



Sen. Wendell E. Jones

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LRB093 17856 NHT 50584 a

1 AMENDMENT TO HOUSE BILL 4225

2 AMENDMENT NO. _____. Amend House Bill 4225 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing Sections
5 1D-1, 14-7.02, 14-8.01, 14-13.01, 18-4.3, and 29-5 and adding
6 Section 14-7.02b as follows:

7 (105 ILCS 5/1D-1)

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

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

1 Urban Education, Scientific Literacy, Substance Abuse
2 Prevention, Second Language Planning, Staff Development,
3 Outcomes and Assessment, K-6 Reading Improvement, 7-12
4 Continued Reading Improvement, Truants' Optional Education,
5 Hispanic Programs, Agriculture Education, Parental Education,
6 Prevention Initiative, Report Cards, and Criminal Background
7 Investigations. Notwithstanding any other provision of law,
8 all amounts paid under the general education block grant from
9 State appropriations to a school district in a city having a
10 population exceeding 500,000 inhabitants shall be appropriated
11 and expended by the board of that district for any of the
12 programs included in the block grant or any of the board's
13 lawful purposes.

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

29 The funding program included in the educational services
30 block grant for funding for children requiring special
31 education services in each fiscal year shall be treated in that
32 fiscal year as a payment to the school district in respect of
33 services provided or costs incurred in the prior fiscal year,
34 calculated in each case as provided in this Section. Nothing in

1 this Section shall change the nature of payments for any
2 program that, apart from this Section, would be or, prior to
3 adoption or amendment of this Section, was on the basis of a
4 payment in a fiscal year in respect of services provided or
5 costs incurred in the prior fiscal year, calculated in each
6 case as provided in this Section.

7 (d) For fiscal year 1996 and each fiscal year thereafter,
8 the amount of the district's block grants shall be determined
9 as follows: (i) with respect to each program that is included
10 within each block grant, the district shall receive an amount
11 equal to the same percentage of the current fiscal year
12 appropriation made for that program as the percentage of the
13 appropriation received by the district from the 1995 fiscal
14 year appropriation made for that program, and (ii) the total
15 amount that is due the district under the block grant shall be
16 the aggregate of the amounts that the district is entitled to
17 receive for the fiscal year with respect to each program that
18 is included within the block grant that the State Board of
19 Education shall award the district under this Section for that
20 fiscal year. In the case of the Summer Bridges program, the
21 amount of the district's block grant shall be equal to 44% of
22 the amount of the current fiscal year appropriation made for
23 that program.

24 (e) The district is not required to file any application or
25 other claim in order to receive the block grants to which it is
26 entitled under this Section. The State Board of Education shall
27 make payments to the district of amounts due under the
28 district's block grants on a schedule determined by the State
29 Board of Education.

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

34 (g) This paragraph provides for the treatment of block

1 grants under Article 1C for purposes of calculating the amount
2 of block grants for a district under this Section. Those block
3 grants under Article 1C are, for this purpose, treated as
4 included in the amount of appropriation for the various
5 programs set forth in paragraph (b) above. The appropriation in
6 each current fiscal year for each block grant under Article 1C
7 shall be treated for these purposes as appropriations for the
8 individual program included in that block grant. The proportion
9 of each block grant so allocated to each such program included
10 in it shall be the proportion which the appropriation for that
11 program was of all appropriations for such purposes now in that
12 block grant, in fiscal 1995.

13 Payments to the school district under this Section with
14 respect to each program for which payments to school districts
15 generally, as of the date of this amendatory Act of the 92nd
16 General Assembly, are on a reimbursement basis shall continue
17 to be made to the district on a reimbursement basis, pursuant
18 to the provisions of this Code governing those programs.

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

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

19 (Source: P.A. 92-568, eff. 6-26-02; 92-651, eff. 7-11-02;
20 93-21, eff. 7-1-03; 93-53, eff. 7-1-03; revised 9-11-03.)

21 (105 ILCS 5/14-7.02) (from Ch. 122, par. 14-7.02)

22 Sec. 14-7.02. Children attending private schools, public
23 out-of-state schools, public school residential facilities or
24 private special education facilities. The General Assembly
25 recognizes that non-public schools or special education
26 facilities provide an important service in the educational
27 system in Illinois.

