



Sen. Kimberly A. Lightford

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10200HB3223sam001

LRB102 10689 CMG 26616 a

1 AMENDMENT TO HOUSE BILL 3223

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 (b-35) In all suspension review hearings conducted under
6 subsection (b) or expulsion hearings conducted under
7 subsection (a), a student may disclose any factor to be
8 considered in mitigation, including his or her status as a
9 parent, expectant parent, or victim of domestic or sexual
10 violence, as defined in Article 26A. A representative of the
11 parent's or guardian's choice, or of the student's choice if
12 emancipated, must be permitted to represent the student
13 throughout the proceedings and to address the school board or
14 its appointed hearing officer. With the approval of the
15 student's parent or guardian, or of the student if
16 emancipated, a support person must be permitted to accompany
17 the student to any disciplinary hearings or proceedings. The
18 representative or support person must comply with any rules of
19 the school district's hearing process. If the representative
20 or support person violates the rules or engages in behavior or
21 advocacy that harasses, abuses, or intimidates either party, a
22 witness, or anyone else in attendance at the hearing, the
23 representative or support person may be prohibited from
24 further participation in the hearing or proceeding. A
25 suspension or expulsion proceeding under this subsection
26 (b-35) must be conducted independently from any ongoing

1 criminal investigation or proceeding, and an absence of
2 pending or possible criminal charges, criminal investigations,
3 or proceedings may not be a factor in school disciplinary
4 decisions.

5 (b-40) During a suspension review hearing conducted under
6 subsection (b) or an expulsion hearing conducted under
7 subsection (a) that involves allegations of sexual violence by
8 the student who is subject to discipline, neither the student
9 nor his or her representative shall directly question nor have
10 direct contact with the alleged victim. The student who is
11 subject to discipline or his or her representative may, at the
12 discretion and direction of the school board or its appointed
13 hearing officer, suggest questions to be posed by the school
14 board or its appointed hearing officer to the alleged victim.

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

19 (c-5) School districts shall make reasonable efforts to
20 provide ongoing professional development to teachers,
21 administrators, school board members, school resource
22 officers, and staff on the adverse consequences of school
23 exclusion and justice-system involvement, effective classroom
24 management strategies, culturally responsive discipline, the
25 appropriate and available supportive services for the
26 promotion of student attendance and engagement, and

1 developmentally appropriate disciplinary methods that promote
2 positive and healthy school climates.

3 (d) The board may expel a student for a definite period of
4 time not to exceed 2 calendar years, as determined on a
5 case-by-case basis. A student who is determined to have
6 brought one of the following objects to school, any
7 school-sponsored activity or event, or any activity or event
8 that bears a reasonable relationship to school shall be
9 expelled for a period of not less than one year:

10 (1) A firearm. For the purposes of this Section,
11 "firearm" means any gun, rifle, shotgun, weapon as defined
12 by Section 921 of Title 18 of the United States Code,
13 firearm as defined in Section 1.1 of the Firearm Owners
14 Identification Card Act, or firearm as defined in Section
15 24-1 of the Criminal Code of 2012. The expulsion period
16 under this subdivision (1) may be modified by the
17 superintendent, and the superintendent's determination may
18 be modified by the board on a case-by-case basis.

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

1 Expulsion or suspension shall be construed in a manner
2 consistent with the federal Individuals with Disabilities
3 Education Act. A student who is subject to suspension or
4 expulsion as provided in this Section may be eligible for a
5 transfer to an alternative school program in accordance with
6 Article 13A of the School Code.

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

24 (e) To maintain order and security in the schools, school
25 authorities may inspect and search places and areas such as
26 lockers, desks, parking lots, and other school property and

1 equipment owned or controlled by the school, as well as
2 personal effects left in those places and areas by students,
3 without notice to or the consent of the student, and without a
4 search warrant. As a matter of public policy, the General
5 Assembly finds that students have no reasonable expectation of
6 privacy in these places and areas or in their personal effects
7 left in these places and areas. School authorities may request
8 the assistance of law enforcement officials for the purpose of
9 conducting inspections and searches of lockers, desks, parking
10 lots, and other school property and equipment owned or
11 controlled by the school for illegal drugs, weapons, or other
12 illegal or dangerous substances or materials, including
13 searches conducted through the use of specially trained dogs.
14 If a search conducted in accordance with this Section produces
15 evidence that the student has violated or is violating either
16 the law, local ordinance, or the school's policies or rules,
17 such evidence may be seized by school authorities, and
18 disciplinary action may be taken. School authorities may also
19 turn over such evidence to law enforcement authorities.

20 (f) Suspension or expulsion may include suspension or
21 expulsion from school and all school activities and a
22 prohibition from being present on school grounds.

23 (g) A school district may adopt a policy providing that if
24 a student is suspended or expelled for any reason from any
25 public or private school in this or any other state, the
26 student must complete the entire term of the suspension or

1 expulsion in an alternative school program under Article 13A
2 of this Code or an alternative learning opportunities program
3 under Article 13B of this Code before being admitted into the
4 school district if there is no threat to the safety of students
5 or staff in the alternative program. A school district that
6 adopts a policy under this subsection (g) must include a
7 provision allowing for consideration of any mitigating
8 factors, including, but not limited to, a student's status as
9 a parent, expectant parent, or victim of domestic or sexual
10 violence, as defined in Article 26A.

11 (h) School officials shall not advise or encourage
12 students to drop out voluntarily due to behavioral or academic
13 difficulties.

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

18 (j) Subsections (a) through (i) of this Section shall
19 apply to elementary and secondary schools, charter schools,
20 special charter districts, and school districts organized
21 under Article 34 of this Code.

