

AN ACT concerning education.

**Be it enacted by the People of the State of Illinois,
represented in the General Assembly:**

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

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

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

(a) To expel pupils guilty of gross disobedience or misconduct, including gross disobedience or misconduct perpetuated by electronic means, pursuant to subsection (b-20) of this Section, and no action shall lie against them for such expulsion. Expulsion shall take place only after the parents or guardians have been requested to appear at a meeting of the board, or with a hearing officer appointed by it, to discuss their child's behavior. Such request shall be made by registered or certified mail and shall state the time, place and purpose of the meeting. The board, or a hearing officer appointed by it, at such meeting shall state the reasons for dismissal and the date on which the expulsion is to become effective. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence

heard at the meeting and the board may take such action thereon as it finds appropriate. If the board acts to expel a pupil, the written expulsion decision shall detail the specific reasons why removing the pupil from the learning environment is in the best interest of the school. The expulsion decision shall also include a rationale as to the specific duration of the expulsion. An expelled pupil may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the expulsion, except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

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

reasons.

Any suspension shall be reported immediately to the parents or guardians ~~guardian~~ of a pupil along with a full statement of the reasons for such suspension and a notice of their right to a review. The school board must be given a summary of the notice, including the reason for the suspension and the suspension length. Upon request of the parents or guardians ~~guardian~~, the school board or a hearing officer appointed by it shall review such action of the superintendent or principal, assistant principal, or dean of students. At such review, the parents or guardians ~~guardian~~ of the pupil may appear and discuss the suspension with the board or its hearing officer. If a hearing officer is appointed by the board, he shall report to the board a written summary of the evidence heard at the meeting. After its hearing or upon receipt of the written report of its hearing officer, the board may take such action as it finds appropriate. If a student is suspended pursuant to this subsection (b), the board shall, in the written suspension decision, detail the specific act of gross disobedience or misconduct resulting in the decision to suspend. The suspension decision shall also include a rationale as to the specific duration of the suspension. A pupil who is suspended in excess of 20 school days may be immediately transferred to an alternative program in the manner provided in Article 13A or 13B of this Code. A pupil must not be denied transfer because of the suspension,

except in cases in which such transfer is deemed to cause a threat to the safety of students or staff in the alternative program.

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

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

(b-15) Out-of-school suspensions of 3 days or less may be used only if the student's continuing presence in school would pose a threat to school safety or a disruption to other students' learning opportunities. For purposes of this subsection (b-15), "threat to school safety or a disruption to other students' learning opportunities" shall be determined on a case-by-case basis by the school board or its designee. School officials shall make all reasonable efforts to resolve

such threats, address such disruptions, and minimize the length of suspensions to the greatest extent practicable.

(b-20) Unless otherwise required by this Code, out-of-school suspensions of longer than 3 days, expulsions, and disciplinary removals to alternative schools may be used only if other appropriate and available behavioral and disciplinary interventions have been exhausted and the student's continuing presence in school would either (i) pose a threat to the safety of other students, staff, or members of the school community or (ii) substantially disrupt, impede, or interfere with the operation of the school. For purposes of this subsection (b-20), "threat to the safety of other students, staff, or members of the school community" and "substantially disrupt, impede, or interfere with the operation of the school" shall be determined on a case-by-case basis by school officials. For purposes of this subsection (b-20), the determination of whether "appropriate and available behavioral and disciplinary interventions have been exhausted" shall be made by school officials. School officials shall make all reasonable efforts to resolve such threats, address such disruptions, and minimize the length of student exclusions to the greatest extent practicable. Within the suspension decision described in subsection (b) of this Section or the expulsion decision described in subsection (a) of this Section, it shall be documented whether other interventions were attempted or whether it was determined that

there were no other appropriate and available interventions.

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

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

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

(b-30) A school district shall create a policy by which suspended pupils, including those pupils suspended from the school bus who do not have alternate transportation to school, shall have the opportunity to make up work for equivalent academic credit. It shall be the responsibility of a pupil's parents or guardians ~~parent or guardian~~ to notify school officials that a pupil suspended from the school bus does not have alternate transportation to school.

