

Students

Administrative Procedure - School Admissions and Student Transfers To and From Non-District Schools

Annual Review

The Superintendent or designee reviews this procedure to ensure it is consistent with applicable State and federal laws.

Legal Citations

The legal requirements contained in this procedure are followed by a citation to the controlling rule and/or statute. Citations in parenthesis indicate the location of a named law. For additional clarification regarding a requirement, the cited law should be reviewed.

Guidance Documents

The following non-regulatory guidance list provides more information:

1. Ill. State Board of Education's annual registration and enrollment guidance document titled Residency & Enrollment, Immigrant Pupils, Homeless Pupils and School Fees & Waivers, www.isbe.net/Documents/guidance_reg.pdf;
2. *Dear Colleague Letter: School Enrollment Procedures*, (OCR 05/08/14), www.justice.gov/sites/default/files/crt/legacy/2015/01/07/eldcleng.pdf;
3. *Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents* (revised 05/08/14), www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerqa.pdf; and
4. *Fact Sheet: Information on the Rights of All Children to Enroll in School*, www.justice.gov/sites/default/files/crt/legacy/2014/05/08/plylerfact.pdf.

Transferring In

Steps	Requirements and Actions That Must Be Completed
Compliance with admission eligibility prerequisites in State law and School Board policy	All students seeking admission shall meet all residency, age, health examination, immunization, and other eligibility prerequisites as mandated by State law and School Board policy on admissions. See Board policy 7:50, <i>School Admissions and Student Transfers To and From Non-District Schools</i> .
Compliance with the Missing Children Records Act and Missing Children Registration Law ¹	The Building Principal or designee of the school into which the student is transferring shall notify in writing the person enrolling the student that within 30 days he or she must provide a certified

¹ The Missing Children Records Act (325 ILCS 50/) and the Missing Children Registration Law (325 ILCS 55/) are almost identical. Both require either a certified copy of the student's birth certificate or "other reliable proof, as determined by the Illinois State Police, of the child's identity and age and an affidavit explaining the inability to produce a copy of the birth certificate."

What constitutes "other reliable proof of a child's identity" is unclear. The Missing Children Records Act (325 ILCS 50/5(b)(1)) defines it as "a passport, visa or other governmental documentation of the child's identity." The Missing Children Registration Law (325 ILCS 55/5(b)) defines it by referring to the Ill. State Police's implementing rule at 20 Ill.Admin.Code §1290.60(a). The rule states that a certified copy of the student's birth certificate is the only acceptable proof of a student's identity and age for purposes of school enrollment. Further, it states that "The Department finds no other proof to be reliable."

Steps	Requirements and Actions That Must Be Completed
	copy of the student's birth certificate. 325 ILCS 55/5(b); 20 Ill.Admin.Code §1290.60(a). If the person enrolling a student fails to comply with the above requirement, the Building Principal or designee shall immediately notify the local law enforcement agency and shall also notify the person enrolling the student in writing that, unless he or she complies within 10 days, the matter will be referred to the local law enforcement authority for investigation. If compliance is not obtained within that 10-day period, refer the case. The Building Principal or designee shall immediately report to the local law enforcement authority and the Ill. State Police (ISP) any affidavit explaining the inability to produce a copy of the birth certificate that appears inaccurate or suspicious in form or content. 325 ILCS 50/5(b) and 55/5(b). The Building Principal or designee shall, within 14 days after enrolling a transfer student, request directly from the student's previous school a certified copy of the student's record. 23 Ill.Admin.Code §375.75(b); 325 ILCS 50/5(c) and 55/5(c).
Compliance with the Good Standing Requirement	The parent(s)/guardian(s) of a student who is transferring from an Illinois public school shall ensure that a completed <i>Good Standing Form</i> from that school arrives at the school into which the student is transferring. 105 ILCS 5/2-3.13a. The <i>Good Standing Form</i>, ISBE Form 33-78, available at: www.isbe.net/Documents/33-78_student_transfer.pdf, indicates whether the student's medical records are current and whether the student is currently being disciplined by a suspension or expulsion. 105 ILCS 5/2-3.13a(b). If the student is transferring from any private school (whether located in Illinois or not) or any non-Illinois public school, the parent(s)/guardian(s) shall certify in writing that the student is not currently serving a suspension or expulsion imposed by the school from which the student is transferring. 105 ILCS 5/2-3.13a(b). The Building Principal or designee shall deny admittance to any student who was suspended or expelled for any reason from any public or private school in this or any other state until the student

