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Payment for Educational Services

On May 19, 2008, the Illinois legislature passed a bill (SB 2042) that would amend the Illinois School Code and the Juvenile Court Act of 1987. This amendment relates to the residency of pupils in residential facilities (including facilities for substance abuse treatment) and the payment of tuition costs for educational services provided to non-resident pupils while in a residential facility. The bill also determines the location of the resident district and responsibility for the reimbursement of services with respect to children with disabilities, as well as special education classes for children from orphanages, foster family homes, children's homes, or in-State housing units.

Illinois School Code Amendments

The Illinois School Code is amended to reflect that the funding provisions provided in Section 10-20.12b of the Code applies to all Illinois students under the age of 21, and not otherwise eligible for services provided under Article 14 of the Illinois School Code, which relates to children with disabilities. These funding provisions apply to eligible students receiving educational services in residential facilities irrespective of how the student was placed in the residential facility. In addition, this amendment makes clear that the district of the student's residence has financial responsibility for the educational services provided to the student while at the facility. This amendment further states that the placement of a student in a residential facility shall not affect the residency of the student.

If there is a dispute over the determination of the district of residency, the State Superintendent of Education has the authority to decide the district of residence and such decision will be final.

This amendment applies to all placements in affect on July 1, 2007 and thereafter.

Illinois Juvenile Court Act of 1987 Amendments

The Illinois Juvenile Court Act of 1987 is amended to reflect that in circumstances in which educational services are to be provided to a minor in a residential facility (where the minor is placed by the court) educational costs incurred must be allocated based on the requirements of the School Code.

The Bill has been sent to the Governor for signature. This legislation takes effect upon becoming law.

For more information please contact Popovits & Robinson at 708/479-3230.

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