

TITLE 23: EDUCATION AND CULTURAL RESOURCES  
SUBTITLE A: EDUCATION  
CHAPTER I: STATE BOARD OF EDUCATION  
SUBCHAPTER 0: MISCELLANEOUS

PART 600  
ENROLLMENT OF AND PAYMENT FOR NONRESIDENT STUDENTS  
AT THE PHILIP J. ROCK CENTER AND SCHOOL

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**AUTHORITY:** Implementing Section 14-11.02 of the School Code [105 ILCS 5/14-11.02] and authorized by Section 2-3.6 of the School Code [105 ILCS 5/2-3.6].

**SOURCE:** Old Part (Eye Protective Devices) repealed at 19 Ill. Reg. 6528, effective May 1, 1995; new Part adopted at 39 Ill. Reg. 11132, effective July 23, 2015.

## SUBPART A: GENERAL PROVISIONS

**Section 600.10 Purpose**

Section 14-11.02 of the School Code [105 ILCS 5/14-11.02] establishes the Philip J. Rock Center and School, a statewide service center and school that provides special education or career and technical rehabilitation programs for students who are both deaf and blind and who meet the eligibility criteria set forth in Section 14-11.02 of the School Code.

- a) This Part establishes the process for the enrollment of students, ages 3 to 21, in the School who reside outside of Illinois and meet the eligibility requirements set forth in Section 14-11.02 of the School Code [105 ILCS 5/14-11.02] and Section 600.110 of this Part.
- b) This Part further sets forth the procedures for determining the cost of educational and related services, and room and board, for nonresident students attending the School, and the procedures and timelines for local education agencies and/or state agencies, or the families of the nonresident student to pay the cost of educational and related services, and room and board.

**Section 600.20 Definitions**

As used in this Part:

"Admission" means a decision made by the Executive Director of the School to accept the nonresident student for enrollment in the School.

"Day" means calendar day unless otherwise specified in this Part. The time within which any action required under this Part must occur shall be determined in accordance with the provisions of Section 1.11 of the Statute on Statutes [5 ILCS 70/1.11].

"Director of Special Education" means the chief administrative officer of the special education programs and services of a school district or cooperative entity.

"Enrollment" means the decision by the nonresident student, parent or agency for the student to attend the School and the process of registering the nonresident student at the School.

"Fiscal Year" means the period of time from July 1 through June 30.

"Funding Source" means the individual or entity that has the responsibility for the payment of the cost for educational and related services, and room and board, for the nonresident student placed at the School; that is, the parent of the nonresident student, the state educational agency (SEA) of the state in which the student resides, the local educational agency (LEA) in which the student is enrolled or other state agency of the state in which the student resides.

"Individualized Education Program" or "IEP" has the meaning set forth at 34 CFR 300.22 (July 2014).

"Local Educational Agency" or "LEA" has the meaning set forth at 34 CFR 300.28 (July 2014).

"Medical Expenses" means any expenses related to medical services, excluding nursing or health services identified in the nonresident student's IEP, provided to the nonresident student, including, but not limited to, physician visits, physician-ordered ancillary services, and prescription and nonprescription drugs.

"Nonresident Student" means a student whose resident district is not located in the State of Illinois.

"Other State Agency" means a state office, officer, department, division, bureau or commission, or any other state body that is authorized to fund an educational placement.

"Parent" has the meaning set forth at 34 CFR 300.30 (July 2014), except as otherwise provided in 23 Ill. Adm. Code 226.690(a) (Transfer of Parental Rights).

"Per Diem Rate" is the maximum daily rate for educational and residential (i.e., room and board) services, as calculated by the State Superintendent of Education pursuant to Subpart C, that may be charged to a funding source for a nonresident student attending the School.

"Related Organization" means an organization that:

Directly or indirectly controls, or is controlled by, the School; or

Influences, or is influenced by, the School in terms of financial and operational policies; or

Is controlled or influenced by another organization that also controls or influences the School.

"Related Services" has the meaning set forth at 34 CFR 300.34 (July 2014).

