



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1961

Introduced 2/6/2025, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.12a from Ch. 122, par. 10-20.12a
105 ILCS 5/10-20.12b
105 ILCS 5/10-21.3a

Amends the School Code. Prohibits a district from charging tuition to non-resident pupils. Removes all other language regarding the tuition of non-resident pupils. Removes language regarding the application of provisions based on district population, hearings, and penalties related to non-resident pupil tuition. Removes language prohibiting certain transfers of students. Requires each school board to establish and implement a policy governing the transfer of non-resident students from outside of the school district to schools within the district. Makes other changes.

LRB104 09977 LNS 20047 b

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 10-20.12a, 10-20.12b, and 10-21.3a as follows:

6 (105 ILCS 5/10-20.12a) (from Ch. 122, par. 10-20.12a)
7 Sec. 10-20.12a. Tuition for non-resident pupils.

8 (a) No district shall charge tuition to non-resident
9 pupils ~~To charge non-resident pupils who attend the schools of~~
10 ~~the district tuition in an amount not exceeding 110% of the per~~
11 ~~capita cost of maintaining the schools of the district for the~~
12 ~~preceding school year.~~

13 ~~Such per capita cost shall be computed by dividing the~~
14 ~~total cost of conducting and maintaining the schools of the~~
15 ~~district by the average daily attendance, including tuition~~
16 ~~pupils. Depreciation on the buildings and equipment of the~~
17 ~~schools of the district, and the amount of annual depreciation~~
18 ~~on such buildings and equipment shall be dependent upon the~~
19 ~~useful life of such property.~~

20 ~~The tuition charged shall in no case exceed 110% of the per~~
21 ~~capita cost of conducting and maintaining the schools of the~~
22 ~~district attended, as determined with reference to the most~~
23 ~~recent audit prepared under Section 3-7 which is available at~~

1 ~~the commencement of the current school year. Non-resident~~
2 ~~pupils attending the schools of the district for less than the~~
3 ~~school term shall have their tuition apportioned, however~~
4 ~~pupils who become non-resident during a school term shall not~~
5 ~~be charged tuition for the remainder of the school term in~~
6 ~~which they became non-resident pupils.~~

7 ~~Notwithstanding the provisions of this Section, a school~~
8 ~~district may waive tuition costs for a non-resident pupil who~~
9 ~~is the child of a district employee if the district adopts a~~
10 ~~policy approving such waiver. For purposes of this paragraph,~~
11 ~~"child" means a district employee's child who is a biological~~
12 ~~child, adopted child, foster child, stepchild, or a child for~~
13 ~~which the employee serves as a legal guardian.~~

14 (b) Unless otherwise agreed to by the parties involved and
15 where the educational services are not otherwise provided for,
16 educational services for an Illinois student under the age of
17 21 (and not eligible for services pursuant to Article 14 of
18 this Code) in any residential program shall be provided by the
19 district in which the facility is located and financed as
20 follows. The cost of educational services shall be paid by the
21 district in which the student resides in an amount equal to the
22 cost of providing educational services in the residential
23 facility. Payments shall be made by the district of the
24 student's residence and shall be made to the district wherein
25 the facility is located no less than once per month unless
26 otherwise agreed to by the parties.

1 The funding provision of this subsection (b) applies to
2 all Illinois students under the age of 21 (and not eligible for
3 services pursuant to Article 14 of this Code) receiving
4 educational services in residential facilities, irrespective
5 of whether the student was placed therein pursuant to this
6 Code or the Juvenile Court Act of 1987 or by an Illinois public
7 agency or a court. The changes to this subsection (b) made by
8 this amendatory Act of the 95th General Assembly apply to all
9 placements in effect on July 1, 2007 and all placements
10 thereafter. For purposes of this subsection (b), a student's
11 district of residence shall be determined in accordance with
12 subsection (a) of Section 10-20.12b of this Code. The
13 placement of a student in a residential facility shall not
14 affect the residency of the student. When a dispute arises
15 over the determination of the district of residence under this
16 subsection (b), any person or entity, including without
17 limitation a school district or residential facility, may make
18 a written request for a residency decision to the State
19 Superintendent of Education, who, upon review of materials
20 submitted and any other items or information he or she may
21 request for submission, shall issue his or her decision in
22 writing. The decision of the State Superintendent of Education
23 is final.

