

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 1. Short title. This Act may be cited as the FY2006  
5 Budget Implementation (Education) Act.

6 Section 5. Purpose. It is the purpose of this Act to make  
7 changes in State programs that are necessary to implement the  
8 Governor's FY2006 budget recommendations concerning education.

9 Section 10. The State Finance Act is amended by adding  
10 Section 5.640, by changing and renumbering Section 6z-65, added  
11 by Public Act 93-838, and by changing Sections 6z-66 and 6z-67  
12 as follows:

13 (30 ILCS 105/5.640 new)

14 Sec. 5.640. The State Board of Education Special Purpose  
15 Trust Fund.

16 (30 ILCS 105/6z-65.5)

17 Sec. 6z-65.5 ~~6z-65~~. SBE Federal Department of Education  
18 Fund. The SBE Federal Department of Education Fund is created  
19 as a federal trust fund in the State treasury. This fund is  
20 established to receive funds from the federal Department of  
21 Education, including administrative funds recovered from  
22 federal programs, for the specific purposes established by the  
23 terms and conditions of federal awards. Moneys ~~All moneys~~ in  
24 the SBE Federal Department of Education Fund shall be used,  
25 subject to appropriation by the General Assembly, for grants  
26 and contracts to local education agencies, colleges and  
27 universities, and other State agencies and for administrative  
28 expenses of the State Board of Education. However,  
29 non-appropriated spending is allowed for the refund of

1 unexpended grant moneys to the federal government. The SBE  
2 Federal Department of Education Fund shall serve as the  
3 successor fund to the National Center for Education Statistics  
4 Fund, and any balance remaining in the National Center for  
5 Education Statistics Fund on the effective date of this  
6 amendatory Act of the 94th General Assembly must be transferred  
7 to the SBE Federal Department of Education Fund by the State  
8 Treasurer. Any future deposits that would otherwise be made  
9 into the National Center for Education Statistics Fund must  
10 instead be made into the SBE Federal Department of Education  
11 Fund.

12 (Source: P.A. 93-838, eff. 7-30-04; revised 11-8-04.)

13 (30 ILCS 105/6z-66)

14 Sec. 6z-66. SBE Federal Agency Services Fund. The SBE  
15 Federal Agency Services Fund is created as a federal trust fund  
16 in the State treasury. This fund is established to receive  
17 funds from all federal departments and agencies except the  
18 Departments of Education and Agriculture (including among  
19 others the Departments of Health and Human Services, Defense,  
20 and Labor and the Corporation for National and Community  
21 Service), including administrative funds recovered from  
22 federal programs, for the specific purposes established by the  
23 terms and conditions of federal awards. Moneys ~~All moneys~~ in  
24 the SBE Federal Agency Services Fund shall be used, subject to  
25 appropriation by the General Assembly, for grants and contracts  
26 to local education agencies, colleges and universities, and  
27 other State agencies and for administrative expenses of the  
28 State Board of Education. However, non-appropriated spending  
29 is allowed for the refund of unexpended grant moneys to the  
30 federal government. The SBE Federal Agency Services Fund shall  
31 serve as the successor fund to the SBE Department of Health and  
32 Human Services Fund, the SBE Federal Department of Labor  
33 Federal Trust Fund, and the SBE Federal National Community  
34 Service Fund; and any balance remaining in the SBE Department  
35 of Health and Human Services Fund, the SBE Federal Department

1 of Labor Federal Trust Fund, or the SBE Federal National  
2 Community Service Fund on the effective date of this amendatory  
3 Act of the 94th General Assembly must be transferred to the SBE  
4 Federal Agency Services Fund by the State Treasurer. Any future  
5 deposits that would otherwise be made into the SBE Department  
6 of Health and Human Services Fund, the SBE Federal Department  
7 of Labor Federal Trust Fund, or the SBE Federal National  
8 Community Service Fund must instead be made into the SBE  
9 Federal Agency Services Fund.

10 (Source: P.A. 93-838, eff. 7-30-04.)

11 (30 ILCS 105/6z-67)

12 Sec. 6z-67. SBE Federal Department of Agriculture Fund. The  
13 SBE Federal Department of Agriculture Fund is created as a  
14 federal trust fund in the State treasury. This fund is  
15 established to receive funds from the federal Department of  
16 Education, including administrative funds recovered from  
17 federal programs, for the specific purposes established by the  
18 terms and conditions of federal awards. Moneys ~~All moneys~~ in  
19 the SBE Federal Department of Agriculture Fund shall be used,  
20 subject to appropriation by the General Assembly, for grants  
21 and contracts to local education agencies, colleges and  
22 universities, and other State agencies and for administrative  
23 expenses of the State Board of Education. However,  
24 non-appropriated spending is allowed for the refund of  
25 unexpended grant moneys to the federal government.

26 (Source: P.A. 93-838, eff. 7-30-04.)

27 Section 15. The School Code is amended by adding Section  
28 2-3.127a and by changing Sections 2-3.64, 2-3.131, 14-8.01, and  
29 18-8.05 as follows:

30 (105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

31 Sec. 2-3.64. State goals and assessment.

32 (a) Beginning in the 1998-1999 school year, the State Board  
33 of Education shall establish standards and periodically, in

1 collaboration with local school districts, conduct studies of  
2 student performance in the learning areas of fine arts and  
3 physical development/health.

4 Beginning with the 1998-1999 school year until the  
5 2004-2005 school year, the State Board of Education shall  
6 annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th  
7 grades in English language arts (reading, writing, and English  
8 grammar) and mathematics; and (ii) all pupils enrolled in the  
9 4th and 7th grades in the biological and physical sciences and  
10 the social sciences (history, geography, civics, economics,  
11 and government). Unless the testing required to be implemented  
12 no later than the 2005-2006 school year under this subsection  
13 (a) is implemented for the 2004-2005 school year, for the  
14 2004-2005 school year, the State Board of Education shall test:  
15 (i) all pupils enrolled in the 3rd, 5th, and 8th grades in  
16 English language arts (reading and English grammar) and  
17 mathematics and (ii) all pupils enrolled in the 4th and 7th  
18 grades in the biological and physical sciences. The maximum  
19 time allowed for all actual testing required under this  
20 paragraph shall not exceed 25 hours, as allocated among the  
21 required tests by the State Board of Education, across all  
22 grades tested.

23 Beginning no later than the 2005-2006 school year, the  
24 State Board of Education shall annually test: (i) all pupils  
25 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in  
26 reading and mathematics and (ii) all pupils enrolled in the 4th  
27 and 7th grades in the biological and physical sciences. In  
28 addition, the State Board of Education shall test (1) all  
29 pupils enrolled in the 5th and 8th grades in writing during the  
30 2006-2007 school year; (2) all pupils enrolled in the 5th, 6th,  
31 and 8th grades in writing during the 2007-2008 school year; and  
32 (3) all pupils enrolled in the 3rd, 5th, 6th, and 8th grades in  
33 writing during the 2008-2009 school year and each school year  
34 thereafter. After the addition of grades and change in subjects  
35 as delineated in this paragraph and including whatever other  
36 tests that may be approved from time to time no later than the

1 2005-2006 school year, the maximum time allowed for all State  
2 testing in grades 3 through 8 shall not exceed 38 hours across  
3 those grades.

4 Beginning with the 2004-2005 school year, the State Board  
5 of Education shall not test pupils under this subsection (a) in  
6 ~~writing~~, physical development and health, fine arts, and the  
7 social sciences (history, geography, civics, economics, and  
8 government). The State Board of Education shall not test pupils  
9 under this subsection (a) in writing during the 2005-2006  
10 school year.

11 The State Board of Education shall establish the academic  
12 standards that are to be applicable to pupils who are subject  
13 to State tests under this Section beginning with the 1998-1999  
14 school year. However, the State Board of Education shall not  
15 establish any such standards in final form without first  
16 providing opportunities for public participation and local  
17 input in the development of the final academic standards. Those  
18 opportunities shall include a well-publicized period of public  
19 comment, public hearings throughout the State, and  
20 opportunities to file written comments. Beginning with the  
21 1998-99 school year and thereafter, the State tests will  
22 identify pupils in the 3rd grade or 5th grade who do not meet  
23 the State standards.

24 If, by performance on the State tests or local assessments  
25 or by teacher judgment, a student's performance is determined  
26 to be 2 or more grades below current placement, the student  
27 shall be provided a remediation program developed by the  
28 district in consultation with a parent or guardian. Such  
29 remediation programs may include, but shall not be limited to,  
30 increased or concentrated instructional time, a remedial  
31 summer school program of not less than 90 hours, improved  
32 instructional approaches, tutorial sessions, retention in  
33 grade, and modifications to instructional materials. Each  
34 pupil for whom a remediation program is developed under this  
35 subsection shall be required to enroll in and attend whatever  
36 program the district determines is appropriate for the pupil.

1 Districts may combine students in remediation programs where  
2 appropriate and may cooperate with other districts in the  
3 design and delivery of those programs. The parent or guardian  
4 of a student required to attend a remediation program under  
5 this Section shall be given written notice of that requirement  
6 by the school district a reasonable time prior to commencement  
7 of the remediation program that the student is to attend. The  
8 State shall be responsible for providing school districts with  
9 the new and additional funding, under Section 2-3.51.5 or by  
10 other or additional means, that is required to enable the  
11 districts to operate remediation programs for the pupils who  
12 are required to enroll in and attend those programs under this  
13 Section. Every individualized educational program as described  
14 in Article 14 shall identify if the State test or components  
15 thereof are appropriate for that student. The State Board of  
16 Education shall develop rules and regulations governing the  
17 administration of alternative tests prescribed within each  
18 student's individualized educational program which are  
19 appropriate to the disability of each student.

20 All pupils who are in a State approved transitional  
21 bilingual education program or transitional program of  
22 instruction shall participate in the State tests. Any student  
23 who has been enrolled in a State approved bilingual education  
24 program less than 3 cumulative academic years may take an  
25 accommodated State test, to be known as the Illinois Measure of  
26 Annual Growth in English (IMAGE), if the student's lack of  
27 English as determined by an English language proficiency test  
28 would keep the student from understanding the regular State  
29 test. If the school district determines, on a case-by-case  
30 individual basis, that IMAGE would likely yield more accurate  
31 and reliable information on what the student knows and can do,  
32 the school district may make a determination to assess the  
33 student using IMAGE for a period that does not exceed 2  
34 additional consecutive years, provided that the student has not  
35 yet reached a level of English language proficiency sufficient  
36 to yield valid and reliable information on what the student

1 knows and can do on the regular State test.

