



Rep. Anna Moeller

Filed: 4/12/2021

10200HB3223ham001

LRB102 10689 CMG 24905 a

1 AMENDMENT TO HOUSE BILL 3223

2 AMENDMENT NO. _____. Amend House Bill 3223 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by changing
5 Sections 10-22.6, 10-22.6a, 13A-11, 22-60, 26-2a, 27A-5, and
6 34-18.24 and by adding Article 26A as follows:

7 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

8 Sec. 10-22.6. Suspension or expulsion of pupils; school
9 searches.

10 (a) To expel pupils guilty of gross disobedience or
11 misconduct, including gross disobedience or misconduct
12 perpetuated by electronic means, pursuant to subsection (b-20)
13 of this Section, and no action shall lie against them for such
14 expulsion. Expulsion shall take place only after the parents
15 or guardians have been requested to appear at a meeting of the
16 board, or with a hearing officer appointed by it, to discuss

1 their child's behavior. Such request shall be made by
2 registered or certified mail and shall state the time, place
3 and purpose of the meeting. The board, or a hearing officer
4 appointed by it, at such meeting shall state the reasons for
5 dismissal and the date on which the expulsion is to become
6 effective. If a hearing officer is appointed by the board, he
7 shall report to the board a written summary of the evidence
8 heard at the meeting and the board may take such action thereon
9 as it finds appropriate. If the board acts to expel a pupil,
10 the written expulsion decision shall detail the specific
11 reasons why removing the pupil from the learning environment
12 is in the best interest of the school. The expulsion decision
13 shall also include a rationale as to the specific duration of
14 the expulsion. An expelled pupil may be immediately
15 transferred to an alternative program in the manner provided
16 in Article 13A or 13B of this Code. A pupil must not be denied
17 transfer because of the expulsion, except in cases in which
18 such transfer is deemed to cause a threat to the safety of
19 students or staff in the alternative program.

20 (b) To suspend or by policy to authorize the
21 superintendent of the district or the principal, assistant
22 principal, or dean of students of any school to suspend pupils
23 guilty of gross disobedience or misconduct, or to suspend
24 pupils guilty of gross disobedience or misconduct on the
25 school bus from riding the school bus, pursuant to subsections
26 (b-15) and (b-20) of this Section, and no action shall lie

1 against them for such suspension. The board may by policy
2 authorize the superintendent of the district or the principal,
3 assistant principal, or dean of students of any school to
4 suspend pupils guilty of such acts for a period not to exceed
5 10 school days. If a pupil is suspended due to gross
6 disobedience or misconduct on a school bus, the board may
7 suspend the pupil in excess of 10 school days for safety
8 reasons.

9 Any suspension shall be reported immediately to the
10 parents or guardians ~~guardian~~ of a pupil along with a full
11 statement of the reasons for such suspension and a notice of
12 their right to a review. The school board must be given a
13 summary of the notice, including the reason for the suspension
14 and the suspension length. Upon request of the parents or
15 guardians ~~guardian~~, the school board or a hearing officer
16 appointed by it shall review such action of the superintendent
17 or principal, assistant principal, or dean of students. At
18 such review, the parents or guardians ~~guardian~~ of the pupil
19 may appear and discuss the suspension with the board or its
20 hearing officer. If a hearing officer is appointed by the
21 board, he shall report to the board a written summary of the
22 evidence heard at the meeting. After its hearing or upon
23 receipt of the written report of its hearing officer, the
24 board may take such action as it finds appropriate. If a
25 student is suspended pursuant to this subsection (b), the
26 board shall, in the written suspension decision, detail the

1 specific act of gross disobedience or misconduct resulting in
2 the decision to suspend. The suspension decision shall also
3 include a rationale as to the specific duration of the
4 suspension. A pupil who is suspended in excess of 20 school
5 days may be immediately transferred to an alternative program
6 in the manner provided in Article 13A or 13B of this Code. A
7 pupil must not be denied transfer because of the suspension,
8 except in cases in which such transfer is deemed to cause a
9 threat to the safety of students or staff in the alternative
10 program.

11 (b-5) Among the many possible disciplinary interventions
12 and consequences available to school officials, school
13 exclusions, such as out-of-school suspensions and expulsions,
14 are the most serious. School officials shall limit the number
15 and duration of expulsions and suspensions to the greatest
16 extent practicable, and it is recommended that they use them
17 only for legitimate educational purposes. To ensure that
18 students are not excluded from school unnecessarily, it is
19 recommended that school officials consider forms of
20 non-exclusionary discipline prior to using out-of-school
21 suspensions or expulsions.

22 (b-10) Unless otherwise required by federal law or this
23 Code, school boards may not institute zero-tolerance policies
24 by which school administrators are required to suspend or
25 expel students for particular behaviors.

26 (b-15) Out-of-school suspensions of 3 days or less may be

1 used only if the student's continuing presence in school would
2 pose a threat to school safety or a disruption to other
3 students' learning opportunities. For purposes of this
4 subsection (b-15), "threat to school safety or a disruption to
5 other students' learning opportunities" shall be determined on
6 a case-by-case basis by the school board or its designee.
7 School officials shall make all reasonable efforts to resolve
8 such threats, address such disruptions, and minimize the
9 length of suspensions to the greatest extent practicable.

10 (b-20) Unless otherwise required by this Code,
11 out-of-school suspensions of longer than 3 days, expulsions,
12 and disciplinary removals to alternative schools may be used
13 only if other appropriate and available behavioral and
14 disciplinary interventions have been exhausted and the
15 student's continuing presence in school would either (i) pose
16 a threat to the safety of other students, staff, or members of
17 the school community or (ii) substantially disrupt, impede, or
18 interfere with the operation of the school. For purposes of
19 this subsection (b-20), "threat to the safety of other
20 students, staff, or members of the school community" and
21 "substantially disrupt, impede, or interfere with the
22 operation of the school" shall be determined on a case-by-case
23 basis by school officials. For purposes of this subsection
24 (b-20), the determination of whether "appropriate and
25 available behavioral and disciplinary interventions have been
26 exhausted" shall be made by school officials. School officials

1 shall make all reasonable efforts to resolve such threats,
2 address such disruptions, and minimize the length of student
3 exclusions to the greatest extent practicable. Within the
4 suspension decision described in subsection (b) of this
5 Section or the expulsion decision described in subsection (a)
6 of this Section, it shall be documented whether other
7 interventions were attempted or whether it was determined that
8 there were no other appropriate and available interventions.

9 (b-25) Students who are suspended out-of-school for longer
10 than 4 school days shall be provided appropriate and available
11 support services during the period of their suspension. For
12 purposes of this subsection (b-25), "appropriate and available
13 support services" shall be determined by school authorities.
14 Within the suspension decision described in subsection (b) of
15 this Section, it shall be documented whether such services are
16 to be provided or whether it was determined that there are no
17 such appropriate and available services.

18 A school district may refer students who are expelled to
19 appropriate and available support services.

20 A school district shall create a policy to facilitate the
21 re-engagement of students who are suspended out-of-school,
22 expelled, or returning from an alternative school setting.

23 (b-30) A school district shall create a policy by which
24 suspended pupils, including those pupils suspended from the
25 school bus who do not have alternate transportation to school,
26 shall have the opportunity to make up work for equivalent

1 academic credit. It shall be the responsibility of a pupil's
2 parents or guardians ~~parent or guardian~~ to notify school
3 officials that a pupil suspended from the school bus does not
4 have alternate transportation to school.

5 (b-35) In all suspension review hearings conducted
6 pursuant to subsection (b) or expulsion hearings conducted
7 pursuant to subsection (a), a student may disclose any factor
8 to be considered in mitigation, including his or her status as
9 a parent, expectant parent, or victim of domestic or sexual
10 violence, as defined in Article 26A. A representative of the
11 parent's or guardian's choice must be permitted to represent
12 the student throughout the proceedings and to address the
13 school board or its appointed hearing officer. With the
14 approval of the student's parent or guardian, a support person
15 must be permitted to accompany the student to any disciplinary
16 hearings or proceedings. A suspension or expulsion proceeding
17 under this subsection (b-35) must be conducted independently
18 from any ongoing criminal investigation or proceeding, and an
19 absence of pending or possible criminal charges, criminal
20 investigations, or proceedings may not be a factor in school
21 disciplinary decisions.

22 (b-40) During a suspension review hearing conducted
23 pursuant to subsection (b) or an expulsion hearing conducted
24 pursuant to subsection (a) that involves allegations of sexual
25 violence by the student who is subject to discipline, neither
26 the student nor his or her representative shall directly

1 question nor have direct contact with the alleged victim. The
2 student who is subject to discipline or his or her
3 representative may, at the discretion and direction of the
4 school board or its appointed hearing officer, suggest
5 questions to be posed by the school board or its appointed
6 hearing officer to the alleged victim.

7 (c) The Department of Human Services shall be invited to
8 send a representative to consult with the board at such
9 meeting whenever there is evidence that mental illness may be
10 the cause for expulsion or suspension.

11 (c-5) School districts shall make reasonable efforts to
12 provide ongoing professional development to teachers,
13 administrators, school board members, school resource
14 officers, and staff on the adverse consequences of school
15 exclusion and justice-system involvement, effective classroom
16 management strategies, culturally responsive discipline, the
17 appropriate and available supportive services for the
18 promotion of student attendance and engagement, and
19 developmentally appropriate disciplinary methods that promote
20 positive and healthy school climates.

21 (d) The board may expel a student for a definite period of
22 time not to exceed 2 calendar years, as determined on a
23 case-by-case basis. A student who is determined to have
24 brought one of the following objects to school, any
25 school-sponsored activity or event, or any activity or event
26 that bears a reasonable relationship to school shall be

1 expelled for a period of not less than one year:

2 (1) A firearm. For the purposes of this Section,
3 "firearm" means any gun, rifle, shotgun, weapon as defined
4 by Section 921 of Title 18 of the United States Code,
5 firearm as defined in Section 1.1 of the Firearm Owners
6 Identification Card Act, or firearm as defined in Section
7 24-1 of the Criminal Code of 2012. The expulsion period
8 under this subdivision (1) may be modified by the
9 superintendent, and the superintendent's determination may
10 be modified by the board on a case-by-case basis.

