



Rep. Anna Moeller

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10200HB3223ham002

LRB102 10689 CMG 25616 a

1 AMENDMENT TO HOUSE BILL 3223

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

5 "Section 5. The School Code is amended by changing
6 Sections 10-22.6, 10-22.6a, 13A-11, 22-60, 26-2a, 27A-5, and
7 34-18.24 and by adding Article 26A as follows:

8 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

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

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

21 (b) To suspend or by policy to authorize the
22 superintendent of the district or the principal, assistant
23 principal, or dean of students of any school to suspend pupils
24 guilty of gross disobedience or misconduct, or to suspend
25 pupils guilty of gross disobedience or misconduct on the
26 school bus from riding the school bus, pursuant to subsections

1 (b-15) and (b-20) of this Section, and no action shall lie
2 against them for such suspension. The board may by policy
3 authorize the superintendent of the district or the principal,
4 assistant principal, or dean of students of any school to
5 suspend pupils guilty of such acts for a period not to exceed
6 10 school days. If a pupil is suspended due to gross
7 disobedience or misconduct on a school bus, the board may
8 suspend the pupil in excess of 10 school days for safety
9 reasons.

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (b-40) During a suspension review hearing conducted
24 pursuant to subsection (b) or an expulsion hearing conducted
25 pursuant to subsection (a) that involves allegations of sexual
26 violence by the student who is subject to discipline, neither

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

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

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

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

1 that bears a reasonable relationship to school shall be
2 expelled for a period of not less than one year:

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

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

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

26 (d-5) The board may suspend or by regulation authorize the

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

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

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

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

16 (g) A school district may adopt a policy providing that if
17 a student is suspended or expelled for any reason from any
18 public or private school in this or any other state, the
19 student must complete the entire term of the suspension or
20 expulsion in an alternative school program under Article 13A
21 of this Code or an alternative learning opportunities program
22 under Article 13B of this Code before being admitted into the
23 school district if there is no threat to the safety of students
24 or staff in the alternative program. A school district that
25 adopts a policy under this subsection (g) must include a
26 provision allowing for consideration of any mitigating

1 factors, including, but not limited to, a student's status as
2 a parent, expectant parent, or victim of domestic or sexual
3 violence, as defined in Article 26A.

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

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

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

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

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

1 (Source: P.A. 100-105, eff. 1-1-18; 100-810, eff. 1-1-19;
2 100-863, eff. 8-14-18; 100-1035, eff. 8-22-18; 101-81, eff.
3 7-12-19.)

4 (105 ILCS 5/10-22.6a) (from Ch. 122, par. 10-22.6a)

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

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

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

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

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

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

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

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

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

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

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

18 (105 ILCS 5/13A-11)

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

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

25 (b) Alternative schools operated by third parties within

1 Chicago shall be exempt from all provisions of this Code,
2 except provisions concerning:

3 (1) student civil rights;

4 (2) staff civil rights;

5 (3) health and safety;

6 (4) performance and financial audits;

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

9 (6) Chicago learning outcomes;

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

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

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

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

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

18 (105 ILCS 5/22-60)

19 Sec. 22-60. Unfunded mandates prohibited.

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

25 (1) Any mandate in this Code enacted after the

1 effective date of this amendatory Act of the 96th General
2 Assembly.

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

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

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

25 The regional superintendent of schools shall review the
26 petition. In accordance with the Open Meetings Act, he or she

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 expulsion, aging out, graduation, or completion of a program
2 of studies and who has not transferred to another public or
3 private school and is not known to be home-schooled by his or
4 her parents or guardians or continuing school in another
5 country.

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

9 (Source: P.A. 100-810, eff. 1-1-19; 100-918, eff. 8-17-18;
10 101-81, eff. 7-12-19.)

11 (105 ILCS 5/Art. 26A heading new)

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

15 (105 ILCS 5/26A-1 new)

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

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

22 Sec. 26A-5. Purpose. The purpose of this Article is to
23 ensure that Illinois schools have policies, procedures, and

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

13 (105 ILCS 5/26A-10 new)

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

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

24 "Consent" includes, at a minimum, a recognition that (i)
25 consent is a freely given agreement to sexual activity, (ii)

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

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

17 (2) The individual is asleep or unconscious.

