  
11 education and related services increases more than 10 percent  
12 over the tuition cost for the previous school year or exceeds  
13 \$4,500 per year unless such costs have been approved by the  
14 Illinois Purchased Care Review Board. The Illinois  
15 Purchased Care Review Board shall consist of the following  
16 persons, or their designees: the Directors of Children and  
17 Family Services, Public Health, Public Aid, and the Bureau of  
18 the Budget; the Secretary of Human Services; the State  
19 Superintendent of Education; and such other persons as the  
20 Governor may designate. The Review Board shall establish  
21 rules and regulations for its determination of allowable  
22 costs and payments made by local school districts for special  
23 education, room and board, and other related services  
24 provided by non-public schools or special education  
25 facilities and shall establish uniform standards and criteria  
26 which it shall follow.

27 The Review Board shall establish uniform definitions and  
28 criteria for accounting separately by special education, room  
29 and board and other related services costs. The Board shall  
30 also establish guidelines for the coordination of services  
31 and financial assistance provided by all State agencies to  
32 assure that no otherwise qualified disabled child receiving  
33 services under Article 14 shall be excluded from  
34 participation in, be denied the benefits of or be subjected

1 to discrimination under any program or activity provided by  
2 any State agency.

3 The Review Board shall review the costs for special  
4 education and related services provided by non-public schools  
5 or special education facilities and shall approve or  
6 disapprove such facilities in accordance with the rules and  
7 regulations established by it with respect to allowable  
8 costs.

9 The State Board of Education shall provide administrative  
10 and staff support for the Review Board as deemed reasonable  
11 by the State Superintendent of Education. This support shall  
12 not include travel expenses or other compensation for any  
13 Review Board member other than the State Superintendent of  
14 Education.

15 The Review Board shall seek the advice of the Advisory  
16 Council on Education of Children with Disabilities on the  
17 rules and regulations to be promulgated by it relative to  
18 providing special education services.

19 If a child has been placed in a program in which the  
20 actual per pupil costs of tuition for special education and  
21 related services based on program enrollment, excluding room,  
22 board and transportation costs, exceed \$4,500 and such costs  
23 have been approved by the Review Board, the district shall  
24 pay such total costs which exceed \$4,500. A district making  
25 such tuition payments in excess of \$4,500 pursuant to this  
26 Section shall be responsible for an amount in excess of  
27 \$4,500 equal to the district per capita tuition charge and  
28 shall be eligible for reimbursement from the State for the  
29 amount of such payments actually made in excess of the  
30 districts per capita tuition charge for students not  
31 receiving special education services.

32 If a child has been placed in an approved individual  
33 program and the tuition costs including room and board costs  
34 have been approved by the Review Board, then such room and



1 board costs shall be paid by the appropriate State agency  
2 subject to the provisions of Section 14-8.01 of this Act.  
3 Room and board costs not provided by a State agency other  
4 than the State Board of Education shall be provided by the  
5 State Board of Education on a current basis. In no event,  
6 however, shall the State's liability for funding of these  
7 tuition costs begin until after the legal obligations of  
8 third party payors have been subtracted from such costs. If  
9 the money appropriated by the General Assembly for such  
10 purpose for any year is insufficient, it shall be apportioned  
11 on the basis of the claims approved. Each district shall  
12 submit estimated claims to the State Superintendent of  
13 Education. Upon approval of such claims, the State  
14 Superintendent of Education shall direct the State  
15 Comptroller to make payments on a monthly basis. The  
16 frequency for submitting estimated claims and the method of  
17 determining payment shall be prescribed in rules and  
18 regulations adopted by the State Board of Education. Such  
19 current state reimbursement shall be reduced by an amount  
20 equal to the proceeds which the child or child's parents are  
21 eligible to receive under any public or private insurance or  
22 assistance program. Nothing in this Section shall be  
23 construed as relieving an insurer or similar third party from  
24 an otherwise valid obligation to provide or to pay for  
25 services provided to a disabled child.

26 If it otherwise qualifies, a school district is eligible  
27 for the transportation reimbursement under Section 14-13.01  
28 and for the reimbursement of tuition payments under this  
29 Section whether the non-public school or special education  
30 facility, public out-of-state school or county special  
31 education facility, attended by a child who resides in that  
32 district and requires special educational services, is within  
33 or outside of the State of Illinois. However, a district is  
34 not eligible to claim transportation reimbursement under this

1 Section unless the district certifies to the State  
2 Superintendent of Education that the district is unable to  
3 provide special educational services required by the child  
4 for the current school year.