24 (Source: P.A. 103-111, eff. 6-29-23; 103-780, eff. 8-2-24.)

25 (105 ILCS 5/10-20.12b)

1 Sec. 10-20.12b. Residency; payment of tuition; hearing;
2 criminal penalty.

3 (a) For purposes of this Section:

4 (1) The residence of a person who has legal custody of
5 a pupil is deemed to be the residence of the pupil.

6 (2) "Legal custody" means one of the following:

7 (i) Custody exercised by a natural or adoptive
8 parent with whom the pupil resides.

9 (ii) Custody granted by order of a court of
10 competent jurisdiction to a person with whom the pupil
11 resides for reasons other than to have access to the
12 educational programs of the district.

13 (iii) Custody exercised under a statutory
14 short-term guardianship, provided that within 60 days
15 of the pupil's enrollment a court order is entered
16 that establishes a permanent guardianship and grants
17 custody to a person with whom the pupil resides for
18 reasons other than to have access to the educational
19 programs of the district.

20 (iv) Custody exercised by an adult caretaker
21 relative who is receiving aid under the Illinois
22 Public Aid Code for the pupil who resides with that
23 adult caretaker relative for purposes other than to
24 have access to the educational programs of the
25 district.

26 (v) Custody exercised by an adult who demonstrates

1 that, in fact, he or she has assumed and exercises
2 legal responsibility for the pupil and provides the
3 pupil with a regular fixed night-time abode for
4 purposes other than to have access to the educational
5 programs of the district.

6 (a-5) If a pupil's change of residence is due to the
7 military service obligation of a person who has legal custody
8 of the pupil, then, upon the written request of the person
9 having legal custody of the pupil, the residence of the pupil
10 is deemed for all purposes relating to enrollment (including
11 tuition, fees, and costs), for the duration of the custodian's
12 military service obligation, to be the same as the residence
13 of the pupil immediately before the change of residence caused
14 by the military service obligation. A school district is not
15 responsible for providing transportation to or from school for
16 a pupil whose residence is determined under this subsection
17 (a-5). School districts shall facilitate re-enrollment when
18 necessary to comply with this subsection (a-5).

19 (b) Except as otherwise provided under Section 10-22.5a,
20 only resident pupils of a school district may attend the
21 schools of the district without payment of the tuition
22 required to be charged under Section 10-20.12a. However, (i) a
23 child for whom the Guardianship Administrator of the
24 Department of Children and Family Services has been appointed
25 temporary custodian or guardian of the person of the child and
26 who was placed by the Department of Children and Family

1 Services with a foster parent or placed in another type of
2 child care facility or (ii) a child who has been removed from
3 the child's parent or guardian by the Department of Children
4 and Family Services as part of a safety plan shall not be
5 charged tuition as a nonresident pupil if the foster parent,
6 child care facility, relative caregiver, or non-custodial
7 parent is located in a school district other than the child's
8 former school district and it is determined by the Department
9 of Children and Family Services to be in the child's best
10 interest to maintain attendance at the child's former school
11 district or at a school district the child would have attended
12 if the child was not removed from the child's parent or
13 guardian by the Department of Children and Family Services.

