

OFFICE OF THE SUPERINTENDENT

Millburn Public Schools

INFORMATION ITEM

November 2, 2009

To: Board of Education Members

From: Ellen E. Mauer, PhD

Subject: First Reading-Board Policy-School Admissions and Student Transfers to and from Non-District Schools- 7:50 & 7:51

These policies are being combined into one policy in the way that IASB recommends. Other updates include:

- #3 under admission procedure in which the medical, dental, and eye information are updated to comply with changes in state law
- new section regarding homeless children is added so that we are in compliance
- new section on student transfers from schools that designate that if a child is in the midst of serving a suspension or expulsion, that action follows to our school
- new section on foreign students which only applies to high schools. We can keep it or omit it as you wish

We also added language indicating that we do not generally do early admittance to kindergarten with some exceptions listed.

We ask that you use this as your first reading period and then put this on the next BOE meeting agenda for a second reading and approval.

Students

School Admissions and Student Transfers To and From Non-District Schools ¹

Age [Elementary or Unit Districts only]

To be eligible for admission, a child must be 5 years old on or before September 1 of that school term. ² Children who enter first grade must be 6 years of age on or before September 1 of that school term. ³ A child with exceptional needs who qualifies for special education services is eligible for admission at 3 years of age. ⁴

District 24 does not permit early admittance. Exceptions to the policy are those students who have attended approved kindergarten programs in other states, or have attended a program approved by the Illinois State Board of Education. Millburn Community Consolidated School District 24 however, retains the right to place children in the class and grade level determined most appropriate by Millburn District personnel as permitted by the School Code.

Admission Procedure

All students must register for school each year on the dates and at the place designated by the Superintendent.

Parents/guardians of students enrolling in the District for the first time must present:

1. A certified copy of the student's birth certificate. The school shall promptly make a copy of the certified copy for its records, place the copy in the student's temporary record, and return the original to the person enrolling the child. Upon the failure of a person enrolling a student to provide a copy of the student's birth certificate, the Building Principal 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 case shall be referred to the local law enforcement authority for investigation. If compliance is not obtained within that 10-day period, the Principal shall so refer the case. The Principal shall immediately report to the local law enforcement authority any material received pursuant to this paragraph that appears inaccurate or suspicious in form or content. ⁵

The footnotes are not intended to be part of the adopted policy; they should be removed before the policy is adopted.

¹ State law requires some of the subject matter contained in this sample policy to be covered by policy and controls this policy's content. Boards must adopt a policy on school admissions (105 ILCS 5/10-21.2) and restricting a student from transferring from another school while under a suspension or expulsion from that school (105 ILCS 5/10-22.6).

² 105 ILCS 5/10-20.12. The district may, however, establish a kindergarten for children between the ages of 4 and 6 years old (105 ILCS 5/10-20.19a and 5/10-22.18). Any child between the ages of 7 and 17 must attend public or private school, with certain exceptions allowed for physical and mental disability, lawful employment, or other reasons as specified by statute (105 ILCS 5/26-1).

³ Optional.

⁴ 105 ILCS 5/14-1.02 and 5/14-1.03a; 23 Ill.Admin.Code §§1.450(d) and 226.120. Note that after a child is determined to be eligible for special education services, the child must be placed in the appropriate program no later than the beginning of the next school semester (105 ILCS 5/14-8.02(b)).

⁵ Missing Children Records Act (325 ILCS 50 et seq.) and the Missing Children Registration Law (325 ILCS 55 et seq.). A certified copy of the student's birth certificate is the only acceptable proof of the child's identity and age (20 Ill.Admin.Code §1290.60(a)). The Missing Children's Records Act, as amended by P.A. 95-793, requires schools to make prompt copies of these certified copies. Once made, the schools need not request another certified copy with respect to that child for any other year in which the child is enrolled in that school or other entity. While the Act does not mandate where the copy should be kept, it is appropriate for placement in the student's temporary record. 23 Ill.Admin.Code § 375.10

2. Proof of residence, as required by Board policy 7:60, *Residence*.
3. Proof of disease immunization or detection and the required physical examination, as required by State law and Board policy 7:100, *Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students*.⁶

Homeless Children

Any homeless child shall be immediately admitted, even if the child or child's parent/guardian is unable to produce records normally required for enrollment. ⁷ Board policy 6:140, *Education of Homeless Children*, and its implementing administrative procedure, govern the enrollment of homeless children.