22 (k) The expulsion of children enrolled in programs funded
23 under Section 1C-2 of this Code is subject to the requirements
24 under paragraph (7) of subsection (a) of Section 2-3.71 of
25 this Code.

26 (l) Beginning with the 2018-2019 school year, an in-school

1 suspension program provided by a school district for any
2 students in kindergarten through grade 12 may focus on
3 promoting non-violent conflict resolution and positive
4 interaction with other students and school personnel. A school
5 district may employ a school social worker or a licensed
6 mental health professional to oversee an in-school suspension
7 program in kindergarten through grade 12.

8 (Source: P.A. 100-105, eff. 1-1-18; 100-810, eff. 1-1-19;
9 100-863, eff. 8-14-18; 100-1035, eff. 8-22-18; 101-81, eff.
10 7-12-19.)

11 (105 ILCS 5/10-22.6a) (from Ch. 122, par. 10-22.6a)

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

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

21 (1) Before ~~before~~ the birth of the child when the
22 pupil's physician, physician assistant, or advanced
23 practice nurse has indicated to the district, in writing,
24 that the pupil is medically unable to attend regular
25 classroom instruction. ~~and~~

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

3 (3) When the pupil must care for his or her ill child
4 if (i) the child's physician, physician assistant, or
5 advanced practice registered nurse has indicated to the
6 district, in writing, that the child has a serious health
7 condition that would require the pupil to be absent from
8 school for 2 or more consecutive weeks and (ii) the pupil
9 or the pupil's parent or guardian indicates to the
10 district, in writing, that the pupil is needed to provide
11 care to the child during this period. In this paragraph
12 (3), "serious health condition" means an illness, injury,
13 impairment, or physical or mental health condition that
14 involves inpatient care in a hospital, hospice, or
15 residential medical care facility or continuing treatment
16 by a health care provider that is not controlled by
17 medication alone.

18 (4) The pupil must treat physical or mental health
19 complications or address safety concerns arising from
20 domestic or sexual violence when a healthcare provider or
21 an employee of the pupil's domestic or sexual violence
22 organization, as defined in Article 26A has indicated to
23 the district, in writing, that the care is needed by the
24 pupil and will cause the pupil's absence from school for 2
25 or more consecutive weeks.

26 A school district may reassess home instruction provided to a

1 pupil under paragraph (3) or (4) every 2 months to determine
2 the pupil's continuing need for instruction under this
3 Section.

4 The instruction course shall be designed to offer
5 educational experiences that are equivalent to those given to
6 pupils at the same grade level in the district and that are
7 designed to enable the pupil to return to the classroom.

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

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

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

2 (a) The Chicago Board of Education may establish
3 alternative schools within Chicago and may contract with third
4 parties for services otherwise performed by employees,
5 including those in a bargaining unit, in accordance with
6 Sections 34-8.1, 34-18, and 34-49.

7 (b) Alternative schools operated by third parties within
8 Chicago shall be exempt from all provisions of this Code,
9 except provisions concerning:

- 10 (1) student civil rights;
- 11 (2) staff civil rights;
- 12 (3) health and safety;
- 13 (4) performance and financial audits;
- 14 (5) the assessments required under Section 2-3.64a-5
15 of this Code;
- 16 (6) Chicago learning outcomes;
- 17 (7) Sections 2-3.25a through 2-3.25j of this Code;
- 18 (8) the Inspector General; ~~and~~
- 19 (9) Section 34-2.4b of this Code; and
- 20 (10) Article 26A and any other provision of this Code
21 concerning students who are parents, expectant parents, or
22 victims of domestic or sexual violence, as defined in
23 Article 26A.

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

25 (105 ILCS 5/22-60)

1 Sec. 22-60. Unfunded mandates prohibited.

2 (a) No public school district or private school is
3 obligated to comply with the following types of mandates
4 unless a separate appropriation has been enacted into law
5 providing full funding for the mandate for the school year
6 during which the mandate is required:

7 (1) Any mandate in this Code enacted after the
8 effective date of this amendatory Act of the 96th General
9 Assembly.

10 (2) Any regulatory mandate promulgated by the State
11 Board of Education and adopted by rule after the effective
12 date of this amendatory Act of the 96th General Assembly
13 other than those promulgated with respect to this Section
14 or statutes already enacted on or before the effective
15 date of this amendatory Act of the 96th General Assembly.

16 (b) If the amount appropriated to fund a mandate described
17 in subsection (a) of this Section does not fully fund the
18 mandated activity, then the school district or private school
19 may choose to discontinue or modify the mandated activity to
20 ensure that the costs of compliance do not exceed the funding
21 received.

22 Before discontinuing or modifying the mandate, the school
23 district shall petition its regional superintendent of schools
24 on or before February 15 of each year to request to be exempt
25 from implementing the mandate in a school or schools in the
26 next school year. The petition shall include all legitimate

1 costs associated with implementing and operating the mandate,
2 the estimated reimbursement from State and federal sources,
3 and any unique circumstances the school district can verify
4 that exist that would cause the implementation and operation
5 of such a mandate to be cost prohibitive.

6 The regional superintendent of schools shall review the
7 petition. In accordance with the Open Meetings Act, he or she
8 shall convene a public hearing to hear testimony from the
9 school district and interested community members. The regional
10 superintendent shall, on or before March 15 of each year,
11 inform the school district of his or her decision, along with
12 the reasons why the exemption was granted or denied, in
13 writing. The regional superintendent must also send
14 notification to the State Board of Education detailing which
15 school districts requested an exemption and the results.