28 If because of his or her disability the special education
29 program of a district is unable to meet the needs of a child
30 and the child attends a non-public school or special education
31 facility, a public out-of-state school or a special education
32 facility owned and operated by a county government unit that
33 provides special educational services required by the child and

1 is in compliance with the appropriate rules and regulations of
2 the State Superintendent of Education, the school district in
3 which the child is a resident shall pay the actual cost of
4 tuition for special education and related services provided
5 during the regular school term and during the summer school
6 term if the child's educational needs so require, excluding
7 room, board and transportation costs charged the child by that
8 non-public school or special education facility, public
9 out-of-state school or county special education facility, or
10 \$4,500 per year, whichever is less, and shall provide him any
11 necessary transportation. "Nonpublic special education
12 facility" shall include a residential facility, within or
13 without the State of Illinois, which provides special education
14 and related services to meet the needs of the child by
15 utilizing private schools or public schools, whether located on
16 the site or off the site of the residential facility.

17 The State Board of Education shall promulgate rules and
18 regulations for determining when placement in a private special
19 education facility is appropriate. Such rules and regulations
20 shall take into account the various types of services needed by
21 a child and the availability of such services to the particular
22 child in the public school. In developing these rules and
23 regulations the State Board of Education shall consult with the
24 Advisory Council on Education of Children with Disabilities and
25 hold public hearings to secure recommendations from parents,
26 school personnel, and others concerned about this matter.

27 The State Board of Education shall also promulgate rules
28 and regulations for transportation to and from a residential
29 school. Transportation to and from home to a residential school
30 more than once each school term shall be subject to prior
31 approval by the State Superintendent in accordance with the
32 rules and regulations of the State Board.

33 A school district making tuition payments pursuant to this
34 Section is eligible for reimbursement from the State for the

1 amount of such payments actually made in excess of the district
2 per capita tuition charge for students not receiving special
3 education services. Such reimbursement shall be approved in
4 accordance with Section 14-12.01 and each district shall file
5 its claims, computed in accordance with rules prescribed by the
6 State Board of Education, on forms prescribed by the State
7 Superintendent of Education. Data used as a basis of
8 reimbursement claims shall be for the preceding regular school
9 term and summer school term. Each school district shall
10 transmit its claims to the State Board of Education on or
11 before August 15. The State Board of Education, before
12 approving any such claims, shall determine their accuracy and
13 whether they are based upon services and facilities provided
14 under approved programs. Upon approval the State Board shall
15 cause vouchers to be prepared showing the amount due for
16 payment of reimbursement claims to school districts, for
17 transmittal to the State Comptroller on the 30th day of
18 September, December, and March, respectively, and the final
19 voucher, no later than June 20. If the money appropriated by
20 the General Assembly for such purpose for any year is
21 insufficient, it shall be apportioned on the basis of the
22 claims approved.

23 No child shall be placed in a special education program
24 pursuant to this Section if the tuition cost for special
25 education and related services increases more than 10 percent
26 over the tuition cost for the previous school year or exceeds
27 \$4,500 per year unless such costs have been approved by the
28 Illinois Purchased Care Review Board. The Illinois Purchased
29 Care Review Board shall consist of the following persons, or
30 their designees: the Directors of Children and Family Services,
31 Public Health, Public Aid, and the Governor's Office of
32 Management and Budget ~~Bureau of the Budget~~; the Secretary of
33 Human Services; the State Superintendent of Education; and such
34 other persons as the Governor may designate. The Review Board

1 shall establish rules and regulations for its determination of
2 allowable costs and payments made by local school districts for
3 special education, room and board, and other related services
4 provided by non-public schools or special education facilities
5 and shall establish uniform standards and criteria which it
6 shall follow.

7 The Review Board shall establish uniform definitions and
8 criteria for accounting separately by special education, room
9 and board and other related services costs. The Board shall
10 also establish guidelines for the coordination of services and
11 financial assistance provided by all State agencies to assure
12 that no otherwise qualified disabled child receiving services
13 under Article 14 shall be excluded from participation in, be
14 denied the benefits of or be subjected to discrimination under
15 any program or activity provided by any State agency.

16 The Review Board shall review the costs for special
17 education and related services provided by non-public schools
18 or special education facilities and shall approve or disapprove
19 such facilities in accordance with the rules and regulations
20 established by it with respect to allowable costs.

21 The State Board of Education shall provide administrative
22 and staff support for the Review Board as deemed reasonable by
23 the State Superintendent of Education. This support shall not
24 include travel expenses or other compensation for any Review
25 Board member other than the State Superintendent of Education.