Student Transfers To and From Non-District Schools ⁸

A student may transfer into or out of the District according to State law and procedures developed by the Superintendent. A student seeking to transfer into the District must serve the entire term of any suspension or expulsion, imposed for any reason by any public or private school, in this or any other state, before being admitted into the School District.

Foreign Students [*High School or Unit Districts only*] ⁹

A district must also "flag" a student's record on notification by the State police of the student's disappearance and report to the State police any request for a "flagged" student record.

⁶ Each school must maintain records for each student that reflect compliance with the examinations and immunizations required by 105 ILCS 5/27-8.1, as amended by P.A. 95-422 and P.A. 95-671; 23 Ill.Admin.Code §1.530(a). A Tuberculosis skin test is required if the student lives in an area designated by the Dept. of Public Health as having a high incidence of Tuberculosis.

⁷ Required by 105 ILCS 45/1-1 et seq. and the McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq., as amended by the No Child Left Behind Act. See §11432(g)(3)(C)(i).

⁸ 105 ILCS 5/2-3.13a requires each transferor (original) school to keep documentation of transfers in the student's record. An ISBE rule provides: "If within 150 days after a student leaves a school, that school or school district has not received a request for the student's record, or been presented with other documentation that the student has enrolled in another school, then the student shall be counted in the school's or school district's calculation of its annual dropout rate," (23 Ill.Admin.Code §375.75(d)).

105 ILCS 5/10-22.6 requires boards to adopt a policy restricting a student from transferring from another school while under a suspension or expulsion from that school. A board has 2 basic options: under option one, it may comply with the minimum requirements of State law by refusing to allow a student transferring from any public school to attend classes until the period of any suspension or expulsion has expired when the penalty was for: (1) knowingly possessing in a school building or on school grounds a weapon as defined in the Gun Free Schools Act, (2) knowingly possessing, selling, or delivering in a school building or on school grounds a controlled substance or cannabis, or (3) battering a staff member of the school. Under option two, a board may require a student who was suspended or expelled for any reason from any public or private school in this or any other state to complete the entire term of the suspension or expulsion before being admitted to the school district. The sample policy uses the second, more simple, more comprehensive alternative. Under either option, however, a board may allow placement of the student in an alternative school program established under Article 13A for the remainder of the suspension or expulsion, as reflected in the following optional addition:

Upon the Superintendent or designee's recommendation, the Board may allow a student who was suspended or expelled from any public or private school to be placed in an alternative school program established under Article 13A of The School Code for the remainder of the suspension or expulsion.

⁹ Generally, a citizen of a foreign country who wishes to enter the U.S. must first obtain either: (1) a nonimmigrant visa (for temporary stay for tourism, medical treatment, business, temporary work, or study), or (2) an immigrant visa for permanent residence. Common visas presented by foreign students are:

1. J-1 nonimmigrant visas for participants in educational and cultural exchange programs designated by the U.S. Department of State, Exchange Visitor Program, and Designation Staff. These students are enrolled provided they otherwise qualify for admission.

The District accepts foreign exchange students with a J-1 visa and who reside within the District as participants in an exchange program sponsored by organizations screened by administration. Exchange students on a J-1 visa are not required to pay tuition. **10**

Privately sponsored exchange students on an F-1 visa may be enrolled if an adult resident of the District has temporary guardianship and the student lives in the home of that guardian. Exchange students on an F-1 visa are required to pay tuition at the established District rate. **11** F-1 visa student admission is limited to high schools and attendance may not exceed 12 months.

The Board may limit the number of exchange students admitted in any given year. Exchange students must comply with District immunization requirements. Once admitted, exchange students become subject to all District policies and regulations governing students.