(b-35) In all suspension review hearings conducted under subsection (b) or expulsion hearings conducted under subsection (a), a student may disclose any factor to be

considered in mitigation, including his or her status as a parent, expectant parent, or victim of domestic or sexual violence, as defined in Article 26A. A representative of the parent's or guardian's choice, or of the student's choice if emancipated, must be permitted to represent the student throughout the proceedings and to address the school board or its appointed hearing officer. With the approval of the student's parent or guardian, or of the student if emancipated, a support person must be permitted to accompany the student to any disciplinary hearings or proceedings. The representative or support person must comply with any rules of the school district's hearing process. If the representative or support person violates the rules or engages in behavior or advocacy that harasses, abuses, or intimidates either party, a witness, or anyone else in attendance at the hearing, the representative or support person may be prohibited from further participation in the hearing or proceeding. A suspension or expulsion proceeding under this subsection (b-35) must be conducted independently from any ongoing criminal investigation or proceeding, and an absence of pending or possible criminal charges, criminal investigations, or proceedings may not be a factor in school disciplinary decisions.

(b-40) During a suspension review hearing conducted under subsection (b) or an expulsion hearing conducted under subsection (a) that involves allegations of sexual violence by

the student who is subject to discipline, neither the student nor his or her representative shall directly question nor have direct contact with the alleged victim. The student who is subject to discipline or his or her representative may, at the discretion and direction of the school board or its appointed hearing officer, suggest questions to be posed by the school board or its appointed hearing officer to the alleged victim.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(105 ILCS 5/13A-11)

Sec. 13A-11. Chicago public schools.

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

(b) Alternative schools operated by third parties within

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

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

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

(105 ILCS 5/22-60)

Sec. 22-60. Unfunded mandates prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(105 ILCS 5/26A-1 new)

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

(105 ILCS 5/26A-5 new)

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

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

(105 ILCS 5/26A-10 new)

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

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

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

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

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

(2) The individual is asleep or unconscious.

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

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

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

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

"Domestic or sexual violence organization" means a nonprofit, nongovernmental organization that provides assistance to victims of domestic or sexual violence or advocates for those victims, including an organization carrying out a domestic or sexual violence program, an organization operating a shelter or a rape crisis center or providing counseling services, an accredited children's advocacy center, an organization that provides services to or advocates on behalf of children and students who are gay, lesbian, bisexual, transgender, or gender nonconforming, an organization that provides services to or advocates on behalf of children and students who are parents or expectant parents, or an organization seeking to eliminate domestic or sexual violence or to address the consequences of that violence for its victims through legislative advocacy or policy change, public education, or service collaboration.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Support person" means any person whom the victim has

chosen to include in proceedings for emotional support or safety. A support person does not participate in proceedings but is permitted to observe and support the victim with parent or guardian approval. "Support person" may include, but is not limited to, an advocate, clergy, a counselor, and a parent or guardian. If a student is age 18 years or older, the student has the right to choose a support person without parent or guardian approval.

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

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

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

(105 ILCS 5/26A-15 new)

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

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

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

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

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

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

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

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

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

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

(8) One member who represents a statewide, nonprofit, nongovernmental organization that offers free legal services, including victim's rights representation, to survivors of domestic violence or sexual violence appointed by the State Superintendent of Education.

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

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

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

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

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

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

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

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

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

(18) One member who represents a statewide

organization for school boards appointed by the State Superintendent of Education.

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

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

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

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

(d) On or before June 30, 2024, the Task Force shall report its work, including model policies, guidance recommendations, and agreements, to the Governor and the General Assembly. The report must include all of the following:

(1) Model school and district policies to facilitate inter-district transfers for student survivors of domestic or sexual violence, expectant parents, and parents. These policies shall place high value on being accessible and

expeditious for student survivors and pregnant and parenting students.

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

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

(4) Guidance for schools and districts regarding which mandatory training that is currently required for educator licenses or under State or federal law would be suitable to fulfill training requirements for resource personnel as prescribed by Section 26A-35 and for the staff tasked with implementing the complaint resolution procedure as prescribed by Section 26A-25. The guidance shall evaluate all relevant mandatory or recommended training, including, but not limited to, the training required under subsection (j) of Section 4 of the Abused and Neglected Child Reporting Act, Sections 3-11, 10-23.12, 10-23.13, and 27-23.7 of this Code, and subsections (d) and (f) of Section 10-22.39 of this Code. The guidance must also identify what gaps in training exist, including, but not limited to, training on trauma-informed responses and racial and gender equity, and make recommendations for

future training programs that should be required or recommended for the positions as prescribed by Sections 26A-25 and 26A-35.

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

(f) This Section is repealed on December 1, 2025.

(105 ILCS 5/26A-20 new)

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

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

(b) A school district's policy must be consistent with the model policy and procedures adopted by the State Board of

Education and under Public Act 101-531.