2 Reasonable accommodations as prescribed by the State Board  
3 of Education shall be provided for individual students in the  
4 testing procedure. All test procedures prescribed by the State  
5 Board of Education shall require: (i) that each test used for  
6 State and local student testing under this Section identify by  
7 name the pupil taking the test; (ii) that the name of the pupil  
8 taking the test be placed on the test at the time the test is  
9 taken; (iii) that the results or scores of each test taken  
10 under this Section by a pupil of the school district be  
11 reported to that district and identify by name the pupil who  
12 received the reported results or scores; and (iv) that the  
13 results or scores of each test taken under this Section be made  
14 available to the parents of the pupil. In addition, in each  
15 school year the highest scores attained by a student on the  
16 Prairie State Achievement Examination administered under  
17 subsection (c) of this Section and any Prairie State  
18 Achievement Awards received by the student shall become part of  
19 the student's permanent record and shall be entered on the  
20 student's transcript pursuant to regulations that the State  
21 Board of Education shall promulgate for that purpose in  
22 accordance with Section 3 and subsection (e) of Section 2 of  
23 the Illinois School Student Records Act. Beginning with the  
24 1998-1999 school year and in every school year thereafter,  
25 scores received by students on the State assessment tests  
26 administered in grades 3 through 8 shall be placed into  
27 students' temporary records.

28 The State Board of Education shall establish a period of  
29 time, to be referred to as the State test window, in each  
30 school year for which State testing shall occur to meet the  
31 objectives of this Section. However, if the schools of a  
32 district are closed and classes are not scheduled during any  
33 week that is established by the State Board of Education as the  
34 State test window, the school district may (at the discretion  
35 of the State Board of Education) move its State test window one  
36 week earlier or one week later than the established State test

1 window, so long as the school district gives the State Board of  
2 Education written notice of its intention to deviate from the  
3 established schedule by December 1 of the school year in which  
4 falls the State test window established by the State Board of  
5 Education for the testing.

6 (a-5) All tests administered pursuant to this Section shall  
7 be academically based. For the purposes of this Section  
8 "academically based tests" shall mean tests consisting of  
9 questions and answers that are measurable and quantifiable to  
10 measure the knowledge, skill, and ability of students in the  
11 subject matters covered by tests. The scoring of academically  
12 based tests shall be reliable, valid, unbiased and shall meet  
13 the guidelines for test development and use prescribed by the  
14 American Psychological Association, the National Council of  
15 Measurement and Evaluation, and the American Educational  
16 Research Association. Academically based tests shall not  
17 include assessments or evaluations of attitudes, values, or  
18 beliefs, or testing of personality, self-esteem, or  
19 self-concept. Nothing in this amendatory Act is intended, nor  
20 shall it be construed, to nullify, supersede, or contradict the  
21 legislative intent on academic testing expressed during the  
22 passage of HB 1005/P.A. 90-296. Nothing in this Section is  
23 intended, nor shall it be construed, to nullify, supersede, or  
24 contradict the legislative intent on academic testing  
25 expressed in the preamble of this amendatory Act of the 93rd  
26 General Assembly.

27 The State Board of Education shall monitor the use of short  
28 answer questions in the math and reading assessments or in  
29 other assessments in order to demonstrate that the use of short  
30 answer questions results in a statistically significant  
31 improvement in student achievement as measured on the State  
32 assessments for math and reading or on other State assessments  
33 and is justifiable in terms of cost and student performance.

34 (b) It shall be the policy of the State to encourage school  
35 districts to continuously test pupil proficiency in the  
36 fundamental learning areas in order to: (i) provide timely



1 information on individual students' performance relative to  
2 State standards that is adequate to guide instructional  
3 strategies; (ii) improve future instruction; and (iii)  
4 complement the information provided by the State testing system  
5 described in this Section. Each district's school improvement  
6 plan must address specific activities the district intends to  
7 implement to assist pupils who by teacher judgment and test  
8 results as prescribed in subsection (a) of this Section  
9 demonstrate that they are not meeting State standards or local  
10 objectives. Such activities may include, but shall not be  
11 limited to, summer school, extended school day, special  
12 homework, tutorial sessions, modified instructional materials,  
13 other modifications in the instructional program, reduced  
14 class size or retention in grade. To assist school districts in  
15 testing pupil proficiency in reading in the primary grades, the  
16 State Board shall make optional reading inventories for  
17 diagnostic purposes available to each school district that  
18 requests such assistance. Districts that administer the  
19 reading inventories may develop remediation programs for  
20 students who perform in the bottom half of the student  
21 population. Those remediation programs may be funded by moneys  
22 provided under the School Safety and Educational Improvement  
23 Block Grant Program established under Section 2-3.51.5.  
24 Nothing in this Section shall prevent school districts from  
25 implementing testing and remediation policies for grades not  
26 required under this Section.

27 (c) Beginning with the 2000-2001 school year, each school  
28 district that operates a high school program for students in  
29 grades 9 through 12 shall annually administer the Prairie State  
30 Achievement Examination established under this subsection to  
31 its students as set forth below. The Prairie State Achievement  
32 Examination shall be developed by the State Board of Education  
33 to measure student performance in the academic areas of  
34 reading, writing, mathematics, science, and social sciences.  
35 Beginning with the 2004-2005 school year, however, the State  
36 Board of Education shall not test a student in ~~writing and~~ the

1 social sciences (history, geography, civics, economics, and  
2 government) as part of the Prairie State Achievement  
3 Examination unless the student is retaking the Prairie State  
4 Achievement Examination in the fall of 2004. In addition, the  
5 State Board of Education shall not test a student in writing as  
6 part of the Prairie State Achievement Examination during the  
7 2005-2006 school year. The State Board of Education shall  
8 establish the academic standards that are to apply in measuring  
9 student performance on the Prairie State Achievement  
10 Examination including the minimum examination score in each  
11 area that will qualify a student to receive a Prairie State  
12 Achievement Award from the State in recognition of the  
13 student's excellent performance. Each school district that is  
14 subject to the requirements of this subsection (c) shall afford  
15 all students 2 opportunities to take the Prairie State  
16 Achievement Examination beginning as late as practical during  
17 the second semester of grade 11, but in no event before March  
18 1. The State Board of Education shall annually notify districts  
19 of the weeks during which these test administrations shall be  
20 required to occur. Every individualized educational program as  
21 described in Article 14 shall identify if the Prairie State  
22 Achievement Examination or components thereof are appropriate  
23 for that student. Each student, exclusive of a student whose  
24 individualized educational program developed under Article 14  
25 identifies the Prairie State Achievement Examination as  
26 inappropriate for the student, shall be required to take the  
27 examination in grade 11. For each academic area the State Board  
28 of Education shall establish the score that qualifies for the  
29 Prairie State Achievement Award on that portion of the  
30 examination. Any student who fails to earn a qualifying score  
31 for a Prairie State Achievement Award in any one or more of the  
32 academic areas on the initial test administration or who wishes  
33 to improve his or her score on any portion of the examination  
34 shall be permitted to retake such portion or portions of the  
35 examination during grade 12. Districts shall inform their  
36 students of the timelines and procedures applicable to their

1 participation in every yearly administration of the Prairie  
2 State Achievement Examination. Students receiving special  
3 education services whose individualized educational programs  
4 identify the Prairie State Achievement Examination as  
5 inappropriate for them nevertheless shall have the option of  
6 taking the examination, which shall be administered to those  
7 students in accordance with standards adopted by the State  
8 Board of Education to accommodate the respective disabilities  
9 of those students. A student who successfully completes all  
10 other applicable high school graduation requirements but fails  
11 to receive a score on the Prairie State Achievement Examination  
12 that qualifies the student for receipt of a Prairie State  
13 Achievement Award shall nevertheless qualify for the receipt of  
14 a regular high school diploma. In no case, however, shall a  
15 student receive a regular high school diploma without taking  
16 the Prairie State Achievement Examination, unless the student  
17 is exempted from taking the Prairie State Achievement  
18 Examination under this subsection (c) because the student's  
19 individualized educational program developed under Article 14  
20 of this Code identifies the Prairie State Achievement  
21 Examination as inappropriate for the student, (ii) the student  
22 is exempt due to the student's lack of English language  
23 proficiency under subsection (a) of this Section, or (iii) the  
24 student is enrolled in a program of Adult and Continuing  
25 Education as defined in the Adult Education Act.

26 (d) Beginning with the 2002-2003 school year, all schools  
27 in this State that are part of the sample drawn by the National  
28 Center for Education Statistics, in collaboration with their  
29 school districts and the State Board of Education, shall  
30 administer the biennial State academic assessments of 4th and  
31 8th grade reading and mathematics under the National Assessment  
32 of Educational Progress carried out under Section m11(b) (2) of  
33 the National Education Statistics Act of 1994 (20 U.S.C. 9010)  
34 if the Secretary of Education pays the costs of administering  
35 the assessments.

36 (e) Beginning no later than the 2005-2006 school year,

1 subject to available federal funds to this State for the  
2 purpose of student assessment, the State Board of Education  
3 shall provide additional tests and assessment resources that  
4 may be used by school districts for local diagnostic purposes.  
5 These tests and resources shall include without limitation  
6 additional high school writing, physical development and  
7 health, and fine arts assessments. The State Board of Education  
8 shall annually distribute a listing of these additional tests  
9 and resources, using funds available from appropriations made  
10 for student assessment purposes.

11 (f) For the assessment and accountability purposes of this  
12 Section, "all pupils" includes those pupils enrolled in a  
13 public or State-operated elementary school, secondary school,  
14 or cooperative or joint agreement with a governing body or  
15 board of control, a charter school operating in compliance with  
16 the Charter Schools Law, a school operated by a regional office  
17 of education under Section 13A-3 of this Code, or a public  
18 school administered by a local public agency or the Department  
19 of Human Services.

