



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1190

Introduced 2/11/2009, by Rep. Michael K. Smith

SYNOPSIS AS INTRODUCED:

105 ILCS 5/14-13.01

from Ch. 122, par. 14-13.01

Amends the Children with Disabilities Article of the School Code. With respect to the special education personnel reimbursement to school districts, provides that the reimbursement is for staff working on behalf of certain children (instead of for those children), for certificated employees who work with or on behalf of students with disabilities full time (instead of teachers, professional workers, directors, and school psychologists), and for non-certified employees (instead of necessary non-certified employees). Effective immediately.

LRB096 03443 NHT 13467 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Section
5 14-13.01 as follows:

6 (105 ILCS 5/14-13.01) (from Ch. 122, par. 14-13.01)

7 Sec. 14-13.01. Reimbursement payable by State; Amounts.
8 Reimbursement for furnishing special educational facilities in
9 a recognized school to the type of children defined in Section
10 14-1.02 shall be paid to the school districts in accordance
11 with Section 14-12.01 for each school year ending June 30 by
12 the State Comptroller out of any money in the treasury
13 appropriated for such purposes on the presentation of vouchers
14 by the State Board of Education.

15 The reimbursement shall be limited to funds expended for
16 construction and maintenance of special education facilities
17 designed and utilized to house instructional programs,
18 diagnostic services, other special education services for
19 children with disabilities and reimbursement as provided in
20 Section 14-13.01. There shall be no reimbursement for
21 construction and maintenance of any administrative facility
22 separated from special education facilities designed and
23 utilized to house instructional programs, diagnostic services

1 and other special education services for children with
2 disabilities.

3 (a) For staff working on behalf of children who have not
4 been identified as eligible for special education and for
5 eligible children with physical disabilities, including all
6 eligible children whose placement has been determined under
7 Section 14-8.02 in hospital or home instruction, 1/2 of the
8 teacher's salary but not more than \$1,000 annually per child or
9 \$8,000 per teacher for the 1985-1986 school year through the
10 2005-2006 school year and \$1,000 per child or \$9,000 per
11 teacher for the 2006-2007 school year and for each school year
12 thereafter, whichever is less. Children to be included in any
13 reimbursement under this paragraph must regularly receive a
14 minimum of one hour of instruction each school day, or in lieu
15 thereof of a minimum of 5 hours of instruction in each school
16 week in order to qualify for full reimbursement under this
17 Section. If the attending physician for such a child has
18 certified that the child should not receive as many as 5 hours
19 of instruction in a school week, however, reimbursement under
20 this paragraph on account of that child shall be computed
21 proportionate to the actual hours of instruction per week for
22 that child divided by 5.

23 (b) For children described in Section 14-1.02, 4/5 of the
24 cost of transportation for each such child, whom the State
25 Superintendent of Education determined in advance requires
26 special transportation service in order to take advantage of

1 special educational facilities. Transportation costs shall be
2 determined in the same fashion as provided in Section 29-5. For
3 purposes of this subsection (b), the dates for processing
4 claims specified in Section 29-5 shall apply.

5 (c) (Blank). ~~For each professional worker excluding those~~
6 ~~included in subparagraphs (a), (d), (e), and (f) of this~~
7 ~~Section, the annual sum of \$8,000 for the 1985-1986 school year~~
8 ~~through the 2005-2006 school year and \$9,000 for the 2006-2007~~
9 ~~school year and for each school year thereafter.~~

10 (d) (Blank). ~~For one full time qualified director of the~~
11 ~~special education program of each school district which~~
12 ~~maintains a fully approved program of special education the~~
13 ~~annual sum of \$8,000 for the 1985-1986 school year through the~~
14 ~~2005-2006 school year and \$9,000 for the 2006-2007 school year~~
15 ~~and for each school year thereafter. Districts participating in~~
16 ~~a joint agreement special education program shall not receive~~
17 ~~such reimbursement if reimbursement is made for a director of~~
18 ~~the joint agreement program.~~

19 (e) (Blank). ~~For each school psychologist as defined in~~
20 ~~Section 14-1.09 the annual sum of \$8,000 for the 1985-1986~~
21 ~~school year through the 2005-2006 school year and \$9,000 for~~
22 ~~the 2006-2007 school year and for each school year thereafter.~~

23 (f) (Blank). ~~For each qualified teacher working in a fully~~
24 ~~approved program for children of preschool age who are deaf or~~
25 ~~hard of hearing the annual sum of \$8,000 for the 1985-1986~~
26 ~~school year through the 2005-2006 school year and \$9,000 for~~

1 ~~the 2006-2007 school year and for each school year thereafter.~~

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

7 (g-5) For each certificated employee who works with or on
8 behalf of students with disabilities full time, \$9,000 for the
9 2006-2007 school year and for each school year thereafter.

10 (h) For ~~necessary~~ non-certified employees working in any
11 class or program for children defined in this Article, 1/2 of
12 the salary paid or \$2,800 annually per employee through the
13 2005-2006 school year and \$3,500 per employee for the 2006-2007
14 school year and for each school year thereafter, whichever is
15 less.

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

20 When any school district eligible for reimbursement under
21 this Section operates a school or program approved by the State
22 Superintendent of Education for a number of days in excess of
23 the adopted school calendar but not to exceed 235 school days,
24 such reimbursement shall be increased by 1/180 of the amount or
25 rate paid hereunder for each day such school is operated in
26 excess of 180 days per calendar year.

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

1 No classification under this paragraph by a district shall in
2 any way relieve the district from or affect any requirements
3 that otherwise would apply with respect to that funding
4 program, including any accounting of funds by source, reporting
5 expenditures by original source and purpose, reporting
6 requirements, or requirements of providing services.

7 (Source: P.A. 95-415, eff. 8-24-07; 95-707, eff. 1-11-08.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.