Requiring a certified copy of the birth certificate is the best practice to comply with State law but school districts may not prevent or discourage a child from enrolling or attending school because he or she lacks a birth certificate. Consult the board attorney if a student cannot produce a certified copy of his or her birth certificate and wishes to provide a passport, visa or other governmental or religious documentation of identity. **Important:** Schools cannot deny admission based upon immigration (illegal) status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. See, *Plyler v. Doe*, 457 U.S. 202 (1982). See also f/n 11 in sample policy 7:50, *School Admissions and Student Transfers To and From Non-District Schools*, and the **Guidance Document** subhead of this procedure above.

Steps	Requirements and Actions That Must Be Completed
	completes the entire term of the suspension or expulsion. 105 ILCS 5/2-3.13a(a). Note: The Board may adopt a policy providing that if a student is suspended or expelled for any reason from any public or private school in this or any other state, the student must complete the entire term of the suspension or expulsion in an alternative school program established under the School Code. 105 ILCS 5/2-3.13a(a); 5/10-22.6(g). If the Board adopts such a policy, it must allow the consideration of any mitigating factors (including the student's status as a parent, expectant parent, or victim of domestic or sexual violence as defined in 105 ILCS 5/26A). 105 ILCS 5/10-22.6(g), amended by P.A. 102-466, a/k/a <i>Ensuring Success in School Law</i>, eff. 7-1-25. Amend this paragraph as necessary to be consistent with board policy (see f/n 17, Board policy 7:50, <i>School Admissions and Student Transfers To and From Non-District Schools</i>, and Board policy 7:190, <i>Student Behavior</i>). If the student is transferring from an Illinois public school, the Building Principal or designee shall refuse to admit the student unless the student can produce a <i>Good Standing Form</i>. If the student is transferring from any private school (whether located in Illinois or not) or any non-Illinois public school, the Building Principal or designee shall refuse to admit the student unless his or her parent(s)/guardian(s) certify in writing that the student is not currently serving a suspension or expulsion imposed by the school from which the student is transferring.
Compliance with the School Code and the Illinois School Student Records Act	If a request has not been made, the Building Principal shall request academic transcripts and medical records from the student's former school. The Building Principal or designee shall enroll a student whose former school transferred an unofficial record of grades in lieu of the student's official transcript of scholastic records pursuant to 105 ILCS 5/2-3.13a(a) and 23 Ill.Admin.Code §375.75(i). 105 ILCS 10/8.1. Out-of-state transfer students, including children of military personnel, may use unofficial transcripts for admission to a school until official transcripts are obtained from the student's last school district. 105 ILCS 10/8.1(d); 105 ILCS 70/32. Simultaneous with the enrollment of a child of active duty military personnel, the Building Principal or designee shall request the child's educational records from his or her former school. 105 ILCS 70/32.

