

May 26, 2004

**RESCIND BOARD REPORT 03-0122-PO01
POLICY ON ENROLLMENT AND TRANSFER OF STUDENTS IN THE CHICAGO PUBLIC SCHOOLS
AND RESCIND BOARD REPORT 96-0327-PO3 OPEN ENROLLMENT POLICY
AND ADOPT A NEW COMPREHENSIVE POLICY ON THE ENROLLMENT AND TRANSFER
OF STUDENTS IN THE CHICAGO PUBLIC SCHOOLS**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:

Rescind Board Report 03-0122-PO01 "Policy on Enrollment and Transfer of Students in the Chicago Public Schools," and rescind Board Report 96-0327-PO3 "Open Enrollment Policy" and adopt a new "Comprehensive Policy on the Enrollment and Transfer of Students in the Chicago Public Schools."

SUBJECT:

Enrollment and transfer of students in the Chicago Public Schools.

POLICY TEXT:

I. ENROLLMENT

Enrollment decisions should be made in the best educational interest of the child. The Board of Education shall enroll all children between the ages of five and twenty-one seeking admission who live in the City of Chicago. Decisions concerning enrollment shall be in accordance with the Modified Consent Decree.

A. Students Enrolling In Chicago Public Schools

1. General Rule

Children who enroll in the Chicago Public Schools ("CPS") and live within the attendance area of a particular school shall be accepted for enrollment in that school.

2. Exceptions to the General Rule

The general rule governing enrollment shall not apply in the following situations:

- a. Where a school has been designated for controlled enrollment as set out in the CPS Controlled Enrollment Policy.
- b. Where the school is a magnet school, magnet cluster school or a school with established selective enrollment admissions criteria as specified in the CPS Comprehensive Magnet School Policy (Board Report 02-1218-PO03, as amended) and the Education Opportunities publication issued by the Office of Academic Enhancement.

3. Enrollment Deadline for Open Enrollment Program

If a student wishes to enroll in a neighborhood school or program outside of their attendance area as described in the Open Enrollment section of this policy (section I.J.), the student must submit an application for enrollment by the last day of June of the school year preceding the year for which the student wishes to enroll.

4. Enrollment of Students With An Individualized Educational Plan

Where a special education student with an Individualized Educational Plan (IEP) documenting the need for special education or bilingual special education services seeks to enroll in his or her attendance area school, and that school is unable to provide or develop the level of services required in the IEP, the attendance area school must enroll that child. The school must then contact the Office of Specialized Services for appropriate placement and provide interim services until proper placement is effected by the Office of Specialized Services. An open enrollment magnet school that constitutes the nearest accessible building where the IEP of students with physical impairments can be implemented must accept such students, upon the request of the Office of Specialized Services, even if they have not *applied or have not* been accepted into the school.

5. Enrollment of English Language Learners

Where a limited-English-proficient, English Language Learner (“ELL”) student seeks to enroll in his or her attendance area school and the school does not offer a bilingual education program appropriate to the child’s needs, the child must be enrolled in the attendance area school and given the option to transfer to the nearest school offering an appropriate program. Pending identification and transfer to another school or, if the child opts to remain in the home school, the child must be enrolled and provided the most appropriate bilingual education services possible, consistent with his/her bilingual instructional category. The school must contact the Office of Language and Cultural Education for appropriate placement.

B. Enrollment of Students Identified as Homeless

Schools must enroll homeless students in accordance with the CPS Policy and Procedures on Education of Homeless Children and Youth (Board Report 96-1120-PO3, as amended) which instructs a school to immediately enroll the child even if the child is unable to produce records normally required for enrollment. Pursuant to the CPS Homeless Education Policy, nothing shall prohibit a school from requiring parents or guardians of a homeless child to submit an address or such other contact information as the school may require from parents or guardians of permanently housed children. It shall be the duty of the enrolling school to immediately contact the school last attended by the child to obtain relevant academic and/or other records.