20 (Source: P.A. 92-604, eff. 7-1-02; 93-426, eff. 8-5-03; 93-838,  
21 eff. 7-30-04; 93-857, eff. 8-3-04; revised 10-25-04.)

22 (105 ILCS 5/2-3.127a new)

23 Sec. 2-3.127a. The State Board of Education Special Purpose  
24 Trust Fund. The State Board of Education Special Purpose Trust  
25 Fund is created as a special fund in the State treasury. Unless  
26 specifically directed to be deposited into other funds, all  
27 moneys received by the State Board of Education from gifts,  
28 grants, or donations from any source, public or private, shall  
29 be deposited into this Fund. Moneys in this Fund shall be used,  
30 subject to appropriation by the General Assembly, by the State  
31 Board of Education for the purposes established by the gifts,  
32 grants, or donations.

33 (105 ILCS 5/2-3.131)

34 Sec. 2-3.131. Transitional assistance payments.

1 (a) If the amount that the State Board of Education will  
2 pay to a school district from fiscal year 2004 appropriations,  
3 as estimated by the State Board of Education on April 1, 2004,  
4 is less than the amount that the State Board of Education paid  
5 to the school district from fiscal year 2003 appropriations,  
6 then, subject to appropriation, the State Board of Education  
7 shall make a fiscal year 2004 transitional assistance payment  
8 to the school district in an amount equal to the difference  
9 between the estimated amount to be paid from fiscal year 2004  
10 appropriations and the amount paid from fiscal year 2003  
11 appropriations.

12 (b) If the amount that the State Board of Education will  
13 pay to a school district from fiscal year 2005 appropriations,  
14 as estimated by the State Board of Education on April 1, 2005,  
15 is less than the amount that the State Board of Education paid  
16 to the school district from fiscal year 2004 appropriations,  
17 then the State Board of Education shall make a fiscal year 2005  
18 transitional assistance payment to the school district in an  
19 amount equal to the difference between the estimated amount to  
20 be paid from fiscal year 2005 appropriations and the amount  
21 paid from fiscal year 2004 appropriations.

22 (c) If the amount that the State Board of Education will  
23 pay to a school district from fiscal year 2006 appropriations,  
24 as estimated by the State Board of Education on April 1, 2006,  
25 is less than the amount that the State Board of Education paid  
26 to the school district from fiscal year 2005 appropriations,  
27 then the State Board of Education shall make a fiscal year 2006  
28 transitional assistance payment to the school district in an  
29 amount equal to the difference between the estimated amount to  
30 be paid from fiscal year 2006 appropriations and the amount  
31 paid from fiscal year 2005 appropriations.

32 (Source: P.A. 93-21, eff. 7-1-03; 93-838, eff. 7-30-04.)

33 (105 ILCS 5/14-8.01) (from Ch. 122, par. 14-8.01)

34 Sec. 14-8.01. Supervision of special education buildings  
35 and facilities. All special educational facilities, building

1 programs, housing, and all educational programs for the types  
2 of disabled children defined in Section 14-1.02 shall be under  
3 the supervision of and subject to the approval of the State  
4 Board of Education.

5 All special education facilities, building programs, and  
6 housing shall comply with the building code authorized by  
7 Section 2-3.12.

8 All educational programs for children with disabilities as  
9 defined in Section 14-1.02 administered by any State agency  
10 shall be under the general supervision of the State Board of  
11 Education. Such supervision shall be limited to insuring that  
12 such educational programs meet standards jointly developed and  
13 agreed to by both the State Board of Education and the  
14 operating State agency, including standards for educational  
15 personnel.

16 Any State agency providing special educational programs  
17 for children with disabilities as defined in Section 14-1.02  
18 shall promulgate rules and regulations, in consultation with  
19 the State Board of Education and pursuant to the Illinois  
20 Administrative Procedure Act as now or hereafter amended, to  
21 insure that all such programs comply with this Section and  
22 Section 14-8.02.

23 No otherwise qualified disabled child receiving special  
24 education and related services under Article 14 shall solely by  
25 reason of his or her disability be excluded from the  
26 participation in or be denied the benefits of or be subjected  
27 to discrimination under any program or activity provided by a  
28 State agency.

29 State agencies providing special education and related  
30 services, including room and board, either directly or through  
31 grants or purchases of services shall continue to provide these  
32 services according to current law and practice. Room and board  
33 costs not provided by a State agency other than the State Board  
34 of Education shall be provided by the State Board of Education  
35 to the extent of available funds. An amount equal to one-half  
36 of the State education agency's share of IDEA PART B federal

1 monies, or so much thereof as may actually be needed, shall  
2 annually be appropriated to pay for the additional costs of  
3 providing for room and board for those children placed pursuant  
4 to Section 14-7.02 of this Code and, after all such room and  
5 board costs are paid, for similar expenditures for children  
6 served pursuant to Section 14-7.02 or 14-7.02b of this Code.  
7 Any such excess room and board funds must first be directed to  
8 those school districts with students costing in excess of 4  
9 times the district's per capita tuition charge and then to  
10 community based programs that serve as alternatives to  
11 residential placements.

12 Beginning with Fiscal Year 1997 and continuing through  
13 Fiscal Year 2000, 100% of the former Chapter I, Section 89-313  
14 federal funds shall be allocated by the State Board of  
15 Education in the same manner as IDEA, PART B "flow through"  
16 funding to local school districts, joint agreements, and  
17 special education cooperatives for the maintenance of  
18 instructional and related support services to students with  
19 disabilities. However, beginning with Fiscal Year 1998, the  
20 total IDEA Part B discretionary funds available to the State  
21 Board of Education shall not exceed the maximum permissible  
22 under federal law or 20% of the total federal funds available  
23 to the State, whichever is less. ~~In no case shall the aggregate~~  
24 ~~IDEA Part B discretionary funds received by the State Board of~~  
25 ~~Education exceed the amount of IDEA Part B discretionary funds~~  
26 ~~available to the State Board of Education for Fiscal Year 1997,~~  
27 ~~excluding any carryover funds from prior fiscal years,~~  
28 ~~increased by 3% for Fiscal Year 1998 and increased by an~~  
29 ~~additional 3% for each fiscal year thereafter.~~ After all room  
30 and board payments and similar expenditures are made by the  
31 State Board of Education as required by this Section, the State  
32 Board of Education may use the remaining funds for  
33 administration and for providing discretionary activities.  
34 However, the State Board of Education may use no more than 25%  
35 of its available IDEA Part B discretionary funds for  
36 administrative services.

1 Special education and related services included in the  
2 child's individualized educational program which are not  
3 provided by another State agency shall be included in the  
4 special education and related services provided by the State  
5 Board of Education and the local school district.

6 The State Board of Education with the advice of the  
7 Advisory Council shall prescribe the standards and make the  
8 necessary rules and regulations for special education programs  
9 administered by local school boards, including but not limited  
10 to establishment of classes, training requirements of teachers  
11 and other professional personnel, eligibility and admission of  
12 pupils, the curriculum, class size limitation, building  
13 programs, housing, transportation, special equipment and  
14 instructional supplies, and the applications for claims for  
15 reimbursement. The State Board of Education shall promulgate  
16 rules and regulations for annual evaluations of the  
17 effectiveness of all special education programs and annual  
18 evaluation by the local school district of the individualized  
19 educational program for each child for whom it provides special  
20 education services.

21 A school district is responsible for the provision of  
22 educational services for all school age children residing  
23 within its boundaries excluding any student placed under the  
24 provisions of Section 14-7.02 or any disabled student whose  
25 parent or guardian lives outside of the State of Illinois as  
26 described in Section 14-1.11.

27 (Source: P.A. 93-1022, eff. 8-24-04.)

28 (105 ILCS 5/18-8.05)

29 Sec. 18-8.05. Basis for apportionment of general State  
30 financial aid and supplemental general State aid to the common  
31 schools for the 1998-1999 and subsequent school years.

32 (A) General Provisions.

33 (1) The provisions of this Section apply to the 1998-1999  
34 and subsequent school years. The system of general State



1 financial aid provided for in this Section is designed to  
2 assure that, through a combination of State financial aid and  
3 required local resources, the financial support provided each  
4 pupil in Average Daily Attendance equals or exceeds a  
5 prescribed per pupil Foundation Level. This formula approach  
6 imputes a level of per pupil Available Local Resources and  
7 provides for the basis to calculate a per pupil level of  
8 general State financial aid that, when added to Available Local  
9 Resources, equals or exceeds the Foundation Level. The amount  
10 of per pupil general State financial aid for school districts,  
11 in general, varies in inverse relation to Available Local  
12 Resources. Per pupil amounts are based upon each school  
13 district's Average Daily Attendance as that term is defined in  
14 this Section.

15 (2) In addition to general State financial aid, school  
16 districts with specified levels or concentrations of pupils  
17 from low income households are eligible to receive supplemental  
18 general State financial aid grants as provided pursuant to  
19 subsection (H). The supplemental State aid grants provided for  
20 school districts under subsection (H) shall be appropriated for  
21 distribution to school districts as part of the same line item  
22 in which the general State financial aid of school districts is  
23 appropriated under this Section.

24 (3) To receive financial assistance under this Section,  
25 school districts are required to file claims with the State  
26 Board of Education, subject to the following requirements:

27 (a) Any school district which fails for any given  
28 school year to maintain school as required by law, or to  
29 maintain a recognized school is not eligible to file for  
30 such school year any claim upon the Common School Fund. In  
31 case of nonrecognition of one or more attendance centers in  
32 a school district otherwise operating recognized schools,  
33 the claim of the district shall be reduced in the  
34 proportion which the Average Daily Attendance in the  
35 attendance center or centers bear to the Average Daily  
36 Attendance in the school district. A "recognized school"

1 means any public school which meets the standards as  
2 established for recognition by the State Board of  
3 Education. A school district or attendance center not  
4 having recognition status at the end of a school term is  
5 entitled to receive State aid payments due upon a legal  
6 claim which was filed while it was recognized.

7 (b) School district claims filed under this Section are  
8 subject to Sections 18-9, 18-10, and 18-12, except as  
9 otherwise provided in this Section.