26 The Review Board shall seek the advice of the Advisory
27 Council on Education of Children with Disabilities on the rules
28 and regulations to be promulgated by it relative to providing
29 special education services.

30 If a child has been placed in a program in which the actual
31 per pupil costs of tuition for special education and related
32 services based on program enrollment, excluding room, board and
33 transportation costs, exceed \$4,500 and such costs have been
34 approved by the Review Board, the district shall pay such total

1 costs which exceed \$4,500. A district making such tuition
2 payments in excess of \$4,500 pursuant to this Section shall be
3 responsible for an amount in excess of \$4,500 equal to the
4 district per capita tuition charge and shall be eligible for
5 reimbursement from the State for the amount of such payments
6 actually made in excess of the districts per capita tuition
7 charge for students not receiving special education services.

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

1 If it otherwise qualifies, a school district is eligible
2 for the transportation reimbursement under Section 14-13.01
3 and for the reimbursement of tuition payments under this
4 Section whether the non-public school or special education
5 facility, public out-of-state school or county special
6 education facility, attended by a child who resides in that
7 district and requires special educational services, is within
8 or outside of the State of Illinois. However, a district is not
9 eligible to claim transportation reimbursement under this
10 Section unless the district certifies to the State
11 Superintendent of Education that the district is unable to
12 provide special educational services required by the child for
13 the current school year.

14 Nothing in this Section authorizes the reimbursement of a
15 school district for the amount paid for tuition of a child
16 attending a non-public school or special education facility,
17 public out-of-state school or county special education
18 facility unless the school district certifies to the State
19 Superintendent of Education that the special education program
20 of that district is unable to meet the needs of that child
21 because of his disability and the State Superintendent of
22 Education finds that the school district is in substantial
23 compliance with Section 14-4.01.

24 Any educational or related services provided, pursuant to
25 this Section in a non-public school or special education
26 facility or a special education facility owned and operated by
27 a county government unit shall be at no cost to the parent or
28 guardian of the child. However, current law and practices
29 relative to contributions by parents or guardians for costs
30 other than educational or related services are not affected by
31 this amendatory Act of 1978.

32 Reimbursement for children attending public school
33 residential facilities shall be made in accordance with the
34 provisions of this Section.

1 Notwithstanding any other provision of law, any school
2 district receiving a payment under this Section or under
3 Section 14-7.02b ~~14-7.02a~~, 14-13.01, or 29-5 of this Code may
4 classify all or a portion of the funds that it receives in a
5 particular fiscal year or from general State aid pursuant to
6 Section 18-8.05 of this Code as funds received in connection
7 with any funding program for which it is entitled to receive
8 funds from the State in that fiscal year (including, without
9 limitation, any funding program referenced in this Section),
10 regardless of the source or timing of the receipt. The district
11 may not classify more funds as funds received in connection
12 with the funding program than the district is entitled to
13 receive in that fiscal year for that program. Any
14 classification by a district must be made by a resolution of
15 its board of education. The resolution must identify the amount
16 of any payments or general State aid to be classified under
17 this paragraph and must specify the funding program to which
18 the funds are to be treated as received in connection
19 therewith. This resolution is controlling as to the
20 classification of funds referenced therein. A certified copy of
21 the resolution must be sent to the State Superintendent of
22 Education. The resolution shall still take effect even though a
23 copy of the resolution has not been sent to the State
24 Superintendent of Education in a timely manner. No
25 classification under this paragraph by a district shall affect
26 the total amount or timing of money the district is entitled to
27 receive under this Code. No classification under this paragraph
28 by a district shall in any way relieve the district from or
29 affect any requirements that otherwise would apply with respect
30 to that funding program, including any accounting of funds by
31 source, reporting expenditures by original source and purpose,
32 reporting requirements, or requirements of providing services.
33 (Source: P.A. 91-764, eff. 6-9-00; 92-568, eff. 6-26-02;
34 revised 8-23-03.)

1 (105 ILCS 5/14-7.02b new)

2 Sec. 14-7.02b. Funding for children requiring special
3 education services. Payments to school districts for children
4 requiring special education services documented in their
5 individualized education program regardless of the program
6 from which these services are received, excluding children
7 claimed under Sections 14-7.02 and 14-7.03 of this Code, shall
8 be made in accordance with this Section. Funds received under
9 this Section may be used only for the provision of special
10 educational facilities and services as defined in Section
11 14-1.08 of this Code.