11 (2) A knife, brass knuckles or other knuckle weapon
12 regardless of its composition, a billy club, or any other
13 object if used or attempted to be used to cause bodily
14 harm, including "look alike" of any firearm as defined in
15 subdivision (1) of this subsection (d). The expulsion
16 requirement under this subdivision (2) may be modified by
17 the superintendent, and the superintendent's determination
18 may be modified by the board on a case-by-case basis.

19 Expulsion or suspension shall be construed in a manner
20 consistent with the federal Individuals with Disabilities
21 Education Act. A student who is subject to suspension or
22 expulsion as provided in this Section may be eligible for a
23 transfer to an alternative school program in accordance with
24 Article 13A of the School Code.

25 (d-5) The board may suspend or by regulation authorize the
26 superintendent of the district or the principal, assistant

1 principal, or dean of students of any school to suspend a
2 student for a period not to exceed 10 school days or may expel
3 a student for a definite period of time not to exceed 2
4 calendar years, as determined on a case-by-case basis, if (i)
5 that student has been determined to have made an explicit
6 threat on an Internet website against a school employee, a
7 student, or any school-related personnel, (ii) the Internet
8 website through which the threat was made is a site that was
9 accessible within the school at the time the threat was made or
10 was available to third parties who worked or studied within
11 the school grounds at the time the threat was made, and (iii)
12 the threat could be reasonably interpreted as threatening to
13 the safety and security of the threatened individual because
14 of his or her duties or employment status or status as a
15 student inside the school.

16 (e) To maintain order and security in the schools, school
17 authorities may inspect and search places and areas such as
18 lockers, desks, parking lots, and other school property and
19 equipment owned or controlled by the school, as well as
20 personal effects left in those places and areas by students,
21 without notice to or the consent of the student, and without a
22 search warrant. As a matter of public policy, the General
23 Assembly finds that students have no reasonable expectation of
24 privacy in these places and areas or in their personal effects
25 left in these places and areas. School authorities may request
26 the assistance of law enforcement officials for the purpose of

1 conducting inspections and searches of lockers, desks, parking
2 lots, and other school property and equipment owned or
3 controlled by the school for illegal drugs, weapons, or other
4 illegal or dangerous substances or materials, including
5 searches conducted through the use of specially trained dogs.
6 If a search conducted in accordance with this Section produces
7 evidence that the student has violated or is violating either
8 the law, local ordinance, or the school's policies or rules,
9 such evidence may be seized by school authorities, and
10 disciplinary action may be taken. School authorities may also
11 turn over such evidence to law enforcement authorities.

12 (f) Suspension or expulsion may include suspension or
13 expulsion from school and all school activities and a
14 prohibition from being present on school grounds.

15 (g) A school district may adopt a policy providing that if
16 a student is suspended or expelled for any reason from any
17 public or private school in this or any other state, the
18 student must complete the entire term of the suspension or
19 expulsion in an alternative school program under Article 13A
20 of this Code or an alternative learning opportunities program
21 under Article 13B of this Code before being admitted into the
22 school district if there is no threat to the safety of students
23 or staff in the alternative program. A school district that
24 adopts a policy under this subsection (g) must include a
25 provision allowing for consideration of any mitigating
26 factors, including, but not limited to, a student's status as

1 a parent, expectant parent, or victim of domestic or sexual
2 violence, as defined in Article 26A.

3 (h) School officials shall not advise or encourage
4 students to drop out voluntarily due to behavioral or academic
5 difficulties.

6 (i) A student may not be issued a monetary fine or fee as a
7 disciplinary consequence, though this shall not preclude
8 requiring a student to provide restitution for lost, stolen,
9 or damaged property.

10 (j) Subsections (a) through (i) of this Section shall
11 apply to elementary and secondary schools, charter schools,
12 special charter districts, and school districts organized
13 under Article 34 of this Code.

14 (k) The expulsion of children enrolled in programs funded
15 under Section 1C-2 of this Code is subject to the requirements
16 under paragraph (7) of subsection (a) of Section 2-3.71 of
17 this Code.

18 (l) Beginning with the 2018-2019 school year, an in-school
19 suspension program provided by a school district for any
20 students in kindergarten through grade 12 may focus on
21 promoting non-violent conflict resolution and positive
22 interaction with other students and school personnel. A school
23 district may employ a school social worker or a licensed
24 mental health professional to oversee an in-school suspension
25 program in kindergarten through grade 12.

26 (Source: P.A. 100-105, eff. 1-1-18; 100-810, eff. 1-1-19;

1 100-863, eff. 8-14-18; 100-1035, eff. 8-22-18; 101-81, eff.
2 7-12-19.)

3 (105 ILCS 5/10-22.6a) (from Ch. 122, par. 10-22.6a)

4 Sec. 10-22.6a. Home instruction; correspondence courses.

5 (a) To provide by home instruction, correspondence courses
6 or otherwise courses of instruction for a pupil who is ~~pupils~~
7 ~~who are~~ unable to attend school because of pregnancy or
8 pregnancy-related conditions, the fulfillment of parenting
9 obligations related to the health of the child, or health and
10 safety concerns arising from domestic or sexual violence, as
11 defined in Article 26A. Such instruction shall be provided to
12 the pupil at each of the following times:

13 (1) Before ~~before~~ the birth of the child when the
14 pupil's physician, physician assistant, or advanced
15 practice nurse has indicated to the district, in writing,
16 that the pupil is medically unable to attend regular
17 classroom instruction. ~~and~~

18 (2) For ~~for~~ up to 3 months following the birth of the
19 child or a miscarriage.

20 (3) When the pupil must care for his or her ill child
21 if (i) the child's physician, physician assistant, or
22 advanced practice registered nurse has indicated to the
23 district, in writing, that the child has a serious health
24 condition that would require the pupil to be absent from
25 school for 2 or more consecutive weeks and (ii) the pupil

1 or the pupil's parent or guardian indicates to the
2 district, in writing, that the pupil is needed to provide
3 care to the child during this period. In this paragraph
4 (3), "serious health condition" means an illness, injury,
5 impairment, or physical or mental health condition that
6 involves inpatient care in a hospital, hospice, or
7 residential medical care facility or continuing treatment
8 by a health care provider that is not controlled by
9 medication alone.

10 (4) When the pupil must treat physical or mental
11 health complications or address safety concerns arising
12 from domestic or sexual violence if the pupil's domestic
13 or sexual violence organization, as defined in Article
14 26A, or health care provider has indicated to the
15 district, in writing, that the care is needed by the pupil
16 and will cause the pupil's absence from school for 2 or
17 more consecutive weeks.

18 A school district may reassess home instruction provided to a
19 pupil under paragraph (3) or (4) every 2 months to determine
20 the pupil's continuing need for instruction under this
21 Section.

22 The instruction course shall be designed to offer
23 educational experiences that are equivalent to those given to
24 pupils at the same grade level in the district and that are
25 designed to enable the pupil to return to the classroom.

26 (b) Notwithstanding any other provision of this Code or

1 State law to the contrary, if a pupil is unable to attend
2 regular classes because of the reasons set forth in subsection
3 (a) and has participated in instruction under this Section
4 that is administered by the school or the school district,
5 then the pupil may not be penalized for grading purposes or be
6 denied course completion, a return to regular classroom
7 instruction, grade level advancement, or graduation solely on
8 the basis of the pupil's participation in instruction under
9 this Section or the pupil's absence from the regular education
10 program during the period of instruction under this Section. A
11 school or school district may not use instruction under this
12 Section to replace making reasonable accommodations so that
13 pupils who are parents, expectant parents, or victims of
14 domestic or sexual violence may receive regular classroom
15 instruction.

16 (Source: P.A. 100-443, eff. 8-25-17.)

17 (105 ILCS 5/13A-11)

18 Sec. 13A-11. Chicago public schools.

19 (a) The Chicago Board of Education may establish
20 alternative schools within Chicago and may contract with third
21 parties for services otherwise performed by employees,
22 including those in a bargaining unit, in accordance with
23 Sections 34-8.1, 34-18, and 34-49.

24 (b) Alternative schools operated by third parties within
25 Chicago shall be exempt from all provisions of this Code,

1 except provisions concerning:

2 (1) student civil rights;

3 (2) staff civil rights;

4 (3) health and safety;

5 (4) performance and financial audits;

6 (5) the assessments required under Section 2-3.64a-5
7 of this Code;

8 (6) Chicago learning outcomes;

9 (7) Sections 2-3.25a through 2-3.25j of this Code;

10 (8) the Inspector General; ~~and~~

11 (9) Section 34-2.4b of this Code; and

12 (10) Article 26A and any other provision of this Code
13 concerning students who are parents, expectant parents, or
14 victims of domestic or sexual violence, as defined in
15 Article 26A.

16 (Source: P.A. 98-972, eff. 8-15-14.)

17 (105 ILCS 5/22-60)

18 Sec. 22-60. Unfunded mandates prohibited.

19 (a) No public school district or private school is
20 obligated to comply with the following types of mandates
21 unless a separate appropriation has been enacted into law
22 providing full funding for the mandate for the school year
23 during which the mandate is required:

24 (1) Any mandate in this Code enacted after the
25 effective date of this amendatory Act of the 96th General

1 Assembly.

2 (2) Any regulatory mandate promulgated by the State
3 Board of Education and adopted by rule after the effective
4 date of this amendatory Act of the 96th General Assembly
5 other than those promulgated with respect to this Section
6 or statutes already enacted on or before the effective
7 date of this amendatory Act of the 96th General Assembly.

8 (b) If the amount appropriated to fund a mandate described
9 in subsection (a) of this Section does not fully fund the
10 mandated activity, then the school district or private school
11 may choose to discontinue or modify the mandated activity to
12 ensure that the costs of compliance do not exceed the funding
13 received.

14 Before discontinuing or modifying the mandate, the school
15 district shall petition its regional superintendent of schools
16 on or before February 15 of each year to request to be exempt
17 from implementing the mandate in a school or schools in the
18 next school year. The petition shall include all legitimate
19 costs associated with implementing and operating the mandate,
20 the estimated reimbursement from State and federal sources,
21 and any unique circumstances the school district can verify
22 that exist that would cause the implementation and operation
23 of such a mandate to be cost prohibitive.

