Agenda Topic: Proposed Amendment - Part 140 (Calculation of Excess Cost Under Section 18-3 of the School Code)

Materials: Recommended Amendment

Staff Contact: Marcia Sailsbury

Purpose of Agenda Item

To present the proposed amendments for the Board’s initial review and secure authorization to distribute them for public comment.

Expected Outcome of Agenda Item

A motion authorizing the staff to publish the proposed amendment in the Illinois Register to elicit public comment.

Background Information

This set of rules deals with the reimbursement that is available to school districts that provide educational services to groups of students who reside in settings such as orphanages and detention centers. Section 18-3 of the School Code allows districts to claim reimbursement for these programs at 1.2 times the district’s per capita tuition charge. It also permits them to claim reimbursement for costs they incur that are in excess of that amount. The rules in Part 140 identify the information districts must submit to substantiate their claims and set forth the basis upon which reimbursement will be calculated.

P.A. 91-764 (effective June 9, 2000) amended Section 18-3 to provide that a district’s failure to certify its claim for a particular year by July 31 would constitute the forfeiture of that claim. Section 140.30 needs to be amended to convey this information.

Analysis and Implications for Policy, Budget, Legislative Action, and Communications

Policy Implications: This rulemaking does not represent a true policy decision on the part of the Board, because the General Assembly has already enacted this provision. Consequently the amendment has no policy implications per se.
Budget Implications: This rulemaking has no budgetary implications for the agency. The funds that would have gone to a district that forfeits will be returned to the General Revenue Fund. However, the program staff follows the submission of claims from eligible districts very closely and reminds those with claims outstanding at least twice as the deadline approaches. We expect very few if any eligible districts to forfeit these funds.

Legislative Action: None needed.

Communications: The change in the law has already been communicated to school districts by the staff responsible for this program.

Superintendent’s Recommendation

Direct the dissemination of the proposed amendment to Part 140 for public comment.

Next Steps

With the Board’s authorization, staff will submit this rulemaking to the Administrative Code Division for publication in the Illinois Register to elicit public comment. At the conclusion of the notice period, the amendment will be resubmitted to the Board for adoption.