16 If the regional superintendent grants an exemption to the
17 school district, then the school district is relieved from the
18 requirement to establish and implement the mandate in the
19 school or schools granted an exemption for the next school
20 year. If the regional superintendent of schools does not grant
21 an exemption, then the school district shall implement the
22 mandate in accordance with the applicable law or rule by the
23 first student attendance day of the next school year. However,
24 the school district or a resident of the school district may on
25 or before April 15 appeal the decision of the regional
26 superintendent to the State Superintendent of Education. The

1 State Superintendent shall hear appeals on the decisions of
2 regional superintendents of schools no later than May 15 of
3 each year. The State Superintendent shall make a final
4 decision at the conclusion of the hearing on the school
5 district's request for an exemption from the mandate. If the
6 State Superintendent grants an exemption, then the school
7 district is relieved from the requirement to implement a
8 mandate in the school or schools granted an exemption for the
9 next school year. If the State Superintendent does not grant
10 an exemption, then the school district shall implement the
11 mandate in accordance with the applicable law or rule by the
12 first student attendance day of the next school year.

13 If a school district or private school discontinues or
14 modifies a mandated activity due to lack of full funding from
15 the State, then the school district or private school shall
16 annually maintain and update a list of discontinued or
17 modified mandated activities. The list shall be provided to
18 the State Board of Education upon request.

19 (c) This Section does not apply to (i) any new statutory or
20 regulatory mandates related to revised learning standards
21 developed through the Common Core State Standards Initiative
22 and assessments developed to align with those standards or
23 actions specified in this State's Phase 2 Race to the Top Grant
24 application if the application is approved by the United
25 States Department of Education, ~~or~~ (ii) new statutory or
26 regulatory mandates from the Race to the Top Grant through the

1 federal American Recovery and Reinvestment Act of 2009 imposed
2 on school districts designated as being in the lowest
3 performing 5% of schools within the Race to the Top Grant
4 application, or (iii) any changes made to this Code by this
5 amendatory Act of the 102nd General Assembly.

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

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

9 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

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

15 "Valid cause" for absence shall be illness, attendance at
16 a verified medical or therapeutic appointment, appointment
17 with a victim services provider, observance of a religious
18 holiday, death in the immediate family, or family emergency,
19 and shall include such other situations beyond the control of
20 the student as determined by the board of education in each
21 district, ~~or~~ or such other circumstances which cause reasonable
22 concern to the parent for the mental, emotional, or physical
23 health or safety of the student. For purposes of a student who
24 is an expectant parent, or parent, or victim of domestic or
25 sexual violence, "valid cause" for absence includes (i) the

1 fulfillment of a parenting responsibility, including, but not
2 limited to, arranging and providing child care, caring for a
3 sick child, attending prenatal or other medical appointments
4 for the expectant student, and attending medical appointments
5 for a child, and (ii) addressing circumstances resulting from
6 domestic or sexual violence, including, but not limited to,
7 experiencing domestic or sexual violence, recovering from
8 physical or psychological injuries, seeking medical attention,
9 seeking services from a domestic or sexual violence
10 organization, as defined in Article 26A, seeking psychological
11 or other counseling, participating in safety planning,
12 temporarily or permanently relocating, seeking legal
13 assistance or remedies, or taking any other action to increase
14 the safety or health of the student or to protect the student
15 from future domestic or sexual violence. A school district may
16 require a student to verify his or her claim of domestic or
17 sexual violence under Section 26A-45 prior to the district
18 approving a valid cause for an absence of 3 or more consecutive
19 days that is related to domestic or sexual violence.

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

24 "Truant minor" is defined as a chronic truant to whom
25 supportive services, including prevention, diagnostic,
26 intervention and remedial services, alternative programs and

1 other school and community resources have been provided and
2 have failed to result in the cessation of chronic truancy, or
3 have been offered and refused.

4 A "dropout" is defined as any child enrolled in grades 9
5 through 12 whose name has been removed from the district
6 enrollment roster for any reason other than the student's
7 death, extended illness, removal for medical non-compliance,
8 expulsion, aging out, graduation, or completion of a program
9 of studies and who has not transferred to another public or
10 private school and is not known to be home-schooled by his or
11 her parents or guardians or continuing school in another
12 country.

13 "Religion" for the purposes of this Article, includes all
14 aspects of religious observance and practice, as well as
15 belief.

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

18 (105 ILCS 5/Art. 26A heading new)

19 ARTICLE 26A. CHILDREN AND STUDENTS WHO ARE PARENTS,

20 EXPECTANT PARENTS, OR VICTIMS OF

21 DOMESTIC OR SEXUAL VIOLENCE

22 (105 ILCS 5/26A-1 new)

23 Sec. 26A-1. Scope of Article. This Article applies to all
24 school districts and schools governed by this Code, including

1 schools operating under Article 13, 13A, 13B, 27A, 32, 33, or
2 34. However, this Article does not apply to the Department of
3 Juvenile Justice School District.

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

5 Sec. 26A-5. Purpose. The purpose of this Article is to
6 ensure that Illinois schools have policies, procedures, or
7 both, in place that enable children and students who are
8 parents, expectant parents, or victims of domestic or sexual
9 violence to be identified by schools in a manner respectful of
10 their privacy and safety, treated with dignity and regard, and
11 provided the protection, instruction, and related services
12 necessary to enable them to meet State educational standards
13 and successfully attain a school diploma. This Article shall
14 be interpreted liberally to aid in this purpose. Nothing in
15 this Article precludes or may be used to preclude a mandated
16 reporter from reporting child abuse or child neglect as
17 required under the Abused and Neglected Child Reporting Act.