24 The regional superintendent of schools shall review the
25 petition. In accordance with the Open Meetings Act, he or she
26 shall convene a public hearing to hear testimony from the

1 school district and interested community members. The regional
2 superintendent shall, on or before March 15 of each year,
3 inform the school district of his or her decision, along with
4 the reasons why the exemption was granted or denied, in
5 writing. The regional superintendent must also send
6 notification to the State Board of Education detailing which
7 school districts requested an exemption and the results.

8 If the regional superintendent grants an exemption to the
9 school district, then the school district is relieved from the
10 requirement to establish and implement the mandate in the
11 school or schools granted an exemption for the next school
12 year. If the regional superintendent of schools does not grant
13 an exemption, then the school district shall implement the
14 mandate in accordance with the applicable law or rule by the
15 first student attendance day of the next school year. However,
16 the school district or a resident of the school district may on
17 or before April 15 appeal the decision of the regional
18 superintendent to the State Superintendent of Education. The
19 State Superintendent shall hear appeals on the decisions of
20 regional superintendents of schools no later than May 15 of
21 each year. The State Superintendent shall make a final
22 decision at the conclusion of the hearing on the school
23 district's request for an exemption from the mandate. If the
24 State Superintendent grants an exemption, then the school
25 district is relieved from the requirement to implement a
26 mandate in the school or schools granted an exemption for the

1 next school year. If the State Superintendent does not grant
2 an exemption, then the school district shall implement the
3 mandate in accordance with the applicable law or rule by the
4 first student attendance day of the next school year.

5 If a school district or private school discontinues or
6 modifies a mandated activity due to lack of full funding from
7 the State, then the school district or private school shall
8 annually maintain and update a list of discontinued or
9 modified mandated activities. The list shall be provided to
10 the State Board of Education upon request.

11 (c) This Section does not apply to (i) any new statutory or
12 regulatory mandates related to revised learning standards
13 developed through the Common Core State Standards Initiative
14 and assessments developed to align with those standards or
15 actions specified in this State's Phase 2 Race to the Top Grant
16 application if the application is approved by the United
17 States Department of Education, ~~or~~ (ii) new statutory or
18 regulatory mandates from the Race to the Top Grant through the
19 federal American Recovery and Reinvestment Act of 2009 imposed
20 on school districts designated as being in the lowest
21 performing 5% of schools within the Race to the Top Grant
22 application, or (iii) any changes made to this Code by this
23 amendatory Act of the 102nd General Assembly.

24 (d) In any instances in which this Section conflicts with
25 the State Mandates Act, the State Mandates Act shall prevail.

26 (Source: P.A. 96-1441, eff. 8-20-10.)

1 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

2 Sec. 26-2a. A "truant" is defined as a child who is subject
3 to compulsory school attendance and who is absent without
4 valid cause, as defined under this Section, from such
5 attendance for more than 1% but less than 5% of the past 180
6 school days.

7 "Valid cause" for absence shall be illness, attendance at
8 a verified medical or therapeutic appointment, appointment
9 with a victim services provider, observance of a religious
10 holiday, death in the immediate family, or family emergency,
11 and shall include such other situations beyond the control of
12 the student as determined by the board of education in each
13 district, or such other circumstances which cause reasonable
14 concern to the parent for the mental, emotional, or physical
15 health or safety of the student. For purposes of a student who
16 is an expectant parent, parent, or victim or domestic or
17 sexual violence, "valid cause" for absence shall include (i)
18 the fulfillment of a parenting responsibility, including, but
19 not limited to, arranging and providing child care, caring for
20 a sick child, attending prenatal or other medical appointments
21 for the expectant student, and attending medical appointments
22 for a child, and (ii) addressing circumstances resulting from
23 domestic or sexual violence, including, but not limited to,
24 experiencing domestic or sexual violence, recovering from
25 physical or psychological injuries, seeking medical attention,

1 seeking services from a domestic or sexual violence
2 organization, as defined in Article 26A, seeking psychological
3 or other counseling, participating in safety planning,
4 temporarily or permanently relocating, seeking legal
5 assistance or remedies, or taking any other action to increase
6 the safety or health of the student or to protect the student
7 from future domestic or sexual violence. A school district may
8 require a student to verify his or her claim of domestic or
9 sexual violence under Section 26A-45 prior to the district
10 approving a valid cause for an absence of 3 or more consecutive
11 days that is related to domestic or sexual violence.

12 "Chronic or habitual truant" shall be defined as a child
13 who is subject to compulsory school attendance and who is
14 absent without valid cause from such attendance for 5% or more
15 of the previous 180 regular attendance days.

16 "Truant minor" is defined as a chronic truant to whom
17 supportive services, including prevention, diagnostic,
18 intervention and remedial services, alternative programs and
19 other school and community resources have been provided and
20 have failed to result in the cessation of chronic truancy, or
21 have been offered and refused.

22 A "dropout" is defined as any child enrolled in grades 9
23 through 12 whose name has been removed from the district
24 enrollment roster for any reason other than the student's
25 death, extended illness, removal for medical non-compliance,
26 expulsion, aging out, graduation, or completion of a program

1 of studies and who has not transferred to another public or
2 private school and is not known to be home-schooled by his or
3 her parents or guardians or continuing school in another
4 country.

5 "Religion" for the purposes of this Article, includes all
6 aspects of religious observance and practice, as well as
7 belief.

8 (Source: P.A. 100-810, eff. 1-1-19; 100-918, eff. 8-17-18;
9 101-81, eff. 7-12-19.)

10 (105 ILCS 5/Art. 26A heading new)

11 ARTICLE 26A. CHILDREN AND STUDENTS WHO ARE PARENTS,
12 EXPECTANT PARENTS, OR VICTIMS OF
13 DOMESTIC OR SEXUAL VIOLENCE

14 (105 ILCS 5/26A-1 new)

15 Sec. 26A-1. Scope of Article. This Article applies to all
16 school districts and schools governed by this Code, including
17 schools operating under Article 13, 13A, 13B, 27A, 32, 33, or
18 34. However, this Article does not apply to the Department of
19 Juvenile Justice School District.

20 (105 ILCS 5/26A-5 new)

21 Sec. 26A-5. Purpose. The purpose of this Article is to
22 ensure that Illinois schools have policies, procedures, and
23 protocols in place that ensure children and students who are

1 parents, expectant parents, or victims of domestic or sexual
2 violence are identified by schools in a manner respectful of
3 their privacy and safety, treated with dignity and regard, and
4 provided the protection, instruction, and related
5 accommodations and services necessary to enable them to meet
6 State educational standards and successfully attain a school
7 diploma. This Article shall be interpreted liberally to aid in
8 this purpose. Nothing in this Article precludes or may be used
9 to preclude a mandated reporter from reporting child abuse or
10 child neglect as required under the Abused and Neglected Child
11 Reporting Act.

12 (105 ILCS 5/26A-10 new)

13 Sec. 26A-10. Definitions. In this Article:

14 "Confidential" means information or facts expected and
15 intended to be kept private or protected by an existing
16 privilege in the Code of Civil Procedure. Confidential
17 information may be disclosed by a school or school district if
18 such disclosure is required by State or federal law or is
19 necessary to complete proceedings relevant to this Article.
20 Designation of student information as confidential applies to
21 the school and school district and does not limit a student's
22 right to speak about the student's experiences.

23 "Consent" includes, at a minimum, a recognition that (i)
24 consent is a freely given agreement to sexual activity, (ii)
25 an individual's lack of verbal or physical resistance or

1 submission resulting from the use of threat of force does not
2 constitute consent, (iii) an individual's manner of dress does
3 not constitute consent, (iv) an individual's consent to past
4 sexual activity does not constitute consent to future sexual
5 activity, (v) an individual's consent to engage in one type of
6 sexual activity with one person does not constitute consent to
7 engage in any other type of sexual activity or sexual activity
8 with another person, (vi) an individual can withdraw consent
9 at any time, and (vii) an individual cannot consent to sexual
10 activity if that individual is unable to understand the nature
11 of the activity or give knowing consent due to the
12 circumstances that include, but are not limited to, all the
13 following:

14 (1) The individual is incapacitated due to the use or
15 influence of alcohol or drugs.

16 (2) The individual is asleep or unconscious.

17 (3) The individual is under the age of consent.

18 (4) The individual is incapacitated due to a mental
19 disability.

20 "Domestic or sexual violence" means domestic violence,
21 gender-based harassment, sexual activity without consent,
22 sexual assault, sexual violence, or stalking. Domestic or
23 sexual violence may occur through electronic communication.
24 Domestic or sexual violence exists regardless of when or where
25 the violence occurred, whether or not the violence is the
26 subject of a criminal investigation or the perpetrator has

1 been criminally charged or convicted of a crime, whether or
2 not an order of protection or a no-contact order is pending
3 before or has been issued by a court, or whether or not any
4 domestic or sexual violence took place on school grounds,
5 during regular school hours, or during a school-sponsored
6 event.

7 "Domestic or sexual violence organization" means a
8 nonprofit, nongovernmental organization that provides
9 assistance to victims of domestic or sexual violence or
10 advocates for those victims, including an organization
11 carrying out a domestic or sexual violence program, an
12 organization operating a shelter or a rape crisis center or
13 providing counseling services, an accredited children's
14 advocacy center, an organization that provides services to or
15 advocates on behalf of children and students who are gay,
16 lesbian, bi-sexual, transgender, or gender nonconforming, an
17 organization that provides services to or advocates on behalf
18 of children and students who are parents or expectant parents,
19 or an organization seeking to eliminate domestic or sexual
20 violence or to address the consequences of that violence for
21 its victims through legislative advocacy or policy change,
22 public education, or service collaboration.

23 "Domestic violence" means abuse, as defined in the
24 Illinois Domestic Violence Act of 1986, by family or household
25 members, as defined in the Illinois Domestic Violence Act of
26 1986.

1 "Electronic communication" includes communications via
2 telephone, mobile phone, computer, email, video recorder, fax
3 machine, telex, pager, apps or applications, or any other
4 electronic communication or cyberstalking under Section 12-7.5
5 of the Criminal Code of 2012.

