



Rep. Fred Crespo

**Filed: 4/23/2018**

10000HB5588ham001

LRB100 20323 AXK 38898 a

1 AMENDMENT TO HOUSE BILL 5588

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5588 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Legislative intent. It is the intent of the  
5 General Assembly that State assessments be rooted in classroom  
6 content and best practices and be used as an opportunity to  
7 demonstrate learning and feedback. It is also the intent of the  
8 General Assembly that assessments used for accountability  
9 should support learning opportunities that inform instruction.

10 Section 5. The School Code is amended by changing Sections  
11 2-3.25a, 2-3.25n, 2-3.52A, 2-3.61a, 2-3.64a-5, 2-3.136,  
12 2-3.153, 10-21.3a, 10-29, 34-1.1, 34-3.5, and 34-18.24 as  
13 follows:

14 (105 ILCS 5/2-3.25a) (from Ch. 122, par. 2-3.25a)  
15 Sec. 2-3.25a. "School district" defined; additional

1 standards.

2 (a) For the purposes of State accountability in this  
3 Section and Sections 3.25b, 3.25c, ~~3.25d~~, 3.25e, and 3.25f of  
4 this Code, "school district" includes other public entities  
5 responsible for administering public schools, such as  
6 cooperatives, joint agreements, charter schools, special  
7 charter districts, regional offices of education, local  
8 agencies, and the Department of Human Services.

9 (b) In addition to the standards established pursuant to  
10 Section 2-3.25, the State Board of Education shall develop  
11 recognition standards for student performance and school  
12 improvement for all school districts and their individual  
13 schools, ~~which must be an outcomes based, balanced~~  
14 ~~accountability measure~~. The State Board of Education is  
15 prohibited from having separate performance standards for  
16 students based on race or ethnicity.

17 The accountability measure shall be outlined in the State  
18 Plan that the State Board of Education submits to the federal  
19 Department of Education pursuant to the federal Every Student  
20 Succeeds Act. If the federal Every Student Succeeds Act ceases  
21 to require a State Plan, the State Board of Education shall  
22 develop a written plan in consultation with the Balanced  
23 Accountability Committee created under subsection (b-5) of  
24 this Section.

25 ~~Subject to the availability of federal, State, public, or~~  
26 ~~private funds, the balanced accountability measure must be~~

1 ~~designed to focus on 2 components, student performance and~~  
2 ~~professional practice. The student performance component shall~~  
3 ~~count for 30% of the total balanced accountability measure, and~~  
4 ~~the professional practice component shall count for 70% of the~~  
5 ~~total balanced accountability measure. The student performance~~  
6 ~~component shall focus on student outcomes and closing the~~  
7 ~~achievement gaps within each school district and its individual~~  
8 ~~schools using a Multiple Measure Index and Annual Measurable~~  
9 ~~Objectives, as set forth in Section 2-3.25d of this Code. The~~  
10 ~~professional practice component shall focus on the degree to~~  
11 ~~which a school district, as well as its individual schools, is~~  
12 ~~implementing evidence-based, best professional practices and~~  
13 ~~exhibiting continued improvement. Beginning with the 2015-2016~~  
14 ~~school year, the balanced accountability measure shall consist~~  
15 ~~of only the student performance component, which shall account~~  
16 ~~for 100% of the total balanced accountability measure. From the~~  
17 ~~2017-2018 school year through the 2022-2023 school year, the~~  
18 ~~State Board of Education and a Balanced Accountability Measure~~  
19 ~~Committee shall identify a number of school districts per the~~  
20 ~~designated school years to begin implementing the balanced~~  
21 ~~accountability measure, which includes both the student~~  
22 ~~performance and professional practice components. By the~~  
23 ~~2022-2023 school year, all school districts must be~~  
24 ~~implementing the balanced accountability measure, which~~  
25 ~~includes both components.~~

26 (b-5) The Balanced Accountability Measure Committee is

1 created and shall consist of the following individuals: a  
2 representative of a statewide association representing  
3 regional superintendents of schools, a representative of a  
4 statewide association representing principals, a  
5 representative of an association representing principals in a  
6 city having a population exceeding 500,000, a representative of  
7 a statewide association representing school administrators, a  
8 representative of a statewide professional teachers'  
9 organization, a representative of a different statewide  
10 professional teachers' organization, an additional  
11 representative from either statewide professional teachers'  
12 organization, a representative of a professional teachers'  
13 organization in a city having a population exceeding 500,000, a  
14 representative of a statewide association representing school  
15 boards, and a representative of a school district organized  
16 under Article 34 of this Code. The head of each association or  
17 entity listed in this paragraph shall appoint its respective  
18 representative. The State Superintendent of Education, in  
19 consultation with the Committee, may appoint no more than 2  
20 additional individuals to the Committee, which individuals  
21 shall serve in an advisory role and must not have voting or  
22 other decision-making rights. ~~The Committee is abolished on~~  
23 ~~June 1, 2023.~~

24 The Balanced Accountability Measure Committee shall meet  
25 no less than 4 times per year to discuss the accountability  
26 standards set forth in the State Plan pursuant to the federal

1 Every Student Succeeds Act and to provide stakeholder feedback  
2 and recommendations to the State Board of Education with regard  
3 to the State Plan, which the State Board shall take into  
4 consideration. Upon completion of the 2019-2020 school year,  
5 the Balanced Accountability Measure Committee shall assess the  
6 implementation of the State Plan and, if necessary, make  
7 recommendations to the State Board for any changes. The  
8 Committee shall consider accountability recommendations made  
9 by the Illinois P-20 Council established under Section 22-45 of  
10 this Code, the Illinois Early Learning Council created under  
11 the Illinois Early Learning Council Act, and any other  
12 stakeholder group established by the State Board in relation to  
13 the federal Every Student Succeeds Act. The State Board shall  
14 provide to the Committee an annual report with data and other  
15 information about the Committee collected from entities  
16 identified by the State Board as lead partners, including, but  
17 not limited to, data and information on the Committee's  
18 effectiveness, geographic distribution, and cost to serve as  
19 part of a comprehensive statewide system of support.

