



Sen. Kimberly A. Lightford

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1 AMENDMENT TO SENATE BILL 449

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 449 by replacing  
3 everything after the enacting clause with the following:

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

7 (105 ILCS 5/10-21.3a)

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

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

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

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

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

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

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

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

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

24          (c) A student may transfer from one public school to  
25          another public school in that district if the student is a  
26          victim of a violent crime as defined in Section 3 of the Rights

1 of Crime Victims and Witnesses Act. The violent crime must have  
2 occurred on school grounds during regular school hours or  
3 during a school-sponsored event.

4 (d) (Blank).

5 (e) Notwithstanding any other provision of this Code, a  
6 student who is a victim of gender-based violence, as defined in  
7 Article 26A, must be permitted to transfer schools immediately  
8 and as needed, including to a school in another school  
9 district, if the student's continued attendance at a particular  
10 attendance center, school facility, or school location poses a  
11 risk to the student's mental or physical well-being or safety.  
12 A transfer under this subsection within the student's current  
13 school district must be considered before a transfer into a  
14 different school district. A school district must waive tuition  
15 for a student who transfers under this subsection to the school  
16 district and is a nonresident. A student who transfers to  
17 another school under this subsection due to gender-based  
18 violence must have full and immediate access to extracurricular  
19 activities and any programs or activities offered by or under  
20 the auspices of the school to which the student has  
21 transferred. No adverse or prejudicial effects may result to  
22 any student who is a victim of gender-based violence because of  
23 the student availing himself or herself of or declining the  
24 provisions of this subsection.

25 (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  
26 13B of this Code. A pupil must not be denied transfer because

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

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

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

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

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

1 non-exclusionary discipline prior to using out-of-school  
2 suspensions or expulsions.

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

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

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

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

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

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



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

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

12 (b-35) In all suspension or expulsion proceedings, a  
13 student may disclose his or her status as a parent, expectant  
14 parent, or victim of gender-based violence, as defined in  
15 Article 26A, which must be considered as a mitigating factor in  
16 determining whether to suspend or expel the student or in  
17 deciding the nature or severity of the disciplinary action at  
18 any time throughout the proceedings. An advocate or  
19 representative of the student's choice must be permitted to  
20 represent the student throughout the proceedings and to consult  
21 with the school board if there is evidence that the student's  
22 status as a parent, expectant parent, or victim of gender-based  
23 violence may be a factor in the cause for expulsion or  
24 suspension. A student who discloses his or her status as a  
25 victim of gender-based violence may not be required to work out  
26 the problem directly with the perpetrator or the perpetrator's

1 advocate or representative, be personally questioned or  
2 cross-examined by the perpetrator or the perpetrator's  
3 advocate or representative, have any direct contact with the  
4 perpetrator or the perpetrator's advocate or representative,  
5 or be in the same room as the perpetrator or the perpetrator's  
6 advocate or representative during the proceedings. A  
7 suspension or expulsion proceeding under this subsection must  
8 be conducted independently from any ongoing criminal  
9 investigation or proceeding, and a lack of pursuit of criminal  
10 investigations or proceedings may not be a factor in school  
11 disciplinary decisions.

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

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

26 (d) The board may expel a student for a definite period of

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

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

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

24 Expulsion or suspension shall be construed in a manner  
25 consistent with the federal ~~Federal~~ Individuals with  
26 Disabilities Education Act. A student who is subject to

1 suspension or expulsion as provided in this Section may be  
2 eligible for a transfer to an alternative school program in  
3 accordance with Article 13A of the School Code.

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

21 (e) To maintain order and security in the schools, school  
22 authorities may inspect and search places and areas such as  
23 lockers, desks, parking lots, and other school property and  
24 equipment owned or controlled by the school, as well as  
25 personal effects left in those places and areas by students,  
26 without notice to or the consent of the student, and without a

1 search warrant. As a matter of public policy, the General  
2 Assembly finds that students have no reasonable expectation of  
3 privacy in these places and areas or in their personal effects  
4 left in these places and areas. School authorities may request  
5 the assistance of law enforcement officials for the purpose of  
6 conducting inspections and searches of lockers, desks, parking  
7 lots, and other school property and equipment owned or  
8 controlled by the school for illegal drugs, weapons, or other  
9 illegal or dangerous substances or materials, including  
10 searches conducted through the use of specially trained dogs.  
11 If a search conducted in accordance with this Section produces  
12 evidence that the student has violated or is violating either  
13 the law, local ordinance, or the school's policies or rules,  
14 such evidence may be seized by school authorities, and  
15 disciplinary action may be taken. School authorities may also  
16 turn over such evidence to law enforcement authorities.