6 "Expectant parent" means a student who (i) is pregnant and
7 (ii) has not yet received a diploma for completion of a
8 secondary education, as defined in Section 22-22.

9 "Gender-based harassment" means any harassment or
10 discrimination on the basis of an individual's actual or
11 perceived sex or gender, including unwelcome sexual advances,
12 requests for sexual favors, other verbal or physical conduct
13 of a sexual nature, or unwelcome conduct, including verbal,
14 nonverbal, or physical conduct that is not sexual in nature
15 but is related to a student's status as a parent, expectant
16 parent, or victim of domestic or sexual violence.

17 "Harassment" means any unwelcome conduct on the basis of a
18 student's actual or perceived race, gender, color, religion,
19 national origin, ancestry, sex, marital status, order of
20 protection status, disability, sexual orientation, gender
21 identity, pregnancy, or citizenship status that has the
22 purpose or effect of substantially interfering with the
23 individual's academic performance or creating an intimidating,
24 hostile, or offensive learning environment.

25 "Perpetrator" means an individual who commits or is
26 alleged to have committed any act of domestic or sexual

1 violence. The term "perpetrator" must be used with caution
2 when applied to children, particularly young children.

3 "Poor academic performance" means a student who has (i)
4 scored in the 50th percentile or below on a school
5 district-administered standardized test, (ii) received a score
6 on a State assessment that does not meet standards in one or
7 more of the fundamental learning areas under Section 27-1, as
8 applicable for the student's grade level, or (iii) not met
9 grade-level expectations on a school district-designated
10 assessment.

11 "Representative" means an adult who is authorized to act
12 on behalf of a student during a proceeding, including an
13 attorney, parent, or guardian.

14 "School" means a school district or school governed by
15 this Code, including a school operating under Article 13, 13A,
16 13B, 27A, 32, 33, or 34, other than the Department of Juvenile
17 Justice School District. "School" includes any other entity
18 responsible for administering public schools, such as
19 cooperatives, joint agreements, charter schools, special
20 charter districts, regional offices of education, local
21 agencies, or the Department of Human Services, and non-public
22 schools recognized by the State Board of Education.

23 "Sexual activity" means any knowingly touching or fondling
24 by one person, either directly or through clothing, of the sex
25 organs, anus, mouth, or breast of another person for the
26 purpose of sexual gratification or arousal.

1 "Sexual assault" or "sexual violence" means any conduct of
2 an adult or minor child proscribed in Article 11 of the
3 Criminal Code of 2012, except for Sections 11-35, 11-40, and
4 11-45 of the Criminal Code of 2012, including conduct
5 committed by a perpetrator who is a stranger to the victim and
6 conduct by a perpetrator who is known or related by blood or
7 marriage to the victim.

8 "Stalking" means any conduct proscribed in Section 12-7.3,
9 12-7.4, or 12-7.5 of the Criminal Code of 2012, including
10 stalking committed by a perpetrator who is a stranger to the
11 victim and stalking committed by a perpetrator who is known or
12 related by blood or marriage to the victim.

13 "Student" or "pupil" means any child who has not yet
14 received a diploma for completion of a secondary education, as
15 defined in Section 22-22 and pursuant to the criteria set
16 forth in subsection (b) of Section 26-2. "Student" includes,
17 but is not limited to, an unaccompanied minor not in the
18 physical custody of a parent or guardian.

19 "Student at risk of academic failure" means a student who
20 is at risk of failing to meet the Illinois Learning Standards
21 or failing to graduate from elementary or high school and who
22 demonstrates a need for educational support or social services
23 beyond those provided by the regular school program.

24 "Student parent" means a student who is a custodial or
25 noncustodial parent taking an active role in the care and
26 supervision of a child and who has not yet received a diploma

1 for completion of a secondary education, as defined in Section
2 22-22.

3 "Support person" means any person whom the victim has
4 chosen to include in proceedings for emotional support or
5 safety. A support person does not participate in proceedings
6 but is permitted to observe and support the victim with parent
7 or guardian approval. "Support person" may include, but is not
8 limited to, an advocate, clergy, a counselor, and a parent or
9 guardian. If a student is age 18 years or older, the student
10 has the right to choose a support person without parent or
11 guardian approval.

12 "Survivor-centered" means a systematic focus on the needs
13 and concerns of a survivor of sexual violence, domestic
14 violence, dating violence, or stalking that (i) ensures the
15 compassionate and sensitive delivery of services in a
16 nonjudgmental manner, (ii) ensures an understanding of how
17 trauma affects survivor behavior, (iii) maintains survivor
18 safety, privacy, and, if possible, confidentiality, and (iv)
19 recognizes that a survivor is not responsible for the sexual
20 violence, domestic violence, dating violence, or stalking.

21 "Trauma-informed response" means a response involving an
22 understanding of the complexities of sexual violence, domestic
23 violence, dating violence, or stalking through training
24 centered on the neurobiological impact of trauma, the
25 influence of societal myths and stereotypes surrounding sexual
26 violence, domestic violence, dating violence, or stalking, and

1 understanding the behavior of perpetrators.

2 "Victim" means an individual who has been subjected to one
3 or more acts of domestic or sexual violence.

4 (105 ILCS 5/26A-15 new)

5 Sec. 26A-15. Ensuring Success in School Task Force.

6 (a) The Ensuring Success in School Task Force is created
7 to do all of the following:

8 (1) Draft and publish model policies and
9 intergovernmental agreements for inter-district
10 transfers.

11 (2) Draft and publish model complaint resolution
12 procedures as required in subsection (c) of Section
13 26A-25.

14 (3) Identify current mandatory educator and staff
15 training and additional new training needed to meet the
16 requirements of Sections 26A-25 and 26A-35.

17 The policies and agreements shall be survivor-centered and
18 rooted in trauma-informed responses and used to support all
19 students, from pre-kindergarten through grade 12, who are
20 survivors of domestic or sexual violence, regardless of
21 whether the perpetrator is school-related or not, or who are
22 parenting or pregnant, regardless of whether the school is a
23 public school, nonpublic school, or charter school.

24 (b) The Task Force shall be representative of the
25 geographic, racial, ethnic, sexual orientation, gender

1 identity, and cultural diversity of this State. The Task Force
2 shall consist of all of the following members, who must be
3 appointed no later than 60 days after the effective date of
4 this amendatory Act of the 102nd General Assembly:

5 (1) One Representative appointed by the Speaker of the
6 House of Representatives.

7 (2) One Representative appointed by the Minority
8 Leader of the House of Representatives.

9 (3) One Senator appointed by the President of the
10 Senate.

11 (4) One Senator appointed by the Minority Leader of
12 the Senate.

13 (5) One member who represents a State-based
14 organization that advocates for lesbian, gay, bisexual,
15 transgender, and queer people appointed by the State
16 Superintendent of Education.

17 (6) One member who represents a State-based,
18 nonprofit, nongovernmental organization that advocates for
19 survivors of domestic violence appointed by the State
20 Superintendent of Education.

21 (7) One member who represents a statewide, nonprofit,
22 nongovernmental organization that advocates for survivors
23 of sexual violence appointed by the State Superintendent
24 of Education.

25 (8) One member who represents a statewide, nonprofit,
26 nongovernmental organization that offers free legal

1 services, including victim's rights representation, to
2 survivors of domestic violence or sexual violence
3 appointed by the State Superintendent of Education.

4 (9) One member who represents an organization that
5 advocates for pregnant or parenting youth appointed by the
6 State Superintendent of Education.

7 (10) One member who represents a youth-led
8 organization with expertise in domestic and sexual
9 violence appointed by the State Superintendent of
10 Education.

11 (11) One member who represents the Children's Advocacy
12 Centers of Illinois appointed by the State Superintendent
13 of Education.

14 (12) One representative of the State Board of
15 Education appointed by the State Superintendent of
16 Education.

17 (13) One member who represents a statewide
18 organization of social workers appointed by the State
19 Superintendent of Education.

20 (14) One member who represents a statewide
21 organization for school psychologists appointed by the
22 State Superintendent of Education.

23 (15) One member who represents a statewide
24 organization of school counselors appointed by the State
25 Superintendent of Education.

26 (16) One member who represents a statewide

1 professional teachers' organization appointed by the State
2 Superintendent of Education.

3 (17) One member who represents a different statewide
4 professional teachers' organization appointed by the State
5 Superintendent of Education.

6 (18) One member who represents a statewide
7 organization for school boards appointed by the State
8 Superintendent of Education.

9 (19) One member who represents a statewide
10 organization for school principals appointed by the State
11 Superintendent of Education.

12 (20) One member who represents a school district
13 organized under Article 34 appointed by the State
14 Superintendent of Education.

15 (c) The Task Force shall first meet at the call of the
16 State Superintendent of Education, and each subsequent meeting
17 shall be called by the chairperson, who shall be designated by
18 the State Superintendent of Education. The State Board of
19 Education shall provide administrative and other support to
20 the Task Force. Members of the Task Force shall serve without
21 compensation.

22 (d) On or before June 30, 2023, the Task Force shall report
23 its work, including model policies, guidance recommendations,
24 and agreements, to the Governor and the General Assembly. The
25 report must include all of the following:

26 (1) Model school and district policies to facilitate

1 inter-district transfers for student survivors of domestic
2 or sexual violence, expectant parents, and parents. These
3 policies shall place high value on being accessible and
4 expeditious for student survivors and pregnant and
5 parenting students.

6 (2) Model school and district policies to ensure
7 confidentiality and privacy considerations for student
8 survivors of domestic or sexual violence, expectant
9 parents, and parents. These policies must include guidance
10 regarding appropriate referrals for nonschool-based
11 services.

12 (3) Model school and district complaint resolution
13 procedures as prescribed by Section 26A-25.