14 (c) (Blank). ~~The provisions of this subsection do not~~
15 ~~apply in school districts having a population of 500,000 or~~
16 ~~more. If a school board in a school district with a population~~
17 ~~of less than 500,000 determines that a pupil who is attending~~
18 ~~school in the district on a tuition free basis is a nonresident~~
19 ~~of the district for whom tuition is required to be charged~~
20 ~~under Section 10-20.12a, the board shall notify the person who~~
21 ~~enrolled the pupil of the amount of the tuition charged under~~
22 ~~Section 10-20.12a that is due to the district for a~~
23 ~~nonresident pupil's attendance in the district's schools. The~~
24 ~~notice shall detail the specific reasons why the board~~
25 ~~believes that the pupil is a nonresident of the district and~~
26 ~~shall be given by certified mail, return receipt requested.~~

1 ~~Within 10 calendar days after receipt of the notice, the~~
2 ~~person who enrolled the pupil may request a hearing to review~~
3 ~~the determination of the school board. The request shall be~~
4 ~~sent by certified mail, return receipt requested, to the~~
5 ~~district superintendent. Within 10 calendar days after receipt~~
6 ~~of the request, the board shall notify, by certified mail,~~
7 ~~return receipt requested, the person requesting the hearing of~~
8 ~~the time and place of the hearing, which shall be held not less~~
9 ~~than 10 nor more than 20 calendar days after the notice of~~
10 ~~hearing is given. At least 3 calendar days prior to the~~
11 ~~hearing, each party shall disclose to the other party all~~
12 ~~written evidence and testimony that it may submit during the~~
13 ~~hearing and a list of witnesses that it may call to testify~~
14 ~~during the hearing. The hearing notice shall notify the person~~
15 ~~requesting the hearing that any written evidence and testimony~~
16 ~~or witnesses not disclosed to the other party at least 3~~
17 ~~calendar days prior to the hearing are barred at the hearing~~
18 ~~without the consent of the other party. The board or a hearing~~
19 ~~officer designated by the board shall conduct the hearing. The~~
20 ~~board and the person who enrolled the pupil may be represented~~
21 ~~at the hearing by representatives of their choice. At the~~
22 ~~hearing, the person who enrolled the pupil shall have the~~
23 ~~burden of going forward with the evidence concerning the~~
24 ~~pupil's residency. If the hearing is conducted by a hearing~~
25 ~~officer, the hearing officer, within 5 calendar days after the~~
26 ~~conclusion of the hearing, shall send a written report of his~~

1 ~~er her findings by certified mail, return receipt requested,~~
2 ~~to the school board and to the person who enrolled the pupil.~~
3 ~~The person who enrolled the pupil may, within 5 calendar days~~
4 ~~after receiving the findings, file written objections to the~~
5 ~~findings with the school board by sending the objections by~~
6 ~~certified mail, return receipt requested, addressed to the~~
7 ~~district superintendent. Whether the hearing is conducted by~~
8 ~~the school board or a hearing officer, the school board shall,~~
9 ~~within 30 calendar days after the conclusion of the hearing,~~
10 ~~decide whether or not the pupil is a resident of the district~~
11 ~~and the amount of any tuition required to be charged under~~
12 ~~Section 10-20.12a as a result of the pupil's attendance in the~~
13 ~~schools of the district. The school board shall send a copy of~~
14 ~~its decision within 5 calendar days of its decision to the~~
15 ~~person who enrolled the pupil by certified mail, return~~
16 ~~receipt requested. This decision must inform the person who~~
17 ~~enrolled the pupil that he or she may, within 5 calendar days~~
18 ~~after receipt of the decision of the board, petition the~~
19 ~~regional superintendent of schools to review the decision. The~~
20 ~~decision must also include notification that, at the request~~
21 ~~of the person who enrolled the pupil, the pupil may continue~~
22 ~~attending the schools of the district pending the regional~~
23 ~~superintendent of schools' review of the board's decision but~~
24 ~~that tuition shall continue to be assessed under Section~~
25 ~~10-20.12a of this Code during the review period and become due~~
26 ~~upon a final determination of the regional superintendent of~~

1 ~~schools that the student is a nonresident.~~

2 ~~Within 5 calendar days after receipt of the decision of~~
3 ~~the board pursuant to this subsection (c) of this Section, the~~
4 ~~person who enrolled the pupil may petition the regional~~
5 ~~superintendent of schools who exercises supervision and~~
6 ~~control of the board to review the board's decision. The~~
7 ~~petition must include the basis for the request and be sent by~~
8 ~~certified mail, return receipt requested, to both the regional~~
9 ~~superintendent of schools and the district superintendent.~~