"Resident District" means the school district in which the student resides as defined by any applicable laws of the state in which the student lives.

"Room and Board" means the cost of residential care services, which includes the costs customarily associated with the provision of food and dietary services, laundry services, housekeeping services, and other costs associated with the provision of domestic services (including salaries, wages, fringe benefits and supplies).

"School" means the school portion of the Philip J. Rock Center and School established under Section 14-11.02 of the School Code.

"State Educational Agency" or "SEA" has the meaning set forth at 34 CFR 300.41 (July 2014).

"Transportation Costs" means all costs related to the transportation of the nonresident student to and from the School for noneducational purposes and to and from his or her residence to the School (e.g., at the beginning or conclusion of

the school term, during school breaks, upon the student's termination from the program for any reason, or upon his or her completion of the program).

"Tuition" means the cost of educational services (e.g., classroom instruction and other activities) provided during school hours and the cost of related services that are intended to meet the annual goals and the short-term objectives set forth in the nonresident student's IEP, to include instructional materials and supplies, as well as the salaries, wages and fringe benefits of the School's staff who provide educational and related services.

## SUBPART B: ADMISSION AND ENROLLMENT

**Section 600.100 Space Availability**

- a) Eligible nonresident students may be enrolled in the School on a space availability basis only. A nonresident student shall not be enrolled in or retained at the School to the exclusion of any qualified and eligible student who is a resident of the State of Illinois.
- b) Written notification of a student's termination of enrollment due to space availability shall be in accordance with the procedures set forth at Section 600.140(c)(2).

**Section 600.110 Admission Criteria**

In order to be considered for admission to the School, the nonresident student shall meet the same criteria as is required of students who are residents of Illinois.

- a) The nonresident student must meet the age requirements specified in Section 600.10(a).
- b) The nonresident student must meet one of the criteria set forth in this subsection (b).
  - 1) Have a visual impairment and an auditory impairment, as defined in Section 14-11.02 of the School Code; or
  - 2) Have a condition in which there is progressive loss of hearing and vision, as defined in Section 14-11.02 of the School Code.

**Section 600.120 Annual Admission Process**

A nonresident student or his or her parent, an SEA, an LEA, or other state agency requesting enrollment of a nonresident student in the School shall follow the process set forth in this Section.

- a) The person or entity seeking admission of the nonresident student shall submit an application to the Executive Director of the School that addresses, at a minimum, basic information about the student and his or her family, including the student's name and address; a description of his or her disability and/or severity of his or her needs; grade level in which the student is enrolled at the time application is made; the student's date of birth; the student's resident district; and the funding source for the student's placement at the School. Applications shall be addressed to:

Executive Director  
Philip J. Rock School and Center  
818 DuPage Boulevard  
Glen Ellyn, Illinois 60137

- b) Following receipt of the application, the Executive Director of the School shall determine whether the nonresident student meets the criteria for admission specified in Section 600.110 and whether there is space available at the School to serve the student. If the student meets the admission criteria and space is available, the School shall schedule a pre-admission meeting to review the student's educational and health records; meet with the student and his/her family; and determine the student's medical, educational and other needs.
  - 1) The pre-admission meeting shall be held no later than 30 school days following the receipt of the application and shall at least include the parent of the nonresident student and the funding source.
  - 2) The meeting may be held on-site or through teleconference or video-conferencing at a time agreeable to all parties. Any costs for travel and lodging associated with attendance at the meeting shall be the responsibility of the person or entity seeking admission of the nonresident student to the School.
  - 3) No later than 30 school days after the pre-admission meeting, the Executive Director shall send written notification to the person or entity requesting admission as to whether the nonresident student:

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- A) meets the admission criteria and may enroll in the School; this notification shall include at least a registration packet, an enrollment agreement (see Section 600.140) and other information about the process for enrollment;
  - B) meets the admission criteria and may be admitted provisionally pursuant to Section 600.130; this notification shall include at least the items listed in subsection (b)(3)(A); or
  - C) did not meet the admission criteria.
- 4) The decision to deny admission to a nonresident student or to admit the student provisionally rests with the Executive Director of the School and is not subject to appeal.
- c) If the nonresident student's SEA or LEA is the funding source for the nonresident student, the School shall contact (either in writing or by telephone) the director of special education of the student's resident district to determine a plan for the enrollment of the student and his or her transition to the School. The plan will provide for:
- 1) the direct transfer of the nonresident student to the School;
  - 2) the provisional enrollment of the student in accordance with the provisions of Section 600.130; or
  - 3) a meeting to review the nonresident student's IEP, in accordance with 34 CFR 300.320 and 300.324 (July 2014), by the student's resident district and staff of the School prior to the student being enrolled at the School.
- d) The nonresident student's resident district shall transfer all relevant student school records or educational records, as these terms are defined in the Illinois School Student Records Act [105 ILCS 110], 23 Ill. Adm. Code 375 (Student Records), and the Family Educational Rights and Privacy Act (20 USC 1232g; 34 CFR 99 (2015)).
- e) Continued attendance of a nonresident student after the initial year shall be contingent upon the outcome of the annual admission process set forth in this Section (also see Section 600.140(a)(3)).

**Section 600.130 Provisional Attendance: Evaluation Period**

- a) Based on a determination made in accordance with Section 600.120(b), a nonresident student may be provisionally admitted to the School and enrolled for either 30 or 60 school days. This provisional attendance is to evaluate the student's potential eligibility for a longer-term attendance at the School and/or to determine whether the student's educational needs may be met by the School.
- b) Privately funded nonresident students seeking provisional attendance shall pay, or guarantee by a bona fide guarantor, the full cost of tuition and room and board for the period of the provisional attendance, as well as testing and administrative costs, before the nonresident student may be enrolled in the School.

**Section 600.140 Terms and Conditions of Enrollment**

Upon enrollment in the School, the parents of the nonresident student, the funding source and a representative of the School shall sign an enrollment agreement that stipulates the terms and conditions set forth in this Section. Failure of the parents or funding source to comply with the terms and conditions set forth in this Section may result in the termination of the enrollment agreement.

- a) The parents of the nonresident student understand and agree:
  - 1) To provide or arrange for the transportation of the nonresident student, unless otherwise provided for by the funding source pursuant to the nonresident student's IEP or other written agreement.
  - 2) To pay for any physician visits, physician-ordered ancillary services, and prescription and nonprescription drugs. Medical charges may be billed to the parent by the School or directly by the provider of the service. These medical expenses shall be detailed in a quarterly invoice to the parent, unless other arrangements for the payment are agreed to in writing by both the parent and School.
  - 3) That the nonresident student's admission to and retention at the School is subject to space availability with first priority given to those Illinois residents found to be qualified and eligible for admission to the School (see Section 600.100).
- b) The funding source understands and agrees:
  - 1) To pay tuition and room and board fees established by the State Superintendent of Education as set forth in the enrollment agreement and Subpart C.
  - 2) To provide all pertinent evaluations and re-evaluations, as defined by 34 CFR 300.301 and 300.303 (July 2014), requested by the School if written consent for the release can be obtained from the parent, including a written copy of the IEP addressing the evaluation or re-evaluation, and, if applicable, a written summary of student's individual needs, which is to be attached to the enrollment agreement.
  - 3) Prior to the nonresident student's attendance at the School, to provide a copy of the nonresident student's most recent IEP that has been developed in accordance with the requirements set forth at 34 CFR 300.320 and 300.321 (July 2014).