14 (4) Guidance for schools and districts regarding which
15 mandatory training that is currently required for educator
16 licenses or under State or federal law would be suitable
17 to fulfill training requirements for resource personnel as
18 prescribed by Section 26A-35 and for the staff tasked with
19 implementing the complaint resolution procedure as
20 prescribed by Section 26A-25. The guidance shall evaluate
21 all relevant mandatory or recommended training, including,
22 but not limited to, the training required under subsection
23 (j) of Section 4 of the Abused and Neglected Child
24 Reporting Act, Sections 3-11, 10-23.12, 10-23.13, and
25 27-23.7 of this Code, and subsections (d) and (f) of
26 Section 10-22.39 of this Code. The guidance must also

1 identify what gaps in training exist, including, but not
2 limited to, training on trauma-informed responses and
3 racial and gender equity, and make recommendations for
4 future training programs that should be required or
5 recommended for the positions as prescribed by Sections
6 26A-25 and 26A-35.

7 (e) The Task Force is dissolved upon submission of its
8 report under subsection (d).

9 (f) This Section is repealed on December 1, 2023.

10 (105 ILCS 5/26A-20 new)

11 Sec. 26A-20. Review and revision of policies and
12 procedures.

13 (a) No later than July 1, 2024 and every 2 years
14 thereafter, each school district must review all existing
15 policies and procedures and must revise any existing policies
16 and procedures that may act as a barrier to the immediate
17 enrollment and re-enrollment, attendance, graduation, and
18 success in school of any student who is a student parent,
19 expectant student parent, or victim of domestic or sexual
20 violence or any policies or procedures that may compromise a
21 criminal investigation relating to domestic or sexual violence
22 or may re-victimize students. A school district must adopt new
23 policies and procedures, as needed, to implement this Section
24 and to ensure that immediate and effective steps are taken to
25 respond to students who are student parents, expectant

1 parents, or victims of domestic or sexual violence.

2 (b) A school district's policy must be consistent with the
3 model policy and procedures adopted by the State Board of
4 Education and under Public Act 101-531.

5 (c) A school district's policy on the procedures that a
6 student or his or her parent or guardian may follow if he or
7 she chooses to report an incident of alleged domestic or
8 sexual violence must, at a minimum, include all of the
9 following:

10 (1) The name and contact information for domestic or
11 sexual violence and parenting resource personnel, the
12 Title IX coordinator, school and school district resource
13 officers or security, and a community-based domestic or
14 sexual violence organization.

15 (2) The name, title, and contact information for
16 confidential resources and a description of what
17 confidential reporting means.

18 (3) An option for the student or the student's parent
19 or guardian to electronically, anonymously, and
20 confidentially report the incident.

21 (4) An option for reports by third parties and
22 bystanders.

23 (5) Information regarding the various individuals,
24 departments, or organizations to whom a student may report
25 an incident of domestic or sexual violence, specifying for
26 each individual or entity (i) the extent of the

1 individual's or entity's reporting obligation to the
2 school's or school district's administration, Title IX
3 coordinator, or other personnel or entity, (ii) the
4 individual's or entity's ability to protect the student's
5 privacy, and (iii) the extent of the individual's or
6 entity's ability to have confidential communications with
7 the student or his or her parent or guardian.

8 (6) The adoption of a complaint resolution procedure
9 as provided in Section 26A-25.

10 (d) A school district must post its revised policies and
11 procedures on its website, distribute them at the beginning of
12 each school year to each student, and make copies available to
13 each student and his or her parent or guardian for inspection
14 and copying at no cost to the student or parent or guardian at
15 each school within a school district.

16 (105 ILCS 5/26A-25 new)

17 Sec. 26A-25. Complaint resolution procedure.

18 (a) On or before July 1, 2024, each school district must
19 adopt one procedure to resolve complaints of violations of
20 this amendatory Act of the 102nd General Assembly. The
21 respondent must be the school, school district, or school
22 personnel. These procedures shall comply with the
23 confidentiality provisions of Sections 26A-20 and 26A-30. The
24 procedures must include, at minimum, all of the following:

25 (1) The opportunity to consider the most appropriate

1 means to execute the procedure considering school safety,
2 the developmental level of students, methods to reduce
3 trauma during the procedure, and how to avoid multiple
4 communications with students involved with an alleged
5 incident of domestic or sexual violence.

6 (2) Any proceeding, meeting, or hearing held to
7 resolve complaints of any violation of this amendatory Act
8 of the 102nd General Assembly must protect the privacy of
9 the participating parties and witnesses. A school, school
10 district, or school personnel may not disclose the
11 identity of parties or witnesses, except as necessary to
12 resolve the complaint or to implement interim protective
13 measures and reasonable accommodations or when required by
14 State or federal law.

15 (3) Complainants alleging violations of this
16 amendatory Act of the 102nd General Assembly must have the
17 opportunity to request that the complaint resolution
18 procedure begin promptly and proceed in a timely manner.

19 (b) A school district must determine the individuals who
20 will resolve complaints of violations of this amendatory Act
21 of the 102nd General Assembly.

22 (1) All individuals whose duties include resolution of
23 complaints of violations of this amendatory Act of the
24 102nd General Assembly must complete a minimum of 8 hours
25 of training on issues related to domestic and sexual
26 violence and how to conduct the school's complaint

1 resolution procedure. Training may include the in-service
2 training required under subsection (d) of Section 10-22.39
3 before commencement of those duties, and an individual
4 must receive a minimum of 6 hours of such training
5 annually thereafter. This training must be conducted by an
6 individual or individuals with expertise in domestic or
7 sexual violence in youth and expertise in developmentally
8 appropriate communications with elementary and secondary
9 school students regarding topics of a sexual, violent, or
10 sensitive nature.

11 (2) Each school must have a sufficient number of
12 individuals trained to resolve complaints so that (i) a
13 substitution can occur in the case of a conflict of
14 interest or recusal, (ii) an individual with no prior
15 involvement in the initial determination or finding may
16 hear any appeal brought by a party, and (iii) the
17 complaint resolution procedure proceeds in a timely
18 manner.

19 (3) The complainant and any witnesses shall (i)
20 receive notice of the name of the individual with
21 authority to make a finding or approve an accommodation in
22 the proceeding before the individual may initiate contact
23 with the complainant and any witnesses and (ii) have the
24 opportunity to request a substitution if the participation
25 of an individual with authority to make a finding or
26 approve an accommodation poses a conflict of interest.

1 (c) If the alleged violation of this amendatory Act of the
2 102nd General Assembly involves making a determination or a
3 finding of responsibility for causing harm, the following
4 procedures shall apply:

5 (1) The individual making the finding must use a
6 preponderance of evidence standard to determine whether
7 the incident occurred.

8 (2) The complainant and respondent and any witnesses
9 may not directly or through a representative question one
10 another. At the discretion of the individual resolving the
11 complaint, the complainant and the respondent may suggest
12 questions to be posed by the individual resolving the
13 complaint and if the individual resolving the complaint
14 decides to pose such questions.

15 (3) A live hearing is not required. If the complaint
16 resolution procedure includes a hearing, no student who is
17 a witness, including the complainant, may be compelled to
18 testify in the presence of a party or other witness. If a
19 witness invokes this right to testify outside the presence
20 of the other party or other witnesses, then the school
21 district must provide an option by which each party may,
22 at a minimum, hear the witnesses' testimony.

23 (d) Each party and witness may request and must be allowed
24 to have a representative or support persons of their choice
25 accompany them to any meeting or proceeding related to the
26 alleged violence or violation of this amendatory Act of the

1 102nd General Assembly if the involvement of the
2 representative or support persons does not result in undue
3 delay of the meeting or proceeding. This representative or
4 support persons must comply with any rules of the school
5 district's complaint resolution procedure. If the
6 representative or support persons violate the rules or engage
7 in behavior or advocacy that harasses, abuses, or intimidates
8 either party, a witness, or an individual resolving the
9 complaint, the representative or support persons may be
10 prohibited from further participation in the meeting or
11 proceeding.

12 (e) The complainant, regardless of the level of
13 involvement in the complaint resolution procedure, and the
14 respondent must have the opportunity to provide or present
15 evidence and witnesses on their behalf during the complaint
16 resolution procedure.

17 (f) The complainant and respondent and any named
18 perpetrator directly impacted by the results of the complaint
19 resolution procedure are entitled to simultaneous written
20 notification of the results of the complaint resolution
21 procedure, including information regarding appeals rights and
22 procedures, within 10 business days after a decision or sooner
23 if required by State or federal law or district policy.

24 (g) The complainant, respondents, and named perpetrator,
25 if directly impacted by the results of the complaint
26 resolution procedure, must, at a minimum, have the right to

1 timely appeal the complaint resolution procedure's findings or
2 remedies if a party alleges (i) a procedural error occurred,
3 (ii) new information exists that would substantially change
4 the outcome of the proceeding, (iii) the remedy is not
5 sufficiently related to the finding, or (iv) the decision is
6 against the weight of the evidence.

7 (h) An individual reviewing the findings or remedies may
8 not have previously participated in the complaint resolution
9 procedure and may not have a conflict of interest with either
10 party.

11 (i) The complainant and respondent and any perpetrators
12 directly impacted by the results of the complaint resolution
13 procedure must receive the appeal decision, in writing, within
14 10 business days but in no case more than 15 business days
15 after the conclusion of the review of findings or remedies or
16 sooner if required by State or federal law.

17 (j) Each school district must have a procedure to
18 determine interim protective measures and accommodations
19 available pending the resolution of the complaint, including
20 the implementation of court orders.

21 (105 ILCS 5/26A-30 new)

22 Sec. 26A-30. Confidentiality.

23 (a) Each school district must adopt and implement a policy
24 and protocol to ensure that all information concerning a
25 student's status and related experiences as a parent,

1 expectant parent, or victim of domestic or sexual violence or
2 a student who is a named perpetrator of domestic or sexual
3 violence, provided to or otherwise obtained by the school
4 district or its employees or agents pursuant to this Code or
5 otherwise, including a statement of the student or any other
6 documentation, record, or corroborating evidence that the
7 student has requested or obtained assistance, accommodations,
8 or services pursuant to this Code, shall be retained in the
9 strictest of confidence by the school district or its
10 employees or agents and may not be disclosed to any other
11 individual, including any other employee, except if such
12 actions are (i) in conflict with the Illinois School Student
13 Records Act, the federal Family Educational Rights and Privacy
14 Act of 1974, or other applicable State or federal laws, or (ii)
15 requested or consented to, in writing, by the student or the
16 student's parent or guardian if it is safe to obtain written
17 consent from the student's parent or guardian.

