

AN ACT concerning education.

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

Section 5. The School Code is amended by changing Section 21-29 as follows:

(105 ILCS 5/21-29)

Sec. 21-29. Salary Incentive Program for Hard-to-Staff Schools.

(a) The Salary Incentive Program for Hard-to-Staff Schools is established to provide categorical funding for monetary incentives and bonuses for teachers and school administrators who are employed by school districts in schools designated as hard-to-staff by the State Board of Education.

For the purposes of this Section, "hard-to-staff school" means an elementary, middle, or high school that is operated by a school district and that ranks in the top 5% of schools in this State in the average rate of teacher attrition over a 5-year period. The State Board of Education shall allocate and distribute to qualifying schools ~~school districts~~ an amount as annually appropriated by the General Assembly for the Salary Incentive Program for Hard-to-Staff Schools. The State Board of Education's annual budget must set out by separate line item the appropriation for the program. Only teachers and principals

who work full time and for a full school year are eligible for the incentives and bonuses.

(b) Unless otherwise provided by appropriation, each school's ~~school district's~~ annual allocation under the Salary Incentive Program for Hard-to-Staff Schools shall be the sum of the following incentives and bonuses:

(1) An annual payment of \$3,000 to be paid to each certificated teacher employed as a school teacher by the ~~a~~ school district. The school ~~district~~ shall distribute this payment to each eligible teacher as a single payment or in not more than 3 payments.

(2) An annual payment of \$5,000 to each certificated principal that is employed as a school principal by the ~~a~~ school district. The school ~~district~~ shall distribute this payment to each eligible principal as a single payment or in not more than 3 payments.

If the appropriation in a given fiscal year is insufficient to meet all needs under this Section, then claims under this Section must be prorated proportionally.

(c) Each regional superintendent of schools shall provide information about the Salary Incentive Program for Hard-to-Staff Schools to each individual seeking to register or renew a certificate.

(d) The State Board of Education, the Teachers' Retirement System of the State of Illinois, and the Public School Teachers' Pension and Retirement Fund of Chicago shall work

together to validate data for the purposes of this Section as necessary.

(Source: P.A. 95-707, eff. 1-11-08.)

Section 10. If and only if Senate Bill 2042 of the 95th General Assembly becomes law, the School Code is amended by changing Sections 10-20.12a and 14-7.05 as follows:

(105 ILCS 5/10-20.12a) (from Ch. 122, par. 10-20.12a)

Sec. 10-20.12a. Tuition for non-resident pupils.

(a) To charge non-resident pupils who attend the schools of the district tuition in an amount not exceeding 110% of the per capita cost of maintaining the schools of the district for the preceding school year.

Such per capita cost shall be computed by dividing the total cost of conducting and maintaining the schools of the district by the average daily attendance, including tuition pupils. Depreciation on the buildings and equipment of the schools of the district, and the amount of annual depreciation on such buildings and equipment shall be dependent upon the useful life of such property.

The tuition charged shall in no case exceed 110% of the per capita cost of conducting and maintaining the schools of the district attended, as determined with reference to the most recent audit prepared under Section 3-7 which is available at the commencement of the current school year. Non-resident

pupils attending the schools of the district for less than the school term shall have their tuition apportioned, however pupils who become non-resident during a school term shall not be charged tuition for the remainder of the school term in which they became non-resident pupils.

(b) Unless otherwise agreed to by the parties involved and where the educational services are not otherwise provided for, educational services for an Illinois student under the age of 21 (and not eligible for services pursuant to Article 14 of this Code) in any residential program shall be provided by the district in which the facility is located and financed as follows. The cost of educational services shall be paid by the district in which the student resides in an amount equal to the cost of providing educational services in the residential facility. Payments shall be made by the district of the student's residence and shall be made to the district wherein the facility is located no less than once per month unless otherwise agreed to by the parties.

The funding provision of this subsection (b) applies to all Illinois students under the age of 21 (and not eligible for services pursuant to Article 14 of this Code) receiving educational services in residential facilities, irrespective of whether the student was placed therein pursuant to this Code or the Juvenile Court Act of 1987 or by an Illinois public agency or a court. ~~Nothing in this Section shall be construed to relieve the district of the student's residence of financial~~

~~responsibility based on the manner in which the student was placed at the facility.~~ The changes to this subsection (b) made by this amendatory Act of the 95th General Assembly apply to all placements in effect on July 1, 2007 and all placements thereafter. For purposes of this subsection (b), a student's district of residence shall be determined in accordance with subsection (a) of Section 10-20.12b of this Code. The placement of a student in a residential facility shall not affect the residency of the student. When a dispute arises over the determination of the district of residence under this subsection (b), any person or entity, including without limitation a school district or residential facility, may make a written request for a residency decision to the State Superintendent of Education, who, upon review of materials submitted and any other items or information he or she may request for submission, shall issue his or her decision in writing. The decision of the State Superintendent of Education is final.

(Source: P.A. 89-397, eff. 8-20-95; 90-649, eff. 7-24-98; 95SB2042enr.)

(105 ILCS 5/14-7.05)

Sec. 14-7.05. Placement in residential facility; payment of educational costs. For any student with a disability in a residential facility placement made or paid for by an Illinois public State agency or made by any court in this State, the

school district of residence as determined pursuant to this Article is responsible for the costs of educating the child and shall be reimbursed for those costs in accordance with this Code. Subject to this Section and relevant State appropriation, the resident district's financial responsibility and reimbursement must be calculated in accordance with the provisions of Section 14-7.02 of this Code. In those instances in which a district receives a block grant pursuant to Article 1D of this Code, the district's financial responsibility is limited to the actual educational costs of the placement, which must be paid by the district from its block grant appropriation. Resident district financial responsibility and reimbursement applies for both residential facilities that are approved by the State Board of Education and non-approved facilities, subject to the requirements of this Section. The Illinois placing agency or court remains responsible for funding the residential portion of the placement and for notifying the resident district prior to the placement, except in emergency situations. The residential facility in which the student is placed shall notify the resident district of the student's enrollment as soon as practicable after the placement. Failure of the placing agency or court to notify the resident district prior to the placement does not absolve the resident district of financial responsibility for the educational costs of the placement; however, the resident district shall not become financially responsible unless and

until it receives written notice of the placement by either the placing agency, court, or residential facility. The placing agency or parent shall request an individualized education program (IEP) meeting from the resident district if the placement would entail additional educational services beyond the student's current IEP. The district of residence shall retain control of the IEP process, and any changes to the IEP must be done in compliance with the federal Individuals with Disabilities Education Act.

Payments shall be made by the resident district to the entity providing the educational services, whether the entity is the residential facility or the school district wherein the facility is located, no less than once per quarter unless otherwise agreed to in writing by the parties.

A residential facility providing educational services within the facility, but not approved by the State Board of Education, is required to demonstrate proof to the State Board of (i) appropriate certification of teachers for the student population, (ii) age-appropriate curriculum, (iii) enrollment and attendance data, and (iv) the ability to implement the child's IEP. A school district is under no obligation to pay such a residential facility unless and until such proof is provided to the State Board's satisfaction.

When a dispute arises over the determination of the district of residence under this Section, any person or entity, including without limitation a school district or residential

facility, may make a written request for a residency decision to the State Superintendent of Education, who, upon review of materials submitted and any other items of information he or she may request for submission, shall issue his or her decision in writing. The decision of the State Superintendent of Education is final.

(Source: 95SB2042enr.)

Section 99. Effective date. This Act takes effect upon becoming law, except that Section 10 takes effect upon becoming law or on the effective date of Senate Bill 2042 of the 95th General Assembly, whichever is later.