18 (105 ILCS 5/26A-10 new)

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

20 "Confidential" means information or facts expected and
21 intended to be kept private or protected by an existing
22 privilege in the Code of Civil Procedure. Confidential
23 information may be disclosed by a school or school district if
24 such disclosure is required by State or federal law or is

1 necessary to complete proceedings relevant to this Article.
2 Designation of student information as confidential applies to
3 the school and school district and does not limit a student's
4 right to speak about the student's experiences.

5 "Consent" includes, at a minimum, a recognition that (i)
6 consent is a freely given agreement to sexual activity, (ii)
7 an individual's lack of verbal or physical resistance or
8 submission resulting from the use of threat of force does not
9 constitute consent, (iii) an individual's manner of dress does
10 not constitute consent, (iv) an individual's consent to past
11 sexual activity does not constitute consent to future sexual
12 activity, (v) an individual's consent to engage in one type of
13 sexual activity with one person does not constitute consent to
14 engage in any other type of sexual activity or sexual activity
15 with another person, (vi) an individual can withdraw consent
16 at any time, and (vii) an individual cannot consent to sexual
17 activity if that individual is unable to understand the nature
18 of the activity or give knowing consent due to the
19 circumstances that include, but are not limited to, all the
20 following:

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

23 (2) The individual is asleep or unconscious.

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

25 (4) The individual is incapacitated due to a mental
26 disability.

1 "Domestic or sexual violence" means domestic violence,
2 gender-based harassment, sexual activity without consent,
3 sexual assault, sexual violence, or stalking. Domestic or
4 sexual violence may occur through electronic communication.
5 Domestic or sexual violence exists regardless of when or where
6 the violence occurred, whether or not the violence is the
7 subject of a criminal investigation or the perpetrator has
8 been criminally charged or convicted of a crime, whether or
9 not an order of protection or a no-contact order is pending
10 before or has been issued by a court, or whether or not any
11 domestic or sexual violence took place on school grounds,
12 during regular school hours, or during a school-sponsored
13 event.

14 "Domestic or sexual violence organization" means a
15 nonprofit, nongovernmental organization that provides
16 assistance to victims of domestic or sexual violence or
17 advocates for those victims, including an organization
18 carrying out a domestic or sexual violence program, an
19 organization operating a shelter or a rape crisis center or
20 providing counseling services, an accredited children's
21 advocacy center, an organization that provides services to or
22 advocates on behalf of children and students who are gay,
23 lesbian, bisexual, transgender, or gender nonconforming, an
24 organization that provides services to or advocates on behalf
25 of children and students who are parents or expectant parents,
26 or an organization seeking to eliminate domestic or sexual

1 violence or to address the consequences of that violence for
2 its victims through legislative advocacy or policy change,
3 public education, or service collaboration.

4 "Domestic violence" means abuse, as defined in the
5 Illinois Domestic Violence Act of 1986, by family or household
6 members, as defined in the Illinois Domestic Violence Act of
7 1986.

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

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

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

24 "Harassment" means any unwelcome conduct on the basis of a
25 student's actual or perceived race, gender, color, religion,
26 national origin, ancestry, sex, marital status, order of

1 protection status, disability, sexual orientation, gender
2 identity, pregnancy, or citizenship status that has the
3 purpose or effect of substantially interfering with the
4 individual's academic performance or creating an intimidating,
5 hostile, or offensive learning environment.

6 "Perpetrator" means an individual who commits or is
7 alleged to have committed any act of domestic or sexual
8 violence. The term "perpetrator" must be used with caution
9 when applied to children, particularly young children.

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

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

21 "School" means a school district or school governed by
22 this Code, including a school operating under Article 13, 13A,
23 13B, 27A, 32, 33, or 34, other than the Department of Juvenile
24 Justice School District. "School" includes any other entity
25 responsible for administering public schools, such as
26 cooperatives, joint agreements, charter schools, special

1 charter districts, regional offices of education, local
2 agencies, or the Department of Human Services, and nonpublic
3 schools recognized by the State Board of Education.

4 "Sexual activity" means any knowingly touching or fondling
5 by one person, either directly or through clothing, of the sex
6 organs, anus, mouth, or breast of another person for the
7 purpose of sexual gratification or arousal.

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

15 "Stalking" means any conduct proscribed in Section 12-7.3,
16 12-7.4, or 12-7.5 of the Criminal Code of 2012, including
17 stalking committed by a perpetrator who is a stranger to the
18 victim and stalking committed by a perpetrator who is known or
19 related by blood or marriage to the victim.

20 "Student" or "pupil" means any child who has not yet
21 received a diploma for completion of a secondary education.

22 "Student" includes, but is not limited to, an unaccompanied
23 minor not in the physical custody of a parent or guardian.

24 "Student at risk of academic failure" means a student who
25 is at risk of failing to meet the Illinois Learning Standards
26 or failing to graduate from elementary or high school and who

1 demonstrates a need for educational support or social services
2 beyond those provided by the regular school program.

3 "Student parent" means a student who is a custodial or
4 noncustodial parent taking an active role in the care and
5 supervision of a child and who has not yet received a diploma
6 for completion of a secondary education.

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

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

25 "Trauma-informed response" means a response involving an
26 understanding of the complexities of sexual violence, domestic

1 violence, dating violence, or stalking through training
2 centered on the neurobiological impact of trauma, the
3 influence of societal myths and stereotypes surrounding sexual
4 violence, domestic violence, dating violence, or stalking, and
5 understanding the behavior of perpetrators.