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

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

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

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

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

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

1 1986.

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

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

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

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

26 "Perpetrator" means an individual who commits or is

1 alleged to have committed any act of domestic or sexual
2 violence. The term "perpetrator" must be used with caution
3 when applied to children, particularly young children.

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

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

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

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

1 purpose of sexual gratification or arousal.

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

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

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

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

25 "Student parent" means a student who is a custodial or
26 noncustodial parent taking an active role in the care and

1 supervision of a child and who has not yet received a diploma
2 for completion of a secondary education, as defined in Section
3 22-22.

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

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

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

1 violence, domestic violence, dating violence, or stalking, and
2 understanding the behavior of perpetrators.

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

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

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

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

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

12 (2) Draft and publish model complaint resolution
13 procedures as required in subsection (c) of Section
14 26A-25.

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

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

25 (b) The Task Force shall be representative of the

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

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

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

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

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

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

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

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

26 (8) One member who represents a statewide, nonprofit,

1 nongovernmental organization that offers free legal
2 services, including victim's rights representation, to
3 survivors of domestic violence or sexual violence
4 appointed by the State Superintendent of Education.

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

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

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

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

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

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

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

1 (16) One member who represents a statewide
2 professional teachers' organization appointed by the State
3 Superintendent of Education.

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

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

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

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

16 (21) One member who represents an association
17 representing rural school superintendents appointed by the
18 State Superintendent of Education.

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

26 (d) On or before June 30, 2023, the Task Force shall report

1 its work, including model policies, guidance recommendations,
2 and agreements, to the Governor and the General Assembly. The
3 report must include all of the following:

4 (1) Model school and district policies to facilitate
5 inter-district transfers for student survivors of domestic
6 or sexual violence, expectant parents, and parents. These
7 policies shall place high value on being accessible and
8 expeditious for student survivors and pregnant and
9 parenting students.

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

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

18 (4) Guidance for schools and districts regarding which
19 mandatory training that is currently required for educator
20 licenses or under State or federal law would be suitable
21 to fulfill training requirements for resource personnel as
22 prescribed by Section 26A-35 and for the staff tasked with
23 implementing the complaint resolution procedure as
24 prescribed by Section 26A-25. The guidance shall evaluate
25 all relevant mandatory or recommended training, including,
26 but not limited to, the training required under subsection

1 (j) of Section 4 of the Abused and Neglected Child
2 Reporting Act, Sections 3-11, 10-23.12, 10-23.13, and
3 27-23.7 of this Code, and subsections (d) and (f) of
4 Section 10-22.39 of this Code. The guidance must also
5 identify what gaps in training exist, including, but not
6 limited to, training on trauma-informed responses and
7 racial and gender equity, and make recommendations for
8 future training programs that should be required or
9 recommended for the positions as prescribed by Sections
10 26A-25 and 26A-35.

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

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

14 (105 ILCS 5/26A-20 new)

15 Sec. 26A-20. Review and revision of policies and
16 procedures.

17 (a) No later than July 1, 2024 and every 2 years
18 thereafter, each school district must review all existing
19 policies and procedures and must revise any existing policies
20 and procedures that may act as a barrier to the immediate
21 enrollment and re-enrollment, attendance, graduation, and
22 success in school of any student who is a student parent,
23 expectant student parent, or victim of domestic or sexual
24 violence or any policies or procedures that may compromise a
25 criminal investigation relating to domestic or sexual violence

1 or may re-victimize students. A school district must adopt new
2 policies and procedures, as needed, to implement this Section
3 and to ensure that immediate and effective steps are taken to
4 respond to students who are student parents, expectant
5 parents, or victims of domestic or sexual violence.

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

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

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

19 (2) The name, title, and contact information for
20 confidential resources and a description of what
21 confidential reporting means.

22 (3) An option for the student or the student's parent
23 or guardian to electronically, anonymously, and
24 confidentially report the incident.

25 (4) An option for reports by third parties and
26 bystanders.