20 ~~Using a Multiple Measure Index consistent with subsection~~  
21 ~~(a) of Section 2-3.25d of this Code, the student performance~~  
22 ~~component shall consist of the following subcategories, each of~~  
23 ~~which must be valued at 10%:~~

24 ~~(1) achievement status;~~

25 ~~(2) achievement growth; and~~

26 ~~(3) Annual Measurable Objectives, as set forth in~~

1 ~~subsection (b) of Section 2-3.25d of this Code.~~  
2 ~~Achievement status shall measure and assess college and career~~  
3 ~~readiness, as well as the graduation rate. Achievement growth~~  
4 ~~shall measure the school district's and its individual schools'~~  
5 ~~student growth via this State's growth value tables. Annual~~  
6 ~~Measurable Objectives shall measure the degree to which school~~  
7 ~~districts, as well as their individual schools, are closing~~  
8 ~~their achievement gaps among their student population and~~  
9 ~~subgroups.~~

10 ~~The professional practice component shall consist of the~~  
11 ~~following subcategories:~~

- 12 ~~(A) compliance;~~
- 13 ~~(B) evidence based best practices; and~~
- 14 ~~(C) contextual improvement.~~

15 ~~Compliance, which shall count for 10%, shall measure the degree~~  
16 ~~to which a school district and its individual schools meet the~~  
17 ~~current State compliance requirements. Evidence based best~~  
18 ~~practices, which shall count for 30%, shall measure the degree~~  
19 ~~to which school districts and their individual schools are~~  
20 ~~adhering to a set of evidence-based quality standards and best~~  
21 ~~practice for effective schools that include (i) continuous~~  
22 ~~improvement, (ii) culture and climate, (iii) shared~~  
23 ~~leadership, (iv) governance, (v) education and employee~~  
24 ~~quality, (vi) family and community connections, and (vii)~~  
25 ~~student and learning development and are further developed in~~  
26 ~~consultation with the State Board of Education and the Balanced~~

1 ~~Accountability Measure Committee set forth in this subsection~~  
2 ~~(b). Contextual improvement, which shall count for 30%, shall~~  
3 ~~provide school districts and their individual schools the~~  
4 ~~opportunity to demonstrate improved outcomes through local~~  
5 ~~data, including without limitation school climate, unique~~  
6 ~~characteristics, and barriers that impact the educational~~  
7 ~~environment and hinder the development and implementation of~~  
8 ~~action plans to address areas of school district and individual~~  
9 ~~school improvement. Each school district, in good faith~~  
10 ~~cooperation with its teachers or, where applicable, the~~  
11 ~~exclusive bargaining representatives of its teachers, shall~~  
12 ~~develop 2 measurable objectives to demonstrate contextual~~  
13 ~~improvement, each of which must be equally weighted. Each~~  
14 ~~school district shall begin such good faith cooperative~~  
15 ~~development of these objectives no later than 6 months prior to~~  
16 ~~the beginning of the school year in which the school district~~  
17 ~~is to implement the professional practice component of the~~  
18 ~~balanced accountability measure. The professional practice~~  
19 ~~component must be scored using trained peer review teams that~~  
20 ~~observe and verify school district practices using an~~  
21 ~~evidence-based framework.~~

22 ~~The balanced accountability measure shall combine the~~  
23 ~~student performance and professional practice components into~~  
24 ~~one summative score based on 100 points at the school district~~  
25 ~~and individual school level. A school district shall be~~  
26 ~~designated as "Exceeds Standards Exemplar" if the overall~~

1 ~~score is 100 to 90, "Meets Standards - Proficient" if the~~  
2 ~~overall score is 89 to 75, "Approaching Standards - Needs~~  
3 ~~Improvement" if the overall score is 74 to 60, and "Below~~  
4 ~~Standards - Unsatisfactory" if the overall score is 59 to 0.~~  
5 ~~The balanced accountability measure shall also detail both~~  
6 ~~incentives that reward school districts for continued improved~~  
7 ~~performance, as provided in Section 2-3.25e of this Code, and~~  
8 ~~consequences for school districts that fail to provide evidence~~  
9 ~~of continued improved performance, which may include~~  
10 ~~presentation of a barrier analysis, additional school board and~~  
11 ~~administrator training, or additional State assistance. Based~~  
12 ~~on its summative score, a school district may be exempt from~~  
13 ~~the balanced accountability measure for one or more school~~  
14 ~~years.~~ The State Board of Education, in collaboration with the  
15 Balanced Accountability Measure Committee set forth in this  
16 subsection (b-5) ~~(b)~~, shall adopt rules that further  
17 implementation in accordance with the requirements of this  
18 Section.

19 (Source: P.A. 99-84, eff. 1-1-16; 99-193, eff. 7-30-15; 99-642,  
20 eff. 7-28-16; 99-657, eff. 7-28-16.)

21 (105 ILCS 5/2-3.25n)

22 Sec. 2-3.25n. Every Student Succeeds ~~No Child Left Behind~~  
23 Act; requirements and construction.

24 (a) ~~The changes in the State accountability system made by~~  
25 ~~this amendatory Act of the 93rd General Assembly are a direct~~



1 ~~result of the federal Every Student Succeeds Act No Child Left~~  
2 ~~Behind Act of 2001 (Public Law 107-110), which~~ requires that  
3 each state develop and implement a single, statewide  
4 accountability system applicable to all schools and school  
5 districts.

6 (b) As provided in the federal Every Student Succeeds Act  
7 ~~No Child Left Behind Act of 2001 (Public Law 107-110)~~, nothing  
8 in this amendatory Act of the 93rd General Assembly shall be  
9 construed to alter or otherwise affect the rights, remedies,  
10 and procedures afforded school district or school employees  
11 under federal, State, or local law (including applicable rules,  
12 regulations, or court orders) or under the terms of collective  
13 bargaining agreements, memoranda of understanding, or other  
14 agreements between such employees and their employers.

15 (c) The State Board of Education may identify a school  
16 district as eligible for targeted and comprehensive services  
17 under the federal Every Student Succeeds Act.

18 (Source: P.A. 93-470, eff. 8-8-03.)

19 (105 ILCS 5/2-3.52A) (from Ch. 122, par. 2-3.52A)

20 Sec. 2-3.52A. Pilot programs. To improve the quality of  
21 teaching as a profession the State Board of Education may,  
22 pursuant to the federal Every Student Succeeds Act and  
23 appropriations for such purposes, establish entrance educator  
24 preparation programs, encourage collaboration between schools  
25 of educator preparation and high-need districts, establish

1 projects to recruit, select, prepare, and provide professional  
2 development for teachers or school leaders, and establish  
3 initiatives that focus on funding performance-based programs  
4 or human capital management systems ~~pilot programs for teachers~~  
5 ~~relating to clinical schools, restructuring the teaching~~  
6 ~~workplace, and providing special assistance and support to~~  
7 ~~beginning teachers.~~ Such programs shall be conducted in  
8 accordance with rules adopted by the State Board of Education.  
9 Such rules shall provide for, but not be limited to, advisory  
10 councils and annual reports on the progress of the pilot  
11 programs.

12 (Source: P.A. 85-322.)

13 (105 ILCS 5/2-3.61a)

14 Sec. 2-3.61a. 21st Century Community Learning Center Grant  
15 Program.

16 (a) The State Board of Education shall be the designated  
17 agency responsible for the administration of programs under  
18 Part I of Subchapter X of Chapter 70 of the federal Elementary  
19 and Secondary Education Act of 1965.