C. Proof of Age and Address

The parent or legal guardian of a child seeking enrollment shall present to the school principal or designee proof of a child’s age. All necessary immunization and other medical records shall also be provided as required under Board Rule 6-6 Health Requirements of Pupils and the CPS Policy on the “Immunization and Health Examination Requirements For Enrollment in the Chicago Public Schools” (Board Report 94-1026-PO1, as amended). To enroll a child in any attendance area school or open enrollment school as described in section I.J. of this policy, the person seeking enrollment for the child must also present evidence of current address.

1. Proof of age includes, but is not limited to, the following documents:

- a. Child’s birth certificate;
- b. Child’s baptismal record;
- c. Passport;
- d. Court documents; and
- e. Medical records.

2. Proof of current address includes, but is not limited to, any two of the following documents:
 - a. Current utility bills;
 - b. Illinois driver's license or State of Illinois identification card;
 - c. Deed;
 - d. Employer identification card;
 - e. MediPlan/Medicaid Card;
 - f. Voter registration card;
 - g. Court documents;
 - h. Illinois Department of Public Aid card;
 - i. Stamped United States Post Office change of address form; and
 - j. Illinois state aid check/social security check.

If the person enrolling a student fails to provide a certified copy of the student's birth certificate as proof of age, the school shall provide notice by certified mail that within thirty (30) days, he/she must provide:

- A certified copy of the student's birth certificate; or
- Other reliable proof of the student's identity and age; a passport, visa or other governmental documentation; and
- If a birth certificate is not available, an affidavit explaining why the birth certificate could not be produced.

Failure to provide the required documentation shall result in the immediate notification of the Chicago Police Department.

D. Proof of Guardianship or Custodianship

Adults acting in the role of guardian or custodian may enroll a child upon providing proof of guardianship or custodianship as follows:

1. A valid court order;
2. The most recent tax return naming the child as a dependant;
3. Health insurance coverage for the child;
4. Any public aid documents covering the child; or

Any other form of proof shall be presented to the appropriate Area Management Support Director for review.

E. Waiver of Required Proof

Homeless children or children in the care of the state (Department of Children and Family Services) shall be enrolled if they cannot produce their birth certificates, educational records, medical records, and/or proof of immunizations.

F. Students Living with Adults Who Are Not Parents or Legal Guardians

Students may not, for the sole purpose of enrolling in a particular school, live with adults who are not their parents or legal guardians. If there is a finding that a child is living with an adult who is not the parent or legal guardian solely for the purpose of attending school in that attendance area, then:

1. If the parent or legal guardian lives within the City of Chicago, that child shall be enrolled in the school of the attendance area in which the parent or legal guardian lives, absent extenuating circumstances. If there is a dispute as to what constitutes extenuating circumstances, the parent may seek a review by the appropriate Area Instruction Office.
2. If the parent or legal guardian lives outside the City of Chicago, that child shall be charged tuition, except as to those circumstances described in Board Rule 5-17 Non-Resident Pupils – Tuition.

G. Enrollment Options for High Schools That Have a Disproportionately Large Number of Students with Disabilities

Where a school has a 9th grade membership of 25% or more students with disabilities, the Office of Specialized Services shall offer enrollment options to incoming 9th graders with disabilities. Such special education enrollment options shall be granted and administered in accordance with the Guidelines issued by the Office of Specialized Services.

H. Enrollment of Eighth Graders Into Ninth Grade

Elementary or middle school principals shall ensure that all eighth graders in their schools have been enrolled in a high school by the end of April. Those eighth graders who have not been accepted into a high school by this time shall be enrolled in their attendance area high school.

I. Enrollment of Students in Small Schools

In situations in which several small schools have been created out of a single neighborhood high school, students living within the attendance area of the high school that has been converted into a small schools campus shall have the right to enroll in one of the small schools located on the campus.

