



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5742

Introduced 2/16/2012, by Rep. Jim Durkin

#### SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-22.5a

from Ch. 122, par. 10-22.5a

Amends the School Code. In a provision that authorizes a school board to enter into written agreements with adjacent school districts to provide for tuition-free attendance by a student of the adjacent district (when requested by the student or parent) if both districts determine that the student's health or safety will be served by such attendance, specifies that factors contributing to a student's health and safety shall include chronic bullying. Provides that the rejection of a request by either district may be appealed by the student or parent to the regional superintendent of schools, who may require that the districts enter into such an agreement. Effective immediately.

LRB097 18928 NHT 65894 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

A BILL FOR

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 Section  
5 10-22.5a as follows:

6 (105 ILCS 5/10-22.5a) (from Ch. 122, par. 10-22.5a)

7 Sec. 10-22.5a. Attendance by dependents of United States  
8 military personnel, foreign exchange students, and certain  
9 nonresident pupils.

10 (a) To enter into written agreements with cultural exchange  
11 organizations, or with nationally recognized eleemosynary  
12 institutions that promote excellence in the arts, mathematics,  
13 or science. The written agreements may provide for tuition free  
14 attendance at the local district school by foreign exchange  
15 students, or by nonresident pupils of eleemosynary  
16 institutions. The local board of education, as part of the  
17 agreement, may require that the cultural exchange program or  
18 the eleemosynary institutions provide services to the district  
19 in exchange for the waiver of nonresident tuition.

20 To enter into written agreements with adjacent school  
21 districts to provide for tuition free attendance by a student  
22 of the adjacent district when requested for the student's  
23 health and safety by the student or parent and both districts

1 determine that the student's health or safety will be served by  
2 such attendance. For purposes of this Section, factors  
3 contributing to a student's health and safety shall also  
4 include chronic bullying, defined as acts that are specified in  
5 subsection (b) of Section 27-23.7 of this Code that have  
6 continued despite the intervention of district personnel. The  
7 rejection of a request by either district may be appealed by  
8 the student or parent to the appropriate regional  
9 superintendent of schools, who may require that the districts  
10 enter into such an agreement. Districts shall not be required  
11 ~~to enter into such agreements nor be required~~ to alter existing  
12 transportation services due to the attendance of such  
13 non-resident pupils.

14 (a-5) If, at the time of enrollment, a dependent of United  
15 States military personnel is housed in temporary housing  
16 located outside of a school district, but will be living within  
17 the district within 60 days after the time of initial  
18 enrollment, the dependent must be allowed to enroll, subject to  
19 the requirements of this subsection (a-5), and must not be  
20 charged tuition. Any United States military personnel  
21 attempting to enroll a dependent under this subsection (a-5)  
22 shall provide proof that the dependent will be living within  
23 the district within 60 days after the time of initial  
24 enrollment. Proof of residency may include, but is not limited  
25 to, postmarked mail addressed to the military personnel and  
26 sent to an address located within the district, a lease

1 agreement for occupancy of a residence located within the  
2 district, or proof of ownership of a residence located within  
3 the district.

4 (b) Nonresident pupils and foreign exchange students  
5 attending school on a tuition free basis under such agreements  
6 and nonresident dependents of United States military personnel  
7 attending school on a tuition free basis may be counted for the  
8 purposes of determining the apportionment of State aid provided  
9 under Section 18-8.05 of this Code, provided that any cultural  
10 exchange organization or eleemosynary institutions wishing to  
11 participate in an agreement authorized under this Section must  
12 be approved in writing by the State Board of Education. The  
13 State Board of Education may establish reasonable rules to  
14 determine the eligibility of cultural exchange organizations  
15 or eleemosynary institutions wishing to participate in  
16 agreements authorized under this Section. No organization or  
17 institution participating in agreements authorized under this  
18 Section may exclude any individual for participation in its  
19 program on account of the person's race, color, sex, religion  
20 or nationality.

21 (Source: P.A. 93-740, eff. 7-15-04.)

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.