- 4) To conduct, in conjunction with the School and parent of the nonresident student, an annual review of the nonresident student's educational needs, which may include a justification for continued placement at the School, as applicable. Written documentation of the review shall be provided to the School.
  - 5) In consultation with the School and parent, to perform testing and evaluation of the nonresident student at least every three years or more frequently if requested by the nonresident student's resident district.
  - 6) To provide or arrange for the transportation of the Student to the extent that the transportation is the responsibility of the funding source, as provided for in the nonresident student's IEP or other written agreement.
  - 7) To provide a written definition of "credit hour" and the number of credit hours the resident district requires the nonresident student to complete in each subject area.
  - 8) To notify the parent and the School of its intent to terminate the enrollment agreement, following the process set forth in subsection (c)(2).
- c) The School agrees:
- 1) To provide the funding source, if other than the parent:
    - A) Monthly reports of the nonresident student's attendance. Written notice shall be provided to the funding source immediately after five consecutive days of unexcused absence.
    - B) Reports regarding all testing and evaluations of the nonresident student that are conducted by the School in compliance with the nonresident student's IEP.
    - C) Information and progress statements necessary for the annual review required under subsection (b)(4) that is conducted by the funding source for the determination of the future placement of the student.
    - D) Notification of any changes, as these changes occur, in the location of the physical facilities of the School, or in the program or staff if changes in either would affect the School's ability to deliver the

educational and related services identified in a nonresident student's IEP.

- E) Other reports that the SEA and/or LEA of the nonresident student may reasonably require of the School from time to time.
- F) Notification of any change in residence or guardianship of the nonresident student, if known to the School.

2) School Closing or Termination of Enrollment

If the School closes or a nonresident student's enrollment in the School's program is terminated, to provide written notification to the parent of the nonresident student and funding source, if other than the parent, at least 30 days before termination.

- A) The written notification shall be sent by certified mail, return receipt requested, to the parent and, if applicable, the funding source.
- B) If the School terminates a nonresident student's enrollment in the School's program, the notification shall state the reason for the termination.
- C) If the School is closing, the notification shall state the date of the closure and the name, address and telephone number of the person who is responsible for making arrangements for the closure.

## SUBPART C: FISCAL PROCEDURES

**Section 600.200 General Requirements**

- a) The per diem rate shall be determined annually as set forth in Section 600.210. The per diem rate shall be not less than the per capita costs established in the fiscal year immediately preceding the fiscal year in which the nonresident student is enrolled.
  - 1) The per diem rate shall be charged to the funding source on a monthly basis, except as otherwise provided in Section 600.130(b).
  - 2) The per diem rate for any nonresident student who, pursuant to the IEP, is served in the School for less than full time shall be prorated according to the percentage of time the student is actually served in the program.
  - 3) A failure on the part of the funding source to make payments required under subsection (a)(1) in a timely manner shall be just cause for immediate dismissal of the nonresident student upon 30 days' notice to the funding source (see Section 600.140(c)).
- b) A nonresident student's parents or the student's funding source shall have responsibility for all medical expenses and transportation costs, except that nursing/health services and transportation that are identified as related services in the nonresident student's IEP shall be provided as part of the child's education and by the child's resident school district.
  - 1) The nonresident student's parents or funding source shall indicate in the enrollment agreement the person or entity that bears responsibility for paying medical and transportation costs. The responsible party shall provide documentation related to the nonresident student's medical needs so as to ensure that the student receives proper medical services while at the School.
  - 2) The Executive Director may elect to require that an escrow account funded by the parents or funding source be established for medical and transportation expenses.
    - A) The Executive Director shall notify the parents or funding source in writing if an escrow account is to be established.
    - B) The amount the parent or funding source is to place in the escrow account shall be equal to the estimated amount, as determined by

the Executive Director, of a month's medical and transportation expenses for the nonresident student.

- 3) The parents or funding source shall be responsible for transporting the nonresident student from the School, located at the address shown in Section 600.120(a), upon the student's termination of enrollment in the program (also see Section 600.140(c)(2)).

**Section 600.210 Per Diem Rate Calculation**

For each fiscal year, the State Superintendent of Education shall determine the per diem rate to be charged of nonresident students attending the School based on the cost of educating all students attending the School. The State Superintendent of Education, or his or her designee, shall provide the School written notification of the per diem rate determination no later than July 1 of each fiscal year.