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

8 (105 ILCS 5/26A-15 new)

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

10 (a) The Ensuring Success in School Task Force is created
11 to draft and publish model policies and intergovernmental
12 agreements for inter-district transfers; draft and publish
13 model complaint resolution procedures as required in
14 subsection (c) of Section 26A-25; identify current mandatory
15 educator and staff training and additional new trainings
16 needed to meet the requirements as required in Section 26A-25
17 and Section 26A-35. These recommended policies and agreements
18 shall be survivor-centered and rooted in trauma-informed
19 responses and used to support all students, from
20 pre-kindergarten through grade 12, who are survivors of
21 domestic or sexual violence, regardless of whether the
22 perpetrator is school-related or not, or who are parenting or
23 pregnant, regardless of whether the school is a public school,
24 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, 2024, 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 one or more of the following: the school,

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

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

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

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

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

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

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

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

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

6 (c) When the alleged violation of this amendatory Act of
7 the 102nd General Assembly involves making a determination or
8 finding of responsibility of causing harm:

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 such 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 part, a witness, or an individual resolving the
13 complaint, the representative or support person 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 (1) The complainant, respondents, and named
3 perpetrator if directly impacted by the results of the
4 complaint resolution procedure must, at a minimum, have
5 the right to timely appeal the complaint resolution
6 procedure's findings or remedies if a party alleges (i) a
7 procedural error occurred, (ii) new information exists
8 that would substantially change the outcome of the
9 proceeding, (iii) the remedy is not sufficiently related
10 to the finding, or (iv) the decision is against the weight
11 of the evidence.

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

16 (3) The complainant and respondent and any
17 perpetrators directly impacted by the results of the
18 complaint resolution procedure must receive the appeal
19 decision, in writing, within 10 business days, but never
20 more than 15 business days, after the conclusion of the
21 review of findings or remedies or sooner if required by
22 State or federal law.

23 (g) Each school district must have a procedure to
24 determine interim protective measures and support services
25 available pending the resolution of the complaint including
26 the implementation of court orders.

1 (105 ILCS 5/26A-30 new)

2 Sec. 26A-30. Confidentiality.

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

1 including instances where the student indicates or the school
2 or school district or its employees or agents are otherwise
3 aware that the student's health or safety may be at risk if his
4 or her status is disclosed to the student's parent or
5 guardian, except as otherwise required by applicable federal
6 or State law, including the Abused and Neglected Child
7 Reporting Act, the Illinois School Student Records Act, the
8 Family Educational Rights and Privacy Act, and professional
9 ethics policies that govern the professional school 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 in
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 may not
19 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 may 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 contracts
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 the above prohibited
12 conduct, the school must provide notice to the reporting
13 student in writing and in a developmentally appropriate
14 communication format of its intent to contact the parties
15 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 Family Educational Rights and
19 Privacy Act, or other applicable State and federal law, no
20 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 and procedures as set forth
19 in provisions of this Code concerning students who are
20 parents, expectant parents, or victims of domestic or
21 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. Support 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 in-school support services and information
4 regarding nonschool-based support services, and the ability to
5 make up work missed on account of circumstances related to the
6 student's status as a parent, expectant parent, or victim of
7 domestic or sexual violence. Victims of domestic or sexual
8 violence must have access to those supports and services
9 regardless of when or where the violence for which they are
10 seeking supports and services occurred. All supports and
11 services must be offered for as long as necessary to maintain
12 the mental and physical well-being and safety of the student.
13 Schools may periodically check on students receiving supports
14 and services to determine whether each support and service
15 continues to be necessary to maintain the mental and physical
16 well-being and safety of the student or whether termination is
17 appropriate.

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

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

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

21 (d) Any student who is unable, because of circumstances
22 related to the student's status as a parent, expectant parent,
23 or victim of domestic or sexual violence, to participate in
24 classes on a particular day or days or at the particular time
25 of day must be excused in accordance with the procedures set
26 forth in this Code. Upon student or parent or guardian's

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

20 (e) If a school or school district employee or agent
21 becomes aware of or suspects a student's status as a parent,
22 expectant parent, or victim of domestic or sexual violence, it
23 is the responsibility of the employee or agent of the school or
24 school district to refer the student to the school district's
25 domestic or sexual violence and parenting resource personnel
26 set forth in Section 26A-35. A school district must make

1 respecting a student's privacy, confidentiality, mental and
2 physical health, and safety a paramount concern.

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

18 (g) Any support services must be available in any school
19 or by home or hospital instruction to the highest quality and
20 fullest extent possible for the individual setting.

21 (h) School-based counseling services, if available, must
22 be offered to students who are parents, expectant parents, or
23 victims of domestic or sexual violence consistent with the
24 Mental Health and Developmental Disabilities Code. At least
25 once every school year, each school district must inform, in
26 writing, all school personnel and all students 12 years of age

1 or older of the availability of counseling without parental or
2 guardian consent under Section 3-5A-105 (to be renumbered as
3 Section 3-550 in a revisory bill as of the effective date of
4 this amendatory Act of the 102nd General Assembly) of the
5 Mental Health and Developmental Disabilities Code. This
6 information must also be provided to students immediately
7 after any school personnel becomes aware that a student is a
8 parent, expectant parent, or victim of domestic or sexual
9 violence.

10 (i) All domestic or sexual violence organizations and
11 their staff and any other nonschool organization and its staff
12 shall maintain confidentiality under federal and State laws
13 and their professional ethics policies regardless of when or
14 where information, advice, counseling, or any other
15 interaction with students takes place. A school or school
16 district may not request or require those organizations or
17 individuals to breach confidentiality.