Re-enrollment **12** [*High School or Unit Districts only*]

Re-enrollment shall be denied to any individual 19 years of age or above who has dropped out of school and who could not earn sufficient credits during the normal school year(s) to graduate before

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2. F-1 nonimmigrant student visa. F-1 visas are not issued for attendance at an elementary or middle school (K-8). Before obtaining an F-1 student visa, the individual must submit evidence that the school district has been reimbursed for the unsubsidized per capita cost of the education. These students are enrolled provided they otherwise qualify for admission. However, attendance at U.S. public high schools cannot exceed a total of 12 months.
 3. B-2 visitor nonimmigrant visas. There is disagreement over whether these students must be enrolled tuition free. Their "visitor" visa is evidence of non-resident status. Call INS or the district's attorney for guidance.
 4. The qualified school-age child of an alien who holds another type of visa (i.e., A, E, H, I, L, etc.), other than a visitor visa. These students are enrolled provided they otherwise qualify for admission. Likewise, dependents of foreign nationals on long-term visas are enrolled provided they otherwise qualify for admission.
 5. No immigration documentation. Plyler v. Doe, 102 S.Ct. 2382 (1982). A school cannot deny admission based upon immigration (illegal) status alone. Note that singling out foreign-looking students for visa requests is probably illegal discrimination. Thus, undocumented aliens are enrolled, provided they otherwise qualify for admission.
 6. Immigrant visa. These students are enrolled provided they otherwise qualify for admission.

The Student and Exchange Visitor Information System (SEVIS) is an Internet-based system that provides tracking and monitoring, with access to accurate and current information on nonimmigrant students (F and M visas) and exchange visitors (J visa), and their dependents (F-2, M-2, and J-2). See §641, Illegal Immigration Reform and Immigrant Responsibility Act. Section 641 is an exception to the Family Educational Rights and Privacy Act. See 8 C.F.R. §214.1(h). SEVIS enables schools and program sponsors to transmit electronic information and event notifications, via the Internet, to the INS and Department of State throughout a student's or exchange visitor's stay. SEVIS will provide system alerts, event notifications, and reports to the end-user schools and programs, as well as for INS and DOS offices.

According to federal regulations, students who apply for F-1, M-1, F-3, or M-3 visas must pay a \$100 fee, and students who apply for J-1 visas must pay a \$35 fee, to the Department of Homeland Security. The regulations describe when and how the fee is to be paid, who is exempt from the fee, and the consequences for failure to pay (8 C.F.R. Parts 103, 214, and 299).

Important: Admitting students on an F-1 visa may require the district to admit students transferring from another district under NCLBA's school choice provisions. See policy 7:60, *Residence*.

10 State law allows, but does not require, boards to waive nonresident tuition for these students (105 ILCS 5/10-22.5a).

11 Exchange students on F-1 visas must pay the full-unsubsidized public education costs before entering the U.S. (8 U.S.C. §1101). Boards may not waive the fee.

12 105 ILCS 5/26-2(b). The requirements in this section are provided in State law, that is: (1) it is mandatory that a district deny re-enrollment as provided in this section, (2) it is permissive whether to enroll the individual in a district graduation incentives program or alternative learning opportunities program (although depending on circumstances, a student below the age of 20 may be entitled to enroll in a graduation incentives program), (3) it is mandatory to provide due process before denying re-enrollment, (4) it is mandatory to offer the individual who is denied re-enrollment counseling and to direct that person to alternative educational programs, and (5) it is mandatory to that this section not apply to students eligible for special education.

105 ILCS 5/26-2(c) allows a district to deny enrollment to a student 17 years of age or older for one semester for failure to meet minimum academic or attendance standards if certain conditions are met. See policy 7:70, *Attendance and Truancy*.

his or her 21st birthday. However, at the Superintendent's or designee's discretion and depending on program availability, the individual may be enrolled in a graduation incentives program established under 105 ILCS 5/26-16 or an alternative learning opportunities program established under 105 ILCS 5/13B-1 (see 6:110, *Programs for Students At Risk of Academic Failure and/or Dropping Out of School and Graduation Incentives Program*). Before being denied re-enrollment, the District will offer the individual due process as required in cases of expulsion under policy 7:210, *Expulsion Procedures*. A person denied re-enrollment will be offered counseling and be directed to alternative educational programs, including adult education programs that lead to graduation or receipt of a GED diploma. This section does not apply to students eligible for special education under the Individuals with Disabilities in Education Act or accommodation plans under the Americans with Disabilities Act.