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

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

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

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

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

(5) Information regarding the various individuals, departments, or organizations to whom a student may report an incident of domestic or sexual violence, specifying for each individual or entity (i) the extent of the individual's or entity's reporting obligation to the school's or school district's administration, Title IX coordinator, or other personnel or entity, (ii) the

individual's or entity's ability to protect the student's privacy, and (iii) the extent of the individual's or entity's ability to have confidential communications with the student or his or her parent or guardian.

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

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

(105 ILCS 5/26A-25 new)

Sec. 26A-25. Complaint resolution procedure.

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

(1) The opportunity to consider the most appropriate means to execute the procedure considering school safety, the developmental level of students, methods to reduce

trauma during the procedure, and how to avoid multiple communications with students involved with an alleged incident of domestic or sexual violence.

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

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

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

(1) All individuals whose duties include resolution of complaints of violations of this amendatory Act of the 102nd General Assembly must complete a minimum of 8 hours of training on issues related to domestic and sexual violence and how to conduct the school's complaint resolution procedure, which may include the in-service training required under subsection (d) of Section

10-22.39, before commencement of those duties, and must receive a minimum of 6 hours of such training annually thereafter. This training must be conducted by an individual or individuals with expertise in domestic or sexual violence in youth and expertise in developmentally appropriate communications with elementary and secondary school students regarding topics of a sexual, violent, or sensitive nature.

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

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

(c) When the alleged violation of this amendatory Act of the 102nd General Assembly involves making a determination or

finding of responsibility of causing harm:

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

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

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

(d) Each party and witness may request and must be allowed to have a representative or support persons of their choice accompany them to any meeting or proceeding related to the alleged violence or violation of this amendatory Act of the 102nd General Assembly if the involvement of the representative or support persons does not result in undue delay of the meeting or proceeding. This representative or

support persons must comply with any rules of the school district's complaint resolution procedure. If the representative or support persons violate the rules or engage in behavior or advocacy that harasses, abuses, or intimidates either part, a witness, or an individual resolving the complaint, the representative or support person may be prohibited from further participation in the meeting or proceeding.

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

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

(1) The complainant, respondents, and named perpetrator if directly impacted by the results of the complaint resolution procedure must, at a minimum, have the right to timely appeal the complaint resolution procedure's findings or remedies if a party alleges (i) a procedural error occurred, (ii) new information exists

that would substantially change the outcome of the proceeding, (iii) the remedy is not sufficiently related to the finding, or (iv) the decision is against the weight of the evidence.

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

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

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

(105 ILCS 5/26A-30 new)

Sec. 26A-30. Confidentiality.

(a) Each school district must adopt and ensure that it has and implements a policy to ensure that all information concerning a student's status and related experiences as a parent, expectant parent, or victim of domestic or sexual

violence, or a student who is a named perpetrator of domestic or sexual violence, provided to or otherwise obtained by the school district or its employees or agents pursuant to this Code or otherwise, including a statement of the student or any other documentation, record, or corroborating evidence that the student has requested or obtained assistance, support, or services pursuant to this Code, shall be retained in the strictest of confidence by the school district or its employees or agents and may not be disclosed to any other individual outside of the district, including any other employee, except if such disclosure is (i) permitted by the Illinois School Student Records Act, the federal Family Educational Rights and Privacy Act of 1974, or other applicable State or federal laws, or (ii) requested or consented to, in writing, by the student or the student's parent or guardian if it is safe to obtain written consent from the student's parent or guardian.

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

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

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

(d) In the case of domestic or sexual violence, except as permitted under State or federal law, or to the extent that a school official determines that the school official has an obligation to do so based on safety concerns or threats to the community, including the victim, a school district must not contact the person named to be the perpetrator, the perpetrator's family, or any other person named by the student or named by the student's parent or guardian to be unsafe to contact to verify the violence. A school district must not contact the perpetrator, the perpetrator's family, or any other person named by the student or the student's parent or guardian to be unsafe for any other reason without providing prior written notice to the student's parent or guardian. Nothing in this Section prohibits the school or school

district from taking other steps to investigate the violence or from contacting persons not named by the student or the student's parent or guardian as unsafe to contact. Nothing in this Section prohibits the school or school district from taking reasonable steps to protect students. If the reasonable steps taken to protect students involve conduct that is prohibited under this subsection, the school must provide notice to the reporting student, in writing and in a developmentally appropriate communication format, of its intent to contact the parties named to be unsafe.