- a) Per diem costs shall be calculated by dividing the net allowable costs less any revenue offsets, as these terms are defined in Sections 600.220 and 600.240, by the total student attendance days.
  - 1) The costs used in the calculation shall be those enumerated in the School's cost report required under Section 600.250(a) and shall consider any additional financial information deemed necessary to conduct the calculation, as requested by the State Superintendent of Education.
  - 2) The per diem rate charged of nonresident students may be up to 120 percent of the approved calculated per diem costs.
- b) The State Superintendent may adjust the per diem rate one time during the fiscal year in which it is in effect.
  - 1) In instances in which the December 31 attested cost report required under Section 600.250(b) indicates that the School's actual expenditures are greater than 5 percent of the expenditures budgeted, the State Superintendent, after a review of the actual expenditures, may determine that an adjustment in the per diem rate is appropriate.
  - 2) The State Superintendent of Education, or his or her designee, shall provide the School written notification of any adjustment made to the per diem rate.
- c) The per diem rate shall be effective at the beginning of the affected fiscal year of the School. When the per diem rate is adjusted during the affected fiscal year after a review authorized in subsection (b), the effective date of the adjusted per diem rate shall be determined by the State Superintendent of Education.

**Section 600.220 Allowable Costs for Per Diem Rate Calculation**

- a) Allowable costs shall be approved by the State Superintendent of Education and include only those costs that are reasonable and necessary for the accomplishment of program goals and objectives.
  - 1) For the purpose of this Section, "reasonable cost" is a cost that, in its nature or amount, does not exceed that which would be incurred by a prudent buyer under the circumstances prevailing at the time the decision was made to incur the costs.
  - 2) Accordingly, the School shall seek to approve expenditures for goods and services at a cost that is as low as possible without sacrificing the quality of the goods or services received.
- b) The costs that are listed in this subsection (b) shall be considered allowable, except as may be excluded in Section 600.230:
  - 1) Salaries, wages and fringe benefits for qualified staff and fees for consultants involved in the direct planning and delivery of classroom educational services, including teachers and teacher aides, and the supplies and overhead costs necessary to carry out these activities.
  - 2) Salaries, wages and fringe benefits for qualified staff and fees for consultants involved in the direct delivery of program-related services, including speech and language clinicians, audiologists, occupational therapists, social workers, counselors, psychologists, recreation workers, vocational training personnel and school health services personnel, and the supplies and overhead costs necessary to carry out these activities.
  - 3) Salaries, wages and fringe benefits for qualified staff and fees for consultants involved in the direct delivery of residential care services, including habilitation/child care workers, and the supplies and overhead costs necessary to carry out these activities.
  - 4) Food and dietary, occupancy, administrative, transportation and other costs essential to the program. For the purposes of this subsection (b)(4), "occupancy" means those costs associated with the operation and maintenance of the physical plant, all lease or rental costs, and all interest.

**Section 600.230 Costs Not Allowed for Per Diem Rate Calculation**

This Section lists the costs that shall be considered nonallowable or nonreimbursable costs and therefore shall not be used to calculate the per diem rate.

- a) Health services paid by a third party provider or services that are not included in the nonresident student's IEP.
- b) Expenses resulting from transactions with related organizations that are greater than the expenses to the related organization.
  - 1) When the School makes rent or lease payments to a related organization, the rent or lease expense is disallowed and the capital costs of the related organization must be used.
  - 2) Interest expense paid to a related organization is disallowed; however, interest expense incurred by the related organization is allowable.
  - 3) The cost of goods and services purchased from a related organization shall be allowable to the extent that the cost to the School does not exceed the cost to the related organization.
  - 4) The School may be required to submit evidence to substantiate or refute any claim of relatedness in determining allowable costs.
  - 5) The School shall identify all transactions with related organizations in their annual filing of the cost report required under Section 600.250(a).
  - 6) Allowable costs of related organizations shall be added to the School's costs for the same cost centers for determination of reasonable cost standards applicable to the School's costs.
- c) Research cost, other than costs for program evaluation.
- d) Compensation to nonworking administrators and nonworking administrators' salaries.
- e) Entertainment expenses.
- f) Costs associated with fundraising activities.
- g) Costs of production, including wages paid to students, incurred solely for the purpose of generating revenue from the sale of goods and services. Wages paid to

students and other services approved by the State Superintendent of Education for vocational training or educational arts and craft activities are allowable, even if they generate revenue.