18 (b) Prior to disclosing information about a student's
19 status as a parent, expectant parent, or victim of domestic or
20 sexual violence, a school must notify the student and discuss
21 and address any safety concerns related to the disclosure,
22 including instances in which the student indicates or the
23 school or school district or its employees or agents are
24 otherwise aware that the student's health or safety may be at
25 risk if his or her status is disclosed to the student's parent
26 or guardian, except as otherwise required by applicable State

1 or federal law, including the Abused and Neglected Child
2 Reporting Act, the Illinois School Student Records Act, the
3 federal Family Educational Rights and Privacy Act of 1974, and
4 professional ethics policies that govern professional school
5 personnel.

6 (c) No student may be required to testify publicly
7 concerning his or her status as a victim of domestic or sexual
8 violence, allegations of domestic or sexual violence, his or
9 her status as a parent or expectant parent, or the student's
10 efforts to enforce any of his or her rights under provisions of
11 this Code relating to students who are parents, expectant
12 parents, or victims of domestic or sexual violence.

13 (d) In the case of domestic or sexual violence, except as
14 required under State or federal law, a school district must
15 not contact the person named to be the perpetrator, the
16 perpetrator's family, or any other person named by the student
17 or named by the student's parent or guardian to be unsafe to
18 contact to verify the violence. A school district must not
19 contact the perpetrator, the perpetrator's family, or any
20 other person named by the student or the student's parent or
21 guardian to be unsafe for any other reason without written
22 permission from the student or his or her parent or guardian.
23 Permission from the student's parent or guardian may not be
24 pursued if the student alleges that his or her health or safety
25 would be threatened if the school or school district contacts
26 the student's parent or guardian to obtain permission. Nothing

1 in this Section prohibits the school or school district from
2 taking other steps to investigate the violence or from
3 contacting persons not named by the student or the student's
4 parent or guardian as unsafe to contact. Nothing in this
5 Section prohibits the school or school district from taking
6 reasonable steps to protect students. If the reasonable steps
7 taken to protect students involve prohibited conduct under
8 this subsection (d), the school must provide notice to the
9 reporting student, in writing and in a developmentally
10 appropriate communication format, of its intent to contact the
11 parties named to be unsafe.

12 (e) A school district must take all actions necessary to
13 comply with this Section, unless in conflict with the Illinois
14 School Student Records Act, the federal Family Educational
15 Rights and Privacy Act of 1974, or other applicable State or
16 federal laws, by no later than July 1, 2024.

17 (105 ILCS 5/26A-35 new)

18 Sec. 26A-35. Domestic or sexual violence and parenting
19 resource personnel.

20 (a) Each school district shall designate or appoint at
21 least one staff person at each school in the district who is
22 employed at least part time at the school and who is a school
23 social worker, school psychologist, school counselor, school
24 nurse, or school administrator trained to address, in a
25 survivor-centered, trauma responsive, culturally responsive,

1 confidential, and sensitive manner, the needs of students who
2 are parents, expectant parents, or victims of domestic or
3 sexual violence. The designated or appointed staff person must
4 have all of the following duties:

5 (1) To connect students who are parents, expectant
6 parents, or victims of domestic or sexual violence to
7 appropriate in-school services or other agencies,
8 programs, or services as needed.

9 (2) To coordinate the implementation of the school's
10 and school district's policies, procedures, and protocols
11 in cases involving student allegations of domestic or
12 sexual violence.

13 (3) To coordinate the implementation of the school's
14 and school district's policies, procedures, and protocols
15 as set forth in provisions of this Code concerning
16 students who are parents, expectant parents, or victims of
17 domestic or sexual violence.

18 (4) To assist students described in paragraph (1) in
19 their efforts to exercise and preserve their rights as set
20 forth in provisions of this Code concerning students who
21 are parents, expectant parents, or victims of domestic or
22 sexual violence.

23 (5) To assist in providing staff development to
24 establish a positive and sensitive learning environment
25 for students described in paragraph (1).

26 (b) A member of staff who is designated or appointed under

1 subsection (a) must (i) be trained to understand, provide
2 information and referrals, and address issues pertaining to
3 youth who are parents, expectant parents, or victims of
4 domestic or sexual violence, including the theories and
5 dynamics of domestic and sexual violence, the necessity for
6 confidentiality and the law, policy, procedures, and protocols
7 implementing confidentiality, and the notification of the
8 student's parent or guardian regarding the student's status as
9 a parent, expectant parent, or victim of domestic or sexual
10 violence or the enforcement of the student's rights under this
11 Code if the notice of the student's status or the involvement
12 of the student's parent or guardian may put the health or
13 safety of the student at risk, including the rights of minors
14 to consent to counseling services and psychotherapy under the
15 Mental Health and Developmental Disabilities Code, or (ii) at
16 a minimum, have participated in an in-service training program
17 under subsection (d) of Section 10-22.39 that includes
18 training on the rights of minors to consent to counseling
19 services and psychotherapy under the Mental Health and
20 Developmental Disabilities Code within 12 months prior to his
21 or her designation or appointment.

22 (c) A school district must designate or appoint and train
23 all domestic or sexual violence and parenting resource
24 personnel, and the personnel must assist in implementing the
25 duties as described in this Section no later than June 30,
26 2024, except in those school districts in which there exists a

1 collective bargaining agreement on the effective date of this
2 amendatory Act of the 102nd General Assembly and the
3 implementation of this Section would be a violation of that
4 collective bargaining agreement. If implementation of some
5 activities required under this Section is prevented by an
6 existing collective bargaining agreement, a school district
7 must comply with this Section to the fullest extent allowed by
8 the existing collective bargaining agreement no later than
9 June 30, 2024. In those instances in which a collective
10 bargaining agreement that either fully or partially prevents
11 full implementation of this Section expires after June 30,
12 2024, a school district must designate or appoint and train
13 all domestic and sexual violence and parenting resource
14 personnel, who shall implement the duties described in this
15 Section no later than the effective date of the new collective
16 bargaining agreement that immediately succeeds the collective
17 bargaining agreement in effect on the effective date of this
18 amendatory Act of the 102nd General Assembly.

19 (105 ILCS 5/26A-40 new)

20 Sec. 26A-40. Accommodations and services.

21 (a) To facilitate the full participation of students who
22 are parents, expectant parents, or victims of domestic or
23 sexual violence, each school district must provide those
24 students with reasonable accommodations, in-school support
25 services, access to nonschool-based support services, and the

1 ability to make up work missed on account of circumstances
2 related to the student's status as a parent, expectant parent,
3 or victim of domestic or sexual violence. Victims of domestic
4 or sexual violence must have access to those accommodations
5 and services regardless of when or where the violence for
6 which they are seeking accommodations and services occurred.
7 All accommodations and services must be continued for as long
8 as necessary to maintain the mental and physical well-being
9 and safety of the student. Schools may have a policy to
10 periodically check on students receiving accommodations and
11 services to determine whether each accommodation and service
12 continues to be necessary to maintain the mental and physical
13 well-being and safety of the student or whether termination is
14 appropriate.

15 (b) Accommodations provided under subsection (a) shall
16 include, but are not limited to (i) the provision of
17 sufficiently private settings to ensure confidentiality and
18 time off from class for meetings with counselors or other
19 service providers, (ii) assisting the student with a student
20 success plan, (iii) transferring a victim of domestic or
21 sexual violence or the student perpetrator to a different
22 classroom or school, (iv) changing a seating assignment, (v)
23 implementing in-school, school grounds, and bus safety
24 procedures, (vi) honoring court orders, including orders of
25 protection and no-contact orders to the fullest extent
26 possible, and (vii) providing any other accommodation that may

1 facilitate the full participation in the regular education
2 program of students who are parents, expectant parents, or
3 victims of domestic or sexual violence.

4 (c) If a student who is a parent, expectant parent, or
5 victim of domestic or sexual violence is a student at risk of
6 academic failure or displays poor academic performance, the
7 student or the student's parent or guardian may request that
8 the school district provide the student with or refer the
9 student to education and support services designed to assist
10 the student in meeting State learning standards. A school
11 district may either provide education or support services
12 directly or may collaborate with public or private State,
13 local, or community-based organizations or agencies that
14 provide these services. A school district must also assist
15 those students in accessing the support services of
16 nonschool-based organizations and agencies from which those
17 students typically receive services in the community.

18 (d) Any student who is unable, because of circumstances
19 related to the student's status as a parent, expectant parent,
20 or victim of domestic or sexual violence, to participate in
21 classes on a particular day or days or at the particular time
22 of day must be excused from any examination or any study or
23 work assignments on that particular day or days or at that
24 particular time of day. It is the responsibility of the
25 teachers and of the school administrative personnel and
26 officials to make available to each student who is unable to

1 participate because of circumstances related to the student's
2 status as a parent, expectant parent, or victim of domestic or
3 sexual violence a meaningful opportunity to make up any
4 examination, study, or work requirement that the student has
5 missed because of the inability to participate on any
6 particular day or days or at any particular time of day. For a
7 student receiving homebound instruction, it is the
8 responsibility of the student and parent to work with the
9 school or school district to meet academic standards for
10 matriculation, as defined by school district policy. Costs
11 assessed by the school district on the student for
12 participation in those activities shall be considered waivable
13 fees for any student whose parent or guardian is unable to
14 afford them, consistent with Section 10-20.13. Each school
15 district must adopt written policies and procedures for waiver
16 of those fees in accordance with rules adopted by the State
17 Board of Education.

18 (e) If a school or school district employee or agent
19 becomes aware of or suspects a student's status as a parent,
20 expectant parent, or victim of domestic or sexual violence, it
21 is the responsibility of the employee or agent of the school or
22 school district to inform the student of the available
23 services and accommodations at the school and in the community
24 that may assist the student in maintaining the student's full
25 educational participation and the student's successful
26 performance. The school or school district employee or agent

1 must also refer the student to the school district's domestic
2 or sexual violence and parenting resource personnel set forth
3 in Section 26A-35. A school district must make respecting a
4 student's privacy, confidentiality, mental and physical
5 health, and safety a paramount concern.

