



Rep. Anna Moeller

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1 AMENDMENT TO SENATE BILL 449

2 AMENDMENT NO. _____. Amend Senate Bill 449, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The School Code is amended by changing Sections
6 10-21.3a, 10-22.6, 10-22.6a, 13A-11, 22-60, 26-2a, 27A-5, and
7 34-18.24 and by adding Article 26A as follows:

8 (105 ILCS 5/10-21.3a)

9 Sec. 10-21.3a. Transfer of students.

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

1 on an individual basis:

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

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

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

11 (b) Each school board shall establish and implement a
12 policy governing the transfer of students within a school
13 district from a persistently dangerous school to another public
14 school in that district that is not deemed to be persistently
15 dangerous. In order to be considered a persistently dangerous
16 school, the school must meet all of the following criteria for
17 2 consecutive years:

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

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

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

25 (c) A student may transfer from one public school to
26 another public school in that district if the student is a

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

5 (d) (Blank).

6 (e) Notwithstanding any other provision of this Code, a
7 student who is a victim of gender-based violence, as defined in
8 Article 26A, must be permitted to transfer schools immediately
9 and as needed, including to a school in another school
10 district, if the student's continued attendance at a particular
11 attendance center, school facility, or school location poses a
12 risk to the student's mental or physical well-being or safety.
13 A transfer under this subsection within the student's current
14 school district must be considered before a transfer into a
15 different school district. The school district the student
16 transfers to must be an adjoining school district, unless there
17 is no attendance center, school facility, or school location in
18 that district in which the student's attendance poses no risk
19 to the student's mental or physical well-being or safety. The
20 school district the student seeks to transfer to may deny a
21 transfer to a particular attendance center if (i) the
22 attendance center exceeds or, as a result of the transfer,
23 would exceed its attendance capacity, (ii) the student does not
24 meet the attendance center's academic criteria for enrollment,
25 or (iii) the transfer would prevent the school district from
26 meeting obligations under State or federal law, a court order,

1 or a consent decree. If no adjoining school district is
2 available for transfer, the student may transfer to another
3 school district, unless there is no attendance center, school
4 facility, or school location in that district in which the
5 student's attendance poses no risk to the student's mental or
6 physical well-being or safety. The school district the student
7 seeks to transfer to may deny a transfer to a particular
8 attendance center if any of the situations described in items
9 (i) through (iii) of this subsection apply. A school district
10 must waive tuition for a student who transfers under this
11 subsection to the school district and is a nonresident. A
12 student who transfers to another school under this subsection
13 due to gender-based violence must have full and immediate
14 access to extracurricular activities and any programs or
15 activities offered by or under the auspices of the school to
16 which the student has transferred. A school district may not
17 require a student who is a victim of gender-based violence to
18 transfer to another school or school district. No adverse or
19 prejudicial effects may result to any student who is a victim
20 of gender-based violence because of the student availing
21 himself or herself of or declining the provisions of this
22 subsection. A school district may require a student to verify
23 his or her claim of gender-based violence under Section 26A-45
24 before approving the student's transfer to another school under
25 this subsection.

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

1 (105 ILCS 5/10-22.6) (from Ch. 122, par. 10-22.6)

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

4 (a) To expel pupils guilty of gross disobedience or
5 misconduct, including gross disobedience or misconduct
6 perpetuated by electronic means, pursuant to subsection (b-20)
7 of this Section, and no action shall lie against them for such
8 expulsion. Expulsion shall take place only after the parents
9 have been requested to appear at a meeting of the board, or
10 with a hearing officer appointed by it, to discuss their
11 child's behavior. Such request shall be made by registered or
12 certified mail and shall state the time, place and purpose of
13 the meeting. The board, or a hearing officer appointed by it,
14 at such meeting shall state the reasons for dismissal and the
15 date on which the expulsion is to become effective. If a
16 hearing officer is appointed by the board, he shall report to
17 the board a written summary of the evidence heard at the
18 meeting and the board may take such action thereon as it finds
19 appropriate. If the board acts to expel a pupil, the written
20 expulsion decision shall detail the specific reasons why
21 removing the pupil from the learning environment is in the best
22 interest of the school. The expulsion decision shall also
23 include a rationale as to the specific duration of the
24 expulsion. An expelled pupil may be immediately transferred to
25 an alternative program in the manner provided in Article 13A or

1 13B of this Code. A pupil must not be denied transfer because
2 of the expulsion, except in cases in which such transfer is
3 deemed to cause a threat to the safety of students or staff in
4 the alternative program.

5 (b) To suspend or by policy to authorize the superintendent
6 of the district or the principal, assistant principal, or dean
7 of students of any school to suspend pupils guilty of gross
8 disobedience or misconduct, or to suspend pupils guilty of
9 gross disobedience or misconduct on the school bus from riding
10 the school bus, pursuant to subsections (b-15) and (b-20) of
11 this Section, and no action shall lie against them for such
12 suspension. The board may by policy authorize the
13 superintendent of the district or the principal, assistant
14 principal, or dean of students of any school to suspend pupils
15 guilty of such acts for a period not to exceed 10 school days.
16 If a pupil is suspended due to gross disobedience or misconduct
17 on a school bus, the board may suspend the pupil in excess of
18 10 school days for safety reasons.

19 Any suspension shall be reported immediately to the parents
20 or guardian of a pupil along with a full statement of the
21 reasons for such suspension and a notice of their right to a
22 review. The school board must be given a summary of the notice,
23 including the reason for the suspension and the suspension
24 length. Upon request of the parents or guardian, the school
25 board or a hearing officer appointed by it shall review such
26 action of the superintendent or principal, assistant

1 principal, or dean of students. At such review, the parents or
2 guardian of the pupil may appear and discuss the suspension
3 with the board or its hearing officer. If a hearing officer is
4 appointed by the board, he shall report to the board a written
5 summary of the evidence heard at the meeting. After its hearing
6 or upon receipt of the written report of its hearing officer,
7 the board may take such action as it finds appropriate. If a
8 student is suspended pursuant to this subsection (b), the board
9 shall, in the written suspension decision, detail the specific
10 act of gross disobedience or misconduct resulting in the
11 decision to suspend. The suspension decision shall also include
12 a rationale as to the specific duration of the suspension. A
13 pupil who is suspended in excess of 20 school days may be
14 immediately transferred to an alternative program in the manner
15 provided in Article 13A or 13B of this Code. A pupil must not
16 be denied transfer because of the suspension, except in cases
17 in which such transfer is deemed to cause a threat to the
18 safety of students or staff in the alternative program.

19 (b-5) Among the many possible disciplinary interventions
20 and consequences available to school officials, school
21 exclusions, such as out-of-school suspensions and expulsions,
22 are the most serious. School officials shall limit the number
23 and duration of expulsions and suspensions to the greatest
24 extent practicable, and it is recommended that they use them
25 only for legitimate educational purposes. To ensure that
26 students are not excluded from school unnecessarily, it is

1 recommended that school officials consider forms of
2 non-exclusionary discipline prior to using out-of-school
3 suspensions or expulsions.

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

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

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

1 this subsection (b-20), "threat to the safety of other
2 students, staff, or members of the school community" and
3 "substantially disrupt, impede, or interfere with the
4 operation of the school" shall be determined on a case-by-case
5 basis by school officials. For purposes of this subsection
6 (b-20), the determination of whether "appropriate and
7 available behavioral and disciplinary interventions have been
8 exhausted" shall be made by school officials. School officials
9 shall make all reasonable efforts to resolve such threats,
10 address such disruptions, and minimize the length of student
11 exclusions to the greatest extent practicable. Within the
12 suspension decision described in subsection (b) of this Section
13 or the expulsion decision described in subsection (a) of this
14 Section, it shall be documented whether other interventions
15 were attempted or whether it was determined that there were no
16 other appropriate and available interventions.

