



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
SB1497

Introduced 2/23/2005, by Sen. Deanna Demuzio

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-7.03

from Ch. 122, par. 14-7.03

Amends the School Code with respect to special education classes for children from orphanages, foster family homes, children's homes, or in-State housing units. In a provision that allows reimbursement for the costs of educating a disabled student who is placed residentially by a State agency or the courts for care or custody, welfare, medical or mental health treatment, rehabilitation, and protection, provides that it is the intent of that provision that school districts be reimbursed for the eligible costs of educating all students residentially placed by a State agency or the courts for any of the reasons listed whether such placement was made on, before, or after the effective date of the amendatory Act. Effective immediately.

LRB094 08338 NHT 38531 b

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 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 State
9 Housing Units. If a school district maintains special education
10 classes on the site of orphanages and children's homes, or if
11 children from the orphanages, children's homes, foster family
12 homes, other State agencies, or State residential units for
13 children attend classes for children with disabilities in which
14 the school district is a participating member of a joint
15 agreement, or if the children from the orphanages, children's
16 homes, foster family homes, other State agencies, or State
17 residential units attend classes for the children with
18 disabilities maintained by the school district, then
19 reimbursement shall be paid to eligible districts in accordance
20 with the provisions of this Section by the Comptroller as
21 directed by the State Superintendent of Education.

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

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

30 (1) The name of the home or State residential unit with
31 the name of the owner or proprietor and address of those
32 maintaining it;

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

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

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

12 (5) The number of children attending special education
13 classes for children with disabilities maintained by the
14 district;

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

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

24 Nothing in this Act shall be construed so as to prohibit
25 reimbursement for the tuition of children placed in for profit
26 facilities. Private facilities shall provide adequate space at
27 the facility for special education classes provided by a school
28 district or joint agreement for children with disabilities who
29 are residents of the facility at no cost to the school district
30 or joint agreement upon request of the school district or joint
31 agreement. If such a private facility provides space at no cost
32 to the district or joint agreement for special education
33 classes provided to children with disabilities who are
34 residents of the facility, the district or joint agreement
35 shall not include any costs for the use of those facilities in
36 its claim for reimbursement.

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

7 The State Board of Education shall establish such rules and
8 regulations as may be necessary to implement the provisions of
9 this Section.

10 Claims filed on behalf of programs operated under this
11 Section housed in a jail, detention center, or county-owned
12 shelter care facility shall be on an individual student basis
13 only for eligible students with disabilities. These claims
14 shall be in accordance with applicable rules.

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

28 Each district claiming reimbursement for individual
29 students shall have the eligibility of those students verified
30 by the State Board of Education. On September 30, December 31,
31 and March 31, the State Board of Education shall voucher
32 payments for individual students based upon an estimated cost
33 calculated from the prior year's claim. Final claims for
34 individual students for the regular school term must be
35 received at the State Board of Education by July 15. Claims for
36 individual students received after July 15 shall not be

1 honored. Final claims for individual students shall be
2 vouchered by August 30.

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

17 The claim of a school district otherwise eligible to be
18 reimbursed in accordance with Section 14-12.01 for the 1976-77
19 school year but for this amendatory Act of 1977 shall not be
20 paid unless the district ceases to maintain such classes for
21 one entire school year.

22 If a school district's current reimbursement payment for
23 the 1977-78 school year only is less than the prior year's
24 reimbursement payment owed, the district shall be paid the
25 amount of the difference between the payments in addition to
26 the current reimbursement payment, and the amount so paid shall
27 be subtracted from the amount of prior year's reimbursement
28 payment owed to the district.

29 Regional superintendents may operate special education
30 classes for children from orphanages, foster family homes,
31 children's homes or State housing units located within the
32 educational services region upon consent of the school board
33 otherwise so obligated. In electing to assume the powers and
34 duties of a school district in providing and maintaining such a
35 special education program, the regional superintendent may
36 enter into joint agreements with other districts and may

1 contract with public or private schools or the orphanage,
2 foster family home, children's home or State housing unit for
3 provision of the special education program. The regional
4 superintendent exercising the powers granted under this
5 Section shall claim the reimbursement authorized by this
6 Section directly from the State Board of Education.

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

12 Commencing July 1, 1992, for each disabled student who is
13 placed residentially by a State agency or the courts for care
14 or custody or both care and custody, welfare, medical or mental
15 health treatment or both medical and mental health treatment,
16 rehabilitation, and protection, whether placed there on,
17 before, or after July 1, 1992, the costs for educating the
18 student are eligible for reimbursement under this Section
19 providing the placing agency or court has notified the
20 appropriate school district authorities of the status of
21 student residency where applicable prior to or upon placement.
22 It is the intent of this paragraph that school districts be
23 reimbursed for the eligible costs of educating all students
24 residentially placed by a State agency or the courts under this
25 Section for any of the reasons listed in this paragraph whether
26 such placement was made on, before, or after the effective date
27 of this amendatory Act of the 94th General Assembly.

28 The district of residence of the parent, guardian, or
29 disabled student as defined in Sections 14-1.11 and 14-1.11a is
30 responsible for the actual costs of the student's special
31 education program and is eligible for reimbursement under this
32 Section when placement is made by a State agency or the courts.
33 Payments shall be made by the resident district to the district
34 wherein the facility is located no less than once per quarter
35 unless otherwise agreed to in writing by the parties.

36 When a dispute arises over the determination of the

1 district of residence, the district or districts may appeal the
2 decision in writing to the State Superintendent of Education.
3 The decision of the State Superintendent of Education shall be
4 final.

5 In the event a district does not make a tuition payment to
6 another district that is providing the special education
7 program and services, the State Board of Education shall
8 immediately withhold 125% of the then remaining annual tuition
9 cost from the State aid or categorical aid payment due to the
10 school district that is determined to be the resident school
11 district. All funds withheld by the State Board of Education
12 shall immediately be forwarded to the school district where the
13 student is being served.

14 When a child eligible for services under this Section
15 14-7.03 must be placed in a nonpublic facility, that facility
16 shall meet the programmatic requirements of Section 14-7.02 and
17 its regulations, and the educational services shall be funded
18 only in accordance with this Section 14-7.03.

19 (Source: P.A. 92-597, eff. 7-1-02; 92-877, eff. 1-7-03; 93-609,
20 eff. 11-20-03.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.