1 (5) Information regarding the various individuals,
2 departments, or organizations to whom a student may report
3 an incident of domestic or sexual violence, specifying for
4 each individual or entity (i) the extent of the
5 individual's or entity's reporting obligation to the
6 school's or school district's administration, Title IX
7 coordinator, or other personnel or entity, (ii) the
8 individual's or entity's ability to protect the student's
9 privacy, and (iii) the extent of the individual's or
10 entity's ability to have confidential communications with
11 the student or his or her parent or guardian.

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

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

20 (105 ILCS 5/26A-25 new)

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

22 (a) On or before July 1, 2024, each school district must
23 adopt one procedure to resolve complaints of violations of
24 this amendatory Act of the 102nd General Assembly. The
25 respondent must be the school, school district, or school

1 personnel. These procedures shall comply with the
2 confidentiality provisions of Sections 26A-20 and 26A-30. The
3 procedures must include, at minimum, all of the following:

4 (1) The opportunity to consider the most appropriate
5 means to execute the procedure considering school safety,
6 the developmental level of students, methods to reduce
7 trauma during the procedure, and how to avoid multiple
8 communications with students involved with an alleged
9 incident of domestic or sexual violence.

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

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

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

26 (1) All individuals whose duties include resolution of

1 complaints of violations of this amendatory Act of the
2 102nd General Assembly must complete a minimum of 8 hours
3 of training on issues related to domestic and sexual
4 violence and how to conduct the school's complaint
5 resolution procedure. Training may include the in-service
6 training required under subsection (d) of Section 10-22.39
7 before commencement of those duties, and an individual
8 must receive a minimum of 6 hours of such training
9 annually thereafter. This training must be conducted by an
10 individual or individuals with expertise in domestic or
11 sexual violence in youth and expertise in developmentally
12 appropriate communications with elementary and secondary
13 school students regarding topics of a sexual, violent, or
14 sensitive nature.

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

23 (3) The complainant and any witnesses shall (i)
24 receive notice of the name of the individual with
25 authority to make a finding or approve an accommodation in
26 the proceeding before the individual may initiate contact

1 with the complainant and any witnesses and (ii) have the
2 opportunity to request a substitution if the participation
3 of an individual with authority to make a finding or
4 approve an accommodation poses a conflict of interest.

5 (c) If the alleged violation of this amendatory Act of the
6 102nd General Assembly involves making a determination or a
7 finding of responsibility for causing harm, the following
8 procedures shall apply:

9 (1) The individual making the finding must use a
10 preponderance of evidence standard to determine whether
11 the incident occurred.

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

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

1 (d) Each party and witness may request and must be allowed
2 to have a representative or support persons of their choice
3 accompany them to any meeting or proceeding related to the
4 alleged violence or violation of this amendatory Act of the
5 102nd General Assembly if the involvement of the
6 representative or support persons does not result in undue
7 delay of the meeting or proceeding. This representative or
8 support persons must comply with any rules of the school
9 district's complaint resolution procedure. If the
10 representative or support persons violate the rules or engage
11 in behavior or advocacy that harasses, abuses, or intimidates
12 either party, a witness, or an individual resolving the
13 complaint, the representative or support persons may be
14 prohibited from further participation in the meeting or
15 proceeding.

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

21 (f) The complainant and respondent and any named
22 perpetrator directly impacted by the results of the complaint
23 resolution procedure are entitled to simultaneous written
24 notification of the results of the complaint resolution
25 procedure, including information regarding appeals rights and
26 procedures, within 10 business days after a decision or sooner

1 if required by State or federal law or district policy.

2 (g) The complainant, respondents, and named perpetrator,
3 if directly impacted by the results of the complaint
4 resolution procedure, must, at a minimum, have the right to
5 timely appeal the complaint resolution procedure's findings or
6 remedies if a party alleges (i) a procedural error occurred,
7 (ii) new information exists that would substantially change
8 the outcome of the proceeding, (iii) the remedy is not
9 sufficiently related to the finding, or (iv) the decision is
10 against the weight of the evidence.

11 (h) An individual reviewing the findings or remedies may
12 not have previously participated in the complaint resolution
13 procedure and may not have a conflict of interest with either
14 party.

