



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB0643

Introduced 1/28/2005, by Rep. Mary E. Flowers

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-21.3a
105 ILCS 5/34-18.24
30 ILCS 805/8.29 new

Amends the School Code. Provides that if a student must be transferred from one attendance center to another within a school district because the attendance center the student is currently attending exceeds its attendance capacity, then the attendance center the student is to be transferred to must not be an attendance center that is on the academic watch list. Amends the State Mandates Act to require implementation without reimbursement. Effective July 1, 2005.

LRB094 06860 MKM 36967 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT regarding schools.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Sections
5 10-21.3a and 34-18.24 as follows:

6 (105 ILCS 5/10-21.3a)

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

8 (a) Each school board shall establish and implement a
9 policy governing the transfer of a student from one attendance
10 center to another within the school district upon the request
11 of the student's parent or guardian. Any request by a parent or
12 guardian to transfer his or her child from one attendance
13 center to another within the school district pursuant to
14 Section 1116 of the federal Elementary and Secondary Education
15 Act of 1965 (20 U.S.C. Sec. 6317) must be made no later than 30
16 days after the parent or guardian receives notice of the right
17 to transfer pursuant to that law. A student may not transfer to
18 any of the following attendance centers, except by change in
19 residence if the policy authorizes enrollment based on
20 residence in an attendance area or unless approved by the board
21 on an individual basis:

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

24 (2) An attendance center for which the board has
25 established academic criteria for enrollment if the
26 student does not meet the criteria, provided that the
27 transfer must be permitted if the attendance center is the
28 only attendance center serving the student's grade that has
29 not been identified for school improvement, corrective
30 action, or restructuring under Section 1116 of the federal
31 Elementary and Secondary Education Act of 1965 (20 U.S.C.
32 Sec. 6317).

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

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

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

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

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

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

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

28 (e) If a student must be transferred from one attendance
29 center to another within the school district because the
30 attendance center the student is currently attending exceeds
31 its attendance capacity, then the attendance center the student
32 is to be transferred to must not be an attendance center that
33 is on the academic watch list under Section 2-3.25d of this
34 Code.

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

1 (105 ILCS 5/34-18.24)

2 Sec. 34-18.24. Transfer of students.

3 (a) The board shall establish and implement a policy
4 governing the transfer of a student from one attendance center
5 to another within the school district upon the request of the
6 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. 6317) 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
26 Elementary and Secondary Education Act of 1965 (20 U.S.C.
27 Sec. 6317).

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

32 (b) The board shall establish and implement a policy
33 governing the transfer of students within the school district
34 from a persistently dangerous attendance center to another
35 attendance center in that district that is not deemed to be
36 persistently dangerous. In order to be considered a

1 persistently dangerous attendance center, the attendance
2 center must meet all of the following criteria for 2
3 consecutive years:

4 (1) Have greater than 3% of the students enrolled in
5 the attendance center expelled for violence-related
6 conduct.

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

9 (3) Have at least 3% of the students enrolled in the
10 attendance center exercise the individual option to
11 transfer attendance centers pursuant to subsection (c) of
12 this Section.

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

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

22 (e) If a student must be transferred from one attendance
23 center to another within the school district because the
24 attendance center the student is currently attending exceeds
25 its attendance capacity, then the attendance center the student
26 is to be transferred to must not be an attendance center that
27 is on the academic watch list under Section 2-3.25d of this
28 Code.

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

30 Section 90. The State Mandates Act is amended by adding
31 Section 8.29 as follows:

32 (30 ILCS 805/8.29 new)

33 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
34 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by this amendatory Act of
2 the 94th General Assembly.

3 Section 99. Effective date. This Act takes effect on July
4 1, 2005.