5 Nothing in this Section authorizes the reimbursement of a  
6 school district for the amount paid for tuition of a child  
7 attending a non-public school or special education facility,  
8 public out-of-state school or county special education  
9 facility unless the school district certifies to the State  
10 Superintendent of Education that the special education  
11 program of that district is unable to meet the needs of that  
12 child because of his disability and the State Superintendent  
13 of Education finds that the school district is in substantial  
14 compliance with Section 14-4.01.

15 Any educational or related services provided, pursuant to  
16 this Section in a non-public school or special education  
17 facility or a special education facility owned and operated  
18 by a county government unit shall be at no cost to the parent  
19 or guardian of the child. However, current law and practices  
20 relative to contributions by parents or guardians for costs  
21 other than educational or related services are not affected  
22 by this amendatory Act of 1978.

23 Reimbursement for children attending public school  
24 residential facilities shall be made in accordance with the  
25 provisions of this Section.

26 Notwithstanding any other provision of law, any school  
27 district receiving a payment under this Section or under  
28 Section 14-7.02a, 14-13.01, or 29-5 of this Code may classify  
29 all or a portion of the funds that it receives in a  
30 particular fiscal year or from general State aid pursuant to  
31 Section 18-8.05 of this Code as funds received in connection  
32 with any funding program for which it is entitled to receive  
33 funds from the State in that fiscal year (including, without  
34 limitation, any funding program referenced in this Section),

1 regardless of the source or timing of the receipt. The  
2 district may not classify more funds as funds received in  
3 connection with the funding program than the district is  
4 entitled to receive in that fiscal year for that program.  
5 Any classification by a district must be made by a resolution  
6 of its board of education. The resolution must identify the  
7 amount of any payments or general State aid to be classified  
8 under this paragraph and must specify the funding program to  
9 which the funds are to be treated as received in connection  
10 therewith. This resolution is controlling as to the  
11 classification of funds referenced therein. A certified copy  
12 of the resolution must be sent to the State Superintendent of  
13 Education. The resolution shall still take effect even though  
14 a copy of the resolution has not been sent to the State  
15 Superintendent of Education in a timely manner. No  
16 classification under this paragraph by a district shall  
17 affect the total amount or timing of money the district is  
18 entitled to receive under this Code. No classification under  
19 this paragraph by a district shall in any way relieve the  
20 district from or affect any requirements that otherwise would  
21 apply with respect to that funding program, including any  
22 accounting of funds by source, reporting expenditures by  
23 original source and purpose, reporting requirements, or  
24 requirements of providing services.

25 (Source: P.A. 91-764, eff. 6-9-00.)

26 (105 ILCS 5/14-7.02a) (from Ch. 122, par. 14-7.02a)  
27 Sec. 14-7.02a. Children requiring extraordinary special  
28 education services and facilities. A school district  
29 providing for a child requiring extraordinary special  
30 education services because of the nature of his disability is  
31 eligible for reimbursement from the State if the cost of  
32 educating that child is computed, as set forth in Section  
33 14-7.01, to be in excess of one and one-half times the

1 district per capita tuition charge for the prior year. Such  
2 costs beyond one per capita tuition charge shall be  
3 reimbursed, up to a maximum of \$2,000.

4 A child is deemed to require extraordinary special  
5 education services and facilities under the following  
6 conditions:

7 1) the school district has determined that the  
8 child requires extraordinary special education facilities  
9 pursuant to the multidisciplinary case study and the  
10 individualized education program;

11 2) the school district maintains adequate cost  
12 accounting to document the per capita cost of special  
13 education; and

14 3) the school district submits approval and claim  
15 data annually for each eligible child.

16 Extraordinary special education services provided on a  
17 one-half day basis shall only be reimbursed at a rate of  
18 one-half the amount otherwise provided herein.