20 (b) The State Board of Education shall establish and  
21 implement a 21st Century Community Learning Center Grant  
22 Program, in accordance with federal guidelines, to provide  
23 grants to support whole child-focused ~~academically-focused~~  
24 after-school programs that are aligned with the regular  
25 academic programs of a school and the academic needs of

1 students. These grants shall be used to help those students who  
2 attend high-poverty, low-performing schools meet State and  
3 local performance standards in core academic subjects and, if  
4 applicable, increase school day attendance and improve  
5 social-emotional skills ~~for students who attend high poverty,~~  
6 ~~low performing schools. These grants shall be used to help~~  
7 ~~those students who attend high poverty, low performing schools~~  
8 ~~meet State and local performance standards in core academic~~  
9 ~~subjects~~ and to offer opportunities for families of  
10 participating students to have meaningful engagement in their  
11 children's education that are linked to learning and healthy  
12 development outcomes ~~opportunities for improved literacy and~~  
13 ~~related educational development. If appropriate, external~~  
14 stakeholder feedback shall be gathered and used to inform the  
15 grant application.

16 The State Board of Education shall award grants to eligible  
17 applicants that are of sufficient size and scope to implement  
18 ~~support high quality,~~ effective after-school programs, to  
19 ensure reasonable success of achieving the goals identified in  
20 the grant application, and to offer those activities that are  
21 necessary to achieve these goals and performance indicators and  
22 measures with a direct link to student achievement.

23 (c) Using State funds, subject to appropriation, and any  
24 federal funds received for this purpose, the State Board of  
25 Education may establish any other grant programs that are  
26 necessary to establish high-quality, academically based,

1 after-school programs that include family-centered education  
2 activities.

3 (d) The State Board of Education may adopt any rules  
4 necessary to implement this Section.

5 (Source: P.A. 93-374, eff. 7-24-03.)

6 (105 ILCS 5/2-3.64a-5)

7 Sec. 2-3.64a-5. State goals and assessment.

8 (a) For the assessment and accountability purposes of this  
9 Section, "students" includes those students enrolled in a  
10 public or State-operated elementary school, secondary school,  
11 or cooperative or joint agreement with a governing body or  
12 board of control, a charter school operating in compliance with  
13 the Charter Schools Law, a school operated by a regional office  
14 of education under Section 13A-3 of this Code, or a public  
15 school administered by a local public agency or the Department  
16 of Human Services.

17 (b) The State Board of Education shall establish the  
18 academic standards that are to be applicable to students who  
19 are subject to State assessments under this Section. The State  
20 Board of Education shall not establish any such standards in  
21 final form without first providing opportunities for public  
22 participation and local input in the development of the final  
23 academic standards. Those opportunities shall include a  
24 well-publicized period of public comment and opportunities to  
25 file written comments.

1 (c) Beginning no later than the 2014-2015 school year, the  
2 State Board of Education shall annually assess all students  
3 enrolled in grades 3 through 8 in English language arts and  
4 mathematics.

5 Beginning no later than the 2017-2018 school year, the  
6 State Board of Education shall annually assess all students in  
7 science at one grade in grades 3 through 5, at one grade in  
8 grades 6 through 8, and at one grade in grades 9 through 12.

9 The State Board of Education shall annually assess schools  
10 that operate a secondary education program, as defined in  
11 Section 22-22 of this Code, in English language arts and  
12 mathematics. The State Board of Education shall administer no  
13 more than 3 assessments, per student, of English language arts  
14 and mathematics for students in a secondary education program.  
15 One of these assessments shall ~~include a college and career~~  
16 ~~ready determination that shall be~~ recognized ~~accepted~~ by this  
17 State's public institutions of higher education, as defined in  
18 the Board of Higher Education Act, for the purpose of student  
19 application or admissions consideration. The assessment  
20 administered by the State Board of Education for the purpose of  
21 student application to or admissions consideration by  
22 institutions of higher education must be administered on a  
23 school day during regular student attendance hours.

24 Students who do ~~are~~ not take the State's final  
25 accountability assessment or its approved alternate assessment  
26 ~~assessed for college and career ready determinations~~ may not

1 receive a regular high school diploma unless the student is  
2 exempted from taking the State assessments under subsection (d)  
3 of this Section because ~~(i) the student's individualized~~  
4 ~~educational program developed under Article 14 of this Code~~  
5 ~~identifies the State assessment as inappropriate for the~~  
6 ~~student, (ii) the student is enrolled in a program of adult and~~  
7 ~~continuing education, as defined in the Adult Education Act,~~  
8 ~~(iii) the school district is not required to assess the~~  
9 ~~individual student for purposes of accountability under~~  
10 ~~federal No Child Left Behind Act of 2001 requirements, (iv) the~~  
11 ~~student has been determined to be an English learner and has~~  
12 ~~been enrolled in schools in the United States for less than 12~~  
13 ~~months, or (v) the student is otherwise identified by the State~~  
14 ~~Board of Education, through rules, as being exempt from the~~  
15 ~~assessment.~~

16 The State Board of Education shall not assess students  
17 under this Section in subjects not required by this Section.

18 Districts shall inform their students of the timelines and  
19 procedures applicable to their participation in every yearly  
20 administration of the State assessments. The State Board of  
21 Education shall establish periods of time in each school year  
22 during which State assessments shall occur to meet the  
23 objectives of this Section.

24 (d) Every individualized educational program as described  
25 in Article 14 shall identify if the State assessment or  
26 components thereof require accommodation ~~are appropriate~~ for

1 the student. The State Board of Education shall develop rules  
2 governing the administration of an alternate assessment that  
3 may be available to students for whom participation in this  
4 State's regular assessments is not appropriate, even with  
5 accommodations as allowed under this Section.

6 Students receiving special education services whose  
7 individualized educational programs identify them as eligible  
8 for the alternative State assessments nevertheless shall have  
9 the option of also taking this State's regular final  
10 accountability assessment ~~that includes a college and career~~  
11 ~~ready determination~~, which shall be administered in accordance  
12 with the eligible accommodations appropriate for meeting these  
13 students' respective needs.

14 All students determined to be English learners shall  
15 participate in the State assessments. The scores of, ~~excepting~~  
16 those students who have been enrolled in schools in the United  
17 States for less than 12 months may not be used for the purposes  
18 of accountability. ~~Such students may be exempted from~~  
19 ~~participation in one annual administration of the English~~  
20 ~~language arts assessment.~~ Any student determined to be an  
21 English learner shall receive appropriate assessment  
22 accommodations, including language supports, which shall be  
23 established by rule. Approved assessment accommodations must  
24 be provided until the student's English language skills develop  
25 to the extent that the student is no longer considered to be an  
26 English learner, as demonstrated through a State-identified

1 English language proficiency assessment.

2 (e) The results or scores of each assessment taken under  
3 this Section shall be made available to the parents of each  
4 student.