18 (105 ILCS 5/26A-45 new)

19 Sec. 26A-45. Verification.

20 (a) For purposes of students asserting their rights under
21 provisions relating to domestic or sexual violence in Sections
22 10-21.3a, 10-22.6, 10-22.6a, 26-2a, 26A-40, and 34-18.24, a
23 school district may require verification of the claim. The
24 student or the student's parents or guardians shall choose
25 which form of verification to submit to the school district. A

1 school district may only require one form of verification,
2 unless the student is requesting a transfer to another school,
3 in which case the school district may require 2 forms of
4 verification. All forms of verification received by a school
5 district under this subsection (a) must be kept in a
6 confidential temporary file, in accordance with the Illinois
7 School Student Records Act. Any one of the following shall be
8 an acceptable form of verification of a student's claim of
9 domestic or sexual violence:

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

13 (2) A police report, government agency record, or
14 court record.

15 (3) A statement or other documentation from a domestic
16 or sexual violence organization or any other organization
17 from which the student sought services or advice.

18 (4) Documentation from a lawyer, clergy person,
19 medical professional, or other professional from whom the
20 student sought services or advice related to domestic or
21 sexual violence.

22 (5) Any other evidence, such as physical evidence of
23 violence, which supports the claim.

24 (b) A student or a student's parent or guardian who has
25 provided acceptable verification that the student is or has
26 been a victim of domestic or sexual violence may not be

1 required to provide any additional verification if the
2 student's efforts to assert rights under this Code stem from a
3 claim involving the same perpetrator or the same incident of
4 violence. No school or school district shall request or
5 require additional documentation.

6 (c) The person named to be the perpetrator, the
7 perpetrator's family, or any other person named by the student
8 or the student's parent or guardian to be unsafe to contact may
9 not be contacted to verify the violence, except to the extent
10 that the district determines that it has an obligation to do so
11 based on federal or State law or safety concerns for the school
12 community, including such concerns for the victim. Prior to
13 making contact, a school must notify the student and his or his
14 parent or guardian in writing and in a developmentally
15 appropriate manner, and discuss and address any safety
16 concerns related to making such contact.

17 (105 ILCS 5/26A-50 new)

18 Sec. 26A-50. Prohibited practices. No school or school
19 district may take any adverse action against a student who is a
20 parent, expectant parent, or victim of domestic or sexual
21 violence because the student or his or her parent or guardian
22 (i) exercises or attempts to exercise his or her rights under
23 this amendatory Act of the 102nd General Assembly, (ii)
24 opposes practices that the student or his or her parent or
25 guardian believes to be in violation of this amendatory Act of

1 the 102nd General Assembly, or (iii) supports the exercise of
2 the rights of another under this amendatory Act of the 102nd
3 General Assembly. Exercising rights under this amendatory Act
4 of the 102nd General Assembly includes, but is not limited to,
5 filing a complaint with the school district as set forth in
6 this Code or in any manner requesting, availing himself or
7 herself of, or declining any of the provisions of this Code,
8 including, but not limited to, supports and services.

9 (105 ILCS 5/27A-5)

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

11 (a) A charter school shall be a public, nonsectarian,
12 nonreligious, non-home based, and non-profit school. A charter
13 school shall be organized and operated as a nonprofit
14 corporation or other discrete, legal, nonprofit entity
15 authorized under the laws of the State of Illinois.

16 (b) A charter school may be established under this Article
17 by creating a new school or by converting an existing public
18 school or attendance center to charter school status.
19 Beginning on April 16, 2003 (the effective date of Public Act
20 93-3), in all new applications to establish a charter school
21 in a city having a population exceeding 500,000, operation of
22 the charter school shall be limited to one campus. The changes
23 made to this Section by Public Act 93-3 do not apply to charter
24 schools existing or approved on or before April 16, 2003 (the
25 effective date of Public Act 93-3).

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

6 From April 1, 2013 through December 31, 2016, there is a
7 moratorium on the establishment of charter schools with
8 virtual-schooling components in school districts other than a
9 school district organized under Article 34 of this Code. This
10 moratorium does not apply to a charter school with
11 virtual-schooling components existing or approved prior to
12 April 1, 2013 or to the renewal of the charter of a charter
13 school with virtual-schooling components already approved
14 prior to April 1, 2013.

15 (c) A charter school shall be administered and governed by
16 its board of directors or other governing body in the manner
17 provided in its charter. The governing body of a charter
18 school shall be subject to the Freedom of Information Act and
19 the Open Meetings Act. No later than January 1, 2021 (one year
20 after the effective date of Public Act 101-291), a charter
21 school's board of directors or other governing body must
22 include at least one parent or guardian of a pupil currently
23 enrolled in the charter school who may be selected through the
24 charter school or a charter network election, appointment by
25 the charter school's board of directors or other governing
26 body, or by the charter school's Parent Teacher Organization

1 or its equivalent.

2 (c-5) No later than January 1, 2021 (one year after the
3 effective date of Public Act 101-291) or within the first year
4 of his or her first term, every voting member of a charter
5 school's board of directors or other governing body shall
6 complete a minimum of 4 hours of professional development
7 leadership training to ensure that each member has sufficient
8 familiarity with the board's or governing body's role and
9 responsibilities, including financial oversight and
10 accountability of the school, evaluating the principal's and
11 school's performance, adherence to the Freedom of Information
12 Act and the Open Meetings Act, and compliance with education
13 and labor law. In each subsequent year of his or her term, a
14 voting member of a charter school's board of directors or
15 other governing body shall complete a minimum of 2 hours of
16 professional development training in these same areas. The
17 training under this subsection may be provided or certified by
18 a statewide charter school membership association or may be
19 provided or certified by other qualified providers approved by
20 the State Board of Education.