(105 ILCS 5/26A-35 new)

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

(a) Each school district shall designate or appoint at least one staff person at each school in the district who is employed at least part time at the school and who is a school social worker, school psychologist, school counselor, school nurse, or school administrator trained to address, in a survivor-centered, trauma responsive, culturally responsive, confidential, and sensitive manner, the needs of students who are parents, expectant parents, or victims of domestic or sexual violence. The designated or appointed staff person must have all of the following duties:

(1) To connect students who are parents, expectant parents, or victims of domestic or sexual violence to

appropriate in-school services or other agencies, programs, or services as needed.

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

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

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

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

(b) A member of staff who is designated or appointed under subsection (a) must (i) be trained to understand, provide information and referrals, and address issues pertaining to youth who are parents, expectant parents, or victims of domestic or sexual violence, including the theories and dynamics of domestic and sexual violence, the necessity for confidentiality and the law, policy, procedures, and protocols

implementing confidentiality, and the notification of the student's parent or guardian regarding the student's status as a parent, expectant parent, or victim of domestic or sexual violence or the enforcement of the student's rights under this Code if the notice of the student's status or the involvement of the student's parent or guardian may put the health or safety of the student at risk, including the rights of minors to consent to counseling services and psychotherapy under the Mental Health and Developmental Disabilities Code, or (ii) at a minimum, have participated in an in-service training program under subsection (d) of Section 10-22.39 that includes training on the rights of minors to consent to counseling services and psychotherapy under the Mental Health and Developmental Disabilities Code within 12 months prior to his or her designation or appointment.

(c) A school district must designate or appoint and train all domestic or sexual violence and parenting resource personnel, and the personnel must assist in implementing the duties as described in this Section no later than June 30, 2024, except in those school districts in which there exists a collective bargaining agreement on the effective date of this amendatory Act of the 102nd General Assembly and the implementation of this Section would be a violation of that collective bargaining agreement. If implementation of some activities required under this Section is prevented by an existing collective bargaining agreement, a school district

must comply with this Section to the fullest extent allowed by the existing collective bargaining agreement no later than June 30, 2024. In those instances in which a collective bargaining agreement that either fully or partially prevents full implementation of this Section expires after June 30, 2024, a school district must designate or appoint and train all domestic and sexual violence and parenting resource personnel, who shall implement the duties described in this Section no later than the effective date of the new collective bargaining agreement that immediately succeeds the collective bargaining agreement in effect on the effective date of this amendatory Act of the 102nd General Assembly.

(105 ILCS 5/26A-40 new)

Sec. 26A-40. Support and services.

(a) To facilitate the full participation of students who are parents, expectant parents, or victims of domestic or sexual violence, each school district must provide those students with in-school support services and information regarding nonschool-based support services, and the ability to make up work missed on account of circumstances related to the student's status as a parent, expectant parent, or victim of domestic or sexual violence. Victims of domestic or sexual violence must have access to those supports and services regardless of when or where the violence for which they are seeking supports and services occurred. All supports and

services must be offered for as long as necessary to maintain the mental and physical well-being and safety of the student. Schools may periodically check on students receiving supports and services to determine whether each support and service continues to be necessary to maintain the mental and physical well-being and safety of the student or whether termination is appropriate.

(b) Supports provided under subsection (a) shall include, but are not limited to (i) the provision of sufficiently private settings to ensure confidentiality and time off from class for meetings with counselors or other service providers, (ii) assisting the student with a student success plan, (iii) transferring a victim of domestic or sexual violence or the student perpetrator to a different classroom or school, if available, (iv) changing a seating assignment, (v) implementing in-school, school grounds, and bus safety procedures, (vi) honoring court orders, including orders of protection and no-contact orders to the fullest extent possible, and (vii) providing any other supports that may facilitate the full participation in the regular education program of students who are parents, expectant parents, or victims of domestic or sexual violence.

(c) If a student who is a parent, expectant parent, or victim of domestic or sexual violence is a student at risk of academic failure or displays poor academic performance, the student or the student's parent or guardian may request that

the school district provide the student with or refer the student to education and support services designed to assist the student in meeting State learning standards. A school district may either provide education or support services directly or may collaborate with public or private State, local, or community-based organizations or agencies that provide these services. A school district must also inform those students about support services of nonschool-based organizations and agencies from which those students typically receive services in the community.

