



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4268

by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

105 ILCS 5/2-3.13a from Ch. 122, par. 2-3.13a
105 ILCS 5/10-21.3a
105 ILCS 5/34-18.24
30 ILCS 805/8.32 new

Amends the School Code. Provides that if a student has been expelled from an attendance center, the school district must permit the student to transfer to another attendance center within the district for the remainder of the expulsion. Makes related changes. Amends the State Mandates Act to require implementation without reimbursement. Effective July 1, 2008.

LRB095 14182 NHT 40049 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning education.

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 2-3.13a, 10-21.3a, and 34-18.24 as follows:

6 (105 ILCS 5/2-3.13a) (from Ch. 122, par. 2-3.13a)

7 Sec. 2-3.13a. School records; transferring students.

8 (a) The State Board of Education shall establish and
9 implement rules requiring all of the public schools and all
10 private or nonpublic elementary and secondary schools located
11 in this State, whenever any such school has a student who is
12 transferring to any other public elementary or secondary school
13 located in this or in any other state, to forward within 10
14 days of notice of the student's transfer an unofficial record
15 of that student's grades to the school to which such student is
16 transferring. Each public school at the same time also shall
17 forward to the school to which the student is transferring the
18 remainder of the student's school student records as required
19 by the Illinois School Student Records Act. In addition, if a
20 student is transferring from a public school, whether located
21 in this or any other state, from which the student has been
22 suspended or expelled for knowingly possessing in a school
23 building or on school grounds a weapon as defined in the Gun

1 Free Schools Act (20 U.S.C. 8921 et seq.), for knowingly
2 possessing, selling, or delivering in a school building or on
3 school grounds a controlled substance or cannabis, or for
4 battering a staff member of the school, and if the period of
5 suspension or expulsion has not expired at the time the student
6 attempts to transfer into another public school ~~in the same or~~
7 ~~any other school district:~~ (i) for transfers into another
8 public school in the same or any other school district, any
9 school student records required to be transferred shall include
10 the date and duration of the period of suspension or expulsion;
11 ~~and~~ (ii) for transfers into a public school in another school
12 district, with the exception of transfers into the Department
13 of Juvenile Justice school district, the student shall not be
14 permitted to attend class in the public school into which he or
15 she is transferring until the student has served the entire
16 period of the suspension or expulsion imposed by the school
17 from which the student is transferring, provided that the
18 school board may approve the placement of the student in an
19 alternative school program established under Article 13A of
20 this Code; (iii) for transfers into a public school in the same
21 school district, a student who has been suspended shall not be
22 permitted to attend class in the public school into which he or
23 she is transferring until the student has served the entire
24 period of the suspension imposed by the school from which the
25 student is transferring, provided that the school board may
26 approve the placement of the student in an alternative school

1 program established under Article 13A of this Code; and (iv)
2 for transfers into a public school in the same school district,
3 a student who has been expelled must be permitted to attend
4 class in the public school into which he or she is transferring
5 even though the student has not served the entire period of the
6 expulsion imposed by the school from which the student is
7 transferring. A school district may adopt a policy providing
8 that if a student is suspended or expelled for any reason from
9 any public or private school in this or any other state, the
10 student must complete the entire term of the suspension or
11 expulsion before being admitted into the school district. This
12 policy may allow placement of the student in an alternative
13 school program established under Article 13A of this Code, if
14 available, for the remainder of the suspension or expulsion.
15 Each public school and each private or nonpublic elementary or
16 secondary school in this State shall within 10 days after the
17 student has paid all of his or her outstanding fines and fees
18 and at its own expense forward an official transcript of the
19 scholastic records of each student transferring from that
20 school in strict accordance with the provisions of this Section
21 and the rules established by the State Board of Education as
22 herein provided.

23 (b) The State Board of Education shall develop a one-page
24 standard form that Illinois school districts are required to
25 provide to any student who is moving out of the school district
26 and that contains the information about whether or not the

1 student is "in good standing" and whether or not his or her
2 medical records are up-to-date and complete. As used in this
3 Section, "in good standing" means that the student is not being
4 disciplined by a suspension or expulsion, but is entitled to
5 attend classes. No school district is required to admit a new
6 student who is transferring from another Illinois school
7 district unless he or she can produce the standard form from
8 the student's previous school district enrollment. No school
9 district is required to admit a new student who is transferring
10 from an out-of-state public school unless the parent or
11 guardian of the student certifies in writing that the student
12 is not currently serving a suspension or expulsion imposed by
13 the school from which the student is transferring.

