

AMEND BOARD REPORT 05-0824-PO3
AMEND BOARD REPORT 04-0526-PO2
ADOPT A NEW COMPREHENSIVE POLICY ON THE ENROLLMENT AND TRANSFER
OF STUDENTS IN THE CHICAGO PUBLIC SCHOOLS

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:

That the Board of Education amend the Comprehensive Policy on the 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~~ Second Amended 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, enrollment eligibility is subject to the requirements as set out in the CPS Controlled Enrollment Policy.
- b. Where the school has no established attendance boundary, such as is a magnet school, or a school with established selective enrollment admissions criteria. For schools with no attendance boundaries, admissions shall be in accordance with the requirements established by the Board. In particular, the Board's Policy on as specified in the CPS Comprehensive Magnet Schools and Programs Policy (Board Report 02-1218-PO03 08-0227-PO2, as amended or otherwise modified) and the Options for Knowledge Guide school opportunities publication issued annually by CPS identify the admissions requirements for magnet and selective enrollment schools.
- c. Where a school offers a preschool program, eligibility for preschool program enrollment is subject to preschool enrollment eligibility criteria and enrollment procedures as further described in section I.A.7 of this Policy.

3. Age of First Enrollment

In accordance with Board Rule 6-2, children may enroll in kindergarten or 1st grade if they have reached the age of 5 or 6 years respectively on or before September 1st. Children must be 3 or 4 years old, but not yet 5 years old, on or before September 1st in order to be age eligible for a CPS preschool program.

3. ~~Open Enrollment~~

~~Open Enrollment provides students the opportunity to enroll in any school in the district which does not have selective admission requirements. Open Enrollment Schools are identified in the school opportunities publication issued annually by CPS and consist of all non-magnet/magnet-cluster, non-selective enrollment, and neighborhood schools with attendance boundaries. All Open Enrollment applications as described in section I.J. of this policy are administered under the Options for Knowledge 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 deadline identified in the school opportunities publication issued annually by CPS.~~

4. Enrollment of Students With Disabilities ~~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, Where a student with disabilities seeks to enroll in his or her attendance area school, the attendance area school must immediately enroll that child. If the attendance area school believes that it is unable to implement the student's Individualized Education Program (IEP) or 504 Plan, the The school must then contact the Office of Specialized Services for appropriate review and placement determination and provide interim services until proper placement is effected by the Office of Specialized Services. A If a student with disabilities' IEP or 504 Plan requires an accessible building, an attendance area school or magnet school that constitutes the nearest building that meets the student's accessibility needs accessible building where the IEP of students with physical impairments can be implemented must accept such the students, upon the request of the Office of Specialized Services, even if they have the student has not applied or have has not been accepted into the school.~~

Every school, including magnet schools, magnet cluster schools, GEAP schools, military academies and selective enrollment schools, shall strive to meet the minimum enrollment targets of students with disabilities established by the Corey H. court monitor. If a school is below the minimum enrollment target, the school and the Office of Specialized Services shall determine whether the placement of a program for students with low incidence disabilities is appropriate to assist the school in meeting the minimum enrollment target.

5. Enrollment of Limited English Proficient Students ~~English Language Learners~~

The parent/guardian of all new students enrolling for the first time and all re-enrolling students who have not attended a Chicago Public School for one year or more must complete a Home Language Survey (HLS) at time of enrollment. If either question on the HLS is answered yes, the school will use the state-prescribed screening instrument to measure the student's English language proficiency to determine eligibility to receive bilingual education services. The administration of the state-prescribed screening instrument is subject to the requirements set in the Board's Bilingual Education Policy including the exceptions noted therein for certain categories of Limited English Proficient students.

Where an English Language Learner ("ELL") a Limited English Proficient 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~~ aligned with the child's English language proficiency, the child must be enrolled in the attendance

area school and given the option to transfer to the nearest school offering an ~~appropriate program~~ such a 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~~ needs. The school ~~must~~ shall contact the Office of Language and Cultural Education for ~~appropriate~~ any placement in an alternate program or for assistance in developing the student's language proficiency in the attendance area school. ELLs who also have an IEP will be provided both bilingual education services as well as services required under their IEP.