J. Open Enrollment

1. By the end of June of each year, a student may apply for enrollment in any school in the district which does not have selective enrollment admissions requirements (“Open Enrollment”). However, an Open Enrollment application may not be accepted if it would lead to overcrowding or if it would exclude enrollment opportunities for the following:
 - a. Students living within the attendance area;
 - b. Students identified for controlled enrollment transfers under the CPS Controlled Enrollment Policy;
 - c. Students identified for special program placement by the Office of the Chief Executive Officer;
 - d. Students identified for School Choice transfers required by the No Child Left Behind Act as set out in Section II.E.5. of this policy; or
 - e. Students who may otherwise enroll pursuant to voluntary transfers that would enhance integration as described in section II.C. of this policy.
2. The following procedures shall be used to implement open enrollment in an equitable manner that complies with the Modified Consent Decree:
 - a. Students seeking to enroll in a school other than their attendance area school must submit an application for admission to the school they wish to attend by the last day of June of the preceding school year;

- b. Enrollment of students who are unable to meet the Open Enrollment application deadline due to extenuating circumstances including homelessness will be determined on a case-by-case basis by the Chief Education Officer, or designee.
- c. Subject to the restrictions identified in section I.J.1 above, students who apply shall be admitted if there is space available. If a school receives more applications than it has space available, a computerized lottery will be conducted by the Office of Academic Enhancement;
- d. Schools shall notify all applicants by mail as to whether or not their application for enrollment has been accepted; and
- e. Schools shall be responsible for retaining all Open Enrollment applications for a period of three years.

K. Application and Admissions For Education Opportunities Schools and Programs

Enrollment in any of the Magnet Elementary Schools, Elementary Magnet Cluster Schools, Academically Advanced Elementary School Programs, International Baccalaureate Programs, Magnet High Schools, Selective Enrollment High Schools, Military Academies or High School Magnet Program Schools shall be in accordance with the requirements and application procedures set out in the Education Opportunities publication issued by the Office of Academic Enhancement and, as applicable, the CPS Comprehensive Magnet School Policy (Board Report 02-1218-PO03, as amended) .

II. TRANSFER OF STUDENTS

As a general rule, children become students of the school in which they are enrolled ("home school"), and should not be unilaterally transferred or withdrawn by the school principal, unless by procedures pursuant to this or other CPS policies. In the interest of continuity of educational programming, it shall be the Board's policy to limit transfers of students in the Chicago Public Schools to times in which both the students' and schools' disruptions will be minimized. The following procedures shall apply to student transfers.

A. Student Transfer Following a Change in Residence

1. Elementary School Students

Absent extenuating circumstances, transfers of elementary students, whose parents/guardians change their place of residence to a new attendance area, shall be made at the end of the school year. Parents who immediately want to transfer their child(ren) to an attendance area school after moving from one attendance area to another shall be allowed to do so. Seventh and Eighth grade students whose parents change their place of residence, however, may remain in the school until graduation if they desire to do so, provided the distance factor does not adversely influence the students' safety, attendance and academic progress.

2. High School Students

Absent students' extenuating circumstances, transfers of high school students within CPS, whose parents or guardians change their place of residence to a new attendance area, shall be made at the end of the current semester. High school students whose parents change their place of residence, however, may remain in the school until graduation if they desire to do so, provided the distance factor does not adversely influence the students' safety, attendance and academic progress.

3. **Elementary and High School Students Who Move Outside the City of Chicago**

Students whose parents or guardians move outside the City of Chicago may remain at the CPS school they were attending at the time of the move for the balance of the current school year without paying tuition. Thereafter, if such students want to continue attending the CPS school in which they were enrolled at the time they moved outside the city, their parents or guardians will be charged tuition, except in those circumstances described in Board Rule 5-17 Non-Resident Pupils – Tuition.

B. Transfers Back Into An Attendance Area Elementary School

Students attending a school outside their attendance area who wish to transfer and return to their attendance area school may be enrolled provided space is available after all children within the attendance area have been accommodated. If the number of children seeking to return to their attendance area school from another CPS school exceeds the space available, then transfer applicants shall be selected by lottery conducted by the Office of Academic Enhancement. If the school is a controlled enrollment school, transfer applicants shall be placed on the waiting list and offered enrollment as seats become available as described in the CPS Controlled Enrollment Policy.