10 (c) If a school district operates a full year school  
11 under Section 10-19.1, the general State aid to the school  
12 district shall be determined by the State Board of  
13 Education in accordance with this Section as near as may be  
14 applicable.

15 (d) (Blank).

16 (4) Except as provided in subsections (H) and (L), the  
17 board of any district receiving any of the grants provided for  
18 in this Section may apply those funds to any fund so received  
19 for which that board is authorized to make expenditures by law.

20 School districts are not required to exert a minimum  
21 Operating Tax Rate in order to qualify for assistance under  
22 this Section.

23 (5) As used in this Section the following terms, when  
24 capitalized, shall have the meaning ascribed herein:

25 (a) "Average Daily Attendance": A count of pupil  
26 attendance in school, averaged as provided for in  
27 subsection (C) and utilized in deriving per pupil financial  
28 support levels.

29 (b) "Available Local Resources": A computation of  
30 local financial support, calculated on the basis of Average  
31 Daily Attendance and derived as provided pursuant to  
32 subsection (D).

33 (c) "Corporate Personal Property Replacement Taxes":  
34 Funds paid to local school districts pursuant to "An Act in  
35 relation to the abolition of ad valorem personal property  
36 tax and the replacement of revenues lost thereby, and

1 amending and repealing certain Acts and parts of Acts in  
2 connection therewith", certified August 14, 1979, as  
3 amended (Public Act 81-1st S.S.-1).

4 (d) "Foundation Level": A prescribed level of per pupil  
5 financial support as provided for in subsection (B).

6 (e) "Operating Tax Rate": All school district property  
7 taxes extended for all purposes, except Bond and Interest,  
8 Summer School, Rent, Capital Improvement, and Vocational  
9 Education Building purposes.

10 (B) Foundation Level.

11 (1) The Foundation Level is a figure established by the  
12 State representing the minimum level of per pupil financial  
13 support that should be available to provide for the basic  
14 education of each pupil in Average Daily Attendance. As set  
15 forth in this Section, each school district is assumed to exert  
16 a sufficient local taxing effort such that, in combination with  
17 the aggregate of general State financial aid provided the  
18 district, an aggregate of State and local resources are  
19 available to meet the basic education needs of pupils in the  
20 district.

21 (2) For the 1998-1999 school year, the Foundation Level of  
22 support is \$4,225. For the 1999-2000 school year, the  
23 Foundation Level of support is \$4,325. For the 2000-2001 school  
24 year, the Foundation Level of support is \$4,425. For the  
25 2001-2002 school year and 2002-2003 school year, the Foundation  
26 Level of support is \$4,560. For the 2003-2004 school year, the  
27 Foundation Level of support is \$4,810. For the 2004-2005 school  
28 year, the Foundation Level of support is \$4,964.

29 (3) For the 2005-2006 ~~2004-2005~~ school year and each school  
30 year thereafter, the Foundation Level of support is \$5,164  
31 ~~\$4,964~~ ~~\$5,060~~ or such greater amount as may be established by  
32 law by the General Assembly.

33 (C) Average Daily Attendance.

34 (1) For purposes of calculating general State aid pursuant

1 to subsection (E), an Average Daily Attendance figure shall be  
2 utilized. The Average Daily Attendance figure for formula  
3 calculation purposes shall be the monthly average of the actual  
4 number of pupils in attendance of each school district, as  
5 further averaged for the best 3 months of pupil attendance for  
6 each school district. In compiling the figures for the number  
7 of pupils in attendance, school districts and the State Board  
8 of Education shall, for purposes of general State aid funding,  
9 conform attendance figures to the requirements of subsection  
10 (F).

11 (2) The Average Daily Attendance figures utilized in  
12 subsection (E) shall be the requisite attendance data for the  
13 school year immediately preceding the school year for which  
14 general State aid is being calculated or the average of the  
15 attendance data for the 3 preceding school years, whichever is  
16 greater. The Average Daily Attendance figures utilized in  
17 subsection (H) shall be the requisite attendance data for the  
18 school year immediately preceding the school year for which  
19 general State aid is being calculated.

20 (D) Available Local Resources.

21 (1) For purposes of calculating general State aid pursuant  
22 to subsection (E), a representation of Available Local  
23 Resources per pupil, as that term is defined and determined in  
24 this subsection, shall be utilized. Available Local Resources  
25 per pupil shall include a calculated dollar amount representing  
26 local school district revenues from local property taxes and  
27 from Corporate Personal Property Replacement Taxes, expressed  
28 on the basis of pupils in Average Daily Attendance. Calculation  
29 of Available Local Resources shall exclude any tax amnesty  
30 funds received as a result of Public Act 93-26.

31 (2) In determining a school district's revenue from local  
32 property taxes, the State Board of Education shall utilize the  
33 equalized assessed valuation of all taxable property of each  
34 school district as of September 30 of the previous year. The  
35 equalized assessed valuation utilized shall be obtained and

1 determined as provided in subsection (G).

2 (3) For school districts maintaining grades kindergarten  
3 through 12, local property tax revenues per pupil shall be  
4 calculated as the product of the applicable equalized assessed  
5 valuation for the district multiplied by 3.00%, and divided by  
6 the district's Average Daily Attendance figure. For school  
7 districts maintaining grades kindergarten through 8, local  
8 property tax revenues per pupil shall be calculated as the  
9 product of the applicable equalized assessed valuation for the  
10 district multiplied by 2.30%, and divided by the district's  
11 Average Daily Attendance figure. For school districts  
12 maintaining grades 9 through 12, local property tax revenues  
13 per pupil shall be the applicable equalized assessed valuation  
14 of the district multiplied by 1.05%, and divided by the  
15 district's Average Daily Attendance figure.

16 (4) The Corporate Personal Property Replacement Taxes paid  
17 to each school district during the calendar year 2 years before  
18 the calendar year in which a school year begins, divided by the  
19 Average Daily Attendance figure for that district, shall be  
20 added to the local property tax revenues per pupil as derived  
21 by the application of the immediately preceding paragraph (3).  
22 The sum of these per pupil figures for each school district  
23 shall constitute Available Local Resources as that term is  
24 utilized in subsection (E) in the calculation of general State  
25 aid.

26 (E) Computation of General State Aid.

27 (1) For each school year, the amount of general State aid  
28 allotted to a school district shall be computed by the State  
29 Board of Education as provided in this subsection.

30 (2) For any school district for which Available Local  
31 Resources per pupil is less than the product of 0.93 times the  
32 Foundation Level, general State aid for that district shall be  
33 calculated as an amount equal to the Foundation Level minus  
34 Available Local Resources, multiplied by the Average Daily  
35 Attendance of the school district.

1           (3) For any school district for which Available Local  
2 Resources per pupil is equal to or greater than the product of  
3 0.93 times the Foundation Level and less than the product of  
4 1.75 times the Foundation Level, the general State aid per  
5 pupil shall be a decimal proportion of the Foundation Level  
6 derived using a linear algorithm. Under this linear algorithm,  
7 the calculated general State aid per pupil shall decline in  
8 direct linear fashion from 0.07 times the Foundation Level for  
9 a school district with Available Local Resources equal to the  
10 product of 0.93 times the Foundation Level, to 0.05 times the  
11 Foundation Level for a school district with Available Local  
12 Resources equal to the product of 1.75 times the Foundation  
13 Level. The allocation of general State aid for school districts  
14 subject to this paragraph 3 shall be the calculated general  
15 State aid per pupil figure multiplied by the Average Daily  
16 Attendance of the school district.

17           (4) For any school district for which Available Local  
18 Resources per pupil equals or exceeds the product of 1.75 times  
19 the Foundation Level, the general State aid for the school  
20 district shall be calculated as the product of \$218 multiplied  
21 by the Average Daily Attendance of the school district.

22           (5) The amount of general State aid allocated to a school  
23 district for the 1999-2000 school year meeting the requirements  
24 set forth in paragraph (4) of subsection (G) shall be increased  
25 by an amount equal to the general State aid that would have  
26 been received by the district for the 1998-1999 school year by  
27 utilizing the Extension Limitation Equalized Assessed  
28 Valuation as calculated in paragraph (4) of subsection (G) less  
29 the general State aid allotted for the 1998-1999 school year.  
30 This amount shall be deemed a one time increase, and shall not  
31 affect any future general State aid allocations.

32           (F) Compilation of Average Daily Attendance.

33           (1) Each school district shall, by July 1 of each year,  
34 submit to the State Board of Education, on forms prescribed by  
35 the State Board of Education, attendance figures for the school

1 year that began in the preceding calendar year. The attendance  
2 information so transmitted shall identify the average daily  
3 attendance figures for each month of the school year. Beginning  
4 with the general State aid claim form for the 2002-2003 school  
5 year, districts shall calculate Average Daily Attendance as  
6 provided in subdivisions (a), (b), and (c) of this paragraph  
7 (1).

8 (a) In districts that do not hold year-round classes,  
9 days of attendance in August shall be added to the month of  
10 September and any days of attendance in June shall be added  
11 to the month of May.

12 (b) In districts in which all buildings hold year-round  
13 classes, days of attendance in July and August shall be  
14 added to the month of September and any days of attendance  
15 in June shall be added to the month of May.

16 (c) In districts in which some buildings, but not all,  
17 hold year-round classes, for the non-year-round buildings,  
18 days of attendance in August shall be added to the month of  
19 September and any days of attendance in June shall be added  
20 to the month of May. The average daily attendance for the  
21 year-round buildings shall be computed as provided in  
22 subdivision (b) of this paragraph (1). To calculate the  
23 Average Daily Attendance for the district, the average  
24 daily attendance for the year-round buildings shall be  
25 multiplied by the days in session for the non-year-round  
26 buildings for each month and added to the monthly  
27 attendance of the non-year-round buildings.

28 Except as otherwise provided in this Section, days of  
29 attendance by pupils shall be counted only for sessions of not  
30 less than 5 clock hours of school work per day under direct  
31 supervision of: (i) teachers, or (ii) non-teaching personnel or  
32 volunteer personnel when engaging in non-teaching duties and  
33 supervising in those instances specified in subsection (a) of  
34 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils  
35 of legal school age and in kindergarten and grades 1 through  
36 12.