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

26 A school district may refer students who are expelled to

1 appropriate and available support services.

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

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

13 (b-35) In all suspension or expulsion proceedings,
14 including, but not limited to, suspension or expulsion from
15 school, riding a school bus, or participating in any school
16 activity or program, a student may disclose his or her status
17 as a parent, expectant parent, or victim of gender-based
18 violence, as defined in Article 26A, and, if the student
19 alleges that this status is a factor in the behavior that gave
20 rise to the suspension or expulsion proceeding, the status must
21 be considered as a mitigating factor in determining whether to
22 suspend or expel the student or in deciding the nature or
23 severity of the disciplinary action taken against the student
24 at any time throughout the proceedings or during the
25 disciplinary period. An advocate or representative of the
26 student's choice must be permitted to represent the student

1 throughout the proceedings and to consult with the school board
2 if there is evidence that the student's status as a parent,
3 expectant parent, or victim of gender-based violence may be a
4 factor in the cause for expulsion or suspension. A student who
5 discloses his or her status as a victim of gender-based
6 violence may not be required to work out the problem directly
7 with the perpetrator or the perpetrator's advocate or
8 representative, be personally questioned or cross-examined by
9 the perpetrator or the perpetrator's advocate or
10 representative, have any direct contact with the perpetrator or
11 the perpetrator's advocate or representative, or be in the same
12 room as the perpetrator or the perpetrator's advocate or
13 representative during the proceedings. A suspension or
14 expulsion proceeding under this subsection must be conducted
15 independently from any ongoing criminal investigation or
16 proceeding, and a lack of pursuit of criminal investigations or
17 proceedings may not be a factor in school disciplinary
18 decisions.

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

23 (c-5) School districts shall make reasonable efforts to
24 provide ongoing professional development to teachers,
25 administrators, school board members, school resource
26 officers, and staff on the adverse consequences of school

1 exclusion and justice-system involvement, effective classroom
2 management strategies, culturally responsive discipline, the
3 appropriate and available supportive services for the
4 promotion of student attendance and engagement, and
5 developmentally appropriate disciplinary methods that promote
6 positive and healthy school climates.

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

14 (1) A firearm. For the purposes of this Section,
15 "firearm" means any gun, rifle, shotgun, weapon as defined
16 by Section 921 of Title 18 of the United States Code,
17 firearm as defined in Section 1.1 of the Firearm Owners
18 Identification Card Act, or firearm as defined in Section
19 24-1 of the Criminal Code of 2012. The expulsion period
20 under this subdivision (1) may be modified by the
21 superintendent, and the superintendent's determination may
22 be modified by the board on a case-by-case basis.

23 (2) A knife, brass knuckles or other knuckle weapon
24 regardless of its composition, a billy club, or any other
25 object if used or attempted to be used to cause bodily
26 harm, including "look alike" of any firearm as defined in

1 subdivision (1) of this subsection (d). The expulsion
2 requirement under this subdivision (2) may be modified by
3 the superintendent, and the superintendent's determination
4 may be modified by the board on a case-by-case basis.

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

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

1 inside the school.

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

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

1 (g) A school district may adopt a policy providing that if
2 a student is suspended or expelled for any reason from any
3 public or private school in this or any other state, the
4 student must complete the entire term of the suspension or
5 expulsion in an alternative school program under Article 13A of
6 this Code or an alternative learning opportunities program
7 under Article 13B of this Code before being admitted into the
8 school district if there is no threat to the safety of students
9 or staff in the alternative program. A school district that
10 adopts a policy under this subsection must include a provision
11 allowing for consideration of any mitigating factors,
12 including a student's status as a parent, expectant parent, or
13 victim of gender-based violence, as defined in Article 26A, in
14 reviews during the disciplinary period and exempting a student
15 from suspension or expulsion or lessening the nature or
16 severity of the disciplinary action taken against a student,
17 particularly when a mitigating factor is a factor in the
18 behavior that gave rise to the suspension or expulsion or
19 disciplinary action.

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

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

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

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

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

17 (Source: P.A. 99-456, eff. 9-15-16; 100-105, eff. 1-1-18;
18 100-810, eff. 1-1-19; 100-863, eff. 8-14-18; 100-1035, eff.
19 8-22-18; revised 10-1-18.)

20 (105 ILCS 5/10-22.6a) (from Ch. 122, par. 10-22.6a)

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

22 (a) To provide by home instruction, correspondence
23 courses, or otherwise courses of instruction for a pupil who is
24 ~~pupils who are~~ unable to attend school because of pregnancy or
25 pregnancy-related conditions, the fulfillment of parenting

1 obligations related to the health of the pupil's child, or
2 health and safety concerns arising from gender-based violence,
3 as defined in Article 26A. Such instruction shall be provided
4 to the pupil (1) before the birth of the child when the pupil's
5 physician, physician assistant, or advanced practice nurse has
6 indicated to the district, in writing, that the pupil is
7 medically unable to attend regular classroom instruction; ~~and~~
8 (2) for up to 3 months following the birth of the child or a
9 miscarriage; (3) when the pupil must care for his or her ill
10 child if (i) the child's physician, physician assistant, or
11 advanced practice registered nurse has indicated to the
12 district, in writing, that the child has a serious health
13 condition that would require the pupil to be absent from school
14 for 2 or more consecutive weeks and (ii) the pupil or the
15 pupil's parent or guardian indicates to the district, in
16 writing, that the pupil is needed to provide care to the child
17 during this period; or (4) when the pupil must treat physical
18 or mental health complications or address safety concerns
19 arising from gender-based violence if the pupil's domestic or
20 sexual violence organization, as defined in Article 26A, or
21 health care provider has indicated to the district, in writing,
22 that the care is needed by the pupil and will cause the pupil's
23 absence from school for 2 or more consecutive weeks. A school
24 district must reassess home instruction provided to a pupil
25 under item (3) or (4) once every 2 months to determine the
26 pupil's continuing need for instruction under this Section. The

1 instruction course shall be designed to offer educational
2 experiences that are equivalent to those given to pupils at the
3 same grade level in the district and that are designed to
4 enable the pupil to return to the classroom. In this subsection
5 (a), "serious health condition" means an illness, injury,
6 impairment, or physical or mental health condition that
7 involves inpatient care in a hospital, hospice, or residential
8 medical care facility or continuing treatment by a health care
9 provider.

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

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

1 (105 ILCS 5/13A-11)

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

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

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

11 (1) student civil rights;

12 (2) staff civil rights;

13 (3) health and safety;

14 (4) performance and financial audits;

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

17 (6) Chicago learning outcomes;

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

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

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

21 (10) Article 26A and any other provision of this Code
22 concerning youth who are parents, expectant parents, or
23 victims of gender-based violence, as defined in Article
24 26A.

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

1 (105 ILCS 5/22-60)

2 Sec. 22-60. Unfunded mandates prohibited.

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

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

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

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

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

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

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

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

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

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

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

1 mandates from the Race to the Top Grant through the federal
2 American Recovery and Reinvestment Act of 2009 imposed on
3 school districts designated as being in the lowest performing
4 5% of schools within the Race to the Top Grant application, or
5 (iii) any changes made by this amendatory Act of the 101st
6 General Assembly.