15 (i) The complainant and respondent and any perpetrators
16 directly impacted by the results of the complaint resolution
17 procedure must receive the appeal decision, in writing, within
18 10 business days but in no case more than 15 business days
19 after the conclusion of the review of findings or remedies or
20 sooner if required by State or federal law.

21 (j) Each school district must have a procedure to
22 determine interim protective measures and accommodations
23 available pending the resolution of the complaint, including
24 the implementation of court orders.

1 Sec. 26A-30. Confidentiality.

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

22 (b) Prior to disclosing information about a student's
23 status as a parent, expectant parent, or victim of domestic or
24 sexual violence, a school must notify the student and discuss
25 and address any safety concerns related to the disclosure,
26 including instances in which the student indicates or the

1 school or school district or its employees or agents are
2 otherwise aware that the student's health or safety may be at
3 risk if his or her status is disclosed to the student's parent
4 or guardian, except as otherwise required by applicable State
5 or federal law, including the Abused and Neglected Child
6 Reporting Act, the Illinois School Student Records Act, the
7 federal Family Educational Rights and Privacy Act of 1974, and
8 professional ethics policies that govern professional school
9 personnel.

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

17 (d) In the case of domestic or sexual violence, except as
18 required under State or federal law, a school district must
19 not contact the person named to be the perpetrator, the
20 perpetrator's family, or any other person named by the student
21 or named by the student's parent or guardian to be unsafe to
22 contact to verify the violence. A school district must not
23 contact the perpetrator, the perpetrator's family, or any
24 other person named by the student or the student's parent or
25 guardian to be unsafe for any other reason without written
26 permission from the student or his or her parent or guardian.

1 Permission from the student's parent or guardian may not be
2 pursued if the student alleges that his or her health or safety
3 would be threatened if the school or school district contacts
4 the student's parent or guardian to obtain permission. Nothing
5 in this Section prohibits the school or school district from
6 taking other steps to investigate the violence or from
7 contacting persons not named by the student or the student's
8 parent or guardian as unsafe to contact. Nothing in this
9 Section prohibits the school or school district from taking
10 reasonable steps to protect students. If the reasonable steps
11 taken to protect students involve prohibited conduct under
12 this subsection (d), the school must provide notice to the
13 reporting student, in writing and in a developmentally
14 appropriate communication format, of its intent to contact the
15 parties named to be unsafe.

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

21 (105 ILCS 5/26A-35 new)

22 Sec. 26A-35. Domestic or sexual violence and parenting
23 resource personnel.

24 (a) Each school district shall designate or appoint at
25 least one staff person at each school in the district who is

1 employed at least part time at the school and who is a school
2 social worker, school psychologist, school counselor, school
3 nurse, or school administrator trained to address, in a
4 survivor-centered, trauma responsive, culturally responsive,
5 confidential, and sensitive manner, the needs of students who
6 are parents, expectant parents, or victims of domestic or
7 sexual violence. The designated or appointed staff person must
8 have all of the following duties:

9 (1) To connect students who are parents, expectant
10 parents, or victims of domestic or sexual violence to
11 appropriate in-school services or other agencies,
12 programs, or services as needed.

13 (2) To coordinate the implementation of the school's
14 and school district's policies, procedures, and protocols
15 in cases involving student allegations of domestic or
16 sexual violence.

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

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

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

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

26 (c) A school district must designate or appoint and train

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

23 (105 ILCS 5/26A-40 new)

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

25 (a) To facilitate the full participation of students who

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

19 (b) Accommodations provided under subsection (a) shall
20 include, but are not limited to (i) the provision of
21 sufficiently private settings to ensure confidentiality and
22 time off from class for meetings with counselors or other
23 service providers, (ii) assisting the student with a student
24 success plan, (iii) transferring a victim of domestic or
25 sexual violence or the student perpetrator to a different
26 classroom or school, (iv) changing a seating assignment, (v)

1 implementing in-school, school grounds, and bus safety
2 procedures, (vi) honoring court orders, including orders of
3 protection and no-contact orders to the fullest extent
4 possible, and (vii) providing any other accommodation that may
5 facilitate the full participation in the regular education
6 program of students who are parents, expectant parents, or
7 victims of domestic or sexual violence.