C. Transfers and the Modified Consent Decree

If there are multiple applicants for transfer into a school, selection of students to be admitted shall be in accordance with the priorities established in the Modified Consent Decree. Under Open Enrollment:

1. Minority student may transfer from schools 70% or over minority to schools less than 70% minority.
2. White students may transfer from schools less than 70% minority to schools 70% or over minority.
3. Students may apply for admission to one of the magnet schools operated by the district.

D. High School Transfers

Once a student enrolls in any high school, that school becomes the student's home school until graduation, or withdrawal from the school. School transfers may be granted under the following circumstances:

1. The transfer promotes the goal of the Modified Consent Decree of creating and maintaining integrated schools.
2. A student changes residence within the city that results in an unreasonably long and time-consuming commute to the home school (as long as proof of new residence that meets the requirement of section I.C.2. above is provided);
3. A student's safety and/or well-being are jeopardized by remaining at the home school;
4. Disciplinary transfer pursuant to the Uniform Disciplinary Code; or
5. A transfer from a Board-designated military academy due to violations of military standards as described in the Uniform Discipline Code.

E. Other Transfers

1. Best Interest of the Child

Transfers from a student's home school may be granted, when it is clearly in the student's best educational interest as determined by the Area Instructional Officer ("AIO"). All transfer requests, including verification of the parent's approval, shall be submitted by the sending school's principal to the AIO for review. When the AIO or designee approves the transfer it will be sent to the receiving school.

2. Special Education Students

Transfer restrictions described in this policy do not apply to special education students who need to be transferred for an appropriate program and must be placed within ten days or by the beginning of the semester following an IEP conference. A special education child enrolled in a Chicago Public School outside the attendance area where he or she lives may elect to return to his or her attendance area school, provided that a program exists or can be developed to implement the child's IEP in that school. If such implementation cannot be done, the Office of Specialized Services shall be contacted by the school principal where the child is currently enrolled to determine the feasibility of alternative placement.

3. English Language Learners

If a student transfers to a school which does not offer bilingual services appropriate for the child, he/she must be given the option to transfer to the nearest school offering such a program. Pending identification and transfer to an appropriate school or, if the child opts to remain in the current school, he/she must be provided the most appropriate bilingual education services possible consistent with his/her bilingual instructional category.

4. Transfer Following a Finding of False Representation of Address

Any student who has been fraudulently registered in a school as a result of falsification of address may be subject to immediate transfer to the proper attendance area school, after notice and opportunity to respond have been given to the parent or legal guardian or emancipated youth. Any appeals of fraudulent registration decisions shall be made to the appropriate Area Instruction Office.

5. Transfers Pursuant to the Choice Provisions of the No Child Left Behind Act

- a. *School Choice Transfers.* Pursuant to the No Child Left Behind Act ("Act"), Section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6317), parents of children attending a CPS school that has been identified for "School Improvement" for two or more years have the right to apply for a transfer of their children to a non-School Improvement CPS school. Children who transfer to a non-School Improvement school shall be permitted to remain at the school until they have completed the highest grade at the school.

In order to comply with the transfer provisions of the Act, CPS shall, consistent with the Act and its regulations as well as applicable State laws, develop a public school choice program ("Program"). The Program shall seek to ensure that those transfers occur before the start of the school year. Each year, upon release by the State Board of Education of its Adequate Yearly Progress list, CPS will review and, if necessary, modify its Program to reflect changes in the number of (i) schools identified for School Improvement, and (ii) schools no longer identified for School Improvement.

As part of its Program, CPS shall ensure that it provides transferring students, to the extent required by the Act, transportation assistance. A student transferring under the Program is entitled to transportation assistance only as long as the school from which he/she transferred remains identified as a School Improvement school. The type of transportation assistance provided may include, but is not limited to, bussing, using public transportation, reimbursing parents for the cost of transportation, or any combination thereof.