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

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

10 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

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

15 "Valid cause" for absence shall be illness; attendance at a
16 medical appointment; observance of a religious holiday; death in the immediate family;
17 family emergency; fulfillment
18 of a student's parenting responsibility, including, but not
19 limited to, arranging and providing child care, caring for the
20 student's sick child, or attending medical appointments for the
21 student's child; or addressing circumstances resulting from
22 gender-based violence, as defined in Article 26A, including,
23 but not limited to, experiencing gender-based violence,
24 recovering from physical or psychological injuries, seeking
25 medical attention, seeking services from a domestic or sexual

1 violence organization, as defined in Article 26A, seeking
2 psychological or other counseling, participating in safety
3 planning, temporarily or permanently relocating, seeking legal
4 assistance or remedies, or taking any other action to increase
5 the safety or health of the student or to protect the student
6 from future gender-based violence and shall include such other
7 situations beyond the control of the student as determined by
8 the board of education in each district, or such other
9 circumstances which cause reasonable concern to the parent for
10 the mental, emotional, or physical health or safety of the
11 student. A school district may require a student to verify his
12 or her claim of gender-based violence under Section 26A-45
13 before approving a valid cause for an absence of 3 or more
14 consecutive days under this Section that is related to
15 gender-based based violence.

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

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

26 A "dropout" is defined as any child enrolled in grades 9

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

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

12 (Source: P.A. 100-810, eff. 1-1-19; 100-918, eff. 8-17-18;
13 revised 10-4-18.)

14 (105 ILCS 5/Art. 26A heading new)

15 ARTICLE 26A. CHILDREN AND YOUTH WHO ARE PARENTS, EXPECTANT
16 PARENTS, OR VICTIMS OF GENDER-BASED VIOLENCE

17 (105 ILCS 5/26A-1 new)

18 Sec. 26A-1. Short title and application. This Article may
19 be referred to as the Ensuring Success in School Law. This
20 Article applies to all school districts and schools governed by
21 this Code, including those under Articles 13, 13A, 13B, 27A,
22 32, 33, and 34.

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

1 Sec. 26A-5. Purpose. The purpose of this Article is to
2 ensure that Illinois schools have policies, procedures, and
3 protocols in place that ensure children and youth who are
4 parents, expectant parents, or victims of gender-based
5 violence are identified by schools in a manner respectful of
6 their privacy and safety, treated with dignity and regard, and
7 provided the protection, instruction, and related
8 accommodations and services necessary to enable them to meet
9 State educational standards and successfully attain a high
10 school diploma. This Article shall be interpreted liberally to
11 aid in this purpose.

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

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

14 "Consent" includes, at a minimum, a recognition that (i)
15 consent is a freely given agreement to sexual activity, (ii) a
16 youth's lack of verbal or physical resistance or submission
17 resulting from the use of threat of force does not constitute
18 consent, (iii) a youth's manner of dress does not constitute
19 consent, (iv) a youth's consent to past sexual activity does
20 not constitute consent to future sexual activity, (v) a youth's
21 consent to engage in sexual activity does not constitute
22 consent to engage in sexual activity with another, (vi) a youth
23 can withdraw consent at any time, and (vii) a youth cannot
24 consent to sexual activity if that youth is unable to
25 understand the nature of the activity or give knowing consent

1 due to circumstances that include, but are not limited to, all
2 of the following:

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

5 (2) The youth is asleep or unconscious.

6 (3) The youth is under age.

7 (4) The youth is incapacitated due to a mental
8 disability.

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

25 "Domestic violence" means abuse, as defined in Section 103
26 of the Illinois Domestic Violence Act of 1986, by a family or

1 household member, as defined in Section 103 of the Illinois
2 Domestic Violence Act of 1986.

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

8 "Expectant parent" means a youth who is pregnant or a youth
9 who intends to act as a parent and who has not yet received a
10 diploma for completion of a secondary education as defined in
11 Section 22-22.

12 "Gender-based violence" means domestic violence,
13 harassment, sexual activity without consent, sexual assault,
14 sexual violence, or stalking. Gender-based violence may occur
15 through electronic communication. Gender-based violence exists
16 regardless of when or where the violence occurred, whether or
17 not the violence is the subject of a criminal investigation or
18 the perpetrator has been criminally charged or convicted of a
19 crime, whether or not an order of protection or a no-contact
20 order is pending before or has been issued by a court, or
21 whether or not any gender-based violence took place on school
22 grounds, during regular school hours, or during a
23 school-sponsored event.

24 "Harassment" means any harassment or discrimination on the
25 basis of an individual's actual or perceived sex or gender,
26 including unwelcome sexual advances, requests for sexual

1 favours, other verbal or physical conduct of a sexual nature, or
2 unwelcome conduct, including verbal, nonverbal, or physical
3 conduct that is not sexual in nature, but is related to a
4 student's status as a parent, expectant parent, or victim of
5 gender-based violence.

6 "Parent", as it relates to a student, means a student who
7 is a custodial or a noncustodial parent taking an active role
8 in the care and supervision of a child and who has not yet
9 received a diploma for completion of a secondary education, as
10 defined in Section 22-22.

11 "Perpetrator" means an individual who commits or is alleged
12 to have committed any act of gender-based violence. The term
13 "perpetrator" must be used with caution when applied to
14 children, particularly young children.

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

23 "School", for purposes of the provisions of this Article
24 relating to children and youth who are parents, expectant
25 parents, or victims of gender-based violence, includes, but is
26 not limited to, (i) a public or State-operated elementary or

1 secondary school, (ii) a school operated pursuant to an
2 agreement with a public school district, including a
3 cooperative or joint agreement with a governing body or board
4 of control, (iii) a charter school operating in compliance with
5 the Charter Schools Law, (iv) a school operated under Section
6 13A-3, (v) an alternative school operated by third parties
7 within the City of Chicago under Section 13A-11, (vi) an
8 alternative learning opportunities program operated under
9 Article 13B, (vii) a public school administered by a local
10 public agency or the Department of Human Services operating
11 pursuant to the authority of this Code, and (viii) any schools
12 otherwise subject to Article 13, 13A, 13B, 27A, 32, 33, or 34.

13 "School district", for purposes of the provisions of this
14 Article relating to youth who are parents, expectant parents,
15 or victims of domestic or sexual violence, means any public
16 entity responsible for administering schools, including school
17 districts subject to Article 13, 13A, 13B, 27A, 32, 33, or 34,
18 or any other entity responsible for administering public
19 schools, such as cooperatives, joint agreements, charter
20 schools, special charter districts, regional offices of
21 education, local agencies, or the Department of Human Services.

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

26 "Sexual assault" means any conduct of an adult or minor

1 child proscribed in Article 11 of the Criminal Code of 2012,
2 except for Sections 11-35 and 11-45 of the Criminal Code of
3 2012, or similar provisions of the Criminal Code of 1961,
4 including conduct committed by perpetrators who are strangers
5 to the victim and conduct committed by perpetrators who are
6 known or related by blood or marriage to the victim.

7 "Stalking" means any conduct proscribed in Section 12-7.3,
8 12-7.4, or 12-7.5 of the Criminal Code of 2012, or similar
9 provisions of the Criminal Code of 1961, including stalking
10 committed by perpetrators who are strangers to the victim and
11 stalking committed by perpetrators who are known or related by
12 blood or marriage to the victim.

13 "Student" or "pupil" means any child or youth enrolled,
14 eligible to enroll, or previously enrolled in a school who has
15 not yet received a diploma for completion of a secondary
16 education, as defined in Section 22-22.

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

22 "Victim" means an individual who has been subjected to one
23 or more acts of gender-based violence.