19 Notwithstanding any other provision of law, any school  
20 district receiving a payment under this Section or under  
21 Section 14-7.02, 14-13.01, or 29-5 of this Code may classify  
22 all or a portion of the funds that it receives in a  
23 particular fiscal year or from general State aid pursuant to  
24 Section 18-8.05 of this Code as funds received in connection  
25 with any funding program for which it is entitled to receive  
26 funds from the State in that fiscal year (including, without  
27 limitation, any funding program referenced in this Section),  
28 regardless of the source or timing of the receipt. The  
29 district may not classify more funds as funds received in  
30 connection with the funding program than the district is  
31 entitled to receive in that fiscal year for that program.  
32 Any classification by a district must be made by a resolution  
33 of its board of education. The resolution must identify the  
34 amount of any payments or general State aid to be classified

1 under this paragraph and must specify the funding program to  
 2 which the funds are to be treated as received in connection  
 3 therewith. This resolution is controlling as to the  
 4 classification of funds referenced therein. A certified copy  
 5 of the resolution must be sent to the State Superintendent of  
 6 Education. The resolution shall still take effect even though  
 7 a copy of the resolution has not been sent to the State  
 8 Superintendent of Education in a timely manner. No  
 9 classification under this paragraph by a district shall  
 10 affect the total amount or timing of money the district is  
 11 entitled to receive under this Code. No classification under  
 12 this paragraph by a district shall in any way relieve the  
 13 district from or affect any requirements that otherwise would  
 14 apply with respect to that funding program, including any  
 15 accounting of funds by source, reporting expenditures by  
 16 original source and purpose, reporting requirements, or  
 17 requirements of providing services.

18 (Source: P.A. 88-16.)

19 (105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)  
 20 Sec. 14-13.01. Reimbursement payable by State; Amounts.  
 21 Reimbursement for furnishing special educational facilities  
 22 in a recognized school to the type of children defined in  
 23 Section 14-1.02 shall be paid to the school districts in  
 24 accordance with Section 14-12.01 for each school year ending  
 25 June 30 by the State Comptroller out of any money in the  
 26 treasury appropriated for such purposes on the presentation  
 27 of vouchers by the State Board of Education.

28 The reimbursement shall be limited to funds expended for  
 29 construction and maintenance of special education facilities  
 30 designed and utilized to house instructional programs,  
 31 diagnostic services, other special education services for  
 32 children with disabilities and reimbursement as provided in  
 33 Section 14-13.01. There shall be no reimbursement for

1 construction and maintenance of any administrative facility  
2 separated from special education facilities designed and  
3 utilized to house instructional programs, diagnostic services  
4 and other special education services for children with  
5 disabilities.

6 (a) For children who have not been identified as  
7 eligible for special education and for eligible children with  
8 physical disabilities, including all eligible children whose  
9 placement has been determined under Section 14-8.02 in  
10 hospital or home instruction, 1/2 of the teacher's salary but  
11 not more than \$1,000 annually per child or \$8,000 per teacher  
12 for the 1985-1986 school year and thereafter, whichever is  
13 less. Children to be included in any reimbursement under  
14 this paragraph must regularly receive a minimum of one hour  
15 of instruction each school day, or in lieu thereof of a  
16 minimum of 5 hours of instruction in each school week in  
17 order to qualify for full reimbursement under this Section.  
18 If the attending physician for such a child has certified  
19 that the child should not receive as many as 5 hours of  
20 instruction in a school week, however, reimbursement under  
21 this paragraph on account of that child shall be computed  
22 proportionate to the actual hours of instruction per week for  
23 that child divided by 5.

24 (b) For children described in Section 14-1.02, 4/5 of  
25 the cost of transportation for each such child, whom the  
26 State Superintendent of Education determined in advance  
27 requires special transportation service in order to take  
28 advantage of special educational facilities. Transportation  
29 costs shall be determined in the same fashion as provided in  
30 Section 29-5. For purposes of this subsection (b), the dates  
31 for processing claims specified in Section 29-5 shall apply.

32 (c) For each professional worker excluding those  
33 included in subparagraphs (a), (d), (e), and (f) of this  
34 Section, the annual sum of \$8,000 for the 1985-1986 school

1 year and thereafter.

2 (d) For one full time qualified director of the special  
3 education program of each school district which maintains a  
4 fully approved program of special education the annual sum of  
5 \$8,000 for the 1985-1986 school year and thereafter.  
6 Districts participating in a joint agreement special  
7 education program shall not receive such reimbursement if  
8 reimbursement is made for a director of the joint agreement  
9 program.