6. Enrollment in a New School or Branch

For any new school or branch not identified in the annual ~~school opportunities publication~~ Options for Knowledge Guide issued by CPS, the application deadline identified in the ~~school opportunities publication~~ Options for Knowledge Guide will not apply. CPS will issue application requirements and deadlines as appropriate for such schools.

7. Enrollment in Preschool Programs

Enrollment in a CPS preschool program is subject to the application and eligibility requirements that are specific to each CPS preschool program and based on applicable federal or state requirements. Enrollment in any CPS preschool program is subject to availability of space. The parent or guardian seeking enrollment for a child must satisfy all documentation requirements set out in this Policy as well as additional program eligibility documentation requirements as set out in the Preschool Programs Guidelines issued by the Office of Early Childhood Education ("Preschool Program Guidelines"). Modified enrollment eligibility requirements may apply to children exiting the State of Illinois' Early Intervention Program as specified in the Preschool Program Guidelines.

Enrollment in a preschool program is not subject to school attendance boundary requirements. Parents/guardians may seek to enroll their child at any school offering a preschool program for which they are eligible. If there are more applicants than available spaces for a preschool program at a particular school, students will be prioritized for placement in accordance with the Preschool Programs Guidelines. Students with disabilities shall have their preschool program placement determined by the Office of Specialized Services based on a review to determine the appropriate classroom setting. If a student with a disability has an IEP in place at the time of preschool enrollment, the Office of Specialized Services will work with the Office of Early Childhood Education in determining the appropriate preschool placement for the student. If the school believes after enrollment in any preschool program that a student may have a disability, the preschool program must begin the special education referral process and continue the student's enrollment in the program until an IEP is developed and appropriate program placement is determined.

Enrollment in a school's preschool program does not establish eligibility or priority to enroll in the school's kindergarten program. Kindergarten enrollment is subject to the standard enrollment eligibility requirements established for a school. Modified kindergarten eligibility requirements apply to schools participating in a federally-funded grant program that requires preschool students to be eligible to enroll in the school's kindergarten program as indicated by the terms of the grant.

Withdrawal of a student enrolled in a CPS preschool program shall comply with the conditions and requirements set out in the Preschool Program Guidelines.

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 or otherwise modified) 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" by the Board's Policy on Student Health Examinations, Immunizations and Dental Examinations (Board Report 94-1026-PO1 08-0827-PO3, as amended or otherwise modified)~~. To enroll a child in any ~~school 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.
 - k. Other identification card issued by a federal or state agency or foreign government consulate, such as a Matricula Consular.

If the person enrolling a student fails to provide a ~~certified copy of the student's birth certificate as~~ proof of student age document, 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 which may include the following:

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
5. Appropriate documents authorizing or establishing custodianship.

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

E. Proof of Temporary Custodianship

Adults acting in the role of temporary custodian to a child due to circumstances involving the parents, legal guardians or child, may enroll a student with applicable documentation of residency and status as temporary custodian, which may include a notarized letter from the parent authorizing the temporary custody and the reason. Enrollment by a temporary guardian is subject to the limitations set out in Section I.H. of this Policy.

F. Enrollment of Students Who Transfer from a Private School, Charter School or Other School District

1. Grade Placement. Students who were previously enrolled in a private school or other school district who seek enrollment in the Chicago Public Schools in any grade may be evaluated for appropriate grade placement. Further, schools shall follow the Office of Specialized Services' Procedural Manual on students with disabilities transferring from other school districts.
2. Proof of Good Standing. A student suspended or expelled for any reason from any public or private school in Illinois or any other state must complete the entire term of the suspension or expulsion before being admitted into the Chicago Public Schools. Students transferring from another Illinois public school must produce the Illinois State Board of Education "Student Transfer Form" completed by their former school verifying that they are "in good standing" and are not currently being disciplined by a suspension or expulsion. Failure to provide this form will result in the denial of enrollment of the transferring student. The parent or guardian of students transferring from an out-of-state public school or any private school must certify in writing that the student is not currently serving a suspension or expulsion imposed by the school or school district from which the student is transferring. Failure to certify in writing that a student transferring from an out-of state public school is not currently serving a suspension or expulsion will result in the denial of enrollment of the transferring student. Failure to certify in writing that a student transferring from a private school is not currently serving a suspension or expulsion will result in referral to the Chief Education Officer or designee to review the student's suspension or expulsion status.