24 "Youth" means a child, pupil, student, or juvenile below
25 the age of 21 years who has not yet completed his or her
26 prescribed course of study or has not received a diploma for

1 completion of a secondary education, as defined in Section
2 22-22. "Youth" includes, but is not limited to, unaccompanied
3 youth not in the physical custody of a parent or guardian.

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

5 Sec. 26A-15. Ensuring Success in School working group.

6 (a) The Ensuring Success in School working group is hereby
7 created, comprised of all of the following members:

8 (1) One member representing the Office of the Governor,
9 appointed by the Governor.

10 (2) One senator appointed by the President of the
11 Senate.

12 (3) One representative appointed by the Speaker of the
13 House of Representatives.

14 (4) One senator or representative, appointed by the
15 Governor.

16 (5) Four public members chosen by each of the Governor,
17 President of the Senate, Speaker of the House of
18 Representatives, Minority Leader of the Senate, and
19 Minority Leader of the House of Representatives from all of
20 the following entities, representative of the geographic,
21 racial, ethnic, sexual orientation, gender identity, and
22 cultural diversity in this State:

23 (A) A statewide, nonprofit, nongovernmental
24 domestic violence organization.

25 (B) A domestic violence victim's advocate or other

1 service provider from a different nonprofit
2 organization.

3 (C) A statewide, nonprofit, nongovernmental sexual
4 assault organization.

5 (D) A sexual assault victim's advocate or service
6 provider from a different nonprofit, nongovernmental
7 sexual assault organization.

8 (E) A teen parent advocate or service provider from
9 a nonprofit, nongovernmental organization.

10 (F) A lesbian, gay, bi-sexual, transgender, or
11 nonconforming youth advocate or service provider from
12 a nonprofit, nongovernmental organization.

13 (G) An accredited children's advocacy center.

14 (H) A statewide, nonprofit, nongovernmental
15 multi-issue advocacy organization with expertise in a
16 cross-section of relevant issues.

17 (I) An organization that represents school social
18 workers.

19 (J) An organization that represents school
20 psychologists.

21 (K) An organization that represents school
22 counselors.

23 (L) A statewide professional teachers'
24 organization.

25 (M) A statewide organization representing school
26 boards.

1 (N) A statewide organization representing
2 principals.

3 (O) A school district organized under Article 34.

4 (6) All of the following members, who shall serve as ex
5 officio members:

6 (A) The Lieutenant Governor or his or her designee.

7 (B) A representative of the State Board of
8 Education, appointed by the State Superintendent of
9 Education.

10 (C) A representative of the Department of Human
11 Services, appointed by the Director of Human Services.

12 (b) The Governor must select a chairperson of the working
13 group from among the members of the group. Members of the
14 working group shall serve for a term of 2 years without
15 compensation, but may be reimbursed for their travel expenses
16 from appropriations to the State Board made available for that
17 purpose and subject to the rules of the appropriate travel
18 control board. The Office of the Governor must provide the
19 working group with administrative and technical support.

20 (c) The working group must meet at least once per quarter,
21 at the call of the chairperson. The working group may hold no
22 more than 2 public hearings annually to advise the Governor and
23 the General Assembly on the implementation, monitoring, and
24 evaluation of the changes made by this amendatory Act of the
25 101st General Assembly by schools and school districts
26 throughout the State, including, but not limited to, the

1 development of policies, procedures, and protocols to be
2 implemented by schools and school districts. All meetings of
3 the working group must be conducted in accordance with the Open
4 Meetings Act. The working group must ensure the participation
5 of youth who are parents, expectant parents, and victims of
6 gender-based violence and incorporate those students' advice
7 and recommendations into the working group's advice regarding
8 the implementation, monitoring, and evaluation of the changes
9 made by this amendatory Act of the 101st General Assembly. The
10 working group may establish committees to address any issues
11 that may arise while performing its duties under this Section.

12 (d) On or before June 30, 2021, and on or before each June
13 30 annually thereafter, the working group must submit a report
14 to the Governor and the General Assembly on its findings and
15 recommendations. The reports issued to the General Assembly
16 under this subsection must be provided to any member of the
17 General Assembly upon request.

18 (105 ILCS 5/26A-20 new)

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

21 (a) No later than July 1, 2021, and every 2 years
22 thereafter, each school district must review all existing
23 policies and procedures and must revise any existing policies
24 and procedures that may act as a barrier to the immediate
25 enrollment and re-enrollment, attendance, graduation, and

1 success in school of any youth who is a parent, expectant
2 parent, or victim of gender-based violence or any policies or
3 procedures that may compromise a criminal investigation
4 relating to gender-based violence or may re-victimize the
5 youth. A school district must adopt new policies and
6 procedures, as needed, to implement this Section and to ensure
7 that immediate and effective steps are taken to respond to
8 youth who are parents, expectant parents, or victims of
9 gender-based violence.

10 (b) A school district must confer with persons with
11 expertise in youth who are parents or expectant parents and
12 with persons with expertise in youth who are victims of
13 gender-based violence, including domestic and sexual violence
14 organizations, in (i) the review and revision and the adoption
15 and implementation of new policies and procedures under this
16 Section, including those policies and procedures related to
17 confidentiality, parental involvement, and a youth's
18 health-related or safety-related concerns in connection with
19 notifying a parent or guardian and (ii) the development and
20 distribution of materials related to those youth, including
21 outreach to youth not in school. A school district must ensure
22 that all materials distributed to youth are age appropriate and
23 culturally responsive and that youth are notified of and
24 understand the school district's policies and procedures,
25 including how and to whom to report any incident of
26 gender-based violence.

1 (c) A school district's policy on the procedures that a
2 youth or his or her parent or guardian may follow if he or she
3 chooses to report an incident of alleged gender-based violence
4 must, at a minimum, include all of the following:

5 (1) The name and contact information for gender-based
6 violence and parenting resource personnel and the Title IX
7 coordinator, school and school district resource officers
8 or security, local law enforcement officials, and a
9 community-based domestic or sexual violence organization.

10 (2) The name, title, and contact information for
11 confidential advisors or other confidential resources and
12 a description of what confidential reporting means.

13 (3) Information regarding the various individuals,
14 departments, or organizations to whom a youth may report an
15 incident of gender-based violence, specifying for each
16 individual or entity (i) the extent of the individual's or
17 entity's reporting obligation to the school or school
18 district's administration, Title IX coordinator, or other
19 personnel or entity, (ii) the individual's or entity's
20 ability to protect the youth's privacy, and (iii) the
21 extent of the individual's or entity's ability to have
22 confidential communications with the youth or his or her
23 parent or guardian.

24 (4) An option for the youth or his or her parent or
25 guardian to electronically report the incident.

26 (5) An option for the youth or his or her parent or

1 guardian to anonymously report the incident.

2 (6) An option for the youth or his or her parent or
3 guardian to confidentially report the incident.

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

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

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

14 (105 ILCS 5/26A-25 new)

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

16 (a) On or before January 1, 2021, each school district must
17 adopt one procedure to resolve complaints of alleged incidents
18 of student-perpetrated, gender-based violence and violations
19 of this amendatory Act of the 101st General Assembly. These
20 procedures shall comply with the confidentiality provisions of
21 Sections 26A-20 and 26A-30. The procedure must include, at a
22 minimum, all of the following:

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

1 trauma during the procedure, and how to avoid multiple
2 communications with students involved in an alleged
3 incident of gender-based violence.

