



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

**HB4442**

by Rep. Mary E. Flowers

#### SYNOPSIS AS INTRODUCED:

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 must be transferred from one attendance center to another within a school district because the attendance center the student is currently attending exceeds its attendance capacity, then the attendance center the student is to be transferred to must not be an attendance center that is on the academic watch list. Amends the State Mandates Act to require implementation without reimbursement. Effective July 1, 2008.

LRB095 14155 NHT 40018 b

FISCAL NOTE ACT  
MAY APPLY

STATE MANDATES  
ACT MAY REQUIRE  
REIMBURSEMENT

1 AN ACT regarding schools.

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 10-21.3a and 34-18.24 as follows:

6 (105 ILCS 5/10-21.3a)

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

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

22 (1) An attendance center that exceeds or as a result of  
23 the transfer would exceed its attendance 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 the  
5           only attendance center serving the student's grade that has  
6           not been identified for school improvement, corrective  
7           action, or restructuring under Section 1116 of the federal  
8           Elementary and Secondary Education Act of 1965 (20 U.S.C.  
9           Sec. 6317).

10           (3) Any attendance center if the transfer would prevent  
11           the school district from meeting its obligations under a  
12           State or federal law, court order, or consent decree  
13           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 public  
17           school in that district that is not deemed to be persistently  
18           dangerous. In order to be considered a persistently dangerous  
19           school, the school must meet all of the following criteria for  
20           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) Have at least 3% of the students enrolled in the  
26           school exercise the individual option to transfer schools

1           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 have  
6 occurred on school grounds during regular school hours or  
7 during a school-sponsored event.

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

11           (e) If a student must be transferred from one attendance  
12 center to another within the school district because the  
13 attendance center the student is currently attending exceeds  
14 its attendance capacity, then the attendance center the student  
15 is to be transferred to must not be an attendance center that  
16 is on the academic watch list under Section 2-3.25d of this  
17 Code.

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

19           (105 ILCS 5/34-18.24)

20           Sec. 34-18.24. Transfer of students.

21           (a) The board shall establish and implement a policy  
22 governing the transfer of a student from one attendance center  
23 to another within the school district upon the request of the  
24 student's parent or guardian. Any request by a parent or  
25 guardian to transfer his or her child from one attendance

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

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

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

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

25 (b) The board shall establish and implement a policy  
26 governing the transfer of students within the school district

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

7 (1) Have greater than 3% of the students enrolled in  
8 the attendance center expelled for violence-related  
9 conduct.

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

12 (3) Have at least 3% of the students enrolled in the  
13 attendance center exercise the individual option to  
14 transfer attendance centers pursuant to subsection (c) of  
15 this Section.

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

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

25 (e) If a student must be transferred from one attendance  
26 center to another within the school district because the

1 attendance center the student is currently attending exceeds  
2 its attendance capacity, then the attendance center the student  
3 is to be transferred to must not be an attendance center that  
4 is on the academic watch list under Section 2-3.25d of this  
5 Code.

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

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

9 (30 ILCS 805/8.32 new)

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

14 Section 99. Effective date. This Act takes effect July 1,  
15 2008.