6 (f) Each school must honor a student's and a parent's or
7 guardian's decision to obtain education and support services,
8 accommodations, and nonschool-based support services, to
9 terminate the receipt of those education and support services,
10 accommodations, or nonschool-based support services, or to
11 decline participation in those education and support services,
12 accommodations, or nonschool-based support services. No
13 student is obligated to use education and support services,
14 accommodations, or nonschool-based support services. In
15 developing accommodations or educational support services, the
16 privacy, mental and physical health, and safety of the student
17 shall be of paramount concern. No adverse or prejudicial
18 effects may result to any student because of the student's
19 availing of or declining the provisions of this Section as
20 long as the student is working with the school to meet academic
21 standards for matriculation as defined by school district
22 policy.

23 (g) Any support services to students receiving education
24 and support services must be available in any school or by home
25 or hospital instruction to the highest quality and fullest
26 extent possible for the individual setting.

1 (h) Individual, peer, group, and family counseling
2 services or psychotherapy must be made available to students
3 who are parents, expectant parents, or victims of domestic or
4 sexual violence consistent with the Mental Health and
5 Developmental Disabilities Code. At least once every school
6 year, each school district must inform, in writing, all school
7 personnel and all students 12 years of age or older of the
8 availability of counseling without parental or guardian
9 consent under Section 3-5A-105 (to be renumbered as Section
10 3-550 in a revisory bill as of the effective date of this
11 amendatory Act of the 102nd General Assembly) of the Mental
12 Health and Developmental Disabilities Code. This information
13 must also be provided to students immediately after any school
14 personnel becomes aware that a student is a parent, expectant
15 parent, or victim of domestic or sexual violence.

16 (i) All domestic or sexual violence organizations and
17 their staff and any other nonschool organization and its staff
18 shall maintain confidentiality pursuant to federal and State
19 laws and their professional ethics policies regardless of when
20 or where information, advice, counseling, or any other
21 interaction with students takes place. A school or school
22 district may not request or require those organizations or
23 individuals to breach confidentiality.

24 (105 ILCS 5/26A-45 new)

25 Sec. 26A-45. Verification.

1 (a) For purposes of students asserting their rights under
2 provisions relating to domestic or sexual violence in Sections
3 10-21.3a, 10-22.6, 10-22.6a, 26-2a, 26A-40, and 34-18.24, a
4 school district may require verification of the claim. The
5 student or the student's parents or guardians shall choose
6 which form of verification to submit to the school district. A
7 school district may only require one form of verification,
8 unless the student is requesting a transfer to another school,
9 in which case the school district may require 2 forms of
10 verification. All forms of verification received by a school
11 district under this subsection (a) must be kept in a
12 confidential temporary file, in accordance with the Illinois
13 School Student Records Act. Any one of the following shall be
14 acceptable as a form of verification of a student's claim of
15 domestic or sexual violence:

16 (1) A written statement from the student or anyone who
17 has knowledge of the circumstances that support the
18 student's claim. This may be in the form of a complaint.

19 (2) A police report, government agency record, or
20 court record.

21 (3) A statement or other documentation from a domestic
22 or sexual violence organization or any other organization
23 from which the student sought services or advice.

24 (4) Documentation from a lawyer, clergy person,
25 medical professional, or other professional from whom the
26 student sought services or advice related to domestic or

1 sexual violence.

2 (5) Any other evidence, such as physical evidence of
3 violence, that supports the claim.

4 (b) A student or a student's parent or guardian who has
5 provided acceptable verification that the student is or has
6 been a victim of domestic or sexual violence may not be
7 required to provide any additional verification if the
8 student's efforts to assert rights under this Code stem from a
9 claim involving the same perpetrator or the same incident of
10 violence. No school or school district shall request or
11 require additional documentation.

12 (c) The person named to be the perpetrator, the
13 perpetrator's family, or any other person named by the student
14 or the student's parent or guardian to be unsafe to contact may
15 not be contacted to verify the violence. The perpetrator, the
16 perpetrator's family, or any other person named by the student
17 or the student's parent or guardian to be unsafe may not be
18 contacted for any other reason without written permission of
19 the student or written permission of the student's parent or
20 guardian. Permission of the student's parent or guardian may
21 not be pursued if the student alleges that his or her health or
22 safety would be threatened if the school or school district
23 contacts the student's parent or guardian to obtain written
24 consent.

1 Sec. 26A-50. Prohibited practices. No school or school
2 district may take any adverse action against a student who is a
3 parent, expectant parent, or victim of domestic or sexual
4 violence because the student or his or her parent or guardian
5 (i) exercises or attempts to exercise his or her rights under
6 this amendatory Act of the 102nd General Assembly, (ii)
7 opposes practices that the student or his or her parent or
8 guardian believes to be in violation of this amendatory Act of
9 the 102nd General Assembly, or (iii) supports the exercise of
10 the rights of another under this amendatory Act of the 102nd
11 General Assembly. Exercising rights under this amendatory Act
12 of the 102nd General Assembly includes, but is not limited to,
13 filing an action, instituting or causing to be instituted any
14 proceeding under or related to this amendatory Act of the
15 102nd General Assembly, or in any manner requesting, availing
16 himself or herself of, or declining any of the provisions of
17 this amendatory Act of the 102nd General Assembly, including,
18 but not limited to, accommodations and services.

19 (105 ILCS 5/27A-5)

20 Sec. 27A-5. Charter school; legal entity; requirements.

21 (a) A charter school shall be a public, nonsectarian,
22 nonreligious, non-home based, and non-profit school. A charter
23 school shall be organized and operated as a nonprofit
24 corporation or other discrete, legal, nonprofit entity
25 authorized under the laws of the State of Illinois.

1 (b) A charter school may be established under this Article
2 by creating a new school or by converting an existing public
3 school or attendance center to charter school status.
4 Beginning on April 16, 2003 (the effective date of Public Act
5 93-3), in all new applications to establish a charter school
6 in a city having a population exceeding 500,000, operation of
7 the charter school shall be limited to one campus. The changes
8 made to this Section by Public Act 93-3 do not apply to charter
9 schools existing or approved on or before April 16, 2003 (the
10 effective date of Public Act 93-3).

11 (b-5) In this subsection (b-5), "virtual-schooling" means
12 a cyber school where students engage in online curriculum and
13 instruction via the Internet and electronic communication with
14 their teachers at remote locations and with students
15 participating at different times.

16 From April 1, 2013 through December 31, 2016, there is a
17 moratorium on the establishment of charter schools with
18 virtual-schooling components in school districts other than a
19 school district organized under Article 34 of this Code. This
20 moratorium does not apply to a charter school with
21 virtual-schooling components existing or approved prior to
22 April 1, 2013 or to the renewal of the charter of a charter
23 school with virtual-schooling components already approved
24 prior to April 1, 2013.

25 (c) A charter school shall be administered and governed by
26 its board of directors or other governing body in the manner

1 provided in its charter. The governing body of a charter
2 school shall be subject to the Freedom of Information Act and
3 the Open Meetings Act. No later than January 1, 2021 (one year
4 after the effective date of Public Act 101-291), a charter
5 school's board of directors or other governing body must
6 include at least one parent or guardian of a pupil currently
7 enrolled in the charter school who may be selected through the
8 charter school or a charter network election, appointment by
9 the charter school's board of directors or other governing
10 body, or by the charter school's Parent Teacher Organization
11 or its equivalent.

12 (c-5) No later than January 1, 2021 (one year after the
13 effective date of Public Act 101-291) or within the first year
14 of his or her first term, every voting member of a charter
15 school's board of directors or other governing body shall
16 complete a minimum of 4 hours of professional development
17 leadership training to ensure that each member has sufficient
18 familiarity with the board's or governing body's role and
19 responsibilities, including financial oversight and
20 accountability of the school, evaluating the principal's and
21 school's performance, adherence to the Freedom of Information
22 Act and the Open Meetings Act, and compliance with education
23 and labor law. In each subsequent year of his or her term, a
24 voting member of a charter school's board of directors or
25 other governing body shall complete a minimum of 2 hours of
26 professional development training in these same areas. The

1 training under this subsection may be provided or certified by
2 a statewide charter school membership association or may be
3 provided or certified by other qualified providers approved by
4 the State Board of Education.

5 (d) For purposes of this subsection (d), "non-curricular
6 health and safety requirement" means any health and safety
7 requirement created by statute or rule to provide, maintain,
8 preserve, or safeguard safe or healthful conditions for
9 students and school personnel or to eliminate, reduce, or
10 prevent threats to the health and safety of students and
11 school personnel. "Non-curricular health and safety
12 requirement" does not include any course of study or
13 specialized instructional requirement for which the State
14 Board has established goals and learning standards or which is
15 designed primarily to impart knowledge and skills for students
16 to master and apply as an outcome of their education.

17 A charter school shall comply with all non-curricular
18 health and safety requirements applicable to public schools
19 under the laws of the State of Illinois. On or before September
20 1, 2015, the State Board shall promulgate and post on its
21 Internet website a list of non-curricular health and safety
22 requirements that a charter school must meet. The list shall
23 be updated annually no later than September 1. Any charter
24 contract between a charter school and its authorizer must
25 contain a provision that requires the charter school to follow
26 the list of all non-curricular health and safety requirements

1 promulgated by the State Board and any non-curricular health
2 and safety requirements added by the State Board to such list
3 during the term of the charter. Nothing in this subsection (d)
4 precludes an authorizer from including non-curricular health
5 and safety requirements in a charter school contract that are
6 not contained in the list promulgated by the State Board,
7 including non-curricular health and safety requirements of the
8 authorizing local school board.

9 (e) Except as otherwise provided in the School Code, a
10 charter school shall not charge tuition; provided that a
11 charter school may charge reasonable fees for textbooks,
12 instructional materials, and student activities.

13 (f) A charter school shall be responsible for the
14 management and operation of its fiscal affairs including, but
15 not limited to, the preparation of its budget. An audit of each
16 charter school's finances shall be conducted annually by an
17 outside, independent contractor retained by the charter
18 school. To ensure financial accountability for the use of
19 public funds, on or before December 1 of every year of
20 operation, each charter school shall submit to its authorizer
21 and the State Board a copy of its audit and a copy of the Form
22 990 the charter school filed that year with the federal
23 Internal Revenue Service. In addition, if deemed necessary for
24 proper financial oversight of the charter school, an
25 authorizer may require quarterly financial statements from
26 each charter school.