4 (2) Any proceeding, meeting, or hearing held to resolve
5 complaints of alleged incidents of student perpetrated,
6 gender-based violence or violations of this amendatory Act
7 of the 101st General Assembly must protect the privacy of
8 the participating parties and witnesses. A school district
9 may not disclose the identity of the victim of gender-based
10 violence or the respondent, except as necessary to resolve
11 the complaint or to implement interim protective measures
12 and accommodations or when required by State or federal
13 law.

14 (3) Complainants alleging incidents of
15 student-perpetration of gender-based violence or
16 violations of this amendatory Act of the 101st General
17 Assembly must have the opportunity to request that the
18 complaint resolution procedure begin promptly and proceed
19 in a timely manner. Students who are parents, expectant
20 parents, or victims of gender-based violence or their
21 representatives may file complaints alleging either
22 student-perpetrated, gender-based violence or a violation
23 of this amendatory Act of the 101st General Assembly.

24 (b) A school district must determine the individuals who
25 will resolve complaints of alleged incidents of
26 student-perpetrated, gender-based violence or violations of

1 this amendatory Act of the 101st General Assembly.

2 (c) All individuals whose duties include resolution of
3 complaints of alleged incidents of student-perpetrated,
4 gender-based violence or violations of this amendatory Act of
5 the 101st General Assembly must receive a minimum of 10 hours
6 of annual training on issues related to gender-based violence
7 and how to conduct the school district's complaint resolution
8 procedure, which may include the in-service training required
9 under subsection (d) of Section 10-22.39. This training must be
10 conducted by an individual or individuals with expertise in
11 gender-based violence in youth and expertise in
12 developmentally appropriate communications with elementary and
13 secondary school students regarding topics of a sexual,
14 violent, or sensitive nature.

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

22 (e) An individual resolving a complaint must use a
23 preponderance of the evidence standard to determine if the
24 alleged incident of student-perpetrated, gender-based violence
25 occurred or if there is an allegation of a violation of this
26 amendatory Act of the 101st General Assembly.

1 (f) With complaints of alleged incidents of
2 student-perpetrated, gender-based violence, the complainant
3 and respondent shall (i) receive notice of the name of the
4 individual with authority to make a finding or impose a
5 sanction in the proceeding before the individual may initiate
6 contact with either party and (ii) have the opportunity to
7 request a substitution if the participation of an individual
8 with authority to make a finding or impose a sanction poses a
9 conflict of interest.

10 (g) With complaints of alleged incidents of
11 student-perpetrated, gender-based violence, the complainant
12 and the respondent may not directly cross-examine one another,
13 but may, at the discretion and direction of the individual
14 resolving the complaint, suggest questions to be posed by the
15 individual resolving the complaint and respond to the other
16 party.

17 (h) Each party may request and must be allowed to have a
18 representative or an advisor of his or her choice accompany him
19 or her to any meeting or proceeding related to the alleged
20 incident of student-perpetrated, gender-based violence or
21 violation of this amendatory Act of the 101st General Assembly
22 if the involvement of the advisor does not result in undue
23 delay of the meeting or proceeding. The advisor must comply
24 with any rules of the school district's complaint resolution
25 procedure regarding the advisor's role. If the advisor violates
26 the rules or engages in behavior or advocacy that harasses,

1 abuses, or intimidates either party, a witness, or an
2 individual resolving the complaint, that advisor may be
3 prohibited from further participation in the meeting or
4 proceeding.

5 (i) If the complaint resolution procedure involves a
6 hearing and the complainant or the respondent is a student, he
7 or she may not be compelled to testify in the presence of the
8 other party. If a party invokes this right, the school district
9 must provide a procedure by which each party may, at a minimum,
10 hear the other party's testimony.

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

16 (k) The complainant and the respondent are entitled to
17 simultaneous, written notification of the results of the
18 complaint resolution procedure, including information
19 regarding appeal rights, within 7 days after a decision or
20 sooner if required by State or federal law.

21 (l) The complainant and the respondent must, at a minimum,
22 have the right to timely appeal the complaint resolution
23 procedure's findings or imposed sanctions if a party alleges
24 that (i) a procedural error occurred, (ii) new information
25 exists that would substantially change the outcome of the
26 finding, or (iii) the sanction is disproportionate to the

1 violation. An individual reviewing the findings or imposed
2 sanctions may not have previously participated in the complaint
3 resolution procedure and may not have a conflict of interest
4 with either party. The complainant and the respondent must
5 receive the appeal decision, in writing, within 7 days after
6 the conclusion of the review of findings or sanctions or sooner
7 if required by federal or State law.

8 (m) Each school district must have a procedure to determine
9 interim protective measures and accommodations available
10 pending the resolution of the complaint, including the
11 implementation of court protective orders.

12 (105 ILCS 5/26A-30 new)

13 Sec. 26A-30. Confidentiality.

14 (a) Each school district must adopt and implement a policy
15 and protocol to ensure that all information concerning a
16 youth's status and related experiences as a parent, expectant
17 parent, or victim of gender-based violence provided to or
18 otherwise obtained by the school district or its employees or
19 agents pursuant to this Code or otherwise, including a
20 statement of the youth or any other documentation, record, or
21 corroborating evidence or that the youth has requested or
22 obtained assistance, accommodations, or services pursuant to
23 this Code, shall be retained in the strictest confidence by the
24 school district or its employees or agents and may not be
25 disclosed to any other individual, including any other

1 employee, except to the extent that disclosure is (i) requested
2 or consented to in writing by the youth or the youth's parent
3 or guardian if it is safe to obtain written consent from the
4 youth's parent or guardian or (ii) otherwise required by
5 applicable federal or State law, including the Abused and
6 Neglected Child Reporting Act and professional ethics policies
7 that govern school personnel.

8 (b) Prior to disclosing information about a youth's status
9 as a parent, expectant parent, or victim of gender-based
10 violence, a school must notify the youth and discuss and
11 address any safety concerns related to the disclosure,
12 including instances where the youth indicates or the school or
13 school district or its employees or agents are otherwise aware
14 that the youth's health or safety may be at risk if his or her
15 status is disclosed to the youth's parent or guardian, except
16 as otherwise required by applicable federal or State law,
17 including the Abused and Neglected Child Reporting act and
18 professional ethics policies that govern the professional
19 school personnel.

20 (c) No youth may be required to testify publicly concerning
21 his or her status as a victim of gender-based violence,
22 allegations of gender-based violence, his or her status as a
23 parent or expectant parent, or the youth's efforts to enforce
24 any of his or her rights under provisions in this Code relating
25 to youth who are parents, expectant parents, or victims of
26 gender-based violence.

1 (d) In the case of gender-based violence, a school district
2 may not contact the person named to be the perpetrator, the
3 perpetrator's family, or any other person named by the youth or
4 named by the youth's parent or guardian to be unsafe to contact
5 to verify the violence. A school district may not contact the
6 perpetrator, the perpetrator's family, or any other person
7 named by the youth or the youth's parent or guardian to be
8 unsafe for any other reason without written permission from the
9 youth or his or her parent or guardian. Permission from the
10 youth's parent or guardian may not be pursued if the youth
11 alleges that his or her health or safety would be threatened if
12 the school or school district contacts the youth's parent or
13 guardian to obtain written permission.

14 (e) A school district must take all actions necessary to
15 comply with this Section no later than January 1, 2021.