5 In each school year, the scores attained by a student on  
6 the final accountability State assessment ~~that includes a~~  
7 ~~college and career ready determination~~ must be placed in the  
8 student's permanent record pursuant to rules that the State  
9 Board of Education shall adopt for that purpose in accordance  
10 with Section 3 of the Illinois School Student Records Act. In  
11 each school year, the scores attained by a student on the State  
12 assessments administered in grades 3 through 8 must be placed  
13 in the student's temporary record.

14 (f) All schools shall administer the State's ~~an~~ academic  
15 assessment of English language proficiency ~~in oral language~~  
16 ~~(listening and speaking) and reading and writing skills~~ to all  
17 children determined to be English learners.

18 (g) All schools in this State that are part of the sample  
19 drawn by the National Center for Education Statistics, in  
20 collaboration with their school districts and the State Board  
21 of Education, shall administer the ~~biennial~~ academic  
22 assessments under the National Assessment of Educational  
23 Progress carried out under Section 411(b)(2) of the federal  
24 National Education Statistics Act of 1994 (20 U.S.C. 9010) if  
25 the U.S. Secretary of Education pays the costs of administering  
26 the assessments.



1           (h) (Blank). ~~Subject to available funds to this State for~~  
2 ~~the purpose of student assessment, the State Board of Education~~  
3 ~~shall provide additional assessments and assessment resources~~  
4 ~~that may be used by school districts for local assessment~~  
5 ~~purposes. The State Board of Education shall annually~~  
6 ~~distribute a listing of these additional resources.~~

7           (i) For the purposes of this subsection (i), "academically  
8 based assessments" means assessments consisting of questions  
9 and answers that are measurable and quantifiable to measure the  
10 knowledge, skills, and ability of students in the subject  
11 matters covered by the assessments. All assessments  
12 administered pursuant to this Section must be academically  
13 based assessments. The scoring of academically based  
14 assessments shall be reliable, valid, and fair and shall meet  
15 the guidelines for assessment development and use prescribed by  
16 the American Psychological Association, the National Council  
17 on Measurement in Education, and the American Educational  
18 Research Association.

19           The State Board of Education shall review the use of all  
20 assessment item types in order to ensure that they are valid  
21 and reliable indicators of student performance aligned to the  
22 learning standards being assessed and that the development,  
23 administration, and scoring of these item types are justifiable  
24 in terms of cost.

25           (j) The State Superintendent of Education shall appoint a  
26 committee of no more than 21 members, consisting of parents,

1 teachers, school administrators, school board members,  
2 assessment experts, regional superintendents of schools, and  
3 citizens, to review the State assessments administered by the  
4 State Board of Education. The Committee shall select one of its  
5 members as its chairperson. The Committee shall meet on an  
6 ongoing basis to review the content and design of the  
7 assessments (including whether the requirements of subsection  
8 (i) of this Section have been met), the time and money expended  
9 at the local and State levels to prepare for and administer the  
10 assessments, the collective results of the assessments as  
11 measured against the stated purpose of assessing student  
12 performance, and other issues involving the assessments  
13 identified by the Committee. The Committee shall make periodic  
14 recommendations to the State Superintendent of Education and  
15 the General Assembly concerning the assessments.

16 (k) The State Board of Education may adopt rules to  
17 implement this Section.

18 (Source: P.A. 99-30, eff. 7-10-15; 99-185, eff. 1-1-16; 99-642,  
19 eff. 7-28-16; 100-7, eff. 7-1-17; 100-222, eff. 8-18-17;  
20 revised 9-22-17.)

21 (105 ILCS 5/2-3.136)

22 Sec. 2-3.136. Funding for class ~~Class~~ size reduction ~~grant~~  
23 ~~programs.~~

24 (a) Class size reduction funding shall assist ~~A-K-3 class~~  
25 ~~size reduction grant program is created. The program shall be~~

1 ~~implemented and administered by the State Board of Education.~~  
2 ~~From appropriations made for purposes of this Section, the~~  
3 ~~State Board shall award grants to~~ schools that meet the  
4 criteria established by this Section ~~subsection (a)~~ for the  
5 award of funds ~~those grants~~.

6 (a-5) Funds Grants shall be awarded pursuant to  
7 application. The form and manner of applications and the  
8 criteria for the award of funds grants shall be prescribed by  
9 the State Board of Education. ~~The grant criteria as so~~  
10 ~~prescribed, however, shall provide that only those schools that~~  
11 ~~are identified as priority schools under Section 2-3.25d-5 of~~  
12 ~~this Code and that maintain grades kindergarten through 3 are~~  
13 ~~grant eligible.~~

14 Funding Grants awarded to eligible schools under this  
15 Section subsection (a) shall be used and applied by the schools  
16 to defray the costs and expenses of reducing class size to a  
17 level that is evidence-based. If a school's facilities are  
18 inadequate to allow for the specified class size, then funding  
19 may be used for, but is not limited to, support for  
20 professional learning. ~~operating and maintaining classes in~~  
21 ~~grades kindergarten through 3 with an average class size within~~  
22 ~~a specific grade of no more than 20 pupils. If a school's~~  
23 ~~facilities are inadequate to allow for this specified class~~  
24 ~~size, then a school may use the grant funds for teacher aides~~  
25 ~~instead.~~

26 (b) (Blank). ~~A K-3 pilot class size reduction grant program~~

1 ~~is created. The program shall be implemented and administered~~  
2 ~~by the State Board of Education. From appropriations made for~~  
3 ~~purposes of this subsection (b), the State Board shall award~~  
4 ~~grants to schools that meet the criteria established by this~~  
5 ~~Section for the award of those grants.~~

6 ~~Grants shall be awarded pursuant to application. The form~~  
7 ~~and manner of application and the criteria for the award of~~  
8 ~~grants shall be prescribed by the State Board of Education.~~

9 ~~Grants awarded to eligible schools under this subsection~~  
10 ~~(b) shall be used and applied by the schools to defray the~~  
11 ~~costs and expenses of operating and maintaining classes in~~  
12 ~~grades kindergarten through 3 of no more than 15 pupils per~~  
13 ~~teacher per class. A teacher aide may not be used to meet this~~  
14 ~~requirement.~~

15 (c) (Blank). ~~If a school board determines that a school is~~  
16 ~~using funds awarded under this Section for purposes not~~  
17 ~~authorized by this Section, then the school board, rather than~~  
18 ~~the school, shall determine how the funds are used.~~

19 (d) The State Board of Education shall adopt any rules,  
20 consistent with the requirements of this Section, that are  
21 necessary to implement and administer this Section ~~the class~~  
22 ~~size reduction grant programs.~~

23 (Source: P.A. 99-193, eff. 7-30-15.)

