

1 AN ACT in relation to 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  
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  
22 receives notice of the right to transfer pursuant to that  
23 law. A student may not transfer to any of the following  
24 attendance centers, except by change in residence if the  
25 policy authorizes enrollment based on residence in an  
26 attendance area or unless approved by the board on an  
27 individual basis:

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

1           (2) An attendance center for which the board has  
2 established academic criteria for enrollment if the  
3 student does not meet the criteria, provided that the  
4 transfer must be permitted if the attendance center is  
5 the only attendance center serving the student's grade  
6 that has not been identified for school improvement,  
7 corrective action, or restructuring under Section 1116 of  
8 the federal Elementary and Secondary Education Act of  
9 1965 (20 U.S.C. Sec. 6317).

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

14           (b) 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  
20 the following criteria for 2 consecutive years:

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

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

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

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

34           (d) Transfers made pursuant to subsections (b) and (c)

1 of this Section shall be made in compliance with the federal  
2 No Child Left Behind Act of 2001 (Public Law 107-110).

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

4 (105 ILCS 5/34-18.24)

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

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

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

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

32 (3) Any attendance center if the transfer would  
33 prevent the school district from meeting its obligations

1 under a State or federal law, court order, or consent  
2 decree applicable to the school district.

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

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

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

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

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

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

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

30 Section 90. The State Mandates Act is amended by adding  
31 Section 8.27 as follows:

32 (30 ILCS 805/8.27 new)

1       Sec. 8.27. Exempt mandate. Notwithstanding Sections 6  
2       and 8 of this Act, no reimbursement by the State is required  
3       for the implementation of any mandate created by this  
4       amendatory Act of the 93rd General Assembly.

5       Section 99. Effective date. This Act takes effect upon  
6       becoming law.