10 (e) For each school psychologist as defined in Section  
11 14-1.09 the annual sum of \$8,000 for the 1985-1986 school  
12 year and thereafter.

13 (f) For each qualified teacher working in a fully  
14 approved program for children of preschool age who are deaf  
15 or hard-of-hearing the annual sum of \$8,000 for the 1985-1986  
16 school year and thereafter.

17 (g) For readers, working with blind or partially seeing  
18 children 1/2 of their salary but not more than \$400 annually  
19 per child. Readers may be employed to assist such children  
20 and shall not be required to be certified but prior to  
21 employment shall meet standards set up by the State Board of  
22 Education.

23 (h) For necessary non-certified employees working in any  
24 class or program for children defined in this Article, 1/2 of  
25 the salary paid or \$2,800 annually per employee, whichever is  
26 less.

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

31 When any school district eligible for reimbursement under  
32 this Section operates a school or program approved by the  
33 State Superintendent of Education for a number of days in  
34 excess of the adopted school calendar but not to exceed 235

1 school days, such reimbursement shall be increased by 1/185  
2 of the amount or rate paid hereunder for each day such school  
3 is operated in excess of 185 days per calendar year.

4 Notwithstanding any other provision of law, any school  
5 district receiving a payment under this Section or under  
6 Section 14-7.02, 14-7.02a, or 29-5 of this Code may classify  
7 all or a portion of the funds that it receives in a  
8 particular fiscal year or from general State aid pursuant to  
9 Section 18-8.05 of this Code as funds received in connection  
10 with any funding program for which it is entitled to receive  
11 funds from the State in that fiscal year (including, without  
12 limitation, any funding program referenced in this Section),  
13 regardless of the source or timing of the receipt. The  
14 district may not classify more funds as funds received in  
15 connection with the funding program than the district is  
16 entitled to receive in that fiscal year for that program.  
17 Any classification by a district must be made by a resolution  
18 of its board of education. The resolution must identify the  
19 amount of any payments or general State aid to be classified  
20 under this paragraph and must specify the funding program to  
21 which the funds are to be treated as received in connection  
22 therewith. This resolution is controlling as to the  
23 classification of funds referenced therein. A certified copy  
24 of the resolution must be sent to the State Superintendent of  
25 Education. The resolution shall still take effect even though  
26 a copy of the resolution has not been sent to the State  
27 Superintendent of Education in a timely manner. No  
28 classification under this paragraph by a district shall  
29 affect the total amount or timing of money the district is  
30 entitled to receive under this Code. No classification under  
31 this paragraph by a district shall in any way relieve the  
32 district from or affect any requirements that otherwise would  
33 apply with respect to that funding program, including any  
34 accounting of funds by source, reporting expenditures by



1 original source and purpose, reporting requirements, or  
2 requirements of providing services.

3 (Source: P.A. 88-555, eff. 7-27-94; 88-641, eff. 9-9-94;  
4 89-235, eff. 8-4-95; 89-397, eff. 8-20-95.)

5 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)  
6 Sec. 29-5. Reimbursement by State for transportation.  
7 Any school district, maintaining a school, transporting  
8 resident pupils to another school district's vocational  
9 program, offered through a joint agreement approved by the  
10 State Board of Education, as provided in Section 10-22.22 or  
11 transporting its resident pupils to a school which meets the  
12 standards for recognition as established by the State Board  
13 of Education which provides transportation meeting the  
14 standards of safety, comfort, convenience, efficiency and  
15 operation prescribed by the State Board of Education for  
16 resident pupils in kindergarten or any of grades 1 through 12  
17 who: (a) reside at least 1 1/2 miles as measured by the  
18 customary route of travel, from the school attended; or (b)  
19 reside in areas where conditions are such that walking  
20 constitutes a hazard to the safety of the child when  
21 determined under Section 29-3; and (c) are transported to the  
22 school attended from pick-up points at the beginning of the  
23 school day and back again at the close of the school day or  
24 transported to and from their assigned attendance centers  
25 during the school day, shall be reimbursed by the State as  
26 hereinafter provided in this Section.