24 (105 ILCS 5/2-3.153)

25 Sec. 2-3.153. Survey of learning conditions.

1 (a) The State Board of Education shall administer a climate  
2 survey, identified by and paid for by the State Board of  
3 Education, select for statewide administration an instrument  
4 to provide feedback from, at a minimum, students in grades 4 ~~6~~  
5 through 12 and teachers on the instructional environment within  
6 a school. Each ~~after giving consideration to the~~  
7 ~~recommendations of the Performance Evaluation Advisory Council~~  
8 ~~made pursuant to subdivision (6) of subsection (a) of Section~~  
9 ~~24A-20 of this Code. Subject to appropriation to the State~~  
10 ~~Board of Education for the State's cost of development and~~  
11 ~~administration and, subject to subsections (b) and (c) of this~~  
12 ~~Section, each~~ school district shall annually administer, ~~at~~  
13 ~~least biennially,~~ the climate survey instrument in every public  
14 school attendance center by a date specified by the State  
15 Superintendent of Education, and data resulting from the  
16 instrument's administration must be provided to the State Board  
17 of Education. The survey component that requires completion by  
18 the teachers must be administered during teacher meetings or  
19 professional development days or at other times that would not  
20 interfere with the teachers' regular classroom and direct  
21 instructional duties. The State Superintendent, ~~following~~  
22 ~~consultation with teachers, principals, and other appropriate~~  
23 ~~stakeholders,~~ shall publicly report on the survey selected  
24 indicators of learning conditions resulting from  
25 administration of the instrument at the individual school,  
26 district, and State levels and shall identify whether the

1 indicators result from an anonymous administration of the  
2 instrument. ~~If in any year the appropriation to the State Board  
3 of Education is insufficient for the State's costs associated  
4 with statewide administration of the instrument, the State  
5 Board of Education shall give priority to districts with  
6 low performing schools and a representative sample of other  
7 districts.~~

8 (b) A school district may elect to use, on a district-wide  
9 basis and at the school district's sole cost and expense, an  
10 alternate climate survey of learning conditions instrument  
11 pre-approved by the State Superintendent under subsection (c)  
12 of this Section in lieu of the State-adopted climate survey  
13 ~~statewide survey instrument selected under subsection (a) of  
14 this Section,~~ provided that:

15 (1) the school district notifies the State Board of  
16 Education, on a form provided by the State Superintendent,  
17 of its intent to administer an alternate climate survey  
18 ~~instrument~~ on or before a date established by the State  
19 Superintendent for ~~the 2014-2015 school year and August 1~~  
20 ~~of each subsequent school year during which the instrument~~  
21 ~~will be administered;~~

22 (2) the notification submitted to the State Board under  
23 paragraph (1) of this subsection (b) must be accompanied by  
24 a certification signed by the president of the local  
25 teachers' exclusive bargaining representative and  
26 president of the school board indicating that the alternate

1 survey has been agreed to by the teachers' exclusive  
2 bargaining representative and the school board;

3 (3) the school district's administration of the  
4 alternate instrument, including providing to the State  
5 Board of Education data and reports suitable to be  
6 published on school report cards and the State School  
7 Report Card Internet website, is performed in accordance  
8 with the requirements of subsection (a) of this Section;  
9 and

10 (4) the alternate instrument is administered each  
11 school year ~~that the statewide survey instrument is~~  
12 ~~administered; if the statewide survey is not administrated~~  
13 ~~in a given school year, the school district is not required~~  
14 ~~to provide the alternative instrument in that given school~~  
15 ~~year.~~

16 (c) The State Superintendent, in consultation with  
17 teachers, principals, superintendents, and other appropriate  
18 stakeholders, shall administer an approval process through  
19 which at least 2, but not more than 3, alternate survey of  
20 learning conditions instruments will be approved by the State  
21 Superintendent following a determination by the State  
22 Superintendent that each approved instrument:

23 (1) meets all requirements of subsection (a) of this  
24 Section;

25 (2) provides a summation of indicator results of the  
26 alternative survey by a date established by the State

1 Superintendent in a manner that allows the indicator  
2 results to be included on school report cards pursuant to  
3 Section 10-17a of this Code by October 31 of the school  
4 year following the instrument's administration;

5 (3) provides summary reports for each district and  
6 attendance center intended for parents and community  
7 stakeholders;

8 (4) meets scale reliability requirements using  
9 accepted testing measures;

10 (5) provides research-based evidence linking  
11 instrument content to one or more improved student  
12 outcomes; and

13 (6) has undergone and documented testing to prove  
14 validity and reliability.

15 The State Superintendent shall periodically review and update  
16 the list of approved alternate survey instruments, provided  
17 that at least 2, but no more than 3, alternate survey  
18 instruments shall be approved for use during any school year.

19 (d) Nothing contained in this amendatory Act of the 98th  
20 General Assembly repeals, supersedes, invalidates, or  
21 nullifies final decisions in lawsuits pending on the effective  
22 date of this amendatory Act of the 98th General Assembly in  
23 Illinois courts involving the interpretation of Public Act  
24 97-8.

25 (Source: P.A. 97-8, eff. 6-13-11; 97-813, eff. 7-13-12; 98-648,  
26 eff. 7-1-14.)



1 (105 ILCS 5/10-21.3a)

2 Sec. 10-21.3a. Transfer of students.

3 (a) Each school board shall establish and implement a  
4 policy governing the transfer of a student from one attendance  
5 center to another within the school district upon the request  
6 of the student's parent or guardian. ~~Any request by a parent or~~  
7 ~~guardian to transfer his or her child from one attendance~~  
8 ~~center to another within the school district pursuant to~~  
9 ~~Section 1116 of the federal Elementary and Secondary Education~~  
10 ~~Act of 1965 (20 U.S.C. Sec. 6316) must be made no later than 30~~  
11 ~~days after the parent or guardian receives notice of the right~~  
12 ~~to transfer pursuant to that law.~~ A student may not transfer to  
13 any of the following attendance centers, except by change in  
14 residence if the policy authorizes enrollment based on  
15 residence in an attendance area or unless approved by the board  
16 on an individual basis:

17 (1) An attendance center that exceeds or as a result of  
18 the transfer would exceed its attendance capacity.