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

20 (g) A school district may adopt a policy providing that if  
21 a student is suspended or expelled for any reason from any  
22 public or private school in this or any other state, the  
23 student must complete the entire term of the suspension or  
24 expulsion in an alternative school program under Article 13A of  
25 this Code or an alternative learning opportunities program  
26 under Article 13B of this Code before being admitted into the

1 school district if there is no threat to the safety of students  
2 or staff in the alternative program. A school district that  
3 adopts a policy under this subsection must include a provision  
4 allowing for consideration of a student's status as a parent,  
5 expectant parent, or victim of gender-based violence, as  
6 defined in Article 26A, as a mitigating factor in reviews  
7 during the disciplinary period and exempting, on a case-by-case  
8 basis, from suspension or expulsion those students whose status  
9 as a parent, expectant parent, or victim of gender-based  
10 violence is a factor in the behavior that gave rise to the  
11 suspension or expulsion.

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

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

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

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

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

9 (m) If a student is faced with either (i) suspension from  
10 school due to gross disobedience or misconduct or suspension  
11 from riding a school bus due to gross disobedience or  
12 misconduct on the school bus as provided in this Section or  
13 (ii) expulsion due to gross disobedience or misconduct as  
14 provided in this Section and if there is a relationship between  
15 the behavior that gave rise to the suspension or expulsion  
16 proceedings and the student's status as a parent, expectant  
17 parent, or victim of gender-based violence, as defined in  
18 Article 26A, then the suspension or expulsion requirement may  
19 be modified by the district superintendent on a case-by-case  
20 basis.

21 (Source: P.A. 99-456, eff. 9-15-16; 100-105, eff. 1-1-18;  
22 100-810, eff. 1-1-19; 100-863, eff. 8-14-18; 100-1035, eff.  
23 8-22-18; revised 10-1-18.)

24 (105 ILCS 5/10-22.6a) (from Ch. 122, par. 10-22.6a)

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

1       (a) To provide by home instruction, correspondence  
2 courses, or otherwise courses of instruction for a pupil who is  
3 ~~pupils who are~~ unable to attend school because of pregnancy or  
4 pregnancy-related conditions, the fulfillment of parenting  
5 obligations related to the health of the pupil's child, or  
6 health and safety concerns arising from gender-based violence,  
7 as defined in Article 26A. Such instruction shall be provided  
8 to the pupil (1) before the birth of the child when the pupil's  
9 physician, physician assistant, or advanced practice nurse has  
10 indicated to the district, in writing, that the pupil is  
11 medically unable to attend regular classroom instruction; ~~and~~  
12 (2) for up to 3 months following the birth of the child or a  
13 miscarriage; (3) when the pupil must care for his or her ill  
14 child if (i) the child's physician, physician assistant, or  
15 advanced practice registered nurse has indicated to the  
16 district, in writing, that the child has a serious health  
17 condition, (ii) the pupil or the pupil's parent or guardian  
18 indicates to the district, in writing, that the pupil is needed  
19 to provide care to the child, and (iii) alternative care for  
20 the child that is adequate and affordable is unavailable; or  
21 (4) when the pupil must treat physical or mental health  
22 complications or address safety concerns arising from  
23 gender-based violence if the pupil's domestic or sexual  
24 violence organization, as defined in Article 26A, or health  
25 care provider has indicated to the district, in writing, that  
26 the care is needed by the pupil and will cause the pupil's



1 absence from school for one or more weeks. The instruction  
2 course shall be designed to offer educational experiences that  
3 are equivalent to those given to pupils at the same grade level  
4 in the district and that are designed to enable the pupil to  
5 return to the classroom. In this subsection (a), "serious  
6 health condition" means an illness, injury, impairment, or  
7 physical or mental health condition that involves inpatient  
8 care in a hospital, hospice, or residential medical care  
9 facility or continuing treatment by a health care 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 pregnancy-related medical appointment; observance of a  
17 religious holiday; death in the immediate family; family  
18 emergency; fulfillment of a student's parenting  
19 responsibility, including, but not limited to, arranging and  
20 providing child care, caring for the student's sick child, or  
21 attending medical appointments for the student's child; or  
22 addressing circumstances resulting from gender-based violence,  
23 as defined in Article 26A, including, but not limited to,  
24 experiencing gender-based violence, recovering from physical  
25 or psychological injuries, seeking medical attention, seeking