1 (g) A charter school shall comply with all provisions of
2 this Article, the Illinois Educational Labor Relations Act,
3 all federal and State laws and rules applicable to public
4 schools that pertain to special education and the instruction
5 of English learners, and its charter. A charter school is
6 exempt from all other State laws and regulations in this Code
7 governing public schools and local school board policies;
8 however, a charter school is not exempt from the following:

9 (1) Sections 10-21.9 and 34-18.5 of this Code
10 regarding criminal history records checks and checks of
11 the Statewide Sex Offender Database and Statewide Murderer
12 and Violent Offender Against Youth Database of applicants
13 for employment;

14 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
15 34-84a of this Code regarding discipline of students;

16 (3) the Local Governmental and Governmental Employees
17 Tort Immunity Act;

18 (4) Section 108.75 of the General Not For Profit
19 Corporation Act of 1986 regarding indemnification of
20 officers, directors, employees, and agents;

21 (5) the Abused and Neglected Child Reporting Act;

22 (5.5) subsection (b) of Section 10-23.12 and
23 subsection (b) of Section 34-18.6 of this Code;

24 (6) the Illinois School Student Records Act;

25 (7) Section 10-17a of this Code regarding school
26 report cards;

- 1 (8) the P-20 Longitudinal Education Data System Act;
- 2 (9) Section 27-23.7 of this Code regarding bullying
3 prevention;
- 4 (10) Section 2-3.162 of this Code regarding student
5 discipline reporting;
- 6 (11) Sections 22-80 and 27-8.1 of this Code;
- 7 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 8 (13) Sections 10-20.63 and 34-18.56 of this Code;
- 9 (14) Section 26-18 of this Code;
- 10 (15) Section 22-30 of this Code;
- 11 (16) Sections 24-12 and 34-85 of this Code;
- 12 (17) the Seizure Smart School Act; ~~and~~
- 13 (18) Section 2-3.64a-10 of this Code; ~~and~~
- 14 (19) Article 26A of this Code.

15 The change made by Public Act 96-104 to this subsection
16 (g) is declaratory of existing law.

17 (h) A charter school may negotiate and contract with a
18 school district, the governing body of a State college or
19 university or public community college, or any other public or
20 for-profit or nonprofit private entity for: (i) the use of a
21 school building and grounds or any other real property or
22 facilities that the charter school desires to use or convert
23 for use as a charter school site, (ii) the operation and
24 maintenance thereof, and (iii) the provision of any service,
25 activity, or undertaking that the charter school is required
26 to perform in order to carry out the terms of its charter.

1 However, a charter school that is established on or after
2 April 16, 2003 (the effective date of Public Act 93-3) and that
3 operates in a city having a population exceeding 500,000 may
4 not contract with a for-profit entity to manage or operate the
5 school during the period that commences on April 16, 2003 (the
6 effective date of Public Act 93-3) and concludes at the end of
7 the 2004-2005 school year. Except as provided in subsection
8 (i) of this Section, a school district may charge a charter
9 school reasonable rent for the use of the district's
10 buildings, grounds, and facilities. Any services for which a
11 charter school contracts with a school district shall be
12 provided by the district at cost. Any services for which a
13 charter school contracts with a local school board or with the
14 governing body of a State college or university or public
15 community college shall be provided by the public entity at
16 cost.

17 (i) In no event shall a charter school that is established
18 by converting an existing school or attendance center to
19 charter school status be required to pay rent for space that is
20 deemed available, as negotiated and provided in the charter
21 agreement, in school district facilities. However, all other
22 costs for the operation and maintenance of school district
23 facilities that are used by the charter school shall be
24 subject to negotiation between the charter school and the
25 local school board and shall be set forth in the charter.

26 (j) A charter school may limit student enrollment by age

1 or grade level.

2 (k) If the charter school is approved by the State Board or
3 Commission, then the charter school is its own local education
4 agency.

5 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
6 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
7 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
8 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
9 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff.
10 3-8-21.)

11 (105 ILCS 5/34-18.24)

12 Sec. 34-18.24. Transfer of students.

13 (a) The board shall establish and implement a policy
14 governing the transfer of a student from one attendance center
15 to another within the school district upon the request of the
16 student's parent or guardian. A student may not transfer to
17 any of the following attendance centers, except by change in
18 residence if the policy authorizes enrollment based on
19 residence in an attendance area or unless approved by the
20 board on an individual basis:

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

23 (2) An attendance center for which the board has
24 established academic criteria for enrollment if the
25 student does not meet the criteria.

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

5 (b) The board shall establish and implement a policy governing
6 the transfer of students within the school district from a
7 persistently dangerous attendance center to another attendance
8 center in that district that is not deemed to be persistently
9 dangerous. In order to be considered a persistently dangerous
10 attendance center, the attendance center must meet all of the
11 following criteria for 2 consecutive years:

12 (1) Have greater than 3% of the students enrolled in
13 the attendance center expelled for violence-related
14 conduct.

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

17 (3) Have at least 3% of the students enrolled in the
18 attendance center exercise the individual option to
19 transfer attendance centers pursuant to subsection (c) of
20 this Section.

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

1 (d) (Blank).

2 (e) Notwithstanding any other provision of this Code, a
3 student who is a victim of domestic or sexual violence, as
4 defined in Article 26A, must be allowed to transfer to another
5 school immediately and as needed if the student's continued
6 attendance at a particular attendance center, school facility,
7 or school location poses a risk to the student's mental or
8 physical well-being or safety. A student who transfers to
9 another school under this subsection (e) due to domestic or
10 sexual violence must have full and immediate access to
11 extracurricular activities and any programs or activities
12 offered by or under the auspices of the school to which the
13 student has transferred. The school district may not require a
14 student who is a victim of domestic or sexual violence to
15 transfer to another school. No adverse or prejudicial effects
16 may result to any student who is a victim of domestic or sexual
17 violence because of the student availing himself or herself of
18 or declining the provisions of this subsection (e). The school
19 district may require a student to verify his or her claim of
20 domestic or sexual violence under Section 26A-45 before
21 approving a transfer to another school under this subsection
22 (e).

23 (Source: P.A. 100-1046, eff. 8-23-18.)

24 Section 10. The Illinois School Student Records Act is
25 amended by changing Section 2 as follows:

1 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

2 Sec. 2. As used in this Act:7

3 (a) "Student" means any person enrolled or previously
4 enrolled in a school.

5 (b) "School" means any public preschool, day care center,
6 kindergarten, nursery, elementary or secondary educational
7 institution, vocational school, special educational facility
8 or any other elementary or secondary educational agency or
9 institution and any person, agency or institution which
10 maintains school student records from more than one school,
11 but does not include a private or non-public school.

12 (c) "State Board" means the State Board of Education.

13 (d) "School Student Record" means any writing or other
14 recorded information concerning a student and by which a
15 student may be individually identified, maintained by a school
16 or at its direction or by an employee of a school, regardless
17 of how or where the information is stored. The following shall
18 not be deemed school student records under this Act: writings
19 or other recorded information maintained by an employee of a
20 school or other person at the direction of a school for his or
21 her exclusive use; provided that all such writings and other
22 recorded information are destroyed not later than the
23 student's graduation or permanent withdrawal from the school;
24 and provided further that no such records or recorded
25 information may be released or disclosed to any person except

1 a person designated by the school as a substitute unless they
2 are first incorporated in a school student record and made
3 subject to all of the provisions of this Act. School student
4 records shall not include information maintained by law
5 enforcement professionals working in the school.

6 (e) "Student Permanent Record" means the minimum personal
7 information necessary to a school in the education of the
8 student and contained in a school student record. Such
9 information may include the student's name, birth date,
10 address, grades and grade level, parents' names and addresses,
11 attendance records, and such other entries as the State Board
12 may require or authorize.

13 (f) "Student Temporary Record" means all information
14 contained in a school student record but not contained in the
15 student permanent record. Such information may include family
16 background information, intelligence test scores, aptitude
17 test scores, psychological and personality test results,
18 teacher evaluations, and other information of clear relevance
19 to the education of the student, all subject to regulations of
20 the State Board. The information shall include all of the
21 following:

22 (1) Information ~~information~~ provided under Section 8.6
23 of the Abused and Neglected Child Reporting Act and
24 information contained in service logs maintained by a
25 local education agency under subsection (d) of Section
26 14-8.02f of the School Code.

1 (2) Information ~~In addition, the student temporary~~
2 ~~record shall include information~~ regarding serious
3 disciplinary infractions that resulted in expulsion,
4 suspension, or the imposition of punishment or sanction.
5 For purposes of this provision, serious disciplinary
6 infractions means: infractions involving drugs, weapons,
7 or bodily harm to another.

8 (3) Information concerning a student's status and
9 related experiences as a parent, expectant parent, or
10 victim of domestic or sexual violence, as defined in
11 Article 26A of the School Code, including a statement of
12 the student or any other documentation, record, or
13 corroborating evidence and the fact that the student has
14 requested or obtained assistance, accommodations, or
15 services related to that status. Enforcement of this
16 paragraph (3) shall follow the procedures provided in
17 Section 26A-40 of the School Code.

18 (g) "Parent" means a person who is the natural parent of
19 the student or other person who has the primary responsibility
20 for the care and upbringing of the student. All rights and
21 privileges accorded to a parent under this Act shall become
22 exclusively those of the student upon his 18th birthday,
23 graduation from secondary school, marriage or entry into
24 military service, whichever occurs first. Such rights and
25 privileges may also be exercised by the student at any time
26 with respect to the student's permanent school record.

1 (Source: P.A. 101-515, eff. 8-23-19; revised 12-3-19.)

2 Section 90. The State Mandates Act is amended by adding
3 Section 8.45 as follows:

4 (30 ILCS 805/8.45 new)

5 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
6 8 of this Act, no reimbursement by the State is required for
7 the implementation of any mandate created by this amendatory
8 Act of the 102nd General Assembly.

9 Section 99. Effective date. This Act takes effect July 1,
10 2022.".