19 (2) An attendance center for which the board has  
20 established academic criteria for enrollment if the  
21 student does not meet the criteria, ~~provided that the~~  
22 ~~transfer must be permitted if the attendance center is the~~  
23 ~~only attendance center serving the student's grade that has~~  
24 ~~not been identified for school improvement, corrective~~  
25 ~~action, or restructuring under Section 1116 of the federal~~

1 ~~Elementary and Secondary Education Act of 1965 (20 U.S.C.~~  
2 ~~Sec. 6316).~~

3 (3) Any attendance center if the transfer would prevent  
4 the school district from meeting its obligations under a  
5 State or federal law, court order, or consent decree  
6 applicable to the school district.

7 (b) Each school board shall establish and implement a  
8 policy governing the transfer of students within a school  
9 district from a persistently dangerous school to another public  
10 school in that district that is not deemed to be persistently  
11 dangerous. In order to be considered a persistently dangerous  
12 school, the school must meet all of the following criteria for  
13 2 consecutive years:

14 (1) Have greater than 3% of the students enrolled in  
15 the school expelled for violence-related conduct.

16 (2) Have one or more students expelled for bringing a  
17 firearm to school as defined in 18 U.S.C. 921.

18 (3) Have at least 3% of the students enrolled in the  
19 school exercise the individual option to transfer schools  
20 pursuant to subsection (c) of this Section.

21 (c) A student may transfer from one public school to  
22 another public school in that district if the student is a  
23 victim of a violent crime as defined in Section 3 of the Rights  
24 of Crime Victims and Witnesses Act. The violent crime must have  
25 occurred on school grounds during regular school hours or  
26 during a school-sponsored event.

1 (d) (Blank). ~~Transfers made pursuant to subsections (b) and~~  
2 ~~(c) of this Section shall be made in compliance with the~~  
3 ~~federal No Child Left Behind Act of 2001 (Public Law 107-110).~~  
4 (Source: P.A. 96-328, eff. 8-11-09.)

5 (105 ILCS 5/10-29)

6 Sec. 10-29. Remote educational programs.

7 (a) For purposes of this Section, "remote educational  
8 program" means an educational program delivered to students in  
9 the home or other location outside of a school building that  
10 meets all of the following criteria:

11 (1) A student may participate in the program only after  
12 the school district, pursuant to adopted school board  
13 policy, and a person authorized to enroll the student under  
14 Section 10-20.12b of this Code determine that a remote  
15 educational program will best serve the student's  
16 individual learning needs. The adopted school board policy  
17 shall include, but not be limited to, all of the following:

18 (A) Criteria for determining that a remote  
19 educational program will best serve a student's  
20 individual learning needs. The criteria must include  
21 consideration of, at a minimum, a student's prior  
22 attendance, disciplinary record, and academic history.

23 (B) Any limitations on the number of students or  
24 grade levels that may participate in a remote  
25 educational program.

1 (C) A description of the process that the school  
2 district will use to approve participation in the  
3 remote educational program. The process must include  
4 without limitation a requirement that, for any student  
5 who qualifies to receive services pursuant to the  
6 federal Individuals with Disabilities Education  
7 Improvement Act of 2004, the student's participation  
8 in a remote educational program receive prior approval  
9 from the student's individualized education program  
10 team.

11 (D) A description of the process the school  
12 district will use to develop and approve a written  
13 remote educational plan that meets the requirements of  
14 subdivision (5) of this subsection (a).

15 (E) A description of the system the school district  
16 will establish to determine student participation  
17 ~~calculate the number of clock hours a student is~~  
18 ~~participating~~ in instruction in accordance with the  
19 remote educational program.

20 (F) A description of the process for renewing a  
21 remote educational program at the expiration of its  
22 term.

23 (G) Such other terms and provisions as the school  
24 district deems necessary to provide for the  
25 establishment and delivery of a remote educational  
26 program.

1           (2) The school district has determined that the remote  
2 educational program's curriculum is aligned to State  
3 learning standards and that the program offers instruction  
4 and educational experiences consistent with those given to  
5 students at the same grade level in the district.

6           (3) The remote educational program is delivered by  
7 instructors that meet the following qualifications:

8           (A) they are certificated under Article 21 of this  
9 Code;

10           (B) (blank); and ~~they meet applicable highly~~  
11 ~~qualified criteria under the federal No Child Left~~  
12 ~~Behind Act of 2001; and~~

13           (C) they have responsibility for all of the  
14 following elements of the program: planning  
15 instruction, diagnosing learning needs, prescribing  
16 content delivery through class activities, assessing  
17 learning, reporting outcomes to administrators and  
18 parents and guardians, and evaluating the effects of  
19 instruction.

20           (4) During the period of time from and including the  
21 opening date to the closing date of the regular school term  
22 of the school district established pursuant to Section  
23 10-19 of this Code, participation in a remote educational  
24 program may be claimed for ~~general State aid purposes under~~  
25 ~~Section 18-8.05 of this Code or~~ evidence-based funding  
26 purposes under Section 18-8.15 of this Code on any calendar

1 day, notwithstanding whether the day is a day of pupil  
2 attendance or institute day on the school district's  
3 calendar or any other provision of law restricting  
4 instruction on that day. If the district holds year-round  
5 classes in some buildings, the district shall classify each  
6 student's participation in a remote educational program as  
7 either on a year-round or a non-year-round schedule for  
8 purposes of claiming ~~general State aid or~~ evidence-based  
9 funding. Outside of the regular school term of the  
10 district, the remote educational program may be offered as  
11 part of any summer school program authorized by this Code.

12 (5) Each student participating in a remote educational  
13 program must have a written remote educational plan that  
14 has been approved by the school district and a person  
15 authorized to enroll the student under Section 10-20.12b of  
16 this Code. The school district and a person authorized to  
17 enroll the student under Section 10-20.12b of this Code  
18 must approve any amendment to a remote educational plan.  
19 The remote educational plan must include, but is not  
20 limited to, all of the following:

21 (A) Specific achievement goals for the student  
22 aligned to State learning standards.

23 (B) A description of all assessments that will be  
24 used to measure student progress, which description  
25 shall indicate the assessments that will be  
26 administered at an attendance center within the school

1 district.

2 (C) A description of the progress reports that will  
3 be provided to the school district and the person or  
4 persons authorized to enroll the student under Section  
5 10-20.12b of this Code.

6 (D) Expectations, processes, and schedules for  
7 interaction between a teacher and student.

8 (E) A description of the specific responsibilities  
9 of the student's family and the school district with  
10 respect to equipment, materials, phone and Internet  
11 service, and any other requirements applicable to the  
12 home or other location outside of a school building  
13 necessary for the delivery of the remote educational  
14 program.

15 (F) If applicable, a description of how the remote  
16 educational program will be delivered in a manner  
17 consistent with the student's individualized education  
18 program required by Section 614(d) of the federal  
19 Individuals with Disabilities Education Improvement  
20 Act of 2004 or plan to ensure compliance with Section  
21 504 of the federal Rehabilitation Act of 1973.