12 The appropriation for fiscal year 2005 and thereafter shall
13 be based upon the IDEA child count of all students in the
14 State, excluding students claimed under Sections 14-7.02 and
15 14-7.03 of this Code, on December 1 of the fiscal year 2 years
16 preceding, multiplied by 17.5% of the general State aid
17 foundation level of support established for that fiscal year
18 under Section 18-8.05 of this Code.

19 Beginning with fiscal year 2005 and through fiscal year
20 2007, individual school districts shall not receive payments
21 under this Section totaling less than they received under the
22 funding authorized under Section 14-7.02a of this Code during
23 fiscal year 2004, pursuant to the provisions of Section
24 14-7.02a as they were in effect before the effective date of
25 this amendatory Act of the 93rd General Assembly. This base
26 level funding shall be computed first.

27 An amount equal to 85% of the funds remaining in the
28 appropriation, after subtracting any base level funding for
29 that fiscal year, shall be allocated to school districts based
30 upon the district's average daily attendance reported for
31 purposes of Section 18-8.05 of this Code for the preceding
32 school year. Fifteen percent of the funds remaining in the
33 appropriation, after subtracting any base level funding for

1 that fiscal year, shall be allocated to school districts based
2 upon the district's low income eligible pupil count used in the
3 calculation of general State aid under Section 18-8.05 of this
4 Code for the same fiscal year. One hundred percent of the funds
5 computed and allocated to districts under this Section shall be
6 distributed and paid to school districts.

7 For individual students with disabilities whose program
8 costs exceed 4 times the district's per capita tuition rate as
9 calculated under Section 10-20.12a of this Code, the costs in
10 excess of 4 times the district's per capita tuition rate shall
11 be paid by the State Board of Education from unexpended IDEA
12 discretionary funds originally designated for room and board
13 reimbursement pursuant to Section 14-8.01 of this Code. The
14 amount of tuition for these children shall be determined by the
15 actual cost of maintaining classes for these children, using
16 the per capita cost formula set forth in Section 14-7.01 of
17 this Code, with the program and cost being pre-approved by the
18 State Superintendent of Education. Reimbursement for
19 individual students with disabilities whose program costs
20 exceed 4 times the district's per capita tuition rate shall be
21 claimed beginning with costs encumbered for the 2004-2005
22 school year and thereafter.

23 The State Board of Education shall prepare vouchers equal
24 to one-fourth the amount allocated to districts, for
25 transmittal to the State Comptroller on the 30th day of
26 September, December, and March, respectively, and the final
27 voucher, no later than June 20. The Comptroller shall make
28 payments pursuant to this Section to school districts as soon
29 as possible after receipt of vouchers. If the money
30 appropriated from the General Assembly for such purposes for
31 any year is insufficient, it shall be apportioned on the basis
32 of the payments due to school districts.

33 Nothing in this Section shall be construed to decrease or
34 increase the percentage of all special education funds that are

1 allocated annually under Article 1D of this Code or to alter
2 the requirement that a school district provide special
3 education services.

4 Nothing in this amendatory Act of the 93rd General Assembly
5 shall eliminate any reimbursement obligation owed as of the
6 effective date of this amendatory Act of the 93rd General
7 Assembly to a school district with in excess of 500,000
8 inhabitants.

9 (105 ILCS 5/14-8.01) (from Ch. 122, par. 14-8.01)

10 Sec. 14-8.01. Supervision of special education buildings
11 and facilities. All special educational facilities, building
12 programs, housing, and all educational programs for the types
13 of disabled children defined in Section 14-1.02 shall be under
14 the supervision of and subject to the approval of the State
15 Board of Education.

16 All special education facilities, building programs, and
17 housing shall comply with the building code authorized by
18 Section 2-3.12.

19 All educational programs for children with disabilities as
20 defined in Section 14-1.02 administered by any State agency
21 shall be under the general supervision of the State Board of
22 Education. Such supervision shall be limited to insuring that
23 such educational programs meet standards jointly developed and
24 agreed to by both the State Board of Education and the
25 operating State agency, including standards for educational
26 personnel.

27 Any State agency providing special educational programs
28 for children with disabilities as defined in Section 14-1.02
29 shall promulgate rules and regulations, in consultation with
30 the State Board of Education and pursuant to the Illinois
31 Administrative Procedure Act as now or hereafter amended, to
32 insure that all such programs comply with this Section and
33 Section 14-8.02.

