

1 AMENDMENT TO SENATE BILL 814

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 814 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing  
5 Sections 10-21.3a and 34-18.24 and adding Section 2-3.131 as  
6 follows:

7 (105 ILCS 5/2-3.131 new)

8 Sec. 2-3.131. Persistently dangerous schools. The State  
9 Board of Education shall maintain data and publish a list of  
10 persistently dangerous schools on an annual basis.

11 (105 ILCS 5/10-21.3a)

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

13 (a) Each school board shall establish and implement a  
14 policy governing the transfer of a student from one  
15 attendance center to another within the school district upon  
16 the request of the student's parent or guardian. Any request  
17 by a parent or guardian to transfer his or her child from one  
18 attendance center to another within the school district  
19 pursuant to Section 1116 of the federal Elementary and  
20 Secondary Education Act of 1965 (20 U.S.C. Sec. 6317) must be  
21 made no later than 30 days after the parent or guardian

1 receives notice of the right to transfer pursuant to that  
2 law. A student may not transfer to any of the following  
3 attendance centers, except by change in residence if the  
4 policy authorizes enrollment based on residence in an  
5 attendance area or unless approved by the board on an  
6 individual basis:

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

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

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

23 (b) Each school board shall establish and implement a  
24 policy governing the transfer of students within a school  
25 district from a persistently dangerous school to another  
26 public school in that district that is not deemed to be  
27 persistently dangerous. In order to be considered a  
28 persistently dangerous school, the school must meet all of  
29 the following criteria for 2 consecutive years:

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

32 (2) Have one or more students expelled for bringing  
33 a weapon to school as defined in Section 10-22.6 of this  
34 Code.

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

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

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

13          (Source: P.A. 92-604, eff. 7-1-02.)

14           (105 ILCS 5/34-18.24)

15           Sec. ~~34-18.24~~ 34-18-23. Transfer of students.

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

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

33           (2) An attendance center for which the board has

1 established academic criteria for enrollment if the  
2 student does not meet the criteria, provided that the  
3 transfer must be permitted if the attendance center is  
4 the only attendance center serving the student's grade  
5 that has not been identified for school improvement,  
6 corrective action, or restructuring under Section 1116 of  
7 the federal Elementary and Secondary Education Act of  
8 1965 (20 U.S.C. Sec. 6317).

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

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

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

24 (2) Have one or more students expelled for bringing  
25 a weapon to school as defined in Section 10-22.6 of this  
26 Code.

27 (3) Have at least 3% of the students enrolled in  
28 the attendance center exercise the individual option to  
29 transfer attendance centers pursuant to subsection (c) of  
30 this Section.

31 (c) A student may transfer from one attendance center to  
32 another attendance center within the district if the student  
33 is a victim of a violent crime as defined in Section 3 of the  
34 Rights of Crime Victims and Witnesses Act. The violent crime

1 must have occurred on school grounds during regular school  
2 hours or during a school-sponsored event.

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

6 (Source: P.A. 92-604, eff. 7-1-02; revised 9-3-02.)

7 Section 90. The State Mandates Act is amended by adding  
8 Section 8.27 as follows:

9 (30 ILCS 805/8.27 new)

10 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6  
11 and 8 of this Act, no reimbursement by the State is required  
12 for the implementation of any mandate created by this  
13 amendatory Act of the 93rd General Assembly.

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law."