22 (G) A description of the procedures and  
23 opportunities for participation in academic and  
24 extra-curricular activities and programs within the  
25 school district.

26 (H) The identification of a parent, guardian, or

1 other responsible adult who will provide direct  
2 supervision of the program. The plan must include an  
3 acknowledgment by the parent, guardian, or other  
4 responsible adult that he or she may engage only in  
5 non-teaching duties not requiring instructional  
6 judgment or the evaluation of a student. The plan shall  
7 designate the parent, guardian, or other responsible  
8 adult as non-teaching personnel or volunteer personnel  
9 under subsection (a) of Section 10-22.34 of this Code.

10 (I) The identification of a school district  
11 administrator who will oversee the remote educational  
12 program on behalf of the school district and who may be  
13 contacted by the student's parents with respect to any  
14 issues or concerns with the program.

15 (J) The term of the student's participation in the  
16 remote educational program, which may not extend for  
17 longer than 12 months, unless the term is renewed by  
18 the district in accordance with subdivision (7) of this  
19 subsection (a).

20 (K) A description of the specific location or  
21 locations in which the program will be delivered. If  
22 the remote educational program is to be delivered to a  
23 student in any location other than the student's home,  
24 the plan must include a written determination by the  
25 school district that the location will provide a  
26 learning environment appropriate for the delivery of



1           the program. The location or locations in which the  
2           program will be delivered shall be deemed a long  
3           distance teaching reception area under subsection (a)  
4           of Section 10-22.34 of this Code.

5           (L) Certification by the school district that the  
6           plan meets all other requirements of this Section.

7           (6) Students participating in a remote educational  
8           program must be enrolled in a school district attendance  
9           center pursuant to the school district's enrollment policy  
10          or policies. A student participating in a remote  
11          educational program must be tested as part of all  
12          assessments administered by the school district pursuant  
13          to Section 2-3.64a-5 of this Code at the attendance center  
14          in which the student is enrolled and in accordance with the  
15          attendance center's assessment policies and schedule. The  
16          student must be included within all accountability  
17          determinations for the school district and attendance  
18          center under State and federal law.

19          (7) The term of a student's participation in a remote  
20          educational program may not extend for longer than 12  
21          months, unless the term is renewed by the school district.  
22          The district may only renew a student's participation in a  
23          remote educational program following an evaluation of the  
24          student's progress in the program, a determination that the  
25          student's continuation in the program will best serve the  
26          student's individual learning needs, and an amendment to

1 the student's written remote educational plan addressing  
2 any changes for the upcoming term of the program.

3 For purposes of this Section, a remote educational program  
4 does not include instruction delivered to students through an  
5 e-learning program approved under Section 10-20.56 of this  
6 Code.

7 (b) A school district may, by resolution of its school  
8 board, establish a remote educational program.

9 (c) (Blank). ~~Clock hours of instruction by students in a~~  
10 ~~remote educational program meeting the requirements of this~~  
11 ~~Section may be claimed by the school district and shall be~~  
12 ~~counted as school work for general State aid purposes in~~  
13 ~~accordance with and subject to the limitations of Section~~  
14 ~~18-8.05 of this Code or evidence based funding purposes in~~  
15 ~~accordance with and subject to the limitations of Section~~  
16 ~~18-8.15 of this Code.~~

17 (d) The impact of remote educational programs on wages,  
18 hours, and terms and conditions of employment of educational  
19 employees within the school district shall be subject to local  
20 collective bargaining agreements.

21 (e) The use of a home or other location outside of a school  
22 building for a remote educational program shall not cause the  
23 home or other location to be deemed a public school facility.

24 (f) A remote educational program may be used, but is not  
25 required, for instruction delivered to a student in the home or  
26 other location outside of a school building that is not claimed

1 for ~~general State aid purposes under Section 18-8.05 of this~~  
2 ~~Code~~ or evidence-based funding purposes under Section 18-8.15  
3 of this Code.

4 (g) School districts that, pursuant to this Section, adopt  
5 a policy for a remote educational program must submit to the  
6 State Board of Education a copy of the policy and any  
7 amendments thereto, as well as data on student participation in  
8 a format specified by the State Board of Education. The State  
9 Board of Education may perform or contract with an outside  
10 entity to perform an evaluation of remote educational programs  
11 in this State.

12 (h) The State Board of Education may adopt any rules  
13 necessary to ensure compliance by remote educational programs  
14 with the requirements of this Section and other applicable  
15 legal requirements.

16 (Source: P.A. 99-193, eff. 7-30-15; 99-194, eff. 7-30-15;  
17 99-642, eff. 7-28-16; 100-465, eff. 8-31-17.)

18 (105 ILCS 5/34-1.1) (from Ch. 122, par. 34-1.1)

19 Sec. 34-1.1. Definitions. As used in this Article:

20 "Academic Accountability Council" means the Chicago  
21 Schools Academic Accountability Council created under Section  
22 34-3.4.

23 "Local School Council" means a local school council  
24 established under Section 34-2.1.

25 "School" and "attendance center" are used interchangeably

1 to mean any attendance center operated pursuant to this Article  
2 and under the direction of one principal.

3 "Secondary Attendance Center" means a school which has  
4 students enrolled in grades 9 through 12 (although it may also  
5 have students enrolled in grades below grade 9).

6 "Local Attendance Area School" means a school which has a  
7 local attendance area established by the board.

8 "Multi-area school" means a school other than a local  
9 attendance area school.

10 "Contract school" means an attendance center managed and  
11 operated by a for-profit or not-for-profit private entity  
12 retained by the board to provide instructional and other  
13 services to a majority of the pupils enrolled in the attendance  
14 center.

15 "Contract turnaround school" means an experimental  
16 contract school created by the board to implement alternative  
17 governance in an attendance center subject to restructuring or  
18 similar intervention ~~under federal law that has not made~~  
19 ~~adequate yearly progress for 5 consecutive years or a time~~  
20 ~~period set forth in federal law.~~

21 "Parent" means a parent or legal guardian of an enrolled  
22 student of an attendance center.

23 "Community resident" means a person, 18 years of age or  
24 older, residing within an attendance area served by a school,  
25 excluding any person who is a parent of a student enrolled in  
26 that school; provided that with respect to any multi-area

1 school, community resident means any person, 18 years of age or  
2 older, residing within the voting district established for that  
3 school pursuant to Section 34-2.1c, excluding any person who is  
4 a parent of a student enrolled in that school.

5 "School staff" means all certificated and uncertificated  
6 school personnel, including all teaching and administrative  
7 staff (other than the principal) and including all custodial,  
8 food service and other civil service employees, who are  
9 employed at and assigned to perform the majority of their  
10 employment duties at one attendance center served by the same  
11 local school council.