LEGAL REF.: McKinney Homeless Assistance Act, 42 U.S.C. §11431 et seq.
Family Educational Rights and Privacy Act, 20 U.S.C. §1232.
Illegal Immigrant and Immigrant Responsibility Act of 1996, 8 U.S.C. §1101.
20 U.S.C. §1400 et seq.
42 U.S.C. §12101 et seq.
105 ILCS 5/2-3.13a, 5/10-20.12, 5/10-22.5a, 5/14-1.02, 5/14-1.03a, 5/26-1, 5/26-2,
5/27-8.1, and 10/8.1.
410 ILCS 315/2e.
325 ILCS 55/1 et seq. and 50/1 et seq.
20 Ill. Admin.Code §1290 et seq.
23 Ill.Admin.Code §375 et seq.

CROSS REF.: 6:30 (Organization of Instruction), 6:110 (Programs for Students At Risk of Academic Failure and/or Dropping out of School and Graduation Incentives Program), 6:140 (Education of Homeless Children), 6:310 (Credit for Alternative Courses and Programs, and Course Substitutions), 7:50 (School Admissions and Student Transfers To and From Non-District Schools), 7:60 (Residence), 7:70 (Attendance and Truancy), 7:100 (Health, Eye, and Dental Examinations; Immunizations; and Exclusion of Students), 7:340 (Student Records)

Students

School Admissions and Student Transfers to and from Non-District Schools

Age

To be eligible for admission, a child must be 5 years old on or before September 1 of that school term. A child with exceptional needs who qualifies for special education services is eligible for admission at 3 years of age.

Admission Procedure

All students must register for school each year on the dates and at the place designated by the Superintendent.

Students enrolling in the District for the first time must present:

1. A birth certificate or other reliable proof of identity and age. Upon the failure of a person enrolling a student to provide a copy of the student's birth certificate or other reliable proof of identity and age, the Building Principal 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 case shall be referred to the local law enforcement authority for investigation. If compliance is not obtained within that 10-day period, the Principal shall so refer the case. The Principal shall immediately report to the local law enforcement authority any material received pursuant to this paragraph that appears inaccurate or suspicious in form or content.
2. Proof of residence, as required by Board policy 7:60, *Residence*.
3. Proof of disease immunization or detection and the required physical examination, as required by State law and Board policy 7:100, *Health Examinations, Immunizations, and Exclusion of Students*. Parent(s)/guardian(s) are encouraged to have their child undergo a dental examination.

LEGAL REF.: Family Educational Rights and Privacy Act, 20 U.S.C. § 1232.
Illegal Immigrant and Immigrant Responsibility Act of 1996, 8 U.S.C. § 1101.
20 U.S.C. § 1400 et seq.
42 U.S.C. § 12101 et seq.
105 ILCS 5/2-3.13a, 5/10-20.12, 5/10-22.5a, 5/14-1.02, 5/14-1.03a, 5/26-1, 5/26-2, 5/27-8.1, and 10/8.1.
325 ILCS 55/1 et seq. and 50/1 et seq.
23 Ill. Admin. Code § 375 et seq.

CROSS REF.: 7:60 (Residence), 7:340 (Student Records)

ADOPTED: May 20, 2002

Students

School Admissions and Student Transfers to and from Non-District Schools

Age

To be eligible for admission to the school, a child must be 5 years old on or before September 1 of the school term in order to attend kindergarten classes. Additionally, students entering 1st grade must have attained the age of 6 on or before September 1 of the year they are to enter 1st grade. Exceptions to the policy are those students who have attended approved kindergarten programs in other states, or have attended a program approved by the Illinois State Board of Education. Millburn Community Consolidated School District #24 however, retains the right to place children in the class and grade level determined most appropriate by Millburn School personnel as permitted by the School Code.

ADOPTED: 11/25/02