10 ~~Within 5 calendar days after receipt of the petition, the~~
11 ~~board must deliver to the regional superintendent of schools~~
12 ~~the written decision of the board, any written evidence and~~
13 ~~testimony that was submitted by the parties during the~~
14 ~~hearing, a list of all witnesses that testified during the~~
15 ~~hearing, and any existing written minutes or transcript of the~~
16 ~~hearing or verbatim record of the hearing in the form of an~~
17 ~~audio or video recording documenting the hearing. The board~~
18 ~~may also provide the regional superintendent of schools and~~
19 ~~the petitioner with a written response to the petition. The~~
20 ~~regional superintendent of schools' review of the board's~~
21 ~~decision is limited to the documentation submitted to the~~
22 ~~regional superintendent of schools pursuant to this Section.~~

23 ~~Within 10 calendar days after receipt of the documentation~~
24 ~~provided by the school district pursuant to this Section, the~~
25 ~~regional superintendent of schools shall issue a written~~
26 ~~decision as to whether or not there is clear and convincing~~

1 ~~evidence that the pupil is a resident of the district pursuant~~
2 ~~to this Section and eligible to attend the district's schools~~
3 ~~on a tuition-free basis. The decision shall be transmitted to~~
4 ~~the board and the person who enrolled the pupil and shall, with~~
5 ~~specificity, detail the rationale behind the decision.~~

6 (c-5) (Blank). ~~The provisions of this subsection apply~~
7 ~~only in school districts having a population of 500,000 or~~
8 ~~more. If the board of education of a school district with a~~
9 ~~population of 500,000 or more determines that a pupil who is~~
10 ~~attending school in the district on a tuition free basis is a~~
11 ~~nonresident of the district for whom tuition is required to be~~
12 ~~charged under Section 10-20.12a, the board shall notify the~~
13 ~~person who enrolled the pupil of the amount of the tuition~~
14 ~~charged under Section 10-20.12a that is due to the district~~
15 ~~for the nonresident pupil's attendance in the district's~~
16 ~~schools. The notice shall be given by certified mail, return~~
17 ~~receipt requested. Within 10 calendar days after receipt of~~
18 ~~the notice, the person who enrolled the pupil may request a~~
19 ~~hearing to review the determination of the school board. The~~
20 ~~request shall be sent by certified mail, return receipt~~
21 ~~requested, to the district superintendent. Within 30 calendar~~
22 ~~days after receipt of the request, the board shall notify, by~~
23 ~~certified mail, return receipt requested, the person~~
24 ~~requesting the hearing of the time and place of the hearing,~~
25 ~~which shall be held not less than 10 calendar nor more than 30~~
26 ~~calendar days after the notice of hearing is given. The board~~

1 ~~er a hearing officer designated by the board shall conduct the~~
2 ~~hearing. The board and the person who enrolled the pupil may~~
3 ~~each be represented at the hearing by a representative of~~
4 ~~their choice. At the hearing, the person who enrolled the~~
5 ~~pupil shall have the burden of going forward with the evidence~~
6 ~~concerning the pupil's residency. If the hearing is conducted~~
7 ~~by a hearing officer, the hearing officer, within 20 calendar~~
8 ~~days after the conclusion of the hearing, shall serve a~~
9 ~~written report of his or her findings by personal service or by~~
10 ~~certified mail, return receipt requested, to the school board~~
11 ~~and to the person who enrolled the pupil. The person who~~
12 ~~enrolled the pupil may, within 10 calendar days after~~
13 ~~receiving the findings, file written objections to the~~
14 ~~findings with the board of education by sending the objections~~
15 ~~by certified mail, return receipt requested, addressed to the~~
16 ~~general superintendent of schools. If the hearing is conducted~~
17 ~~by the board of education, the board shall, within 45 calendar~~
18 ~~days after the conclusion of the hearing, decide whether or~~
19 ~~not the pupil is a resident of the district and the amount of~~
20 ~~any tuition required to be charged under Section 10-20.12a as~~
21 ~~a result of the pupil's attendance in the schools of the~~
22 ~~district. If the hearing is conducted by a hearing officer,~~
23 ~~the board of education shall, within 45 days after the receipt~~
24 ~~of the hearing officer's findings, decide whether or not the~~
25 ~~pupil is a resident of the district and the amount of any~~
26 ~~tuition required to be charged under Section 10 20.12a as a~~