16 (105 ILCS 5/26A-35 new)

17 Sec. 26A-35. Gender-based violence and parenting resource
18 personnel.

19 (a) Each school district shall designate or appoint at
20 least one staff person at each school in the district who is
21 employed at least part-time at the school and who is a school
22 social worker, school psychologist, school counselor, school
23 nurse, school teacher, or school administrator trained to
24 address, in a culturally responsive, confidential, and
25 sensitive manner, the needs of youth who are parents, expectant

1 parents, or victims of gender-based violence. The designated or
2 appointed staff person must have all of the following duties:

3 (1) Communicate with and listen to youth who are
4 parents, expectant parents, or victims of gender-based
5 violence.

6 (2) Connect youth described in paragraph (1) to
7 appropriate, in-school services or other agencies,
8 programs, or services as needed.

9 (3) Coordinate and monitor the implementation of the
10 school's and school district's policies, procedures, and
11 protocols in cases involving student allegations of
12 gender-based violence.

13 (4) Coordinate and monitor the implementation of the
14 school's and school district's policies, procedures, and
15 protocols as set forth in provisions of this Code
16 concerning youth who are parents, expectant parents, or
17 victims of gender-based violence.

18 (5) Assist youth described in paragraph (1) in their
19 efforts to exercise and preserve their rights as set forth
20 in provisions of this Code concerning youth who are
21 parents, expectant parents, or victims of gender-based
22 violence.

23 (6) Assist in providing staff development to establish
24 a positive and sensitive learning environment for youth
25 described in paragraph (1).

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

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

22 (c) A school district must designate or appoint and train
23 all gender-based violence and parenting resource personnel,
24 and the personnel must assist in implementing the duties
25 described in this Section no later than January 1, 2021, except
26 in those school districts in which there exists a collective

1 bargaining agreement on the effective date of this amendatory
2 Act of the 101st General Assembly and the implementation of
3 this Section would be a violation of that collective bargaining
4 agreement. If implementation of some activities required under
5 this Section is prevented by an existing collective bargaining
6 agreement, a school district must comply with this Section to
7 the fullest extent allowed by the existing collective
8 bargaining agreement no later than January 1, 2021. In those
9 instances in which a collective bargaining agreement that
10 either fully or partially prevents full implementation of this
11 Section expires after January 1, 2021, a school district must
12 designate or appoint and train all gender-based and parenting
13 resource personnel, who shall implement the duties described in
14 this Section no later than the effective date of the new
15 collective bargaining agreement that immediately succeeds the
16 collective bargaining agreement in effect at the time this
17 Section becomes effective.

18 (105 ILCS 5/26A-40 new)

19 Sec. 26A-40. Accommodations, adjustments, and services.

20 (a) To facilitate the full participation of youth who are
21 parents, expectant parents, or victims of gender-based
22 violence, each school district must provide those youth with
23 reasonable accommodations and adjustments in school policy and
24 practice, in-school support services, access to non-school
25 based support services, and the ability to make up work missed

1 on account of circumstances related to the youth's status as a
2 parent, expectant parent, or victim of gender-based violence.
3 Victims of gender-based violence must have access to those
4 accommodations, adjustments, and services regardless of when
5 or where the violence for which they are seeking
6 accommodations, adjustments, or services occurred. All
7 accommodations, adjustments, and services must be continued
8 for as long as necessary to maintain the mental and physical
9 well-being and safety of the youth.

10 (b) Reasonable accommodations and adjustments provided
11 under subsection (a) shall include, but are not limited to, (i)
12 the provision of sufficiently private settings to ensure
13 confidentiality and time off from class for meetings with
14 counselors or other service providers, (ii) assisting the youth
15 in creating a student success plan, (iii) transfer of a victim
16 of gender-based violence or the student perpetrator to a
17 different classroom or school, (iv) change of seating
18 assignment, (v) implementation of in-school, school grounds,
19 and bus safety procedures, (vi) honoring court orders,
20 including orders of protection and no-contact orders, and (vii)
21 any other accommodation that may facilitate the full
22 participation in the regular education program of youth who are
23 parents, expectant parents, or victims of gender-based
24 violence.

25 (c) If a youth who is a parent, expectant parent, or victim
26 of gender-based violence is a student at risk of academic

1 failure or displays poor academic performance, the youth or the
2 youth's parent or guardian may request that the school district
3 provide the youth with or refer the youth to education and
4 support services designed to assist the youth in meeting State
5 learning standards. A school district may either provide
6 education or support services directly or may collaborate with
7 public or private State, local, or community-based
8 organizations or agencies that provide these services. A school
9 district must also assist those youth in accessing the support
10 services of non-school based organizations and agencies where
11 those youth typically receive services in the community.

12 (d) Any youth who is unable, because of circumstances
13 related to the youth's status as a parent, expectant parent, or
14 victim of gender-based violence, to participate in classes on a
15 particular day or days or at a particular time of day must be
16 excused from any examination or any study or work assignments
17 on that particular day or days or at that particular time of
18 day. It is the responsibility of the teachers and of the school
19 administrative personnel and officials to make available to
20 each youth who is unable to participate because of
21 circumstances related to the youth's status as a parent,
22 expectant parent, or victim of gender-based violence a
23 meaningful opportunity to make up any examination, study, or
24 work requirement that the youth has missed because of the
25 inability to participate on any particular day or days or at
26 any particular time of day. Costs assessed by a school district

1 on the youth for participation in those activities shall be
2 considered savable fees for any youth whose parent or guardian
3 is unable to afford them, consistent with the provisions of
4 Section 10-20.13. Each school district must adopt written
5 policies and procedures for waiver of those fees in accordance
6 with rules adopted by the State Board of Education.

7 (e) When a school or school district employee or agent
8 becomes aware of or suspects a youth's status as a parent,
9 expectant parent, or victim of gender-based violence, it is the
10 responsibility of the employee or agent of the school or school
11 district to inform the youth of the available services and
12 accommodations at the school and in the community that may
13 assist the youth in maintaining the youth's full educational
14 participation and the youth's successful performance. The
15 school or school district employee or agent must also refer the
16 youth to the school district's gender-based violence and
17 parenting personnel set forth in Section 26A-35. A school
18 district must make respecting a youth's privacy,
19 confidentiality, mental and physical health, and safety a
20 paramount concern.

21 (f) Each school must honor a youth's decision to obtain
22 education and support services, accommodations, and non-school
23 based support services, to terminate the receipt of those
24 education and support services, accommodations, or non-school
25 based support services, or to decline participation in those
26 education and support services, accommodations, and non-school

1 based support services. No youth is obligated to use education
2 and support services, accommodations, or non-school based
3 support services. In developing accommodations, adjustments,
4 or educational support services, the privacy, mental and
5 physical health, and safety of the youth shall be the paramount
6 concern. No adverse or prejudicial effects may result to any
7 youth because of the youth's availing of or declining the
8 provisions of this Section.

9 (g) Any support services to youth receiving education and
10 support services must be available in any school or by home or
11 hospital instruction.

12 (h) Individual, peer, group, and family counseling
13 services or psychotherapy must be made available to youth who
14 are parents, expectant parents, or victims of gender-based
15 violence consistent with the provisions of the Mental Health
16 and Developmental Disabilities Code. At least once every school
17 year, each school district must inform in writing all school
18 personnel and all students 12 years of age or older of the
19 availability of counseling without parental or guardian
20 consent under Section 3-5A-105 of the Mental Health and
21 Developmental Disabilities Code. This information must also be
22 provided to students immediately after any school personnel
23 becomes aware that a student is a parent, expectant parent, or
24 victim of gender-based violence.

25 (i) All domestic or sexual violence organizations and its
26 staff and any other non-school organization and its staff shall

1 maintain confidentiality pursuant to federal and State laws and
2 their professional ethics policies regardless of when or where
3 information, advice, counseling, or any other interaction with
4 students takes place. A school or school district may not
5 request or require those organizations or individuals to breach
6 confidentiality.