27 The State will pay the cost of transporting eligible  
28 pupils less the assessed valuation in a dual school district  
29 maintaining secondary grades 9 to 12 inclusive times a  
30 qualifying rate of .05%; in elementary school districts  
31 maintaining grades K to 8 times a qualifying rate of .06%; in  
32 unit districts maintaining grades K to 12 times a qualifying  
33 rate of .07%. To be eligible to receive reimbursement in

1 excess of  $\frac{4}{5}$  of the cost to transport eligible pupils, a  
2 school district shall have a Transportation Fund tax rate of  
3 at least .12%. If a school district does not have a .12%  
4 Transportation Fund tax rate, the amount of its claim in  
5 excess of  $\frac{4}{5}$  of the cost of transporting pupils shall be  
6 reduced by the sum arrived at by subtracting the  
7 Transportation Fund tax rate from .12% and multiplying that  
8 amount by the districts equalized or assessed valuation,  
9 provided, that in no case shall said reduction result in  
10 reimbursement of less than  $\frac{4}{5}$  of the cost to transport  
11 eligible pupils.

12 The minimum amount to be received by a district is \$16  
13 times the number of eligible pupils transported.

14 Any such district transporting resident pupils during the  
15 school day to an area vocational school or another school  
16 district's vocational program more than  $1\frac{1}{2}$  miles from the  
17 school attended, as provided in Sections 10-22.20a and  
18 10-22.22, shall be reimbursed by the State for  $\frac{4}{5}$  of the  
19 cost of transporting eligible pupils.

20 School day means that period of time which the pupil is  
21 required to be in attendance for instructional purposes.

22 If a pupil is at a location within the school district  
23 other than his residence for child care purposes at the time  
24 for transportation to school, that location may be considered  
25 for purposes of determining the  $1\frac{1}{2}$  miles from the school  
26 attended.

27 Claims for reimbursement that include children who attend  
28 any school other than a public school shall show the number  
29 of such children transported.

30 Claims for reimbursement under this Section shall not be  
31 paid for the transportation of pupils for whom transportation  
32 costs are claimed for payment under other Sections of this  
33 Act.

34 The allowable direct cost of transporting pupils for

1 regular, vocational, and special education pupil  
2 transportation shall be limited to the sum of the cost of  
3 physical examinations required for employment as a school bus  
4 driver; the salaries of full or part-time drivers and school  
5 bus maintenance personnel; employee benefits excluding  
6 Illinois municipal retirement payments, social security  
7 payments, unemployment insurance payments and workers'  
8 compensation insurance premiums; expenditures to independent  
9 carriers who operate school buses; payments to other school  
10 districts for pupil transportation services; pre-approved  
11 contractual expenditures for computerized bus scheduling; the  
12 cost of gasoline, oil, tires, and other supplies necessary  
13 for the operation of school buses; the cost of converting  
14 buses' gasoline engines to more fuel efficient engines or to  
15 engines which use alternative energy sources; the cost of  
16 travel to meetings and workshops conducted by the regional  
17 superintendent or the State Superintendent of Education  
18 pursuant to the standards established by the Secretary of  
19 State under Section 6-106 of the Illinois Vehicle Code to  
20 improve the driving skills of school bus drivers; the cost of  
21 maintenance of school buses including parts and materials  
22 used; expenditures for leasing transportation vehicles,  
23 except interest and service charges; the cost of insurance  
24 and licenses for transportation vehicles; expenditures for  
25 the rental of transportation equipment; plus a depreciation  
26 allowance of 20% for 5 years for school buses and vehicles  
27 approved for transporting pupils to and from school and a  
28 depreciation allowance of 10% for 10 years for other  
29 transportation equipment so used. In addition to the above  
30 allowable costs school districts shall also claim all  
31 transportation supervisory salary costs, including Illinois  
32 municipal retirement payments, and all transportation related  
33 building and building maintenance costs without limitation.

34 Special education allowable costs shall also include

1 expenditures for the salaries of attendants or aides for that  
2 portion of the time they assist special education pupils  
3 while in transit and expenditures for parents and public  
4 carriers for transporting special education pupils when  
5 pre-approved by the State Superintendent of Education.

6 Indirect costs shall be included in the reimbursement  
7 claim for districts which own and operate their own school  
8 buses. Such indirect costs shall include administrative  
9 costs, or any costs attributable to transporting pupils from  
10 their attendance centers to another school building for  
11 instructional purposes. No school district which owns and  
12 operates its own school buses may claim reimbursement for  
13 indirect costs which exceed 5% of the total allowable direct  
14 costs for pupil transportation.