1 ~~result of the pupil's attendance in the schools of the~~
2 ~~district. The board of education shall send, by certified~~
3 ~~mail, return receipt requested, a copy of its decision to the~~
4 ~~person who enrolled the pupil, and the decision of the board~~
5 ~~shall be final.~~

6 (d) (Blank). ~~If a hearing is requested under subsection~~
7 ~~(c) of this Section to review the determination of the school~~
8 ~~board or board of education that a nonresident pupil is~~
9 ~~attending the schools of the district without payment of the~~
10 ~~tuition required to be charged under Section 10-20.12a, the~~
11 ~~pupil may, at the request of the person who enrolled the pupil,~~
12 ~~continue attendance at the schools of the district pending the~~
13 ~~decision of the board or regional superintendent of schools,~~
14 ~~as applicable, and the school district's payments under~~
15 ~~Section 18-8.05 of this Code shall not be adjusted due to~~
16 ~~tuition collection under this Section. However, attendance of~~
17 ~~that pupil in the schools of the district as authorized by this~~
18 ~~subsection (d) shall not relieve any person who enrolled the~~
19 ~~pupil of the obligation to pay the tuition charged for that~~
20 ~~attendance under Section 10-20.12a if the final decision of~~
21 ~~the board or regional superintendent of schools is that the~~
22 ~~pupil is a nonresident of the district. If a pupil is~~
23 ~~determined to be a nonresident of the district for whom~~
24 ~~tuition is required to be charged pursuant to this Section,~~
25 ~~the board shall refuse to permit the pupil to continue~~
26 ~~attending the schools of the district unless the required~~

1 ~~tuition is paid for the pupil.~~

2 (d-5) (Blank). ~~If a hearing is requested under subsection~~
3 ~~(c-5) of this Section to review the determination of the board~~
4 ~~of education that a nonresident pupil is attending the schools~~
5 ~~of the district without payment of the tuition required to be~~
6 ~~charged under Section 10-20.12a of this Code, the pupil may,~~
7 ~~at the request of the person who enrolled the pupil, continue~~
8 ~~attendance at the schools of the district pending a final~~
9 ~~decision of the board following the hearing. However,~~
10 ~~attendance of that pupil in the schools of the district as~~
11 ~~authorized by this subsection (d-5) shall not relieve any~~
12 ~~person who enrolled the pupil of the obligation to pay the~~
13 ~~tuition charged for that attendance under Section 10-20.12a of~~
14 ~~this Code if the final decision of the board is that the pupil~~
15 ~~is a nonresident of the district. If a pupil is determined to~~
16 ~~be a nonresident of the district for whom tuition is required~~
17 ~~to be charged pursuant to this Section, the board shall refuse~~
18 ~~to permit the pupil to continue attending the schools of the~~
19 ~~district unless the required tuition is paid for the pupil.~~

20 (e) (Blank). ~~Except for a pupil referred to in subsection~~
21 ~~(b) of Section 10-22.5a, a pupil referred to in Section~~
22 ~~10-20.12a, or a pupil referred to in subsection (b) of this~~
23 ~~Section, a person who knowingly enrolls or attempts to enroll~~
24 ~~in the schools of a school district on a tuition free basis a~~
25 ~~pupil known by that person to be a nonresident of the district~~
26 ~~shall be guilty of a Class C misdemeanor.~~