7 (105 ILCS 5/26A-45 new)

8 Sec. 26A-45. Assertion of rights; verification.

9 (a) For purposes of youth asserting their rights under
10 provisions relating to gender-based violence in Sections
11 10-21.3a, 10-22.6, 10-22.6a, 26-2a, 26A-40, and 34-18.24, a
12 school district may require verification of the claim.
13 Verification may not be required for a youth to be referred to
14 or to receive in-school or out-of-school services. Any one of
15 the following shall be acceptable as a form of verification of
16 a youth's claim of gender-based violence, only one of which may
17 be required by a school district, and the youth or the youth's
18 parent or guardian shall choose which form of documentation to
19 submit to the school district:

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

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

25 (3) A statement or other documentation from a domestic

1 or sexual violence organization or any other organization
2 from which the youth sought services or advice.

3 (4) Documentation from a lawyer, clergy person,
4 medical professional, or other professional from whom the
5 youth sought gender-based violence services or advice.

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

8 All forms of verification received by a school district
9 under this subsection must be kept in a temporary file.

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

18 (c) The person named to be the perpetrator, the
19 perpetrator's family, or any other person named by the youth or
20 named by the youth's parent or guardian to be unsafe to contact
21 may not be contacted to verify the violence. The perpetrator,
22 the perpetrator's family, or any other person named by the
23 youth or the youth's parent or guardian to be unsafe may not be
24 contacted for any other reason without written permission of
25 the youth or written permission of the youth's parent or
26 guardian. Permission of the youth's parent or guardian may not

1 be pursued when the youth alleges that his or her health or
2 safety would be threatened if the school or school district
3 contacts the youth's parent or guardian to obtain written
4 permission.

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

6 Sec. 26A-50. Enforcement of provisions.

7 (a) Violations of this amendatory Act of the 101st General
8 Assembly are actionable in civil court. A student who is a
9 parent, expectant parent, or victim of gender-based violence
10 has a cause of action against any school or school district
11 that fails to exercise due diligence in responding to the
12 student who is a parent, expectant parent, or victim of
13 gender-based violence whose status it knew or should have known
14 about. A student is not required to resolve a complaint using
15 the school district's complaint resolution procedure developed
16 under Section 26A-25 before filing an action in civil court.

17 (b) No less than 15 business days before filing an action
18 in civil court, a student or his or her representative must
19 send written notice of the violation of this amendatory Act of
20 the 101st General Assembly to the district superintendent of
21 the school district in which the student is enrolled.

22 (c) A prevailing student shall be entitled to all relief
23 that would make him or her whole. This relief may include, but
24 is not limited to, all of the following:

25 (1) Declaratory relief.

1 (2) Injunctive relief.

2 (3) Recovery of costs and attorney's fees, including,
3 but not limited to, costs for expert testimony and witness
4 fees.

5 (4) Compensatory damages, including, but not limited
6 to:

7 (A) economic loss, including damage, destruction
8 or loss of use of personal property, and loss of past
9 or future earning capacity; and

10 (B) damages for personal injury, disease, or
11 mental and emotional harm, including medical,
12 rehabilitation, pain and suffering, and physical
13 impairment.

14 (5) Punitive damages.

15 (105 ILCS 5/26A-55 new)

16 Sec. 26A-55. Prohibited practices. No school or school
17 district may take any adverse action against a student who is a
18 parent, expectant parent, or victim of gender-based violence
19 because the student or his or her parent or guardian (i)
20 exercises or attempts to exercise his or her rights under this
21 amendatory Act of the 101st General Assembly, (ii) opposes
22 practices that the student or his or her parent or guardian
23 believes to be in violation of this amendatory Act of the 101st
24 General Assembly, or (iii) supports the exercise of the rights
25 of another under this amendatory Act of the 101st General

1 Assembly. Exercising rights under this amendatory Act of the
2 101st General Assembly includes, but is not limited to, filing
3 an action, instituting or causing to be instituted any
4 proceeding under or related to this amendatory Act of the 101st
5 General Assembly, or in any manner requesting, availing himself
6 or herself of, or declining any of the provisions of this
7 amendatory Act of the 101st General Assembly, including, but
8 not limited to, accommodations or services.

9 (105 ILCS 5/27A-5)

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

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

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

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

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

15 On or before March 1, 2014, the Commission shall submit to
16 the General Assembly a report on the effect of
17 virtual-schooling, including without limitation the effect on
18 student performance, the costs associated with
19 virtual-schooling, and issues with oversight. The report shall
20 include policy recommendations for virtual-schooling.

21 (c) A charter school shall be administered and governed by
22 its board of directors or other governing body in the manner
23 provided in its charter. The governing body of a charter school
24 shall be subject to the Freedom of Information Act and the Open
25 Meetings Act.

26 (d) For purposes of this subsection (d), "non-curricular

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

12 A charter school shall comply with all non-curricular
13 health and safety requirements applicable to public schools
14 under the laws of the State of Illinois. On or before September
15 1, 2015, the State Board shall promulgate and post on its
16 Internet website a list of non-curricular health and safety
17 requirements that a charter school must meet. The list shall be
18 updated annually no later than September 1. Any charter
19 contract between a charter school and its authorizer must
20 contain a provision that requires the charter school to follow
21 the list of all non-curricular health and safety requirements
22 promulgated by the State Board and any non-curricular health
23 and safety requirements added by the State Board to such list
24 during the term of the charter. Nothing in this subsection (d)
25 precludes an authorizer from including non-curricular health
26 and safety requirements in a charter school contract that are

1 not contained in the list promulgated by the State Board,
2 including non-curricular health and safety requirements of the
3 authorizing local school board.

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

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

22 (g) A charter school shall comply with all provisions of
23 this Article, the Illinois Educational Labor Relations Act, all
24 federal and State laws and rules applicable to public schools
25 that pertain to special education and the instruction of
26 English learners, and its charter. A charter school is exempt

1 from all other State laws and regulations in this Code
2 governing public schools and local school board policies;
3 however, a charter school is not exempt from the following:

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

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

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

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

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

17 (5.5) subsection (b) of Section 10-23.12 and
18 subsection (b) of Section 34-18.6 of this Code;

19 (6) the Illinois School Student Records Act;

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

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

23 (9) Section 27-23.7 of this Code regarding bullying
24 prevention;

25 (10) Section 2-3.162 of this Code regarding student
26 discipline reporting;

- 1 (11) Sections 22-80 and 27-8.1 of this Code;
- 2 (12) Sections 10-20.60 and 34-18.53 of this Code;
- 3 (13) Sections 10-20.63 and 34-18.56 of this Code; ~~and~~
- 4 (14) Section 26-18 of this Code; ~~and~~
- 5 (15) Section 22-30 of this Code; and.
- 6 (16) Article 26A.

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

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

1 reasonable rent for the use of the district's buildings,
2 grounds, and facilities. Any services for which a charter
3 school contracts with a school district shall be provided by
4 the district at cost. Any services for which a charter school
5 contracts with a local school board or with the governing body
6 of a State college or university or public community college
7 shall be provided by the public entity at cost.

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

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

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

22 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,
23 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;
24 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;
25 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.
26 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,

1 eff. 8-14-18; revised 10-5-18.)

2 (105 ILCS 5/34-18.24)

3 Sec. 34-18.24. Transfer of students.

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

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

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

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

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

1 attendance center, the attendance center must meet all of the
2 following criteria for 2 consecutive years:

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

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

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

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

18 (d) (Blank).