21 (d) For purposes of this subsection (d), "non-curricular
22 health and safety requirement" means any health and safety
23 requirement created by statute or rule to provide, maintain,
24 preserve, or safeguard safe or healthful conditions for
25 students and school personnel or to eliminate, reduce, or
26 prevent threats to the health and safety of students and

1 school personnel. "Non-curricular health and safety
2 requirement" does not include any course of study or
3 specialized instructional requirement for which the State
4 Board has established goals and learning standards or which is
5 designed primarily to impart knowledge and skills for students
6 to master and apply as an outcome of their education.

7 A charter school shall comply with all non-curricular
8 health and safety requirements applicable to public schools
9 under the laws of the State of Illinois. On or before September
10 1, 2015, the State Board shall promulgate and post on its
11 Internet website a list of non-curricular health and safety
12 requirements that a charter school must meet. The list shall
13 be updated annually no later than September 1. Any charter
14 contract between a charter school and its authorizer must
15 contain a provision that requires the charter school to follow
16 the list of all non-curricular health and safety requirements
17 promulgated by the State Board and any non-curricular health
18 and safety requirements added by the State Board to such list
19 during the term of the charter. Nothing in this subsection (d)
20 precludes an authorizer from including non-curricular health
21 and safety requirements in a charter school contract that are
22 not contained in the list promulgated by the State Board,
23 including non-curricular health and safety requirements of the
24 authorizing local school board.

25 (e) Except as otherwise provided in the School Code, a
26 charter school shall not charge tuition; provided that a

1 charter school may charge reasonable fees for textbooks,
2 instructional materials, and student activities.

3 (f) A charter school shall be responsible for the
4 management and operation of its fiscal affairs including, but
5 not limited to, the preparation of its budget. An audit of each
6 charter school's finances shall be conducted annually by an
7 outside, independent contractor retained by the charter
8 school. To ensure financial accountability for the use of
9 public funds, on or before December 1 of every year of
10 operation, each charter school shall submit to its authorizer
11 and the State Board a copy of its audit and a copy of the Form
12 990 the charter school filed that year with the federal
13 Internal Revenue Service. In addition, if deemed necessary for
14 proper financial oversight of the charter school, an
15 authorizer may require quarterly financial statements from
16 each charter school.

17 (g) A charter school shall comply with all provisions of
18 this Article, the Illinois Educational Labor Relations Act,
19 all federal and State laws and rules applicable to public
20 schools that pertain to special education and the instruction
21 of English learners, and its charter. A charter school is
22 exempt from all other State laws and regulations in this Code
23 governing public schools and local school board policies;
24 however, a charter school is not exempt from the following:

25 (1) Sections 10-21.9 and 34-18.5 of this Code
26 regarding criminal history records checks and checks of

1 the Statewide Sex Offender Database and Statewide Murderer
2 and Violent Offender Against Youth Database of applicants
3 for employment;

4 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
5 34-84a of this Code regarding discipline of students;

6 (3) the Local Governmental and Governmental Employees
7 Tort Immunity Act;

8 (4) Section 108.75 of the General Not For Profit
9 Corporation Act of 1986 regarding indemnification of
10 officers, directors, employees, and agents;

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

12 (5.5) subsection (b) of Section 10-23.12 and
13 subsection (b) of Section 34-18.6 of this Code;

14 (6) the Illinois School Student Records Act;

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

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

18 (9) Section 27-23.7 of this Code regarding bullying
19 prevention;

20 (10) Section 2-3.162 of this Code regarding student
21 discipline reporting;

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

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

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

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

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

- 1 (16) Sections 24-12 and 34-85 of this Code;
2 (17) the Seizure Smart School Act; ~~and~~
3 (18) Section 2-3.64a-10 of this Code; ~~and~~
4 (19) Article 26A of this Code.

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

7 (h) A charter school may negotiate and contract with a
8 school district, the governing body of a State college or
9 university or public community college, or any other public or
10 for-profit or nonprofit private entity for: (i) the use of a
11 school building and grounds or any other real property or
12 facilities that the charter school desires to use or convert
13 for use as a charter school site, (ii) the operation and
14 maintenance thereof, and (iii) the provision of any service,
15 activity, or undertaking that the charter school is required
16 to perform in order to carry out the terms of its charter.
17 However, a charter school that is established on or after
18 April 16, 2003 (the effective date of Public Act 93-3) and that
19 operates in a city having a population exceeding 500,000 may
20 not contract with a for-profit entity to manage or operate the
21 school during the period that commences on April 16, 2003 (the
22 effective date of Public Act 93-3) and concludes at the end of
23 the 2004-2005 school year. Except as provided in subsection
24 (i) of this Section, a school district may charge a charter
25 school reasonable rent for the use of the district's
26 buildings, grounds, and facilities. Any services for which a

1 charter school contracts with a school district shall be
2 provided by the district at cost. Any services for which a
3 charter school contracts with a local school board or with the
4 governing body of a State college or university or public
5 community college shall be provided by the public entity at
6 cost.

7 (i) In no event shall a charter school that is established
8 by converting an existing school or attendance center to
9 charter school status be required to pay rent for space that is
10 deemed available, as negotiated and provided in the charter
11 agreement, in school district facilities. However, all other
12 costs for the operation and maintenance of school district
13 facilities that are used by the charter school shall be
14 subject to negotiation between the charter school and the
15 local school board and shall be set forth in the charter.