1 No otherwise qualified disabled child receiving special
2 education and related services under Article 14 shall solely by
3 reason of his or her disability be excluded from the
4 participation in or be denied the benefits of or be subjected
5 to discrimination under any program or activity provided by a
6 State agency.

7 State agencies providing special education and related
8 services, including room and board, either directly or through
9 grants or purchases of services shall continue to provide these
10 services according to current law and practice. Room and board
11 costs not provided by a State agency other than the State Board
12 of Education shall be provided by the State Board of Education
13 to the extent of available funds. An amount equal to one-half
14 of the State education agency's share of IDEA PART B federal
15 monies, or so much thereof as may actually be needed, shall
16 annually be appropriated to pay for the additional costs of
17 providing for room and board for those children placed pursuant
18 to Section 14-7.02 of this ~~Code Act~~ and, after all such room
19 and board costs are paid, for similar expenditures for children
20 served pursuant to Section 14-7.02 or 14-7.02b ~~14-7.02a~~ of this
21 Code. Any such excess room and board funds must first be
22 directed to those school districts with students costing in
23 excess of 4 times the district's per capita tuition charge and
24 then to Act, based in community based programs that serve as
25 alternatives to residential placements.

26 Beginning with Fiscal Year 1997 and continuing through
27 Fiscal Year 2000, 100% of the former Chapter I, Section 89-313
28 federal funds shall be allocated by the State Board of
29 Education in the same manner as IDEA, PART B "flow through"
30 funding to local school districts, joint agreements, and
31 special education cooperatives for the maintenance of
32 instructional and related support services to students with
33 disabilities. However, beginning with Fiscal Year 1998, the
34 total IDEA Part B discretionary funds available to the State

1 Board of Education shall not exceed the maximum permissible
2 under federal law or 20% of the total federal funds available
3 to the State, whichever is less. In no case shall the aggregate
4 IDEA Part B discretionary funds received by the State Board of
5 Education exceed the amount of IDEA Part B discretionary funds
6 available to the State Board of Education for Fiscal Year 1997,
7 excluding any carryover funds from prior fiscal years,
8 increased by 3% for Fiscal Year 1998 and increased by an
9 additional 3% for each fiscal year thereafter. After all room
10 and board payments and similar expenditures are made by the
11 State Board of Education as required by this Section, the State
12 Board of Education may use the remaining funds for
13 administration and for providing discretionary activities.
14 However, the State Board of Education may use no more than 25%
15 of its available IDEA Part B discretionary funds for
16 administrative services.

17 Special education and related services included in the
18 child's individualized educational program which are not
19 provided by another State agency shall be included in the
20 special education and related services provided by the State
21 Board of Education and the local school district.

22 The State Board of Education with the advice of the
23 Advisory Council shall prescribe the standards and make the
24 necessary rules and regulations for special education programs
25 administered by local school boards, including but not limited
26 to establishment of classes, training requirements of teachers
27 and other professional personnel, eligibility and admission of
28 pupils, the curriculum, class size limitation, building
29 programs, housing, transportation, special equipment and
30 instructional supplies, and the applications for claims for
31 reimbursement. The State Board of Education shall promulgate
32 rules and regulations for annual evaluations of the
33 effectiveness of all special education programs and annual
34 evaluation by the local school district of the individualized

1 educational program for each child for whom it provides special
2 education services.

3 A school district is responsible for the provision of
4 educational services for all school age children residing
5 within its boundaries excluding any student placed under the
6 provisions of Section 14-7.02 or any disabled student whose
7 parent or guardian lives outside of the State of Illinois as
8 described in Section 14-1.11.

9 (Source: P.A. 89-397, eff. 8-20-95; 89-622, eff. 8-9-96;
10 90-547, eff. 12-1-97.)

11 (105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

12 Sec. 14-13.01. Reimbursement payable by State; Amounts.
13 Reimbursement for furnishing special educational facilities in
14 a recognized school to the type of children defined in Section
15 14-1.02 shall be paid to the school districts in accordance
16 with Section 14-12.01 for each school year ending June 30 by
17 the State Comptroller out of any money in the treasury
18 appropriated for such purposes on the presentation of vouchers
19 by the State Board of Education.