1 Days of attendance by tuition pupils shall be accredited  
2 only to the districts that pay the tuition to a recognized  
3 school.

4 (2) Days of attendance by pupils of less than 5 clock hours  
5 of school shall be subject to the following provisions in the  
6 compilation of Average Daily Attendance.

7 (a) Pupils regularly enrolled in a public school for  
8 only a part of the school day may be counted on the basis  
9 of 1/6 day for every class hour of instruction of 40  
10 minutes or more attended pursuant to such enrollment,  
11 unless a pupil is enrolled in a block-schedule format of 80  
12 minutes or more of instruction, in which case the pupil may  
13 be counted on the basis of the proportion of minutes of  
14 school work completed each day to the minimum number of  
15 minutes that school work is required to be held that day.

16 (b) Days of attendance may be less than 5 clock hours  
17 on the opening and closing of the school term, and upon the  
18 first day of pupil attendance, if preceded by a day or days  
19 utilized as an institute or teachers' workshop.

20 (c) A session of 4 or more clock hours may be counted  
21 as a day of attendance upon certification by the regional  
22 superintendent, and approved by the State Superintendent  
23 of Education to the extent that the district has been  
24 forced to use daily multiple sessions.

25 (d) A session of 3 or more clock hours may be counted  
26 as a day of attendance (1) when the remainder of the school  
27 day or at least 2 hours in the evening of that day is  
28 utilized for an in-service training program for teachers,  
29 up to a maximum of 5 days per school year of which a  
30 maximum of 4 days of such 5 days may be used for  
31 parent-teacher conferences, provided a district conducts  
32 an in-service training program for teachers which has been  
33 approved by the State Superintendent of Education; or, in  
34 lieu of 4 such days, 2 full days may be used, in which  
35 event each such day may be counted as a day of attendance;  
36 and (2) when days in addition to those provided in item (1)



1 are scheduled by a school pursuant to its school  
2 improvement plan adopted under Article 34 or its revised or  
3 amended school improvement plan adopted under Article 2,  
4 provided that (i) such sessions of 3 or more clock hours  
5 are scheduled to occur at regular intervals, (ii) the  
6 remainder of the school days in which such sessions occur  
7 are utilized for in-service training programs or other  
8 staff development activities for teachers, and (iii) a  
9 sufficient number of minutes of school work under the  
10 direct supervision of teachers are added to the school days  
11 between such regularly scheduled sessions to accumulate  
12 not less than the number of minutes by which such sessions  
13 of 3 or more clock hours fall short of 5 clock hours. Any  
14 full days used for the purposes of this paragraph shall not  
15 be considered for computing average daily attendance. Days  
16 scheduled for in-service training programs, staff  
17 development activities, or parent-teacher conferences may  
18 be scheduled separately for different grade levels and  
19 different attendance centers of the district.

20 (e) A session of not less than one clock hour of  
21 teaching hospitalized or homebound pupils on-site or by  
22 telephone to the classroom may be counted as 1/2 day of  
23 attendance, however these pupils must receive 4 or more  
24 clock hours of instruction to be counted for a full day of  
25 attendance.

26 (f) A session of at least 4 clock hours may be counted  
27 as a day of attendance for first grade pupils, and pupils  
28 in full day kindergartens, and a session of 2 or more hours  
29 may be counted as 1/2 day of attendance by pupils in  
30 kindergartens which provide only 1/2 day of attendance.

31 (g) For children with disabilities who are below the  
32 age of 6 years and who cannot attend 2 or more clock hours  
33 because of their disability or immaturity, a session of not  
34 less than one clock hour may be counted as 1/2 day of  
35 attendance; however for such children whose educational  
36 needs so require a session of 4 or more clock hours may be

1 counted as a full day of attendance.

2 (h) A recognized kindergarten which provides for only  
3 1/2 day of attendance by each pupil shall not have more  
4 than 1/2 day of attendance counted in any one day. However,  
5 kindergartens may count 2 1/2 days of attendance in any 5  
6 consecutive school days. When a pupil attends such a  
7 kindergarten for 2 half days on any one school day, the  
8 pupil shall have the following day as a day absent from  
9 school, unless the school district obtains permission in  
10 writing from the State Superintendent of Education.  
11 Attendance at kindergartens which provide for a full day of  
12 attendance by each pupil shall be counted the same as  
13 attendance by first grade pupils. Only the first year of  
14 attendance in one kindergarten shall be counted, except in  
15 case of children who entered the kindergarten in their  
16 fifth year whose educational development requires a second  
17 year of kindergarten as determined under the rules and  
18 regulations of the State Board of Education.

19 (G) Equalized Assessed Valuation Data.

20 (1) For purposes of the calculation of Available Local  
21 Resources required pursuant to subsection (D), the State Board  
22 of Education shall secure from the Department of Revenue the  
23 value as equalized or assessed by the Department of Revenue of  
24 all taxable property of every school district, together with  
25 (i) the applicable tax rate used in extending taxes for the  
26 funds of the district as of September 30 of the previous year  
27 and (ii) the limiting rate for all school districts subject to  
28 property tax extension limitations as imposed under the  
29 Property Tax Extension Limitation Law.

30 The Department of Revenue shall add to the equalized  
31 assessed value of all taxable property of each school district  
32 situated entirely or partially within a county that is or was  
33 subject to the alternative general homestead exemption  
34 provisions of Section 15-176 of the Property Tax Code (a) ~~(i)~~  
35 an amount equal to the total amount by which the homestead

1 exemption allowed under Section 15-176 of the Property Tax Code  
2 for real property situated in that school district exceeds the  
3 total amount that would have been allowed in that school  
4 district if the maximum reduction under Section 15-176 was (i)  
5 \$4,500 in Cook County or \$3,500 in all other counties in tax  
6 year 2003 or (ii) \$5,000 in all counties in tax year 2004 and  
7 thereafter and (b) ~~(ii)~~ an amount equal to the aggregate amount  
8 for the taxable year of all additional exemptions under Section  
9 15-175 of the Property Tax Code for owners with a household  
10 income of \$30,000 or less. The county clerk of any county that  
11 is or was subject to the alternative general homestead  
12 exemption provisions of Section 15-176 of the Property Tax Code  
13 shall annually calculate and certify to the Department of  
14 Revenue for each school district all homestead exemption  
15 amounts under Section 15-176 of the Property Tax Code and all  
16 amounts of additional exemptions under Section 15-175 of the  
17 Property Tax Code for owners with a household income of \$30,000  
18 or less. It is the intent of this paragraph that if the general  
19 homestead exemption for a parcel of property is determined  
20 under Section 15-176 of the Property Tax Code rather than  
21 Section 15-175, then the calculation of Available Local  
22 Resources shall not be affected by the difference, if any,  
23 between the amount of the general homestead exemption allowed  
24 for that parcel of property under Section 15-176 of the  
25 Property Tax Code and the amount that would have been allowed  
26 had the general homestead exemption for that parcel of property  
27 been determined under Section 15-175 of the Property Tax Code.  
28 It is further the intent of this paragraph that if additional  
29 exemptions are allowed under Section 15-175 of the Property Tax  
30 Code for owners with a household income of less than \$30,000,  
31 then the calculation of Available Local Resources shall not be  
32 affected by the difference, if any, because of those additional  
33 exemptions.

34 This equalized assessed valuation, as adjusted further by  
35 the requirements of this subsection, shall be utilized in the  
36 calculation of Available Local Resources.

1           (2) The equalized assessed valuation in paragraph (1) shall  
2 be adjusted, as applicable, in the following manner:

3           (a) For the purposes of calculating State aid under  
4 this Section, with respect to any part of a school district  
5 within a redevelopment project area in respect to which a  
6 municipality has adopted tax increment allocation  
7 financing pursuant to the Tax Increment Allocation  
8 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11  
9 of the Illinois Municipal Code or the Industrial Jobs  
10 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the  
11 Illinois Municipal Code, no part of the current equalized  
12 assessed valuation of real property located in any such  
13 project area which is attributable to an increase above the  
14 total initial equalized assessed valuation of such  
15 property shall be used as part of the equalized assessed  
16 valuation of the district, until such time as all  
17 redevelopment project costs have been paid, as provided in  
18 Section 11-74.4-8 of the Tax Increment Allocation  
19 Redevelopment Act or in Section 11-74.6-35 of the  
20 Industrial Jobs Recovery Law. For the purpose of the  
21 equalized assessed valuation of the district, the total  
22 initial equalized assessed valuation or the current  
23 equalized assessed valuation, whichever is lower, shall be  
24 used until such time as all redevelopment project costs  
25 have been paid.

26           (b) The real property equalized assessed valuation for  
27 a school district shall be adjusted by subtracting from the  
28 real property value as equalized or assessed by the  
29 Department of Revenue for the district an amount computed  
30 by dividing the amount of any abatement of taxes under  
31 Section 18-170 of the Property Tax Code by 3.00% for a  
32 district maintaining grades kindergarten through 12, by  
33 2.30% for a district maintaining grades kindergarten  
34 through 8, or by 1.05% for a district maintaining grades 9  
35 through 12 and adjusted by an amount computed by dividing  
36 the amount of any abatement of taxes under subsection (a)

1 of Section 18-165 of the Property Tax Code by the same  
2 percentage rates for district type as specified in this  
3 subparagraph (b).

4 (3) For the 1999-2000 school year and each school year  
5 thereafter, if a school district meets all of the criteria of  
6 this subsection (G) (3), the school district's Available Local  
7 Resources shall be calculated under subsection (D) using the  
8 district's Extension Limitation Equalized Assessed Valuation  
9 as calculated under this subsection (G) (3).

10 For purposes of this subsection (G) (3) the following terms  
11 shall have the following meanings:

12 "Budget Year": The school year for which general State  
13 aid is calculated and awarded under subsection (E).

14 "Base Tax Year": The property tax levy year used to  
15 calculate the Budget Year allocation of general State aid.

16 "Preceding Tax Year": The property tax levy year  
17 immediately preceding the Base Tax Year.

18 "Base Tax Year's Tax Extension": The product of the  
19 equalized assessed valuation utilized by the County Clerk  
20 in the Base Tax Year multiplied by the limiting rate as  
21 calculated by the County Clerk and defined in the Property  
22 Tax Extension Limitation Law.