14 (c) The State Board of Education shall, by rule, establish
15 a system to provide for the accurate tracking of transfer
16 students. This system shall, at a minimum, require that a
17 student be counted as a dropout in the calculation of a
18 school's or school district's annual student dropout rate
19 unless the school or school district to which the student
20 transferred (known hereafter in this subsection (c) as the
21 transferee school or school district) sends notification to the
22 school or school district from which the student transferred
23 (known hereafter in this subsection (c) as the transferor
24 school or school district) documenting that the student has
25 enrolled in the transferee school or school district. This
26 notification must occur within 150 days after the date the

1 student withdraws from the transferor school or school district
2 or the student shall be counted in the calculation of the
3 transferor school's or school district's annual student
4 dropout rate. A request by the transferee school or school
5 district to the transferor school or school district seeking
6 the student's academic transcripts or medical records shall be
7 considered without limitation adequate documentation of
8 enrollment. Each transferor school or school district shall
9 keep documentation of such transfer students for the minimum
10 period provided in the Illinois School Student Records Act. All
11 records indicating the school or school district to which a
12 student transferred are subject to the Illinois School Student
13 Records Act.

14 (Source: P.A. 93-859, eff. 1-1-05; 94-696, eff. 6-1-06.)

15 (105 ILCS 5/10-21.3a)

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

17 (a) Each school board shall establish and implement a
18 policy governing the transfer of a student from one attendance
19 center to another within the school district upon the request
20 of the student's parent or guardian. If a student has been
21 expelled from an attendance center, the school district must
22 permit the student to transfer to another attendance center
23 within the district for the remainder of the expulsion. Any
24 request by a parent or guardian to transfer his or her child
25 from one attendance center to another within the school

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

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

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

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

24 (b) Each school board shall establish and implement a
25 policy governing the transfer of students within a school
26 district from a persistently dangerous school to another public

1 school in that district that is not deemed to be persistently
2 dangerous. In order to be considered a persistently dangerous
3 school, the school must meet all of the following criteria for
4 2 consecutive years:

5 (1) Have greater than 3% of the students enrolled in
6 the school expelled for violence-related 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 school exercise the individual option to transfer schools
11 pursuant to subsection (c) of this Section.

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

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

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

22 (105 ILCS 5/34-18.24)

23 Sec. 34-18.24. Transfer of students.

24 (a) The board shall establish and implement a policy
25 governing the transfer of a student from one attendance center

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

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

18 (2) An attendance center for which the board has
19 established academic criteria for enrollment if the
20 student does not meet the criteria, provided that the
21 transfer must be permitted if the attendance center is the
22 only attendance center serving the student's grade that has
23 not been identified for school improvement, corrective
24 action, or restructuring under Section 1116 of the federal
25 Elementary and Secondary Education Act of 1965 (20 U.S.C.
26 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) The board shall establish and implement a policy
6 governing the transfer of students within the school district
7 from a persistently dangerous attendance center to another
8 attendance center in that district that is not deemed to be
9 persistently dangerous. In order to be considered a
10 persistently dangerous attendance center, the attendance
11 center must meet all of the following criteria for 2
12 consecutive years:

13 (1) Have greater than 3% of the students enrolled in
14 the attendance center expelled for violence-related
15 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 attendance center exercise the individual option to
20 transfer attendance centers pursuant to subsection (c) of
21 this Section.

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

1 hours or during a school-sponsored event.

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

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

6 Section 90. The State Mandates Act is amended by adding
7 Section 8.32 as follows:

8 (30 ILCS 805/8.32 new)

9 Sec. 8.32. Exempt mandate. Notwithstanding Sections 6 and 8
10 of this Act, no reimbursement by the State is required for the
11 implementation of any mandate created by this amendatory Act of
12 the 95th General Assembly.

13 Section 99. Effective date. This Act takes effect July 1,
14 2008.