Steps	Requirements and Actions That Must Be Completed
Compliance with laws concerning education of homeless children	The Building Principal or designee shall immediately enroll a homeless child even if the child is unable to produce records normally required for enrollment, in accordance with Board policy 6:140, <i>Education of Homeless Children</i>, and administrative procedure 6:140-AP; <i>Education of Homeless Children</i>. 42 U.S.C. §11432(g)(3)(C)(i) (McKinney-Vento Homeless Assistance Act); 105 ILCS 45/1-20. The Building Principal or designee must immediately contact the school last attended by the child to obtain relevant academic and other records. 42 U.S.C. §11432(g)(3)(C)(ii); 105 ILCS 45/1-10.
Other admission steps	Building Principal or designee shall make the class or grade level assignment, with input from a counselor when needed, and may accept or reject the transferring school's recommendations. When parent(s)/guardian(s) of a student eligible for special education present a copy of the student's current individualized education program (IEP) to a new school, the student must be placed in a program described in the IEP. 105 ILCS 10/8.1(c); 23 Ill.Admin.Code §226.50(a)(1). If the school does not receive a copy of the student's current IEP or a verbal or written confirmation of the requirements of that IEP from the previous school district when the student is presented for enrollment, the student must be placed in a setting that the District believes will meet the student's needs until a copy of the current IEP is obtained or a new IEP is developed. 23 Ill.Admin.Code §226.50(a)(2). The Building Principal or designee shall administer a Student Home Language Survey, to each student entering the District's schools for the first time. 23 Ill.Admin.Code §228.15(a). ISBE provides Sample Home Language Surveys that are available in English and twenty-nine other languages under the Home Language Surveys tab at: www.isbe.net/Pages/Screening-for-English-Language-Proficiency.aspx. If the Building Principal or designee did not send a request for records to the student's former school or school district, he or she shall send a notification to the school or school district from which the student transferred documenting that the student has enrolled in the school. 105 ILCS 5/2-3.13a(c); 23 Ill.Admin.Code §375.75(e). The individual enrolling a student shall be given the opportunity to voluntarily state whether the student has a parent or guardian who is a member of a branch of the U.S. Armed Forces and who is either deployed to active duty or expects to be deployed to active duty during the school year. 105 ILCS 5/22-70. Such students will be allowed to enter: (a) the same grade level in

Steps	Requirements and Actions That Must Be Completed
	which they studied at the school from which they transferred, if the transfer occurs during the District's school year, or (b) the grade level following the last grade completed. 105 ILCS 70/33. All course, program, extracurricular, graduation and other placements from the student's former school shall be initially honored if the District has those options, and space is available. 105 ILCS 70/35. <i>For Districts that collect biometric information:</i> The Building Principal or designee shall notify the student and the student's parent(s)/guardian(s) of their rights with respect to the collection, distribution, and retention of biometric information in accordance with the Student Biometric Information Collection subhead in Board policy 7:340, <i>Student Records</i>. 105 ILCS 5/10-20.40; 23 Ill.AdminCode §375.30(a).

Transferring Out

Steps	Requirements and Action That Must Be Completed
Initial step	The parent(s)/guardian(s) of a student shall notify the Building Principal of their intent, pay outstanding fees or fines, sign a release form authorizing the release of student records, and return all school-owned property.
Compliance with the Illinois School Student Records Act	After receiving a request to transfer school student records, the Building Principal or designee of the transferring school must provide written notice of the nature and substance of the information to be transferred and the opportunity to inspect, copy, and challenge the record. 23 Ill.Admin.Code §375.70(a). The Building Principal or designee of the transferring school must, within 10 days of the notice of the student's transfer, forward a copy of the student's school record to the student's new school. 105 ILCS 10/8.1(b); 23 Ill.Admin.Code §375.75(c), (h). Each school must forward written information relative to the grade levels, subjects and record of academic grades achieved, current mathematics and language arts placement levels, health records, and a most current set of standardized test reports. However, if the student has unpaid fines or fees and is transferring to a public school located in Illinois or any other state, an official record of the student's grades will be sent in lieu of the student's official transcript of scholastic records. 105 ILCS 5/2-3.13a(a); 23 Ill.Admin.Code §375.75(i). For children of active duty military personnel, if official educational records cannot be released to a student for the purpose of transferring, the Building Principal or designee shall prepare and furnish a complete set of unofficial educational records to the extent feasible. 105 ILCS 70/32(a).