20 The reimbursement shall be limited to funds expended for
21 construction and maintenance of special education facilities
22 designed and utilized to house instructional programs,
23 diagnostic services, other special education services for
24 children with disabilities and reimbursement as provided in
25 Section 14-13.01. There shall be no reimbursement for
26 construction and maintenance of any administrative facility
27 separated from special education facilities designed and
28 utilized to house instructional programs, diagnostic services
29 and other special education services for children with
30 disabilities.

31 (a) For children who have not been identified as eligible
32 for special education and for eligible children with physical
33 disabilities, including all eligible children whose placement

1 has been determined under Section 14-8.02 in hospital or home
2 instruction, 1/2 of the teacher's salary but not more than
3 \$1,000 annually per child or \$8,000 per teacher for the
4 1985-1986 school year and thereafter, whichever is less.
5 Children to be included in any reimbursement under this
6 paragraph must regularly receive a minimum of one hour of
7 instruction each school day, or in lieu thereof of a minimum of
8 5 hours of instruction in each school week in order to qualify
9 for full reimbursement under this Section. If the attending
10 physician for such a child has certified that the child should
11 not receive as many as 5 hours of instruction in a school week,
12 however, reimbursement under this paragraph on account of that
13 child shall be computed proportionate to the actual hours of
14 instruction per week for that child divided by 5.

15 (b) For children described in Section 14-1.02, 4/5 of the
16 cost of transportation for each such child, whom the State
17 Superintendent of Education determined in advance requires
18 special transportation service in order to take advantage of
19 special educational facilities. Transportation costs shall be
20 determined in the same fashion as provided in Section 29-5. For
21 purposes of this subsection (b), the dates for processing
22 claims specified in Section 29-5 shall apply.

23 (c) For each professional worker excluding those included
24 in subparagraphs (a), (d), (e), and (f) of this Section, the
25 annual sum of \$8,000 for the 1985-1986 school year and
26 thereafter.

27 (d) For one full time qualified director of the special
28 education program of each school district which maintains a
29 fully approved program of special education the annual sum of
30 \$8,000 for the 1985-1986 school year and thereafter. Districts
31 participating in a joint agreement special education program
32 shall not receive such reimbursement if reimbursement is made
33 for a director of the joint agreement program.

34 (e) For each school psychologist as defined in Section

1 14-1.09 the annual sum of \$8,000 for the 1985-1986 school year
2 and thereafter.

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

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

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

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

20 When any school district eligible for reimbursement under
21 this Section operates a school or program approved by the State
22 Superintendent of Education for a number of days in excess of
23 the adopted school calendar but not to exceed 235 school days,
24 such reimbursement shall be increased by 1/185 of the amount or
25 rate paid hereunder for each day such school is operated in
26 excess of 185 days per calendar year.

27 Notwithstanding any other provision of law, any school
28 district receiving a payment under this Section or under
29 Section 14-7.02, 14-7.02b ~~14-7.02a~~, or 29-5 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 district
3 may not classify more funds as funds received in connection
4 with the funding program than the district is entitled to
5 receive in that fiscal year for that program. Any
6 classification by a district must be made by a resolution of
7 its board of education. The resolution must identify the amount
8 of any payments or general State aid to be classified under
9 this paragraph and must specify the funding program to which
10 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 of
13 the resolution must be sent to the State Superintendent of
14 Education. The resolution shall still take effect even though a
15 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 affect
18 the total amount or timing of money the district is entitled to
19 receive under this Code. No classification under this paragraph
20 by a district shall in any way relieve the district from or
21 affect any requirements that otherwise would apply with respect
22 to that funding program, including any accounting of funds by
23 source, reporting expenditures by original source and purpose,
24 reporting requirements, or requirements of providing services.
25 (Source: P.A. 92-568, eff. 6-26-02.)

26 (105 ILCS 5/18-4.3) (from Ch. 122, par. 18-4.3)

27 Sec. 18-4.3. Summer school grants. Grants shall be
28 determined for pupil attendance in summer schools conducted
29 under Sections 10-22.33A and 34-18 and approved under Section
30 2-3.25 in the following manner.

