PART 140
CALCULATION OF EXCESS COST UNDER SECTION 18-3 OF THE SCHOOL CODE

Section
140.10 Purpose and Applicability
140.20 Allowable Costs
140.30 Requirements for Submission of Claims
140.40 Calculation of Reimbursement

AUTHORITY: Implementing and authorized by Section 18-3 of the School Code [105 ILCS 5/18-3].

SOURCE: Adopted at 23 Ill. Reg. 7882, effective July 1, 1999; amended at 25 Ill. Reg. 14122, effective October 22, 2001; amended at 26 Ill. Reg. ____, effective _____________.

Section 140.10 Purpose and Applicability

Section 18-3 of the School Code [105 ILCS 5/18-3] (see P.A. 90-644, effective July 24, 1998) provides for the reimbursement to school districts of the cost of the regular program provided to the students described in that Section during both the regular and summer terms. It also provides for the reimbursement of excess costs incurred by a district that provides to such students services beyond those encompassed by the district’s regular program. This Part establishes the requirements applicable to claims for reimbursement of such excess costs. For purposes of this Part:

a) The “regular term” is the time period reflected on the calendar prepared for the school year by the school board to meet the requirements of Sections 10-19 and 18-8.05 of the School Code [105 ILCS 5/10-19 and 18-8.05] and maintained in the main office of the school district.

b) The “summer term” consists of school days in excess of the regular term.
Section 140.30 Requirements for Submission of Claims

EACH SCHOOL DISTRICT SHALL CERTIFY TO THE STATE SUPERINTENDENT OF EDUCATION, using a format specified by the State Superintendent, ITS REPORT OF CLAIMS FOR TUITION PAYMENTS NO LATER THAN JULY 31. FAILURE ON THE PART OF THE SCHOOL BOARD TO CERTIFY ITS CLAIM ON JULY 31 SHALL CONSTITUTE A FORFEITURE BY THE DISTRICT OF ITS RIGHT TO THE PAYMENT OF ANY SUCH TUITION CLAIM FOR THE SCHOOL YEAR JUST ENDED. (Section 18-3 of the School Code) No payment shall be made for any mailed claim that is postmarked later than July 31 of the relevant year or for any claim filed electronically (when such filing has been authorized by the State Superintendent) or otherwise delivered after that date. Claims shall reflect the costs incurred by the school district for the school year (July 1 through June 30), inclusive of regular- and summer-term expenditures during that time period.

a) When a district files a claim for excess costs relative to pupils who are served in a program that is provided solely on the premises of the facility where they reside or is otherwise physically separate, the claim must include:

1) a description of the regular program for which the district also claims reimbursement under Section 18-3 of the School Code;

2) a report of the expenditures incurred by the district for the regular program described pursuant to subsection (a)(1), on forms supplied by the State Superintendent of Education;

3) the number of pupils in average daily attendance in the regular program described in subsection (a)(1) during the term to which the claim applies;

4) a record for each student, indicating:

A) the pupil’s name and date of birth,
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B) the services provided to the pupil that are not included in or that exceed the level provided in the regular program,

C) the amount, intensity, and/or frequency of the services,

D) the total hours of service provision, and

E) the total cost of the services.

b) When a district files a claim for excess costs relative to pupils who are served in the district’s regular attendance centers, the claim must include:

1) a description of the services provided which exceed those otherwise provided within the attendance center in question, e.g., services not provided to the other students in that attendance center or services provided for more time than to other students within that attendance center; and

2) a record for each student containing the information specified in subsection (a)(4) of this Section.

c) No later than ten days after receipt of a request for additional information, a district shall submit such information as the State Superintendent of Education may require for the purposes of clarifying the basis for its claim.

(Source: Amended at 26 Ill. Reg. _____, effective ___________)