23 "Preceding Tax Year's Tax Extension": The product of  
24 the equalized assessed valuation utilized by the County  
25 Clerk in the Preceding Tax Year multiplied by the Operating  
26 Tax Rate as defined in subsection (A).

27 "Extension Limitation Ratio": A numerical ratio,  
28 certified by the County Clerk, in which the numerator is  
29 the Base Tax Year's Tax Extension and the denominator is  
30 the Preceding Tax Year's Tax Extension.

31 "Operating Tax Rate": The operating tax rate as defined  
32 in subsection (A).

33 If a school district is subject to property tax extension  
34 limitations as imposed under the Property Tax Extension  
35 Limitation Law, the State Board of Education shall calculate  
36 the Extension Limitation Equalized Assessed Valuation of that

1 district. For the 1999-2000 school year, the Extension  
2 Limitation Equalized Assessed Valuation of a school district as  
3 calculated by the State Board of Education shall be equal to  
4 the product of the district's 1996 Equalized Assessed Valuation  
5 and the district's Extension Limitation Ratio. For the  
6 2000-2001 school year and each school year thereafter, the  
7 Extension Limitation Equalized Assessed Valuation of a school  
8 district as calculated by the State Board of Education shall be  
9 equal to the product of the Equalized Assessed Valuation last  
10 used in the calculation of general State aid and the district's  
11 Extension Limitation Ratio. If the Extension Limitation  
12 Equalized Assessed Valuation of a school district as calculated  
13 under this subsection (G)(3) is less than the district's  
14 equalized assessed valuation as calculated pursuant to  
15 subsections (G)(1) and (G)(2), then for purposes of calculating  
16 the district's general State aid for the Budget Year pursuant  
17 to subsection (E), that Extension Limitation Equalized  
18 Assessed Valuation shall be utilized to calculate the  
19 district's Available Local Resources under subsection (D).

20 (4) For the purposes of calculating general State aid for  
21 the 1999-2000 school year only, if a school district  
22 experienced a triennial reassessment on the equalized assessed  
23 valuation used in calculating its general State financial aid  
24 apportionment for the 1998-1999 school year, the State Board of  
25 Education shall calculate the Extension Limitation Equalized  
26 Assessed Valuation that would have been used to calculate the  
27 district's 1998-1999 general State aid. This amount shall equal  
28 the product of the equalized assessed valuation used to  
29 calculate general State aid for the 1997-1998 school year and  
30 the district's Extension Limitation Ratio. If the Extension  
31 Limitation Equalized Assessed Valuation of the school district  
32 as calculated under this paragraph (4) is less than the  
33 district's equalized assessed valuation utilized in  
34 calculating the district's 1998-1999 general State aid  
35 allocation, then for purposes of calculating the district's  
36 general State aid pursuant to paragraph (5) of subsection (E),

1 that Extension Limitation Equalized Assessed Valuation shall  
2 be utilized to calculate the district's Available Local  
3 Resources.

4 (5) For school districts having a majority of their  
5 equalized assessed valuation in any county except Cook, DuPage,  
6 Kane, Lake, McHenry, or Will, if the amount of general State  
7 aid allocated to the school district for the 1999-2000 school  
8 year under the provisions of subsection (E), (H), and (J) of  
9 this Section is less than the amount of general State aid  
10 allocated to the district for the 1998-1999 school year under  
11 these subsections, then the general State aid of the district  
12 for the 1999-2000 school year only shall be increased by the  
13 difference between these amounts. The total payments made under  
14 this paragraph (5) shall not exceed \$14,000,000. Claims shall  
15 be prorated if they exceed \$14,000,000.

16 (H) Supplemental General State Aid.

17 (1) In addition to the general State aid a school district  
18 is allotted pursuant to subsection (E), qualifying school  
19 districts shall receive a grant, paid in conjunction with a  
20 district's payments of general State aid, for supplemental  
21 general State aid based upon the concentration level of  
22 children from low-income households within the school  
23 district. Supplemental State aid grants provided for school  
24 districts under this subsection shall be appropriated for  
25 distribution to school districts as part of the same line item  
26 in which the general State financial aid of school districts is  
27 appropriated under this Section. If the appropriation in any  
28 fiscal year for general State aid and supplemental general  
29 State aid is insufficient to pay the amounts required under the  
30 general State aid and supplemental general State aid  
31 calculations, then the State Board of Education shall ensure  
32 that each school district receives the full amount due for  
33 general State aid and the remainder of the appropriation shall  
34 be used for supplemental general State aid, which the State  
35 Board of Education shall calculate and pay to eligible

1 districts on a prorated basis.

2 (1.5) This paragraph (1.5) applies only to those school  
3 years preceding the 2003-2004 school year. For purposes of this  
4 subsection (H), the term "Low-Income Concentration Level"  
5 shall be the low-income eligible pupil count from the most  
6 recently available federal census divided by the Average Daily  
7 Attendance of the school district. If, however, (i) the  
8 percentage decrease from the 2 most recent federal censuses in  
9 the low-income eligible pupil count of a high school district  
10 with fewer than 400 students exceeds by 75% or more the  
11 percentage change in the total low-income eligible pupil count  
12 of contiguous elementary school districts, whose boundaries  
13 are coterminous with the high school district, or (ii) a high  
14 school district within 2 counties and serving 5 elementary  
15 school districts, whose boundaries are coterminous with the  
16 high school district, has a percentage decrease from the 2 most  
17 recent federal censuses in the low-income eligible pupil count  
18 and there is a percentage increase in the total low-income  
19 eligible pupil count of a majority of the elementary school  
20 districts in excess of 50% from the 2 most recent federal  
21 censuses, then the high school district's low-income eligible  
22 pupil count from the earlier federal census shall be the number  
23 used as the low-income eligible pupil count for the high school  
24 district, for purposes of this subsection (H). The changes made  
25 to this paragraph (1) by Public Act 92-28 shall apply to  
26 supplemental general State aid grants for school years  
27 preceding the 2003-2004 school year that are paid in fiscal  
28 year 1999 or thereafter and to any State aid payments made in  
29 fiscal year 1994 through fiscal year 1998 pursuant to  
30 subsection 1(n) of Section 18-8 of this Code (which was  
31 repealed on July 1, 1998), and any high school district that is  
32 affected by Public Act 92-28 is entitled to a recomputation of  
33 its supplemental general State aid grant or State aid paid in  
34 any of those fiscal years. This recomputation shall not be  
35 affected by any other funding.

36 (1.10) This paragraph (1.10) applies to the 2003-2004



1 school year and each school year thereafter. For purposes of  
2 this subsection (H), the term "Low-Income Concentration Level"  
3 shall, for each fiscal year, be the low-income eligible pupil  
4 count as of July 1 of the immediately preceding fiscal year (as  
5 determined by the Department of Human Services based on the  
6 number of pupils who are eligible for at least one of the  
7 following low income programs: Medicaid, KidCare, TANF, or Food  
8 Stamps, excluding pupils who are eligible for services provided  
9 by the Department of Children and Family Services, averaged  
10 over the 2 immediately preceding fiscal years for fiscal year  
11 2004 and over the 3 immediately preceding fiscal years for each  
12 fiscal year thereafter) divided by the Average Daily Attendance  
13 of the school district.

14 (2) Supplemental general State aid pursuant to this  
15 subsection (H) shall be provided as follows for the 1998-1999,  
16 1999-2000, and 2000-2001 school years only:

17 (a) For any school district with a Low Income  
18 Concentration Level of at least 20% and less than 35%, the  
19 grant for any school year shall be \$800 multiplied by the  
20 low income eligible pupil count.

21 (b) For any school district with a Low Income  
22 Concentration Level of at least 35% and less than 50%, the  
23 grant for the 1998-1999 school year shall be \$1,100  
24 multiplied by the low income eligible pupil count.

25 (c) For any school district with a Low Income  
26 Concentration Level of at least 50% and less than 60%, the  
27 grant for the 1998-99 school year shall be \$1,500  
28 multiplied by the low income eligible pupil count.

29 (d) For any school district with a Low Income  
30 Concentration Level of 60% or more, the grant for the  
31 1998-99 school year shall be \$1,900 multiplied by the low  
32 income eligible pupil count.

33 (e) For the 1999-2000 school year, the per pupil amount  
34 specified in subparagraphs (b), (c), and (d) immediately  
35 above shall be increased to \$1,243, \$1,600, and \$2,000,  
36 respectively.

1           (f) For the 2000-2001 school year, the per pupil  
2 amounts specified in subparagraphs (b), (c), and (d)  
3 immediately above shall be \$1,273, \$1,640, and \$2,050,  
4 respectively.

5           (2.5) Supplemental general State aid pursuant to this  
6 subsection (H) shall be provided as follows for the 2002-2003  
7 school year:

8           (a) For any school district with a Low Income  
9 Concentration Level of less than 10%, the grant for each  
10 school year shall be \$355 multiplied by the low income  
11 eligible pupil count.

12           (b) For any school district with a Low Income  
13 Concentration Level of at least 10% and less than 20%, the  
14 grant for each school year shall be \$675 multiplied by the  
15 low income eligible pupil count.

16           (c) For any school district with a Low Income  
17 Concentration Level of at least 20% and less than 35%, the  
18 grant for each school year shall be \$1,330 multiplied by  
19 the low income eligible pupil count.

20           (d) For any school district with a Low Income  
21 Concentration Level of at least 35% and less than 50%, the  
22 grant for each school year shall be \$1,362 multiplied by  
23 the low income eligible pupil count.

24           (e) For any school district with a Low Income  
25 Concentration Level of at least 50% and less than 60%, the  
26 grant for each school year shall be \$1,680 multiplied by  
27 the low income eligible pupil count.

28           (f) For any school district with a Low Income  
29 Concentration Level of 60% or more, the grant for each  
30 school year shall be \$2,080 multiplied by the low income  
31 eligible pupil count.

32           (2.10) Except as otherwise provided, supplemental general  
33 State aid pursuant to this subsection (H) shall be provided as  
34 follows for the 2003-2004 school year and each school year  
35 thereafter:

36           (a) For any school district with a Low Income

1 Concentration Level of 15% or less, the grant for each  
2 school year shall be \$355 multiplied by the low income  
3 eligible pupil count.