Transferring students currently expelled from another school may be assigned to an alternative placement if space is available as reviewed by the Chief Executive Officer or designee. Students who have been expelled from a CPS Charter

School shall be evaluated on a case-by-case basis for appropriate placement. Students with disabilities who have been expelled by another school district and transfer into the Chicago Public Schools shall be assigned to an alternative placement in order to receive their IEP services.

EG. Exemption from Providing Documentation

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. Specific requirements regarding documentation waivers for homeless students are found in the CPS Policy and Procedures on Education of Homeless Children and Youth (Board Report 96-1120-PO3, as amended or otherwise modified).

FH. 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's parent shall be charged tuition as calculated by the Board's Department of Revenue, ~~except as to those circumstances described~~ in accordance with Board Rule 5-17 Non-Resident Pupils – Tuition.

GI. 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 other 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.

HJ. 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 or such other date as determined by the Office of High Schools and High School Programs. 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.~~

K. Open Enrollment Procedures

1. ~~By the deadline identified in the school opportunities publication issued annually by CPS for all schools, 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 considered 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 majority-to-minority transfers that would enhance desegregation as described in section II.C. of this policy.~~

K. Application and Admission to Options for Knowledge Schools and Programs

1. Standard Application Process. Students seeking to enroll in an Options for Knowledge school or program outside of their attendance area (e.g. magnet school, magnet cluster school (neighborhood elementary schools with a magnet program), open enrollment school (neighborhood schools without a magnet program), Gifted and Enriched Academic Programs (GEAP) school, neighborhood high school with magnet programs, Majority-to-Minority transfer school, Military Academy and Selective Enrollment School) must submit an application by the deadline identified in the annual Options for Knowledge Guide which is usually set on a date in December.

Students are selected for available spaces in accordance with the selection process and criteria set out in the Options for Knowledge Guide, the Board's Policy on Magnet Schools and Programs (Board Report 08-0227-P02 as amended or otherwise modified) and the Second Modified Consent Decree.

2. The Office of Academic Enhancement will operate a Majority-to-Minority Transfer Schools Application Process ("M to M Transfer Process") as described in Section II.C. of this policy. The M to M Transfer Process will be held for those Majority-to-Minority receiving schools that have spaces available. Parents will be notified of application status in accordance with the procedures established for this program by the Office of Academic Enhancement. The Office of Academic Enhancement is authorized to hold more than one M to M Transfer Process in a school year.

3. End-of-Year Citywide Options Process will be held for those elementary magnet schools, magnet cluster schools, and elementary open enrollment schools that still have spaces available. Parents will be notified of application status in accordance with the procedures established for these programs by the Office of Academic Enhancement.

For magnet schools, magnet cluster schools and open enrollment schools with spaces available after the End-of-Year application process, the Office of Academic Enhancement shall accept applications to fill available spaces. Spaces in these schools will continue to be filled through the Office of Academic Enhancement process until the first day of school or the date the Office of Academic Enhancement cancels the waiting list for those schools.

For magnet schools, magnet cluster schools and open enrollment schools with spaces available after a school year has commenced and after the Office of Academic Enhancement has cancelled any waiting lists, the principal may, in his or her discretion, accept applications to fill available spaces during the then current school year. Copies of all such applications whether accepted or not, shall be forwarded to the Office of Academic Enhancement.

An Open Enrollment application will not be considered if it would lead to overcrowding or cause a school to exceed its enrollment cap 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.D.5. of this policy; or
- e. Students who may otherwise enroll pursuant to Majority-to-Minority transfers that would enhance desegregation as described in Section II.C. of this policy.

Based on the foregoing considerations, the CEO or designee shall notify schools identified as ineligible to receive Open Enrollment students. Schools identified as ineligible may not enroll students who reside outside their school's attendance area without the approval of the Office of Academic Enhancement.