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

22 (d) Any student who is unable, because of circumstances
23 related to the student's status as a parent, expectant parent,
24 or victim of domestic or sexual violence, to participate in
25 classes on a particular day or days or at the particular time
26 of day must be excused from any examination or any study or

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

22 (e) If a school or school district employee or agent
23 becomes aware of or suspects a student's status as a parent,
24 expectant parent, or victim of domestic or sexual violence, it
25 is the responsibility of the employee or agent of the school or
26 school district to inform the student of the available

1 services and accommodations at the school and in the community
2 that may assist the student in maintaining the student's full
3 educational participation and the student's successful
4 performance. The school or school district employee or agent
5 must also refer the student to the school district's domestic
6 or sexual violence and parenting resource personnel set forth
7 in Section 26A-35. A school district must make respecting a
8 student's privacy, confidentiality, mental and physical
9 health, and safety a paramount concern.

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

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

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

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

1 individuals to breach confidentiality.

2 (105 ILCS 5/26A-45 new)

3 Sec. 26A-45. Verification.

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

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

22 (2) A police report, government agency record, or
23 court record.

24 (3) A statement or other documentation from a domestic
25 or sexual violence organization or any other organization

1 from which the student sought services or advice.

2 (4) Documentation from a lawyer, clergy person,
3 medical professional, or other professional from whom the
4 student sought services or advice related to domestic or
5 sexual violence.

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

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

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

1 contacts the student's parent or guardian to obtain written
2 consent.

3 (105 ILCS 5/26A-50 new)

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

22 (105 ILCS 5/27A-5)

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

24 (a) A charter school shall be a public, nonsectarian,

1 nonreligious, non-home based, and non-profit school. A charter
2 school shall be organized and operated as a nonprofit
3 corporation or other discrete, legal, nonprofit entity
4 authorized under the laws of the State of Illinois.

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

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

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

1 school with virtual-schooling components already approved
2 prior to April 1, 2013.

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

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

1 and labor law. In each subsequent year of his or her term, a
2 voting member of a charter school's board of directors or
3 other governing body shall complete a minimum of 2 hours of
4 professional development training in these same areas. The
5 training under this subsection may be provided or certified by
6 a statewide charter school membership association or may be
7 provided or certified by other qualified providers approved by
8 the State Board of Education.

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

21 A charter school shall comply with all non-curricular
22 health and safety requirements applicable to public schools
23 under the laws of the State of Illinois. On or before September
24 1, 2015, the State Board shall promulgate and post on its
25 Internet website a list of non-curricular health and safety
26 requirements that a charter school must meet. The list shall

1 be updated annually no later than September 1. Any charter
2 contract between a charter school and its authorizer must
3 contain a provision that requires the charter school to follow
4 the list of all non-curricular health and safety requirements
5 promulgated by the State Board and any non-curricular health
6 and safety requirements added by the State Board to such list
7 during the term of the charter. Nothing in this subsection (d)
8 precludes an authorizer from including non-curricular health
9 and safety requirements in a charter school contract that are
10 not contained in the list promulgated by the State Board,
11 including non-curricular health and safety requirements of the
12 authorizing local school board.

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

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

1 Internal Revenue Service. In addition, if deemed necessary for
2 proper financial oversight of the charter school, an
3 authorizer may require quarterly financial statements from
4 each charter school.

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

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

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

20 (3) the Local Governmental and Governmental Employees
21 Tort Immunity Act;

22 (4) Section 108.75 of the General Not For Profit
23 Corporation Act of 1986 regarding indemnification of
24 officers, directors, employees, and agents;

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

26 (5.5) subsection (b) of Section 10-23.12 and

1 subsection (b) of Section 34-18.6 of this Code;

2 (6) the Illinois School Student Records Act;

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

5 (8) the P-20 Longitudinal Education Data System Act;

6 (9) Section 27-23.7 of this Code regarding bullying
7 prevention;

8 (10) Section 2-3.162 of this Code regarding student
9 discipline reporting;

10 (11) Sections 22-80 and 27-8.1 of this Code;

11 (12) Sections 10-20.60 and 34-18.53 of this Code;

12 (13) Sections 10-20.63 and 34-18.56 of this Code;

13 (14) Section 26-18 of this Code;

14 (15) Section 22-30 of this Code;

15 (16) Sections 24-12 and 34-85 of this Code;

16 (17) the Seizure Smart School Act; ~~and~~

17 (18) Section 2-3.64a-10 of this Code; ~~and-~~

18 (19) Article 26A of this Code.