4 (b) For any school district with a Low Income  
5 Concentration Level greater than 15%, the grant for each  
6 school year shall be \$294.25 added to the product of \$2,700  
7 and the square of the Low Income Concentration Level, all  
8 multiplied by the low income eligible pupil count.

9 For the 2003-2004 school year, ~~and~~ 2004-2005 school year,  
10 and 2005-2006 school year only, the grant shall be no less than  
11 the grant for the 2002-2003 school year. For the 2006-2007  
12 ~~2005-2006~~ school year only, the grant shall be no less than the  
13 grant for the 2002-2003 school year multiplied by 0.66. For the  
14 2007-2008 ~~2006-2007~~ school year only, the grant shall be no  
15 less than the grant for the 2002-2003 school year multiplied by  
16 0.33. Notwithstanding the provisions of this paragraph to the  
17 contrary, if for any school year supplemental general State aid  
18 grants are prorated as provided in paragraph (1) of this  
19 subsection (H), then the grants under this paragraph shall be  
20 prorated.

21 For the 2003-2004 school year only, the grant shall be no  
22 greater than the grant received during the 2002-2003 school  
23 year added to the product of 0.25 multiplied by the difference  
24 between the grant amount calculated under subsection (a) or (b)  
25 of this paragraph (2.10), whichever is applicable, and the  
26 grant received during the 2002-2003 school year. For the  
27 2004-2005 school year only, the grant shall be no greater than  
28 the grant received during the 2002-2003 school year added to  
29 the product of 0.50 multiplied by the difference between the  
30 grant amount calculated under subsection (a) or (b) of this  
31 paragraph (2.10), whichever is applicable, and the grant  
32 received during the 2002-2003 school year. For the 2005-2006  
33 school year only, the grant shall be no greater than the grant  
34 received during the 2002-2003 school year added to the product  
35 of 0.75 multiplied by the difference between the grant amount  
36 calculated under subsection (a) or (b) of this paragraph

1 (2.10), whichever is applicable, and the grant received during  
2 the 2002-2003 school year.

3 (3) School districts with an Average Daily Attendance of  
4 more than 1,000 and less than 50,000 that qualify for  
5 supplemental general State aid pursuant to this subsection  
6 shall submit a plan to the State Board of Education prior to  
7 October 30 of each year for the use of the funds resulting from  
8 this grant of supplemental general State aid for the  
9 improvement of instruction in which priority is given to  
10 meeting the education needs of disadvantaged children. Such  
11 plan shall be submitted in accordance with rules and  
12 regulations promulgated by the State Board of Education.

13 (4) School districts with an Average Daily Attendance of  
14 50,000 or more that qualify for supplemental general State aid  
15 pursuant to this subsection shall be required to distribute  
16 from funds available pursuant to this Section, no less than  
17 \$261,000,000 in accordance with the following requirements:

18 (a) The required amounts shall be distributed to the  
19 attendance centers within the district in proportion to the  
20 number of pupils enrolled at each attendance center who are  
21 eligible to receive free or reduced-price lunches or  
22 breakfasts under the federal Child Nutrition Act of 1966  
23 and under the National School Lunch Act during the  
24 immediately preceding school year.

25 (b) The distribution of these portions of supplemental  
26 and general State aid among attendance centers according to  
27 these requirements shall not be compensated for or  
28 contravened by adjustments of the total of other funds  
29 appropriated to any attendance centers, and the Board of  
30 Education shall utilize funding from one or several sources  
31 in order to fully implement this provision annually prior  
32 to the opening of school.

33 (c) Each attendance center shall be provided by the  
34 school district a distribution of noncategorical funds and  
35 other categorical funds to which an attendance center is  
36 entitled under law in order that the general State aid and

1 supplemental general State aid provided by application of  
2 this subsection supplements rather than supplants the  
3 noncategorical funds and other categorical funds provided  
4 by the school district to the attendance centers.

5 (d) Any funds made available under this subsection that  
6 by reason of the provisions of this subsection are not  
7 required to be allocated and provided to attendance centers  
8 may be used and appropriated by the board of the district  
9 for any lawful school purpose.

10 (e) Funds received by an attendance center pursuant to  
11 this subsection shall be used by the attendance center at  
12 the discretion of the principal and local school council  
13 for programs to improve educational opportunities at  
14 qualifying schools through the following programs and  
15 services: early childhood education, reduced class size or  
16 improved adult to student classroom ratio, enrichment  
17 programs, remedial assistance, attendance improvement, and  
18 other educationally beneficial expenditures which  
19 supplement the regular and basic programs as determined by  
20 the State Board of Education. Funds provided shall not be  
21 expended for any political or lobbying purposes as defined  
22 by board rule.

23 (f) Each district subject to the provisions of this  
24 subdivision (H) (4) shall submit an acceptable plan to meet  
25 the educational needs of disadvantaged children, in  
26 compliance with the requirements of this paragraph, to the  
27 State Board of Education prior to July 15 of each year.  
28 This plan shall be consistent with the decisions of local  
29 school councils concerning the school expenditure plans  
30 developed in accordance with part 4 of Section 34-2.3. The  
31 State Board shall approve or reject the plan within 60 days  
32 after its submission. If the plan is rejected, the district  
33 shall give written notice of intent to modify the plan  
34 within 15 days of the notification of rejection and then  
35 submit a modified plan within 30 days after the date of the  
36 written notice of intent to modify. Districts may amend

1 approved plans pursuant to rules promulgated by the State  
2 Board of Education.

3 Upon notification by the State Board of Education that  
4 the district has not submitted a plan prior to July 15 or a  
5 modified plan within the time period specified herein, the  
6 State aid funds affected by that plan or modified plan  
7 shall be withheld by the State Board of Education until a  
8 plan or modified plan is submitted.

9 If the district fails to distribute State aid to  
10 attendance centers in accordance with an approved plan, the  
11 plan for the following year shall allocate funds, in  
12 addition to the funds otherwise required by this  
13 subsection, to those attendance centers which were  
14 underfunded during the previous year in amounts equal to  
15 such underfunding.

16 For purposes of determining compliance with this  
17 subsection in relation to the requirements of attendance  
18 center funding, each district subject to the provisions of  
19 this subsection shall submit as a separate document by  
20 December 1 of each year a report of expenditure data for  
21 the prior year in addition to any modification of its  
22 current plan. If it is determined that there has been a  
23 failure to comply with the expenditure provisions of this  
24 subsection regarding contravention or supplanting, the  
25 State Superintendent of Education shall, within 60 days of  
26 receipt of the report, notify the district and any affected  
27 local school council. The district shall within 45 days of  
28 receipt of that notification inform the State  
29 Superintendent of Education of the remedial or corrective  
30 action to be taken, whether by amendment of the current  
31 plan, if feasible, or by adjustment in the plan for the  
32 following year. Failure to provide the expenditure report  
33 or the notification of remedial or corrective action in a  
34 timely manner shall result in a withholding of the affected  
35 funds.

36 The State Board of Education shall promulgate rules and

1 regulations to implement the provisions of this  
2 subsection. No funds shall be released under this  
3 subdivision (H) (4) to any district that has not submitted a  
4 plan that has been approved by the State Board of  
5 Education.

6 (I) General State Aid for Newly Configured School Districts.

7 (1) For a new school district formed by combining property  
8 included totally within 2 or more previously existing school  
9 districts, for its first year of existence the general State  
10 aid and supplemental general State aid calculated under this  
11 Section shall be computed for the new district and for the  
12 previously existing districts for which property is totally  
13 included within the new district. If the computation on the  
14 basis of the previously existing districts is greater, a  
15 supplementary payment equal to the difference shall be made for  
16 the first 4 years of existence of the new district.

17 (2) For a school district which annexes all of the  
18 territory of one or more entire other school districts, for the  
19 first year during which the change of boundaries attributable  
20 to such annexation becomes effective for all purposes as  
21 determined under Section 7-9 or 7A-8, the general State aid and  
22 supplemental general State aid calculated under this Section  
23 shall be computed for the annexing district as constituted  
24 after the annexation and for the annexing and each annexed  
25 district as constituted prior to the annexation; and if the  
26 computation on the basis of the annexing and annexed districts  
27 as constituted prior to the annexation is greater, a  
28 supplementary payment equal to the difference shall be made for  
29 the first 4 years of existence of the annexing school district  
30 as constituted upon such annexation.

31 (3) For 2 or more school districts which annex all of the  
32 territory of one or more entire other school districts, and for  
33 2 or more community unit districts which result upon the  
34 division (pursuant to petition under Section 11A-2) of one or  
35 more other unit school districts into 2 or more parts and which

1 together include all of the parts into which such other unit  
2 school district or districts are so divided, for the first year  
3 during which the change of boundaries attributable to such  
4 annexation or division becomes effective for all purposes as  
5 determined under Section 7-9 or 11A-10, as the case may be, the  
6 general State aid and supplemental general State aid calculated  
7 under this Section shall be computed for each annexing or  
8 resulting district as constituted after the annexation or  
9 division and for each annexing and annexed district, or for  
10 each resulting and divided district, as constituted prior to  
11 the annexation or division; and if the aggregate of the general  
12 State aid and supplemental general State aid as so computed for  
13 the annexing or resulting districts as constituted after the  
14 annexation or division is less than the aggregate of the  
15 general State aid and supplemental general State aid as so  
16 computed for the annexing and annexed districts, or for the  
17 resulting and divided districts, as constituted prior to the  
18 annexation or division, then a supplementary payment equal to  
19 the difference shall be made and allocated between or among the  
20 annexing or resulting districts, as constituted upon such  
21 annexation or division, for the first 4 years of their  
22 existence. The total difference payment shall be allocated  
23 between or among the annexing or resulting districts in the  
24 same ratio as the pupil enrollment from that portion of the  
25 annexed or divided district or districts which is annexed to or  
26 included in each such annexing or resulting district bears to  
27 the total pupil enrollment from the entire annexed or divided  
28 district or districts, as such pupil enrollment is determined  
29 for the school year last ending prior to the date when the  
30 change of boundaries attributable to the annexation or division  
31 becomes effective for all purposes. The amount of the total  
32 difference payment and the amount thereof to be allocated to  
33 the annexing or resulting districts shall be computed by the  
34 State Board of Education on the basis of pupil enrollment and  
35 other data which shall be certified to the State Board of  
36 Education, on forms which it shall provide for that purpose, by



1 the regional superintendent of schools for each educational  
2 service region in which the annexing and annexed districts, or  
3 resulting and divided districts are located.