- 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 deadline identified in the school opportunities publication issued annually by CPS for all schools;~~
 - 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~~
- E4. Schools shall be responsible for retaining all Open Enrollment applications for a period of three years. Options for Knowledge applications shall be maintained for the period of time specified in the Board's record retention schedule approved by the Local Records Commission.
- 5. Residency. A student is not required to reside in the City of Chicago in order to apply to an Options for Knowledge school or program; however, the student must live within the City limits to enroll. In order to enroll or complete enrollment, the parent/guardian must prove Chicago residency by the July 1st prior to the start of the upcoming school year. Irrespective of a parent's/guardian's request to pay

non-resident tuition, non-resident pupils are not eligible to enroll in an Options for Knowledge school or program, as set out in Board Rule 5-17, Non-Resident Pupils- Tuition.

K. ~~Application and Admissions For Education Opportunities Schools and Programs~~

~~Enrollment in any of the Magnet Elementary Schools, Elementary Magnet Cluster Schools, Academic Center Programs, Regional Gifted Centers, Classical Schools, International Baccalaureate Programs, Open Enrollment Schools, 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 school opportunities publication issued annually by CPS 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 particular the withdrawal/removal from enrollment requirements set out in the Board’s Comprehensive Policy on Absenteeism and Truancy (Board Report 06-0222-PO2, as amended or otherwise modified). 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 and Middle School Students

Absent extenuating circumstances, transfers of elementary and middle school students, whose parents/guardians change their place of residence to a new attendance area, shall be made at the end of the school year, provided the distance factor does not adversely influence the students’ safety, attendance, and academic progress. 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. Preschool Students

Transfers of students participating in a CPS preschool school program may be made upon parent/guardian request due to a change of residence. All such transfer requests are subject to availability of space.

34. 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

~~Elementary~~ Students attending a school outside their attendance area who wish to transfer ~~and return~~ to their attendance area school ~~shall~~ **may** be enrolled as provided in section I.A. of this policy. 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 Board's Controlled Enrollment Policy.

C. Transfers and the ~~Modified~~ Second Amended 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~~ Second Amended Consent Decree.

In accordance with the Majority-to-Minority student transfer provisions of the ~~Modified~~ Second Amended Consent Decree:

1. Minority students may transfer into any school, regardless of the school's racial/ethnic composition. Minority students from racially identifiable schools (85% or more minority) will be given priority of enrollment in schools that are 40% or more white.
2. White students may transfer into a school that is less than 40% white. White students from schools that are more than 70% white will be given priority of enrollment.
3. Students will be selected annually for transfers outlined in paragraphs 1 and 2 above in accordance with the timeframe set out in the Options for Knowledge Guide school opportunities publication issued annually by CPS. Should any available spaces for majority-to-minority transfers remain following this annual selection process, an End-of-Year transfer process will take place; applications will be distributed in April, lotteries will be conducted in May, and student selection and enrollment will be completed prior to the last day of school.

~~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 desegregated 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 as further described in section II.E.9. herein; or~~
- ~~5. A transfer from a Board designated military academy due to violations of military standards as described in the Uniform Discipline Code.~~
- ~~6. A transfer from a Board designated dual credit high school due to a student's failure to comply with, or meet the requirements of, the student's school participation agreement.~~

E.D. Other Transfers

1. Best Interest of the Child

~~Transfers from a student's home school shall may be granted at the request of a parent or guardian, when the student has been accepted for enrollment at another school. Also, 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, the AIO will facilitate the placement of the student. Any disputes regarding proposed best interest transfers should be referred to the appropriate Area Instruction Officer or other designated oversight office for resolution.~~~~

2. Special Education Students With Disabilities

~~Transfer restrictions described in this policy do not apply to special education students with disabilities who require a transfer pursuant to their IEP or 504 Plan. The Office of Specialized Services identifies the school at which a student's IEP or 504 Plan can be implemented and to which the student will be transferred. 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. Limited English Proficient Students English Language Learners

~~If a student transfers to a school which does not offer a bilingual education program services appropriate for the child aligned with the child's English language proficiency, 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 needs.~~

