

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.