31 The amount of grant for each accredited summer school
32 attendance pupil shall be obtained by dividing the total amount
33 of apportionments determined under Section 18-8.05 by the

1 actual number of pupils in average daily attendance used for
2 such apportionments. The number of credited summer school
3 attendance pupils shall be determined (a) by counting clock
4 hours of class instruction by pupils enrolled in grades 1
5 through 12 in approved courses conducted at least 60 clock
6 hours in summer sessions; (b) by dividing such total of clock
7 hours of class instruction by 4 to produce days of credited
8 pupil attendance; (c) by dividing such days of credited pupil
9 attendance by the actual number of days in the regular term as
10 used in computation in the general apportionment in Section
11 18-8.05; and (d) by multiplying by 1.25.

12 The amount of the grant for a summer school program
13 approved by the State Superintendent of Education for children
14 with disabilities, as defined in Sections 14-1.02 through
15 14-1.07, shall be determined in the manner contained above
16 except that average daily membership shall be utilized in lieu
17 of average daily attendance.

18 In the case of an apportionment based on summer school
19 attendance or membership pupils, the claim therefor shall be
20 presented as a separate claim for the particular school year in
21 which such summer school session ends. On or before November 1
22 of each year the superintendent of each eligible school
23 district shall certify to the State Superintendent of Education
24 the claim of the district for the summer session just ended.
25 Failure on the part of the school board to so certify shall
26 constitute a forfeiture of its right to such payment. The State
27 Superintendent of Education shall transmit to the Comptroller
28 no later than December 15th of each year vouchers for payment
29 of amounts due school districts for summer school. The State
30 Superintendent of Education shall direct the Comptroller to
31 draw his warrants for payments thereof by the 30th day of
32 December. If the money appropriated by the General Assembly for
33 such purpose for any year is insufficient, it shall be
34 apportioned on the basis of claims approved.

1 However, notwithstanding the foregoing provisions, for
2 each fiscal year the money appropriated by the General Assembly
3 for the purposes of this Section shall only be used for grants
4 for approved summer school programs for those children with
5 disabilities served pursuant to Section ~~Sections~~ 14-7.02 or
6 14-7.02b and ~~14-7.02a~~ of this ~~the School~~ Code.

7 (Source: P.A. 90-548, eff. 1-1-98; 91-764, eff. 6-9-00.)

8 (105 ILCS 5/29-5) (from Ch. 122, par. 29-5)

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

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

1 unit districts maintaining grades K to 12 times a qualifying
2 rate of .07%. To be eligible to receive reimbursement in excess
3 of 4/5 of the cost to transport eligible pupils, a school
4 district shall have a Transportation Fund tax rate of at least
5 .12%. If a school district does not have a .12% Transportation
6 Fund tax rate, the amount of its claim in excess of 4/5 of the
7 cost of transporting pupils shall be reduced by the sum arrived
8 at by subtracting the Transportation Fund tax rate from .12%
9 and multiplying that amount by the districts equalized or
10 assessed valuation, provided, that in no case shall said
11 reduction result in reimbursement of less than 4/5 of the cost
12 to transport eligible pupils.

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

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

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

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

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

31 Claims for reimbursement under this Section shall not be
32 paid for the transportation of pupils for whom transportation
33 costs are claimed for payment under other Sections of this 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 for
13 the operation of school buses; the cost of converting buses'
14 gasoline engines to more fuel efficient engines or to engines
15 which use alternative energy sources; the cost of travel to
16 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 State
19 under Section 6-106 of the Illinois Vehicle Code to improve the
20 driving skills of school bus drivers; the cost of maintenance
21 of school buses including parts and materials used;
22 expenditures for leasing transportation vehicles, except
23 interest and service charges; the cost of insurance and
24 licenses for transportation vehicles; expenditures for the
25 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. Each school year, if a school
30 district has made expenditures to the Regional Transportation
31 Authority or any of its service boards, a mass transit
32 district, or an urban transportation district under an
33 intergovernmental agreement with the district to provide for
34 the transportation of pupils and if the public transit carrier

1 received direct payment for services or passes from a school
2 district within its service area during the 2000-2001 school
3 year, then the allowable direct cost of transporting pupils for
4 regular, vocational, and special education pupil
5 transportation shall also include the expenditures that the
6 district has made to the public transit carrier. In addition to
7 the above allowable costs school districts shall also claim all
8 transportation supervisory salary costs, including Illinois
9 municipal retirement payments, and all transportation related
10 building and building maintenance costs without limitation.

11 Special education allowable costs shall also include
12 expenditures for the salaries of attendants or aides for that
13 portion of the time they assist special education pupils while
14 in transit and expenditures for parents and public carriers for
15 transporting special education pupils when pre-approved by the
16 State Superintendent of Education.