- h) Interest payments related to a School's assets that are unrelated to the School's programs.
- i) Costs incurred by administrators or boards of directors for nonprogram activities, including that portion of overhead that should be allocated to these activities.
- j) Printing expenses not related to the program.
- k) Employee travel, lodging, food and registration expenses to attend conferences, conventions and meetings related to lobbying activities, professional association business (e.g., participation in activities by organizations promoting deaf-blind support) or entertainment. Costs to attend conferences and conventions held in Illinois or, if held out of state, within 50 miles of the borders of Illinois, are allowable under the following conditions:
  - 1) The conference or convention is specifically related to deaf/blind programs, or the conference, convention or meeting was sponsored by the State.
  - 2) Allowable conference and convention expenses shall be grouped under administrative costs.
  - 3) Allowable employee development or training costs incurred to meet Illinois educator licensure requirements may be reported under program costs.
- l) Dues to national, State and parent organizations.
- m) Scholarships or awards and grants to individuals.
- n) Fees for professional, technical, social or other organizations unrelated to the program.
- o) Nonclient transportation, including staff transportation to and from work. Program-related staff transportation is an allowable cost.
- p) Meals provided to individuals who are not clients.
- q) Fines and penalties.

- r) Mortgage and loan principal payments.
- s) Contributions and donations by the School.
- t) Asset acquisition costs, which are the costs of items reported on the School's books when those costs exceed \$2,500 for items having a life of one year or more. Depreciation for these items is, however, an allowable expense.
- u) Legal expenses incurred on behalf of clients for nonprogram activities or for litigation against governmental agencies.
- v) Imputed value of goods and services (in-kind expenses).
- w) Severance pay.
- x) Sales tax for not-for-profit organizations.
- y) Clothing and allowances.
- z) Costs of advertising for clients and public relations.

**Section 600.240 Revenue Offsets**

This Section sets forth the revenue offsets that may be used to calculate the per diem rate. Private contributions and nongovernmental revenues granted to the School for improving or enhancing its program shall not be offset. The sources of revenue that shall be considered offset are:

- a) Revenues from federally funded school breakfast and lunch programs and the Child and Adult Care Food Program. These revenues shall be offset against the cost of meals. Cafeteria and vending machine revenues shall be offset against the costs of operating meal programs.
- b) Revenues for special education, related services, and room and board, insofar as any income not related to a specific client is received from any federal agency.

**Section 600.250 Cost Reports**

The School shall file the reports listed in this Section electronically in a format prescribed by the State Superintendent of Education and within the timelines specified.

a) Cost Report

The cost report is due no later than the May 1 immediately preceding the fiscal year to which the report applies and shall convey budgeted cost and revenue projections for that fiscal year.

b) Attested Cost Report

- 1) An attested cost report is due no later than 20 days after the end of each quarter (i.e., September 30, December 31, March 31 and June 30).
- 2) Each attested cost report shall contain expenditures on a cash accounting basis and revenue information on an accrual basis that are year-to-date from the beginning of the fiscal year.
- 3) Each attested cost report shall include any outstanding obligations, with the exception of payroll expenses, that are expected to be paid within 30 days after the end of the quarter.

c) Financial Audit and Consolidated Financial Report

- 1) No later than 120 days before the end of the fiscal year, the School shall submit a financial audit, performed by a certified public accountant licensed under the Illinois Public Accounting Act [225 ILCS 450], for the fiscal year just completed.
- 2) The School shall complete and submit a Consolidated Financial Report in an electronic format specified by the State Superintendent with the financial audit required under subsection (c)(1).