15 The State Board of Education shall prescribe uniform  
16 regulations for determining the above standards and shall  
17 prescribe forms of cost accounting and standards of  
18 determining reasonable depreciation. Such depreciation shall  
19 include the cost of equipping school buses with the safety  
20 features required by law or by the rules, regulations and  
21 standards promulgated by the State Board of Education, and  
22 the Department of Transportation for the safety and  
23 construction of school buses provided, however, any equipment  
24 cost reimbursed by the Department of Transportation for  
25 equipping school buses with such safety equipment shall be  
26 deducted from the allowable cost in the computation of  
27 reimbursement under this Section in the same percentage as  
28 the cost of the equipment is depreciated.

29 On or before July 10, annually, the board clerk or the  
30 secretary of the district shall certify to the regional  
31 superintendent of schools upon forms prescribed by the State  
32 Superintendent of Education the district's claim for  
33 reimbursement for the school year ended on June 30 next  
34 preceding. The regional superintendent of schools shall

1 check all transportation claims to ascertain compliance with  
2 the prescribed standards and upon his approval shall certify  
3 not later than July 25 to the State Superintendent of  
4 Education the regional report of claims for reimbursements.  
5 The State Superintendent of Education shall check and approve  
6 the claims and prepare the vouchers showing the amounts due  
7 for district reimbursement claims. Beginning with the 1977  
8 fiscal year, the State Superintendent of Education shall  
9 prepare and transmit the first 3 vouchers to the Comptroller  
10 on the 30th day of September, December and March,  
11 respectively, and the final voucher, no later than June 15.

12 If the amount appropriated for transportation  
13 reimbursement is insufficient to fund total claims for any  
14 fiscal year, the State Board of Education shall reduce each  
15 school district's allowable costs and flat grant amount  
16 proportionately to make total adjusted claims equal the total  
17 amount appropriated.

18 For purposes of calculating claims for reimbursement  
19 under this Section for any school year beginning July 1,  
20 1998, or thereafter, the equalized assessed valuation for a  
21 school district used to compute reimbursement shall be  
22 computed in the same manner as it is computed under paragraph  
23 (2) of subsection (G) of Section 18-8.05.

24 All reimbursements received from the State shall be  
25 deposited into the district's transportation fund or into the  
26 fund from which the allowable expenditures were made.

27 Notwithstanding any other provision of law, any school  
28 district receiving a payment under this Section or under  
29 Section 14-7.02, 14-7.02a, or 14-13.01 of this Code may  
30 classify all or a portion of the funds that it receives in a  
31 particular fiscal year or from general State aid pursuant to  
32 Section 18-8.05 of this Code as funds received in connection  
33 with any funding program for which it is entitled to receive  
34 funds from the State in that fiscal year (including, without

1 limitation, any funding program referenced in this Section),  
2 regardless of the source or timing of the receipt. The  
3 district may not classify more funds as funds received in  
4 connection with the funding program than the district is  
5 entitled to receive in that fiscal year for that program.  
6 Any classification by a district must be made by a resolution  
7 of its board of education. The resolution must identify the  
8 amount of any payments or general State aid to be classified  
9 under this paragraph and must specify the funding program to  
10 which the funds are to be treated as received in connection  
11 therewith. This resolution is controlling as to the  
12 classification of funds referenced therein. A certified copy  
13 of the resolution must be sent to the State Superintendent of  
14 Education. The resolution shall still take effect even though  
15 a copy of the resolution has not been sent to the State  
16 Superintendent of Education in a timely manner. No  
17 classification under this paragraph by a district shall  
18 affect the total amount or timing of money the district is  
19 entitled to receive under this Code. No classification  
20 under this paragraph by a district shall in any way relieve  
21 the district from or affect any requirements that otherwise  
22 would apply with respect to that funding program, including  
23 any accounting of funds by source, reporting expenditures by  
24 original source and purpose, reporting requirements, or  
25 requirements of providing services.

26 Any school district with a population of not more than  
27 500,000 must deposit all funds received under this Article  
28 into the transportation fund and use those funds for the  
29 provision of transportation services.

30 (Source: P.A. 91-96, eff. 7-9-99.)

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