17 Indirect costs shall be included in the reimbursement claim
18 for districts which own and operate their own school buses.
19 Such indirect costs shall include administrative costs, or any
20 costs attributable to transporting pupils from their
21 attendance centers to another school building for
22 instructional purposes. No school district which owns and
23 operates its own school buses may claim reimbursement for
24 indirect costs which exceed 5% of the total allowable direct
25 costs for pupil transportation.

26 The State Board of Education shall prescribe uniform
27 regulations for determining the above standards and shall
28 prescribe forms of cost accounting and standards of determining
29 reasonable depreciation. Such depreciation shall include the
30 cost of equipping school buses with the safety features
31 required by law or by the rules, regulations and standards
32 promulgated by the State Board of Education, and the Department
33 of Transportation for the safety and construction of school
34 buses provided, however, any equipment cost reimbursed by the

1 Department of Transportation for equipping school buses with
2 such safety equipment shall be deducted from the allowable cost
3 in the computation of reimbursement under this Section in the
4 same percentage as the cost of the equipment is depreciated.

5 On or before July 10, annually, the chief school
6 administrator for the district shall certify to the regional
7 superintendent of schools upon forms prescribed by the State
8 Superintendent of Education the district's claim for
9 reimbursement for the school year ended on June 30 next
10 preceding. The regional superintendent of schools shall check
11 all transportation claims to ascertain compliance with the
12 prescribed standards and upon his approval shall certify not
13 later than July 25 to the State Superintendent of Education the
14 regional report of claims for reimbursements. The State
15 Superintendent of Education shall check and approve the claims
16 and prepare the vouchers showing the amounts due for district
17 reimbursement claims. Beginning with the 1977 fiscal year, the
18 State Superintendent of Education shall prepare and transmit
19 the first 3 vouchers to the Comptroller on the 30th day of
20 September, December and March, respectively, and the final
21 voucher, no later than June 15.

22 If the amount appropriated for transportation
23 reimbursement is insufficient to fund total claims for any
24 fiscal year, the State Board of Education shall reduce each
25 school district's allowable costs and flat grant amount
26 proportionately to make total adjusted claims equal the total
27 amount appropriated.

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

34 All reimbursements received from the State shall be

1 deposited into the district's transportation fund or into the
2 fund from which the allowable expenditures were made.

3 Notwithstanding any other provision of law, any school
4 district receiving a payment under this Section or under
5 Section 14-7.02, 14-7.02b ~~14-7.02a~~, or 14-13.01 of this Code
6 may classify all or a portion of the funds that it receives in
7 a particular fiscal year or from general State aid pursuant to
8 Section 18-8.05 of this Code as funds received in connection
9 with any funding program for which it is entitled to receive
10 funds from the State in that fiscal year (including, without
11 limitation, any funding program referenced in this Section),
12 regardless of the source or timing of the receipt. The district
13 may not classify more funds as funds received in connection
14 with the funding program than the district is entitled to
15 receive in that fiscal year for that program. Any
16 classification by a district must be made by a resolution of
17 its board of education. The resolution must identify the amount
18 of any payments or general State aid to be classified under
19 this paragraph and must specify the funding program to which
20 the funds are to be treated as received in connection
21 therewith. This resolution is controlling as to the
22 classification of funds referenced therein. A certified copy of
23 the resolution must be sent to the State Superintendent of
24 Education. The resolution shall still take effect even though a
25 copy of the resolution has not been sent to the State
26 Superintendent of Education in a timely manner. No
27 classification under this paragraph by a district shall affect
28 the total amount or timing of money the district is entitled to
29 receive under this Code. No classification under this paragraph
30 by a district shall in any way relieve the district from or
31 affect any requirements that otherwise would apply with respect
32 to that funding program, including any accounting of funds by
33 source, reporting expenditures by original source and purpose,
34 reporting requirements, or requirements of providing services.

1 Any school district with a population of not more than
2 500,000 must deposit all funds received under this Article into
3 the transportation fund and use those funds for the provision
4 of transportation services.

5 (Source: P.A. 92-568, eff. 6-26-02; 93-166, eff. 7-10-03;
6 93-663, eff. 2-17-04.)

7 (105 ILCS 5/14-7.02a rep.)

8 Section 10. The School Code is amended by repealing Section
9 14-7.02a.

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