

HB2406



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB2406

by Rep. Brandon W. Phelps

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-7.02b
105 ILCS 5/14-7.05
105 ILCS 5/Art. 1D rep.

Amends the School Code. Repeals the Block Grants for Chicago Article.
Makes related changes. Effective July 1, 2017.

LRB100 05508 MLM 15519 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Sections
5 14-7.02b and 14-7.05 as follows:

6 (105 ILCS 5/14-7.02b)

7 Sec. 14-7.02b. Funding for children requiring special
8 education services. Payments to school districts for children
9 requiring special education services documented in their
10 individualized education program regardless of the program
11 from which these services are received, excluding children
12 claimed under Sections 14-7.02 and 14-7.03 of this Code, shall
13 be made in accordance with this Section. Funds received under
14 this Section may be used only for the provision of special
15 educational facilities and services as defined in Section
16 14-1.08 of this Code.

17 The appropriation for fiscal year 2005 and thereafter shall
18 be based upon the IDEA child count of all students in the
19 State, excluding students claimed under Sections 14-7.02 and
20 14-7.03 of this Code, on December 1 of the fiscal year 2 years
21 preceding, multiplied by 17.5% of the general State aid
22 foundation level of support established for that fiscal year
23 under Section 18-8.05 of this Code.

1 Beginning with fiscal year 2005 and through fiscal year
2 2007, individual school districts shall not receive payments
3 under this Section totaling less than they received under the
4 funding authorized under Section 14-7.02a of this Code during
5 fiscal year 2004, pursuant to the provisions of Section
6 14-7.02a as they were in effect before the effective date of
7 this amendatory Act of the 93rd General Assembly. This base
8 level funding shall be computed first.

9 Beginning with fiscal year 2008 and each fiscal year
10 thereafter, individual school districts must not receive
11 payments under this Section totaling less than they received in
12 fiscal year 2007. This funding shall be computed last and shall
13 be a separate calculation from any other calculation set forth
14 in this Section. ~~This amount is exempt from the requirements of~~
15 ~~Section 1D-1 of this Code.~~

16 An amount equal to 85% of the funds remaining in the
17 appropriation shall be allocated to school districts based upon
18 the district's average daily attendance reported for purposes
19 of Section 18-8.05 of this Code for the preceding school year.
20 Fifteen percent of the funds remaining in the appropriation
21 shall be allocated to school districts based upon the
22 district's low income eligible pupil count used in the
23 calculation of general State aid under Section 18-8.05 of this
24 Code for the same fiscal year. One hundred percent of the funds
25 computed and allocated to districts under this Section shall be
26 distributed and paid to school districts.

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

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

1 Nothing in this Section shall be construed ~~to decrease or~~
2 ~~increase the percentage of all special education funds that are~~
3 ~~allocated annually under Article 1D of this Code or to alter~~
4 the requirement that a school district provide special
5 education services.

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

11 (Source: P.A. 93-1022, eff. 8-24-08; 95-705, eff. 1-8-08.)

12 (105 ILCS 5/14-7.05)

13 Sec. 14-7.05. Placement in residential facility; payment
14 of educational costs. For any student with a disability in a
15 residential facility placement made or paid for by an Illinois
16 public State agency or made by any court in this State, the
17 school district of residence as determined pursuant to this
18 Article is responsible for the costs of educating the child and
19 shall be reimbursed for those costs in accordance with this
20 Code. Subject to this Section and relevant State appropriation,
21 the resident district's financial responsibility and
22 reimbursement must be calculated in accordance with the
23 provisions of Section 14-7.02 of this Code. ~~In those instances~~
24 ~~in which a district receives a block grant pursuant to Article~~
25 ~~1D of this Code, the district's financial responsibility is~~

1 ~~limited to the actual educational costs of the placement, which~~
2 ~~must be paid by the district from its block grant~~
3 ~~appropriation.~~ Resident district financial responsibility and
4 reimbursement applies for both residential facilities that are
5 approved by the State Board of Education and non-approved
6 facilities, subject to the requirements of this Section. The
7 Illinois placing agency or court remains responsible for
8 funding the residential portion of the placement and for
9 notifying the resident district prior to the placement, except
10 in emergency situations. The residential facility in which the
11 student is placed shall notify the resident district of the
12 student's enrollment as soon as practicable after the
13 placement. Failure of the placing agency or court to notify the
14 resident district prior to the placement does not absolve the
15 resident district of financial responsibility for the
16 educational costs of the placement; however, the resident
17 district shall not become financially responsible unless and
18 until it receives written notice of the placement by either the
19 placing agency, court, or residential facility. The placing
20 agency or parent shall request an individualized education
21 program (IEP) meeting from the resident district if the
22 placement would entail additional educational services beyond
23 the student's current IEP. The district of residence shall
24 retain control of the IEP process, and any changes to the IEP
25 must be done in compliance with the federal Individuals with
26 Disabilities Education Act.

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

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

15 When a dispute arises over the determination of the
16 district of residence under this Section, any person or entity,
17 including without limitation a school district or residential
18 facility, may make a written request for a residency decision
19 to the State Superintendent of Education, who, upon review of
20 materials submitted and any other items of information he or
21 she may request for submission, shall issue his or her decision
22 in writing. The decision of the State Superintendent of
23 Education is final.

24 (Source: P.A. 95-844, eff. 8-15-08; 95-938, eff. 8-29-08.)

25 (105 ILCS 5/Art. 1D rep.)

1 Section 10. The School Code is amended by repealing Article
2 1D.

3 Section 99. Effective date. This Act takes effect July 1,
4 2017.