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 or other designated oversight 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 (“NCLB”) (“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~~ may apply for a transfer of their children to a non-School Improvement CPS school. ~~Schools are placed in School Improvement status when they do not make Adequate Yearly Progress for two consecutive years. Schools that do make Adequate Yearly Progress may be required to accept students who attend schools with School Improvement status. 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 these transfers occur before the start of the school year. Each year, upon release by the Illinois State Board of Education of its Adequate Yearly Progress list, CPS will identify those schools in School Improvement and develop a public school choice program (“Choice Program”). The Choice Program may give priority to categories of eligible students. Under the Choice Program, parents of eligible students shall receive notice of eligibility and a Choice Program application. Student placement in schools through the Choice Program is subject to a number of factors including capacity of those non-School Improvement schools. In developing the Choice Program, the Department of School Demographics shall determine enrollment and capacity at each affected school. Each year, CPS may review and, if necessary, modify its Choice Program to reflect changes in the number of (i) schools identified for School Improvement, and (ii) schools no longer identified for School Improvement; and (iii) other factors including changes in the priority given to categories of eligible students.~~

As part of its Choice Program, CPS shall ensure that it provides transportation assistance to transferring students, to the extent required by NCLB ~~the Act, transportation assistance~~. A student transferring under the Choice 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.* ~~NCLB 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, or identified on the list maintained in accordance with 105 ILCS 5/2-3.131 and shall have the right to transfer to another school within the district consistent with ~~NCLB 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 ~~NCLB 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 or otherwise modified). 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, or other 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, including home school settings, parochial school, charter school or another public school outside the district, shall comply with the enrollment requirements set out in Section I of this Policy.

9. Disciplinary Transfers

a. Students are subject to transfer for disciplinary reasons to another CPS school. Transfers will be made in accordance with the Board’s ~~Uniform Discipline Code (“UDC”)~~ Student Code of Conduct (“SCC”) provisions regarding Disciplinary Reassignment, provided there is available space. Disciplinary Reassignments are listed in the range of disciplinary actions available under the ~~UDC SCC~~ for disciplining students and may be issued either in conjunction with, or as alternative to, suspension for certain infractions of the ~~UDC SCC~~. Disciplinary Reassignments are reserved only for students who have been determined, pursuant to the ~~UDC SCC~~, to have engaged in continually disruptive or very serious acts of misconduct. All Disciplinary Reassignments must be approved and facilitated by the AIO or their designee. Among the factors which an AIO may consider are the safety of the victim involved in the ~~UDC SCC~~ infraction and whether the student subject to transfer would likely cease their disruptive behavior if placed in another setting.

b. ~~Students enrolled in a Board designated military academy may be subject to disciplinary transfer due to violations of the military standards as described in the UDC.~~

10. Administrative Transfers

- a. Students enrolled in a Board-designated military academy may be subject to an administrative transfer due to non-compliance with the military standards as described in the Military Academy Guidelines.
- b. Students enrolled in a Board-designated dual credit high school may be subject to an administrative transfer due to a student's failure to comply with, or meet the requirements of, the student's school participation agreement.
- c. To the extent required by the Americans with Disabilities Act, in the event a parent or guardian with a disability is unable to access their child's school building, the student may be transferred to the nearest school that meets the parent's accessibility needs, offers the same program and for which the student meets any applicable enrollment criteria. All such transfer requests must be submitted to the Board's ADA Director for consideration.

11. Safety Transfers

A student may be transferred to another CPS school if the student's and/or other students' safety and/or well-being are jeopardized by remaining at the home school. All safety transfers must be approved and facilitated by the AIO or their designee.

LEGAL REFERENCES:

Modified Second Amended 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. ~~101-476-108-446~~, as amended; Corey H. v. Board of Education of the City of Chicago, 92 C 3409; Salazar v. Board of Education 92 CH 5703; McKinney-Vento Homeless Assistance Act P.L. 100-77, as amended; and Sections 5/2-3.13a(a)-(b), 10-20.12, 10-20.12a, 10-22.6(g), 14-1 et seq., 14C-1 et seq., 26-1 et seq., 34-18, 34-18.2, 34-18(7) 34-18.24 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.

Approved for Consideration:



Barbara Eason-Watkins
Chief Education Officer

Respectfully Submitted:



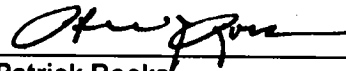
Arne Duncan
Chief Executive Officer

Noted:



Pedro Martinez
Chief Financial Officer

Approved as to Legal Form *SM*



Patrick Rocks
General Counsel