Steps	Requirements and Action That Must Be Completed
	The Building Principal or designee shall, within 10 days after the student has paid all of his or her outstanding fines and fees and at the school's own expense, forward an official transcript of the scholastic records as defined in 23 Ill.Admin.Code §375.75(i). 105 ILCS 5/2-3.13a(a). The Building Principal shall notify the parent(s)/guardian(s) and the student of the destruction schedule for the student's permanent and temporary school records and of his or her right to request a copy of those records. 105 ILCS 10/4(h); 23 Ill.Admin.Code §375.40(c). If within 150 days after a student leaves a school, the school has not received a request for the student's record, or been presented with other documentation that the student has enrolled in another school, the student is counted in the school's and District's calculation of its annual dropout rate. 105 ILCS 5/2-3.13a(c); 23 Ill.Admin.Code §375.75(e).
Compliance with requirements for destruction of biometric information (if applicable)	The Building Principal or designee of the transferring school shall, within 30 days, ensure the destruction of any biometric information collected in accordance with the Student Biometric Information Collection subhead in 7:340, <i>Student Records</i>. No biometric information shall be transferred to another school district in which a student has enrolled. 105 ILCS 5/10-20.40; 23 Ill.Admin.Code §375.70(a)(2). Destruction of a student's biometric information is not subject to authorization by the appropriate Local Record Commission (50 ILCS 205/7). 105 ILCS 5/10-20.40(d); 23 Ill.Admin.Code §375.40(c).
Compliance with the Missing Children Records Act and Missing Children Registration Law	The Building Principal or designee of the transferring school must send the student's records within 10 days of receipt of the request, unless the record has been flagged pursuant to the Missing Children Records Act and/or Missing Children Registration Law; if flagged, the copy shall not be forwarded and the requested school must notify the local law enforcement authority and ISP of the request. 325 ILCS 55/5 and 50/5. If ISP notifies a school of a current or former student's disappearance, the school must flag the student's record so that whenever information regarding the record is requested, the school can immediately report the request to ISP.
Compliance with the Good Standing Requirement	The Building Principal or designee of the transferring school shall send to the school in which the student will or has enrolled a completed <i>Good Standing Form</i> (ISBE Form 33-78 available at: www.isbe.net/Documents/33-78_student_transfer.pdf) and, if a transferring student is currently suspended or expelled, indicate (105 ILCS 5/2-3.13a(a)): 1. The date and duration of the suspension or expulsion, and

Steps	Requirements and Action That Must Be Completed
	2. Whether the suspension or expulsion is for knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act (20 U.S.C. §7961 <u>et seq.</u>), for knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or for battering a staff member of the school.
Compliance with the Illinois Domestic Violence Act	If a child transferring to another school is a <i>protected person</i> under an order of protection, the petitioner may request the Building Principal or designee to provide written notice of the order of protection, along with a certified copy of the order, to the institution to which the child is transferring. 750 ILCS 60/222(f). The Building Principal or designee shall respond to the above request by providing, within 24 hours of the transfer or sooner if possible, written notice of the order of protection, along with a certified copy of the order, to the institution to which the child is transferring. 750 ILCS 60/222(f).
Compliance with requirements for tracking transfer	The Superintendent and Building Principal, or their designees, shall count a student as a dropout in the calculation of a school's and District's annual student dropout rate unless the school or district to which a student transferred sends notification that the student has enrolled in the transferee school or school district. 105 ILCS 5/2-3.13a(c); 23 Ill.Admin.Code §375.75(e).

LEGAL REF.: 20 U.S.C. §1232g, Family Educational Rights and Privacy Act.

Plyler v. Doe, 457 U.S. 202 (1982).

105 ILCS 5/2-3.13a, 5/10-20.40, and 5/10-22.6.

105 ILCS 10/, Ill. School Student Records Act.

105 ILCS 45/, Education for Homeless Children Act.

105 ILCS 70/, Educational Opportunity for Military Children Act.

325 ILCS 50/, Missing Children Records Act.

325 ILCS 55/, Missing Children Registration Law.

750 ILCS 60/222, Ill. Domestic Violence Act of 1986.

20 Ill.Admin.Code §1290.60(a).

23 Ill.Admin.Code Part 375, Student Records.