1 (f) (Blank). ~~A person who knowingly or wilfully presents~~
2 ~~to any school district any false information regarding the~~
3 ~~residency of a pupil for the purpose of enabling that pupil to~~
4 ~~attend any school in that district without the payment of a~~
5 ~~nonresident tuition charge shall be guilty of a Class C~~
6 ~~misdemeanor.~~

7 (g) The provisions of this Section are subject to the
8 provisions of the Education for Homeless Children Act. Nothing
9 in this Section shall be construed to apply to or require the
10 payment of tuition by a parent or guardian of a "homeless
11 child" (as that term is defined in Section 1-5 of the Education
12 for Homeless Children Act) in connection with or as a result of
13 the homeless child's continued education or enrollment in a
14 school that is chosen in accordance with any of the options
15 provided in Section 1-10 of that Act.

16 (Source: P.A. 103-629, eff. 1-1-25.)

17 (105 ILCS 5/10-21.3a)

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

19 (a) Each school board shall establish and implement a
20 policy governing the transfer of a student from one attendance
21 center to another within the school district upon the request
22 of the student's parent or guardian. ~~A student may not~~
23 ~~transfer to any of the following attendance centers, except by~~
24 ~~change in residence if the policy authorizes enrollment based~~
25 ~~on residence in an attendance area or unless approved by the~~

1 ~~board on an individual basis:~~

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

4 ~~(2) An attendance center for which the board has~~
5 ~~established academic criteria for enrollment if the~~
6 ~~student does not meet the criteria.~~

7 ~~(3) Any attendance center if the transfer would~~
8 ~~prevent the school district from meeting its obligations~~
9 ~~under a State or federal law, court order, or consent~~
10 ~~decree applicable to the school district.~~

11 (b) Each school board shall establish and implement a
12 policy governing the transfer of non-resident students from
13 outside of the school district to schools within the district.

14 (b-1) Whenever a parent or guardian wishes to have a
15 student attend a school under subsection (a) or (b), the
16 parent or guardian shall apply to the district where the
17 student wishes to attend. The district shall approve the
18 application unless there is no capacity at the requested
19 school in the requested grade level. Within 30 days of the
20 initial application, the district of choice shall notify the
21 parent or guardian of the approval or disapproval of the
22 application.

23 (b-2) If a student's transfer application under subsection
24 (b-3) is disapproved or no action is taken, the parent may
25 appeal the disapproval or lack of action to the State Board of
26 Education.

1 (b-3) Each school district shall determine for each of its
2 schools the maximum capacity of each grade level and post the
3 number of vacancies for each grade on its website by the first
4 of each month. A school district shall only measure the
5 capacity by grade level and shall not measure capacity by
6 specialized program. Schools shall accept pupils throughout
7 the school year as capacity allows.

8 (b-4) Each school district shall report annually to the
9 State Board of Education the number of transfer applications,
10 acceptances, denials, the reason for each denial, and the
11 number of resident students transferring to another school
12 under this Section. The State Board of Education shall publish
13 the data annually on its website.

14 (b-5) Each school board shall establish and implement a
15 policy governing the transfer of students within a school
16 district from a persistently dangerous school to another
17 public school in that district that is not deemed to be
18 persistently dangerous. In order to be considered a
19 persistently dangerous school, the school must meet all of the
20 following criteria for 2 consecutive years:

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

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

25 (3) (Blank). ~~Have at least 3% of the students enrolled~~
26 ~~in the school exercise the individual option to transfer~~

1 ~~schools pursuant to subsection (c) of this Section.~~

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

8 (d) A student may not transfer to an attendance center if
9 the transfer would prevent the school district from meeting
10 its obligations under a State or federal law, court order, or
11 consent decree applicable to the school district.

12 (e) When enrolling students, a district shall not
13 discriminate against any pupil on the basis of the pupil's
14 residential address, ability, disability, race, ethnicity,
15 sex, or socioeconomic status.

16 (d) (Blank).

17 (Source: P.A. 100-1046, eff. 8-23-18.)