12 "Regular meetings" means the meeting dates established by  
13 the local school council at its annual organizational meeting.  
14 (Source: P.A. 96-105, eff. 7-30-09.)

15 (105 ILCS 5/34-3.5)

16 Sec. 34-3.5. Partnership agreement on advancing student  
17 achievement; Every Student Succeeds Act ~~No Child Left Behind~~  
18 ~~Act of 2001~~.

19 (a) The General Assembly finds that the Chicago Teachers  
20 Union, the Chicago Board of Education, and the district's chief  
21 executive officer have a common responsibility beyond their  
22 statutory collective bargaining relationship to institute  
23 purposeful education reforms in the Chicago Public Schools that  
24 maximize the number of students in the Chicago Public Schools  
25 who reach or exceed proficiency with regard to State academic

1 standards and assessments. The General Assembly further finds  
2 that education reform in the Chicago Public Schools must be  
3 premised on a commitment by all stakeholders to redefine  
4 relationships, develop, implement, and evaluate programs, seek  
5 new and additional resources, improve the value of educational  
6 programs to students, accelerate the quality of teacher  
7 training, improve instructional excellence, and develop and  
8 implement strategies to comply with the federal Every Student  
9 Succeeds Act ~~No Child Left Behind Act of 2001 (Public Law~~  
10 ~~107-110)~~.

11 The Chicago Board of Education and the district's chief  
12 executive officer shall enter into a partnership agreement with  
13 the Chicago Teachers Union to allow the parties to work  
14 together to advance the Chicago Public Schools to the next  
15 level of education reform. This agreement must be entered into  
16 and take effect within 90 days after the effective date of this  
17 amendatory Act of the 93rd General Assembly. As part of this  
18 agreement, the Chicago Teachers Union, the Chicago Board of  
19 Education, and the district's chief executive officer shall  
20 jointly file a report with the General Assembly at the end of  
21 each school year with respect to the nature of the reforms that  
22 the parties have instituted, the effect of these reforms on  
23 student achievement, and any other matters that the parties  
24 deem relevant to evaluating the effectiveness of the agreement.

25 (b) Decisions concerning matters of inherent managerial  
26 policy necessary to comply with the federal Every Student

1 ~~Succeeds Act No Child Left Behind Act of 2001 (Public Law~~  
2 ~~107-110)~~, including such areas of discretion or policy as the  
3 functions of the employer, the standards and delivery of  
4 educational services and programs, the district's overall  
5 budget, the district's organizational structure, student  
6 assignment, school choice, and the selection of new employees  
7 and direction of employees, and the impact of these decisions  
8 on individual employees or the bargaining unit shall be  
9 permissive subjects of bargaining between the educational  
10 employer and the exclusive bargaining representative and are  
11 within the sole discretion of the educational employer to  
12 decide to bargain. This subsection (b) is exclusive of the  
13 parties' obligations and responsibilities under Section 4.5 of  
14 the Illinois Educational Labor Relations Act (provided that any  
15 dispute or impasse that may arise under this subsection (b)  
16 shall be resolved exclusively as set forth in subsection (b) of  
17 Section 12 of the Illinois Educational Labor Relations Act in  
18 lieu of a strike under Section 13 of the Illinois Educational  
19 Labor Relations Act).

20 (Source: P.A. 93-3, eff. 4-16-03.)

21 (105 ILCS 5/34-18.24)

22 Sec. 34-18.24. Transfer of students.

23 (a) The board shall establish and implement a policy  
24 governing the transfer of a student from one attendance center  
25 to another within the school district upon the request of the

1 student's parent or guardian. ~~Any request by a parent or~~  
2 ~~guardian to transfer his or her child from one attendance~~  
3 ~~center to another within the school district pursuant to~~  
4 ~~Section 1116 of the federal Elementary and Secondary Education~~  
5 ~~Act of 1965 (20 U.S.C. Sec. 6317) must be made no later than 30~~  
6 ~~days after the parent or guardian receives notice of the right~~  
7 ~~to transfer pursuant to that law.~~ A student may not transfer to  
8 any of the following attendance centers, except by change in  
9 residence if the policy authorizes enrollment based on  
10 residence in an attendance area or unless approved by the board  
11 on an individual basis:

12 (1) An attendance center that exceeds or as a result of  
13 the transfer would exceed its attendance capacity.

14 (2) An attendance center for which the board has  
15 established academic criteria for enrollment if the  
16 student does not meet the criteria, ~~provided that the~~  
17 ~~transfer must be permitted if the attendance center is the~~  
18 ~~only attendance center serving the student's grade that has~~  
19 ~~not been identified for school improvement, corrective~~  
20 ~~action, or restructuring under Section 1116 of the federal~~  
21 ~~Elementary and Secondary Education Act of 1965 (20 U.S.C.~~  
22 ~~Sec. 6317).~~

23 (3) Any attendance center if the transfer would prevent  
24 the school district from meeting its obligations under a  
25 State or federal law, court order, or consent decree  
26 applicable to the school district.



1 (b) The board shall establish and implement a policy governing  
2 the transfer of students within the school district from a  
3 persistently dangerous attendance center to another attendance  
4 center in that district that is not deemed to be persistently  
5 dangerous. In order to be considered a persistently dangerous  
6 attendance center, the attendance center must meet all of the  
7 following criteria for 2 consecutive years:

8 (1) Have greater than 3% of the students enrolled in  
9 the attendance center expelled for violence-related  
10 conduct.

11 (2) Have one or more students expelled for bringing a  
12 firearm to school as defined in 18 U.S.C. 921.

13 (3) Have at least 3% of the students enrolled in the  
14 attendance center exercise the individual option to  
15 transfer attendance centers pursuant to subsection (c) of  
16 this Section.

17 (c) A student may transfer from one attendance center to  
18 another attendance center within the district if the student is  
19 a victim of a violent crime as defined in Section 3 of the  
20 Rights of Crime Victims and Witnesses Act. The violent crime  
21 must have occurred on school grounds during regular school  
22 hours or during a school-sponsored event.

23 (d) (Blank). ~~Transfers made pursuant to subsections (b) and~~  
24 ~~(c) of this Section shall be made in compliance with the~~  
25 ~~federal No Child Left Behind Act of 2001 (Public Law 107-110).~~

26 (Source: P.A. 92-604, eff. 7-1-02; 93-633, eff. 12-23-03.)

1 (105 ILCS 5/2-3.25d rep.)

2 (105 ILCS 5/10-20.39 rep.)

3 (105 ILCS 5/21B-200 rep.)

4 (105 ILCS 5/34-18.31 rep.)

5 Section 10. The School Code is amended by repealing  
6 Sections 2-3.25d, 10-20.39, 21B-200, and 34-18.31.

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