(d) Any student who is unable, because of circumstances related to the student's status as a parent, expectant parent, or victim of domestic or sexual violence, to participate in classes on a particular day or days or at the particular time of day must be excused in accordance with the procedures set forth in this Code. Upon student or parent or guardian's request, the teachers and of the school administrative personnel and officials shall make available to each student who is unable to participate because of circumstances related to the student's status as a parent, expectant parent, or victim of domestic or sexual violence a meaningful opportunity to make up any examination, study, or work requirement that the student has missed because of the inability to participate on any particular day or days or at any particular time of day. For a student receiving homebound instruction, it is the responsibility of the student and parent to work with the

school or school district to meet academic standards for matriculation, as defined by school district policy. Costs assessed by the school district on the student for participation in those activities shall be considered waivable fees for any student whose parent or guardian is unable to afford them, consistent with Section 10-20.13. Each school district must adopt written policies for waiver of those fees in accordance with rules adopted by the State Board of Education.

(e) If a school or school district employee or agent becomes aware of or suspects a student's status as a parent, expectant parent, or victim of domestic or sexual violence, it is the responsibility of the employee or agent of the school or school district to refer the student to the school district's domestic or sexual violence and parenting resource personnel set forth in Section 26A-35. A school district must make respecting a student's privacy, confidentiality, mental and physical health, and safety a paramount concern.

(f) Each school must honor a student's and a parent's or guardian's decision to obtain education and support services and nonschool-based support services, to terminate the receipt of those education and support services, or nonschool-based support services, or to decline participation in those education and support services, or nonschool-based support services. No student is obligated to use education and support services, or nonschool-based support services. In developing

educational support services, the privacy, mental and physical health, and safety of the student shall be of paramount concern. No adverse or prejudicial effects may result to any student because of the student's availing of or declining the provisions of this Section as long as the student is working with the school to meet academic standards for matriculation as defined by school district policy.

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

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

(i) All domestic or sexual violence organizations and

their staff and any other nonschool organization and its staff shall maintain confidentiality under federal and State laws and their professional ethics policies regardless of when or where information, advice, counseling, or any other interaction with students takes place. A school or school district may not request or require those organizations or individuals to breach confidentiality.

(105 ILCS 5/26A-45 new)

Sec. 26A-45. Verification.

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

(1) A written statement from the student or anyone who

has knowledge of the circumstances that support the student's claim. This may be in the form of a complaint.

(2) A police report, governmental agency record, or court record.

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

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

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

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

(c) The person named to be the perpetrator, the perpetrator's family, or any other person named by the student or the student's parent or guardian to be unsafe to contact may not be contacted to verify the violence, except to the extent that the district determines that it has an obligation to do so

based on federal or State law or safety concerns for the school community, including such concerns for the victim. Prior to making contact, a school must notify the student and his or his parent or guardian in writing and in a developmentally appropriate manner, and discuss and address any safety concerns related to making such contact.

(105 ILCS 5/26A-50 new)

Sec. 26A-50. Prohibited practices. No school or school district may take any adverse action against a student who is a parent, expectant parent, or victim of domestic or sexual violence because the student or his or her parent or guardian (i) exercises or attempts to exercise his or her rights under this amendatory Act of the 102nd General Assembly, (ii) opposes practices that the student or his or her parent or guardian believes to be in violation of this amendatory Act of the 102nd General Assembly, or (iii) supports the exercise of the rights of another under this amendatory Act of the 102nd General Assembly. Exercising rights under this amendatory Act of the 102nd General Assembly includes, but is not limited to, filing a complaint with the school district as set forth in this Code or in any manner requesting, availing himself or herself of, or declining any of the provisions of this Code, including, but not limited to, supports and services.

(105 ILCS 5/27A-5)

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

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

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

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

From April 1, 2013 through December 31, 2016, there is a moratorium on the establishment of charter schools with virtual-schooling components in school districts other than a school district organized under Article 34 of this Code. This moratorium does not apply to a charter school with

virtual-schooling components existing or approved prior to April 1, 2013 or to the renewal of the charter of a charter school with virtual-schooling components already approved prior to April 1, 2013.

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

(c-5) No later than January 1, 2021 (one year after the effective date of Public Act 101-291) or within the first year of his or her first term, every voting member of a charter school's board of directors or other governing body shall complete a minimum of 4 hours of professional development leadership training to ensure that each member has sufficient familiarity with the board's or governing body's role and responsibilities, including financial oversight and accountability of the school, evaluating the principal's and

school's performance, adherence to the Freedom of Information Act and the Open Meetings Act, and compliance with education and labor law. In each subsequent year of his or her term, a voting member of a charter school's board of directors or other governing body shall complete a minimum of 2 hours of professional development training in these same areas. The training under this subsection may be provided or certified by a statewide charter school membership association or may be provided or certified by other qualified providers approved by the State Board of Education.