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

18 (k) If the charter school is approved by the State Board or
19 Commission, then the charter school is its own local education
20 agency.

21 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
22 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
23 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
24 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
25 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff.
26 3-8-21.)

1 (105 ILCS 5/34-18.24)

2 Sec. 34-18.24. Transfer of students.

3 (a) The board shall establish and implement a policy
4 governing the transfer of a student from one attendance center
5 to another within the school district upon the request of the
6 student's parent or guardian. A student may not transfer to
7 any of the following attendance centers, except by change in
8 residence if the policy authorizes enrollment based on
9 residence in an attendance area or unless approved by the
10 board on an individual basis:

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

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

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

20 (b) The board shall establish and implement a policy governing
21 the transfer of students within the school district from a
22 persistently dangerous attendance center to another attendance
23 center in that district that is not deemed to be persistently
24 dangerous. In order to be considered a persistently dangerous
25 attendance center, the attendance center must meet all of the

1 following criteria for 2 consecutive years:

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

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

7 (3) Have at least 3% of the students enrolled in the
8 attendance center exercise the individual option to
9 transfer attendance centers pursuant to subsection (c) of
10 this Section.

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

17 (d) (Blank).

18 (e) Notwithstanding any other provision of this Code, a
19 student who is a victim of domestic or sexual violence, as
20 defined in Article 26A, must be allowed to transfer to another
21 school immediately and as needed if the student's continued
22 attendance at a particular attendance center, school facility,
23 or school location poses a risk to the student's mental or
24 physical well-being or safety. A student who transfers to
25 another school under this subsection (e) due to domestic or
26 sexual violence must have full and immediate access to

1 extracurricular activities and any programs or activities
2 offered by or under the auspices of the school to which the
3 student has transferred. The school district may not require a
4 student who is a victim of domestic or sexual violence to
5 transfer to another school. No adverse or prejudicial effects
6 may result to any student who is a victim of domestic or sexual
7 violence because of the student availing himself or herself of
8 or declining the provisions of this subsection (e). The school
9 district may require a student to verify his or her claim of
10 domestic or sexual violence under Section 26A-45 before
11 approving a transfer to another school under this subsection
12 (e).

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

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

16 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

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

18 (a) "Student" means any person enrolled or previously
19 enrolled in a school.

20 (b) "School" means any public preschool, day care center,
21 kindergarten, nursery, elementary or secondary educational
22 institution, vocational school, special educational facility
23 or any other elementary or secondary educational agency or
24 institution and any person, agency or institution which

1 maintains school student records from more than one school,
2 but does not include a private or non-public school.

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

4 (d) "School Student Record" means any writing or other
5 recorded information concerning a student and by which a
6 student may be individually identified, maintained by a school
7 or at its direction or by an employee of a school, regardless
8 of how or where the information is stored. The following shall
9 not be deemed school student records under this Act: writings
10 or other recorded information maintained by an employee of a
11 school or other person at the direction of a school for his or
12 her exclusive use; provided that all such writings and other
13 recorded information are destroyed not later than the
14 student's graduation or permanent withdrawal from the school;
15 and provided further that no such records or recorded
16 information may be released or disclosed to any person except
17 a person designated by the school as a substitute unless they
18 are first incorporated in a school student record and made
19 subject to all of the provisions of this Act. School student
20 records shall not include information maintained by law
21 enforcement professionals working in the school.

22 (e) "Student Permanent Record" means the minimum personal
23 information necessary to a school in the education of the
24 student and contained in a school student record. Such
25 information may include the student's name, birth date,
26 address, grades and grade level, parents' names and addresses,

1 attendance records, and such other entries as the State Board
2 may require or authorize.

3 (f) "Student Temporary Record" means all information
4 contained in a school student record but not contained in the
5 student permanent record. Such information may include family
6 background information, intelligence test scores, aptitude
7 test scores, psychological and personality test results,
8 teacher evaluations, and other information of clear relevance
9 to the education of the student, all subject to regulations of
10 the State Board. The information shall include all of the
11 following:

12 (1) Information ~~information~~ provided under Section 8.6
13 of the Abused and Neglected Child Reporting Act and
14 information contained in service logs maintained by a
15 local education agency under subsection (d) of Section
16 14-8.02f of the School Code.

17 (2) Information ~~In addition, the student temporary~~
18 ~~record shall include information~~ regarding serious
19 disciplinary infractions that resulted in expulsion,
20 suspension, or the imposition of punishment or sanction.
21 For purposes of this provision, serious disciplinary
22 infractions means: infractions involving drugs, weapons,
23 or bodily harm to another.

24 (3) Information concerning a student's status and
25 related experiences as a parent, expectant parent, or
26 victim of domestic or sexual violence, as defined in

1 Article 26A of the School Code, including a statement of
2 the student or any other documentation, record, or
3 corroborating evidence and the fact that the student has
4 requested or obtained assistance, support, or services
5 related to that status. Enforcement of this paragraph (3)
6 shall follow the procedures provided in Section 26A-40 of
7 the School Code.

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

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

18 Section 90. The State Mandates Act is amended by adding
19 Section 8.45 as follows:

20 (30 ILCS 805/8.45 new)

21 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
22 8 of this Act, no reimbursement by the State is required for
23 the implementation of any mandate created by this amendatory
24 Act of the 102nd General Assembly.

1 Section 99. Effective date. This Act takes effect July 1,
2 2023.".