In developing its Program and annually reviewing the same, the Department of School Demographics shall determine enrollment and capacity at each of its schools. Annual enrollment shall be derived from the most recent Racial-Ethnic Survey, as adjusted to account for elementary special education students based on the special education severity levels of each special education student. For elementary schools, all classrooms, including mobile units and leased facilities, shall be considered in determining capacity. In a school that does not have a library, its number of classrooms shall be reduced by one. Capacity shall be 80% of the design capacity, so as to permit an allowance for ancillary classrooms such as art, music, computer and science in proportion to the size of the school. For high schools, capacity shall also be program based. For schools which historically have had a preponderance of special education students or have unique programs, the Department of School Demographics may take into consideration these factors in establishing capacity. Once established, pursuant to this policy, a school's capacity shall only be modified to account for changes resulting from (i) expansion, renovation, alteration or construction at the school and (ii) a programmatic conversion, such as converting a school into a number of small schools.

- b. *Persistently Dangerous Transfers.* The Act also mandates that students attending "persistently dangerous schools" as such schools are defined by 105 ILCS 5/2-3.131 and 105 ILCS 5/10-21.3a, shall have the right to transfer to another school within the district consistent with the Act and its regulations as well as applicable State laws. Further, students who are victims of certain violent crimes as defined by 725 ILCS 120/3(c) shall have the right to transfer to another school if the violent crime occurs on school property during school hours or at a school-sponsored event. Such transfer shall be made to another school within the district consistent with the Act and its regulations as well as applicable State laws.

6. Homeless Education Students

School transfers that result from a student's homelessness shall be subject to the CPS Policy and Procedures on Education of Homeless Children and Youth (Board Report 96-1120-PO3, as amended). Under the CPS Homeless Education Policy, no school shall deny or delay transfer of any homeless child or youth who is unable to produce school, medical or residency records. It shall be the duty of the receiving school to immediately enroll the child and then immediately contact the school last attended by the child to obtain the appropriate transfer documentation including academic, medical and/or other records. Nothing shall prohibit a school from requiring parents or guardians of a homeless child to submit an address or such other contact information as the school may require from parents or guardians of permanently housed children.

7. Transfers Due to School Closings

Nothing in this policy shall prohibit the Board from authorizing the transfer of students due to school closings, school boundary changes, new school openings, overcrowding or other circumstances that the Board deems appropriate.

8. Transfers From Other Schools

Students wishing to transfer to a Chicago Public School from a private school, parochial school, charter school or other another public school outside the district, shall comply with the enrollment requirements set out in Section I of this Policy.

LEGAL REFERENCES:

Modified Consent Decree entered by the U.S. District Court for the Northern District of Illinois on March 18, 2004 in the case U.S. vs. Chicago Board of Education No. 80 C 5124; Individuals with Disabilities Education Act, P.L. 101-476, as amended; McKinney-Vento Homeless Assistance Act, as amended; and Sections 10-20.12, 10-20.12a, 14-1 et seq., 14C-1 et seq., 26-1 et seq., 34-18, 34-18.2 34-18(7) and 45-1 et seq. Of the Illinois School Code; 325 ILCS 50/5 and 325 ILCS 55/5 Board of Education of the City of Chicago Rules 6-1, 6-2, 6-3, 6-6 and 6-8.

Reviewed for Consideration:



Barbara Eason-Watkins
Chief Education Officer

Respectfully submitted:



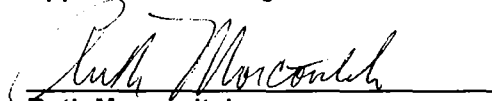
Arne Duncan
Chief Executive Officer

Noted:



John Maiorca
Chief Financial Officer

Approved as to Legal Form: ⁹⁸



Ruth Moscovich
General Counsel