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

A charter school shall comply with all non-curricular health and safety requirements applicable to public schools under the laws of the State of Illinois. On or before September 1, 2015, the State Board shall promulgate and post on its

Internet website a list of non-curricular health and safety requirements that a charter school must meet. The list shall be updated annually no later than September 1. Any charter contract between a charter school and its authorizer must contain a provision that requires the charter school to follow the list of all non-curricular health and safety requirements promulgated by the State Board and any non-curricular health and safety requirements added by the State Board to such list during the term of the charter. Nothing in this subsection (d) precludes an authorizer from including non-curricular health and safety requirements in a charter school contract that are not contained in the list promulgated by the State Board, including non-curricular health and safety requirements of the authorizing local school board.

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

(f) A charter school shall be responsible for the management and operation of its fiscal affairs including, but not limited to, the preparation of its budget. An audit of each charter school's finances shall be conducted annually by an outside, independent contractor retained by the charter school. To ensure financial accountability for the use of public funds, on or before December 1 of every year of operation, each charter school shall submit to its authorizer

and the State Board a copy of its audit and a copy of the Form 990 the charter school filed that year with the federal Internal Revenue Service. In addition, if deemed necessary for proper financial oversight of the charter school, an authorizer may require quarterly financial statements from each charter school.

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

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

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

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

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

- (5) the Abused and Neglected Child Reporting Act;
- (5.5) subsection (b) of Section 10-23.12 and subsection (b) of Section 34-18.6 of this Code;
- (6) the Illinois School Student Records Act;
- (7) Section 10-17a of this Code regarding school report cards;
- (8) the P-20 Longitudinal Education Data System Act;
- (9) Section 27-23.7 of this Code regarding bullying prevention;
- (10) Section 2-3.162 of this Code regarding student discipline reporting;
- (11) Sections 22-80 and 27-8.1 of this Code;
- (12) Sections 10-20.60 and 34-18.53 of this Code;
- (13) Sections 10-20.63 and 34-18.56 of this Code;
- (14) Section 26-18 of this Code;
- (15) Section 22-30 of this Code;
- (16) Sections 24-12 and 34-85 of this Code;
- (17) the Seizure Smart School Act; ~~and~~
- (18) Section 2-3.64a-10 of this Code; ~~and~~
- (19) Article 26A of this Code.

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

(h) A charter school may negotiate and contract with a school district, the governing body of a State college or university or public community college, or any other public or for-profit or nonprofit private entity for: (i) the use of a

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

(i) In no event shall a charter school that is established by converting an existing school or attendance center to charter school status be required to pay rent for space that is deemed available, as negotiated and provided in the charter

agreement, in school district facilities. However, all other costs for the operation and maintenance of school district facilities that are used by the charter school shall be subject to negotiation between the charter school and the local school board and shall be set forth in the charter.

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

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

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

(105 ILCS 5/34-18.24)

Sec. 34-18.24. Transfer of students.

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

board on an individual basis:

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

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

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

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

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

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

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

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

(d) (Blank).

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

approving a transfer to another school under this subsection (e).

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

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

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

Sec. 2. As used in this Act:7

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

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

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

(d) "School Student Record" means any writing or other recorded information concerning a student and by which a student may be individually identified, maintained by a school or at its direction or by an employee of a school, regardless of how or where the information is stored. The following shall not be deemed school student records under this Act: writings or other recorded information maintained by an employee of a

school or other person at the direction of a school for his or her exclusive use; provided that all such writings and other recorded information are destroyed not later than the student's graduation or permanent withdrawal from the school; and provided further that no such records or recorded information may be released or disclosed to any person except a person designated by the school as a substitute unless they are first incorporated in a school student record and made subject to all of the provisions of this Act. School student records shall not include information maintained by law enforcement professionals working in the school.

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

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

following:

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

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

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

(g) "Parent" means a person who is the natural parent of the student or other person who has the primary responsibility for the care and upbringing of the student. All rights and

privileges accorded to a parent under this Act shall become exclusively those of the student upon his 18th birthday, graduation from secondary school, marriage or entry into military service, whichever occurs first. Such rights and privileges may also be exercised by the student at any time with respect to the student's permanent school record.

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

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

(30 ILCS 805/8.45 new)

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

Section 99. Effective date. This Act takes effect July 1, 2025.