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

21 (h) A charter school may negotiate and contract with a
22 school district, the governing body of a State college or
23 university or public community college, or any other public or
24 for-profit or nonprofit private entity for: (i) the use of a
25 school building and grounds or any other real property or
26 facilities that the charter school desires to use or convert

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

21 (i) In no event shall a charter school that is established
22 by converting an existing school or attendance center to
23 charter school status be required to pay rent for space that is
24 deemed available, as negotiated and provided in the charter
25 agreement, in school district facilities. However, all other
26 costs for the operation and maintenance of school district

1 facilities that are used by the charter school shall be
2 subject to negotiation between the charter school and the
3 local school board and shall be set forth in the charter.

4 (j) A charter school may limit student enrollment by age
5 or grade level.

6 (k) If the charter school is approved by the State Board or
7 Commission, then the charter school is its own local education
8 agency.

9 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
10 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
11 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
12 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
13 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff.
14 3-8-21.)

15 (105 ILCS 5/34-18.24)

16 Sec. 34-18.24. Transfer of students.

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

25 (1) An attendance center that exceeds or as a result

1 of the transfer would exceed its attendance capacity.

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

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

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

16 (1) Have greater than 3% of the students enrolled in
17 the attendance center expelled for violence-related
18 conduct.

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

21 (3) Have at least 3% of the students enrolled in the
22 attendance center exercise the individual option to
23 transfer attendance centers pursuant to subsection (c) of
24 this Section.

25 (c) A student may transfer from one attendance center to
26 another attendance center within the district if the student

1 is a victim of a violent crime as defined in Section 3 of the
2 Rights of Crime Victims and Witnesses Act. The violent crime
3 must have occurred on school grounds during regular school
4 hours or during a school-sponsored event.

5 (d) (Blank).

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

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

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

4 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

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

6 (a) "Student" means any person enrolled or previously
7 enrolled in a school.

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

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

16 (d) "School Student Record" means any writing or other
17 recorded information concerning a student and by which a
18 student may be individually identified, maintained by a school
19 or at its direction or by an employee of a school, regardless
20 of how or where the information is stored. The following shall
21 not be deemed school student records under this Act: writings
22 or other recorded information maintained by an employee of a
23 school or other person at the direction of a school for his or
24 her exclusive use; provided that all such writings and other

1 recorded information are destroyed not later than the
2 student's graduation or permanent withdrawal from the school;
3 and provided further that no such records or recorded
4 information may be released or disclosed to any person except
5 a person designated by the school as a substitute unless they
6 are first incorporated in a school student record and made
7 subject to all of the provisions of this Act. School student
8 records shall not include information maintained by law
9 enforcement professionals working in the school.

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

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

26 (1) Information ~~information~~ provided under Section 8.6

1 of the Abused and Neglected Child Reporting Act and
2 information contained in service logs maintained by a
3 local education agency under subsection (d) of Section
4 14-8.02f of the School Code.

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

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

22 (g) "Parent" means a person who is the natural parent of
23 the student or other person who has the primary responsibility
24 for the care and upbringing of the student. All rights and
25 privileges accorded to a parent under this Act shall become
26 exclusively those of the student upon his 18th birthday,

1 graduation from secondary school, marriage or entry into
2 military service, whichever occurs first. Such rights and
3 privileges may also be exercised by the student at any time
4 with respect to the student's permanent school record.

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

6 Section 90. The State Mandates Act is amended by adding
7 Section 8.45 as follows:

8 (30 ILCS 805/8.45 new)

9 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
10 8 of this Act, no reimbursement by the State is required for
11 the implementation of any mandate created by this amendatory
12 Act of the 102nd General Assembly.

13 Section 99. Effective date. This Act takes effect July 1,
14 2022."