4 (3.5) Claims for financial assistance under this  
5 subsection (I) shall not be recomputed except as expressly  
6 provided under this Section.

7 (4) Any supplementary payment made under this subsection  
8 (I) shall be treated as separate from all other payments made  
9 pursuant to this Section.

10 (J) Supplementary Grants in Aid.

11 (1) Notwithstanding any other provisions of this Section,  
12 the amount of the aggregate general State aid in combination  
13 with supplemental general State aid under this Section for  
14 which each school district is eligible shall be no less than  
15 the amount of the aggregate general State aid entitlement that  
16 was received by the district under Section 18-8 (exclusive of  
17 amounts received under subsections 5(p) and 5(p-5) of that  
18 Section) for the 1997-98 school year, pursuant to the  
19 provisions of that Section as it was then in effect. If a  
20 school district qualifies to receive a supplementary payment  
21 made under this subsection (J), the amount of the aggregate  
22 general State aid in combination with supplemental general  
23 State aid under this Section which that district is eligible to  
24 receive for each school year shall be no less than the amount  
25 of the aggregate general State aid entitlement that was  
26 received by the district under Section 18-8 (exclusive of  
27 amounts received under subsections 5(p) and 5(p-5) of that  
28 Section) for the 1997-1998 school year, pursuant to the  
29 provisions of that Section as it was then in effect.

30 (2) If, as provided in paragraph (1) of this subsection  
31 (J), a school district is to receive aggregate general State  
32 aid in combination with supplemental general State aid under  
33 this Section for the 1998-99 school year and any subsequent  
34 school year that in any such school year is less than the  
35 amount of the aggregate general State aid entitlement that the

1 district received for the 1997-98 school year, the school  
2 district shall also receive, from a separate appropriation made  
3 for purposes of this subsection (J), a supplementary payment  
4 that is equal to the amount of the difference in the aggregate  
5 State aid figures as described in paragraph (1).

6 (3) (Blank).

7 (K) Grants to Laboratory and Alternative Schools.

8 In calculating the amount to be paid to the governing board  
9 of a public university that operates a laboratory school under  
10 this Section or to any alternative school that is operated by a  
11 regional superintendent of schools, the State Board of  
12 Education shall require by rule such reporting requirements as  
13 it deems necessary.

14 As used in this Section, "laboratory school" means a public  
15 school which is created and operated by a public university and  
16 approved by the State Board of Education. The governing board  
17 of a public university which receives funds from the State  
18 Board under this subsection (K) may not increase the number of  
19 students enrolled in its laboratory school from a single  
20 district, if that district is already sending 50 or more  
21 students, except under a mutual agreement between the school  
22 board of a student's district of residence and the university  
23 which operates the laboratory school. A laboratory school may  
24 not have more than 1,000 students, excluding students with  
25 disabilities in a special education program.

26 As used in this Section, "alternative school" means a  
27 public school which is created and operated by a Regional  
28 Superintendent of Schools and approved by the State Board of  
29 Education. Such alternative schools may offer courses of  
30 instruction for which credit is given in regular school  
31 programs, courses to prepare students for the high school  
32 equivalency testing program or vocational and occupational  
33 training. A regional superintendent of schools may contract  
34 with a school district or a public community college district  
35 to operate an alternative school. An alternative school serving

1 more than one educational service region may be established by  
2 the regional superintendents of schools of the affected  
3 educational service regions. An alternative school serving  
4 more than one educational service region may be operated under  
5 such terms as the regional superintendents of schools of those  
6 educational service regions may agree.

7 Each laboratory and alternative school shall file, on forms  
8 provided by the State Superintendent of Education, an annual  
9 State aid claim which states the Average Daily Attendance of  
10 the school's students by month. The best 3 months' Average  
11 Daily Attendance shall be computed for each school. The general  
12 State aid entitlement shall be computed by multiplying the  
13 applicable Average Daily Attendance by the Foundation Level as  
14 determined under this Section.

15 (L) Payments, Additional Grants in Aid and Other Requirements.

16 (1) For a school district operating under the financial  
17 supervision of an Authority created under Article 34A, the  
18 general State aid otherwise payable to that district under this  
19 Section, but not the supplemental general State aid, shall be  
20 reduced by an amount equal to the budget for the operations of  
21 the Authority as certified by the Authority to the State Board  
22 of Education, and an amount equal to such reduction shall be  
23 paid to the Authority created for such district for its  
24 operating expenses in the manner provided in Section 18-11. The  
25 remainder of general State school aid for any such district  
26 shall be paid in accordance with Article 34A when that Article  
27 provides for a disposition other than that provided by this  
28 Article.

29 (2) (Blank).

30 (3) Summer school. Summer school payments shall be made as  
31 provided in Section 18-4.3.

32 (M) Education Funding Advisory Board.

33 The Education Funding Advisory Board, hereinafter in this  
34 subsection (M) referred to as the "Board", is hereby created.

1 The Board shall consist of 5 members who are appointed by the  
2 Governor, by and with the advice and consent of the Senate. The  
3 members appointed shall include representatives of education,  
4 business, and the general public. One of the members so  
5 appointed shall be designated by the Governor at the time the  
6 appointment is made as the chairperson of the Board. The  
7 initial members of the Board may be appointed any time after  
8 the effective date of this amendatory Act of 1997. The regular  
9 term of each member of the Board shall be for 4 years from the  
10 third Monday of January of the year in which the term of the  
11 member's appointment is to commence, except that of the 5  
12 initial members appointed to serve on the Board, the member who  
13 is appointed as the chairperson shall serve for a term that  
14 commences on the date of his or her appointment and expires on  
15 the third Monday of January, 2002, and the remaining 4 members,  
16 by lots drawn at the first meeting of the Board that is held  
17 after all 5 members are appointed, shall determine 2 of their  
18 number to serve for terms that commence on the date of their  
19 respective appointments and expire on the third Monday of  
20 January, 2001, and 2 of their number to serve for terms that  
21 commence on the date of their respective appointments and  
22 expire on the third Monday of January, 2000. All members  
23 appointed to serve on the Board shall serve until their  
24 respective successors are appointed and confirmed. Vacancies  
25 shall be filled in the same manner as original appointments. If  
26 a vacancy in membership occurs at a time when the Senate is not  
27 in session, the Governor shall make a temporary appointment  
28 until the next meeting of the Senate, when he or she shall  
29 appoint, by and with the advice and consent of the Senate, a  
30 person to fill that membership for the unexpired term. If the  
31 Senate is not in session when the initial appointments are  
32 made, those appointments shall be made as in the case of  
33 vacancies.

34 The Education Funding Advisory Board shall be deemed  
35 established, and the initial members appointed by the Governor  
36 to serve as members of the Board shall take office, on the date

1 that the Governor makes his or her appointment of the fifth  
2 initial member of the Board, whether those initial members are  
3 then serving pursuant to appointment and confirmation or  
4 pursuant to temporary appointments that are made by the  
5 Governor as in the case of vacancies.

6 The State Board of Education shall provide such staff  
7 assistance to the Education Funding Advisory Board as is  
8 reasonably required for the proper performance by the Board of  
9 its responsibilities.

10 For school years after the 2000-2001 school year, the  
11 Education Funding Advisory Board, in consultation with the  
12 State Board of Education, shall make recommendations as  
13 provided in this subsection (M) to the General Assembly for the  
14 foundation level under subdivision (B)(3) of this Section and  
15 for the supplemental general State aid grant level under  
16 subsection (H) of this Section for districts with high  
17 concentrations of children from poverty. The recommended  
18 foundation level shall be determined based on a methodology  
19 which incorporates the basic education expenditures of  
20 low-spending schools exhibiting high academic performance. The  
21 Education Funding Advisory Board shall make such  
22 recommendations to the General Assembly on January 1 of odd  
23 numbered years, beginning January 1, 2001.

24 (N) (Blank).

25 (O) References.

26 (1) References in other laws to the various subdivisions of  
27 Section 18-8 as that Section existed before its repeal and  
28 replacement by this Section 18-8.05 shall be deemed to refer to  
29 the corresponding provisions of this Section 18-8.05, to the  
30 extent that those references remain applicable.

31 (2) References in other laws to State Chapter 1 funds shall  
32 be deemed to refer to the supplemental general State aid  
33 provided under subsection (H) of this Section.

1     (P) Public Act 93-838 ~~This amendatory Act of the 93rd General~~  
2     ~~Assembly~~ and Public Act 93-808 ~~House Bill 4266 of the 93rd~~  
3     ~~General Assembly~~ make inconsistent changes to this Section. ~~If~~  
4     ~~House Bill 4266 becomes law, then~~ Under Section 6 of the  
5     Statute on Statutes there is an irreconcilable conflict between  
6     Public Act 93-808 and Public Act 93-838 ~~House Bill 4266 and~~  
7     ~~this amendatory Act.~~ Public Act 93-838 ~~This amendatory Act,~~  
8     being the last acted upon, is controlling. The text of Public  
9     Act 93-838 ~~this amendatory Act~~ is the law regardless of the  
10    text of Public Act 93-808 ~~House Bill 4266~~.

11    (Source: P.A. 92-16, eff. 6-28-01; 92-28, eff. 7-1-01; 92-29,  
12    eff. 7-1-01; 92-269, eff. 8-7-01; 92-604, eff. 7-1-02; 92-636,  
13    eff. 7-11-02; 92-651, eff. 7-11-02; 93-21, eff. 7-1-03; 93-715,  
14    eff. 7-12-04; 93-808, eff. 7-26-04; 93-838, eff. 7-30-04;  
15    93-875, eff. 8-6-04; revised 5-26-05.)

16           Section 99. Effective date. This Act takes effect July 1,  
17    2005.