19 (e) Notwithstanding any other provision of this Code, a
20 student who is a victim of gender-based violence, as defined in
21 Article 26A, must be permitted to transfer schools immediately
22 and as needed, including to a school in another school
23 district, if the student's continued attendance at a particular
24 attendance center, school facility, or school location poses a
25 risk to the student's mental or physical well-being or safety.
26 A transfer under this subsection within the school district

1 must be considered before a transfer into a different school
2 district. The school district the student transfers to must be
3 an adjoining school district, unless there is no attendance
4 center, school facility, or school location in that district in
5 which the student's attendance poses no risk to the student's
6 mental or physical well-being or safety. The school district
7 the student seeks to transfer to may deny a transfer to a
8 particular attendance center if (i) the attendance center
9 exceeds or, as a result of the transfer, would exceed its
10 attendance capacity, (ii) the student does not meet the
11 attendance center's academic criteria for enrollment, or (iii)
12 the transfer would prevent the school district from meeting
13 obligations under State or federal law, a court order, or a
14 consent decree. If no adjoining school district is available
15 for transfer, the student may transfer to another school
16 district, unless there is no attendance center, school
17 facility, or school location in that district in which the
18 student's attendance poses no risk to the student's mental or
19 physical well-being or safety. The school district the student
20 seeks to transfer to may deny a transfer to a particular
21 attendance center if any of the situations described in items
22 (i) through (iii) of this subsection apply. A school district
23 must waive tuition for a student who transfers under this
24 subsection to the school district and is a nonresident. A
25 student who transfers to another school under this subsection
26 due to gender-based violence must have full and immediate

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

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

14 Section 10. The Illinois School Student Records Act is
15 amended by changing Section 5 as follows:

16 (105 ILCS 10/5) (from Ch. 122, par. 50-5)

17 Sec. 5. (a) A parent or any person specifically designated
18 as a representative by a parent shall have the right to inspect
19 and copy all school student permanent and temporary records of
20 that parent's child, except if the child is a parent, expectant
21 parent, or victim of gender-based violence, as defined in
22 Article 26A. All information concerning a student's status and
23 related experiences as a parent, expectant parent, or victim of
24 gender-based violence, including a statement of the student or

1 any other documentation, record, or corroborating evidence and
2 the fact that the student has requested or obtained assistance,
3 accommodations, or services related to that status, must be
4 retained by the school in the strictest confidence. The
5 information contained in the student's permanent or temporary
6 record may be disclosed if, prior to disclosing the information
7 about a student's status as a parent, expectant parent, or
8 victim of gender-based violence, the school notifies the
9 student and discusses and addresses any health or safety
10 concerns related to that disclosure. If the student's health or
11 safety concerns are incapable of being satisfied to the
12 student's satisfaction, the information concerning the
13 student's status and related experiences as a parent, expectant
14 parent, or victim of gender-based violence may not be disclosed
15 as part of the student's permanent or temporary record.
16 Enforcement of this exception is as provided in Section 26A-40.

17 A student shall have the right to inspect and copy his or her
18 school student permanent record. No person who is prohibited by
19 an order of protection from inspecting or obtaining school
20 records of a student pursuant to the Illinois Domestic Violence
21 Act of 1986, as now or hereafter amended, shall have any right
22 of access to, or inspection of, the school records of that
23 student. If a school's principal or person with like
24 responsibilities or his designee has knowledge of such order of
25 protection, the school shall prohibit access or inspection of
26 the student's school records by such person.

1 (b) Whenever access to any person is granted pursuant to
2 paragraph (a) of this Section, at the option of either the
3 parent or the school a qualified professional, who may be a
4 psychologist, counsellor or other advisor, and who may be an
5 employee of the school or employed by the parent, may be
6 present to interpret the information contained in the student
7 temporary record. If the school requires that a professional be
8 present, the school shall secure and bear any cost of the
9 presence of the professional. If the parent so requests, the
10 school shall secure and bear any cost of the presence of a
11 professional employed by the school.

12 (c) A parent's or student's request to inspect and copy
13 records, or to allow a specifically designated representative
14 to inspect and copy records, must be granted within a
15 reasonable time, and in no case later than 10 business days
16 after the date of receipt of such request by the official
17 records custodian.

18 (c-5) The time for response under this Section may be
19 extended by the school district by not more than 5 business
20 days from the original due date for any of the following
21 reasons:

22 (1) the requested records are stored in whole or in
23 part at other locations than the office having charge of
24 the requested records;

25 (2) the request requires the collection of a
26 substantial number of specified records;

1 (3) the request is couched in categorical terms and
2 requires an extensive search for the records responsive to
3 it;

4 (4) the requested records have not been located in the
5 course of routine search and additional efforts are being
6 made to locate them;

7 (5) the request for records cannot be complied with by
8 the school district within the time limits prescribed by
9 subsection (c) of this Section without unduly burdening or
10 interfering with the operations of the school district; or

11 (6) there is a need for consultation, which shall be
12 conducted with all practicable speed, with another public
13 body or school district or among 2 or more components of a
14 public body or school district having a substantial
15 interest in the determination or in the subject matter of
16 the request.

17 The person making a request and the school district may
18 agree in writing to extend the time for compliance for a period
19 to be determined by the parties. If the requester and the
20 school district agree to extend the period for compliance, a
21 failure by the school district to comply with any previous
22 deadlines shall not be treated as a denial of the request for
23 the records.

24 (d) The school may charge its reasonable costs for the
25 copying of school student records, not to exceed the amounts
26 fixed in schedules adopted by the State Board, to any person

1 permitted to copy such records, except that no parent or
2 student shall be denied a copy of school student records as
3 permitted under this Section 5 for inability to bear the cost
4 of such copying.

5 (e) Nothing contained in this Section 5 shall make
6 available to a parent or student confidential letters and
7 statements of recommendation furnished in connection with
8 applications for employment to a post-secondary educational
9 institution or the receipt of an honor or honorary recognition,
10 provided such letters and statements are not used for purposes
11 other than those for which they were specifically intended, and

12 (1) were placed in a school student record prior to
13 January 1, 1975; or

14 (2) the student has waived access thereto after being
15 advised of his right to obtain upon request the names of
16 all such persons making such confidential recommendations.

17 (f) Nothing contained in this Act shall be construed to
18 impair or limit the confidentiality of:

19 (1) Communications otherwise protected by law as
20 privileged or confidential, including but not limited to,
21 information communicated in confidence to a physician,
22 psychologist or other psychotherapist, school social
23 worker, school counselor, school psychologist, or school
24 social worker, school counselor, or school psychologist
25 intern who works under the direct supervision of a school
26 social worker, school counselor, or school psychologist;

1 or

2 (2) Information which is communicated by a student or
3 parent in confidence to school personnel; or

4 (3) Information which is communicated by a student,
5 parent, or guardian to a law enforcement professional
6 working in the school, except as provided by court order.

7 (g) No school employee shall be subjected to adverse
8 employment action, the threat of adverse employment action, or
9 any manner of discrimination because the employee is acting or
10 has acted to protect communications as privileged or
11 confidential pursuant to applicable provisions of State or
12 federal law or rule or regulation.

13 (Source: P.A. 100-532, eff. 9-22-17.)

14 Section 990. The State Mandates Act is amended by adding
15 Section 8.43 as follows:

16 (30 ILCS 805/8.43 new)

17 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8
18 of this Act, no reimbursement by the State is required for the
19 implementation of any mandate created by this amendatory Act of
20 the 101st General Assembly.

21 Section 999. Effective date. This Act takes effect July 1,
22 2020."