1 services from a domestic or sexual violence organization, as  
2 defined in Article 26A, seeking psychological or other  
3 counseling, participating in safety planning, temporarily or  
4 permanently relocating, seeking legal assistance or remedies,  
5 or taking any other action to increase the safety or health of  
6 the student or to protect the student from future gender-based  
7 violence and shall include such other situations beyond the  
8 control of the student as determined by the board of education  
9 in each district, or such other circumstances which cause  
10 reasonable concern to the parent for the mental, emotional, or  
11 physical health or safety of the student.

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

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

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

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

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

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

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

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

13 (105 ILCS 5/26A-1 new)

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

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

20 Sec. 26A-5. Purpose. The purpose of this Article is to  
21 ensure that Illinois schools have policies, procedures, and  
22 protocols in place that ensure children and youth who are  
23 parents, expectant parents, or victims of gender-based



1 violence are identified by schools in a manner respectful of  
2 their privacy and safety, treated with dignity and regard, and  
3 provided the protection, instruction, and related  
4 accommodations and services necessary to enable them to meet  
5 State educational standards and successfully attain a high  
6 school diploma. This Article shall be interpreted liberally to  
7 aid in this purpose.

8 (105 ILCS 5/26A-10 new)

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

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

1 circumstances that include, but are not limited to, all of the  
2 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, or an organization  
16 seeking to eliminate gender-based violence or to address the  
17 consequences of that violence for its victims through  
18 legislative advocacy or policy change, public education, or  
19 service collaboration.

20 "Domestic violence" means abuse, as defined in Section 103  
21 of the Illinois Domestic Violence Act of 1986, by a family or  
22 household member, as defined in Section 103 of the Illinois  
23 Domestic Violence Act of 1986.

24 "Electronic communication" includes communication via  
25 telephone, mobile phone, computer, email, video recorder, fax  
26 machine, telex, pager, apps or applications, or any other

1 electronic communication or cyberstalking as defined in  
2 Section 12-7.5 of the Criminal Code of 2012.

3 "Expectant parent" means a youth who is pregnant or a youth  
4 who intends to act as a parent and who has not yet received a  
5 diploma for completion of a secondary education as defined in  
6 Section 22-22.

7 "Gender-based violence" means domestic violence,  
8 harassment, sexual assault, sexual violence, or stalking.  
9 Gender-based violence may occur through electronic  
10 communication. Gender-based violence exists regardless of when  
11 or where the violence occurred, whether or not the violence is  
12 the subject of a criminal investigation or the perpetrator has  
13 been criminally charged or convicted of a crime, whether or not  
14 an order of protection or a no-contact order is pending before  
15 or has been issued by a court, or whether or not any  
16 gender-based violence took place on school grounds, during  
17 regular school hours, or during a school-sponsored event. Under  
18 federal and State law, children and youth under the age of 18  
19 year may not consent to many of the acts or activities that  
20 constitute gender-based violence.

21 "Harassment" means any harassment or discrimination on the  
22 basis of an individual's actual or perceived sex or gender,  
23 including unwelcome sexual advances, requests for sexual  
24 favours, other verbal or physical conduct of a sexual nature, or  
25 unwelcome conduct, including verbal, nonverbal, or physical  
26 conduct that is not sexual in nature, but is related to a

1 student's status as a parent, expectant parent, or victim of  
2 gender-based violence.

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

8 "Perpetrator" means an individual who commits or is alleged  
9 to have committed any act of gender-based violence.

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

18 "School", for purposes of the provisions of this Article  
19 relating to children and youth who are parents, expectant  
20 parents, or victims of gender-based violence, includes, but is  
21 not limited to, (i) a public or State-operated elementary or  
22 secondary school, (ii) a school operated pursuant to an  
23 agreement with a public school district, including a  
24 cooperative or joint agreement with a governing body or board  
25 of control, (iii) a charter school operating in compliance with  
26 the Charter Schools Law, (iv) a school operated under Section

1 13A-3, (v) an alternative school operated by third parties  
2 within the City of Chicago under Section 13A-11, (vi) an  
3 alternative learning opportunities program operated under  
4 Article 13B, (vii) a public school administered by a local  
5 public agency or the Department of Human Services operating  
6 pursuant to the authority of this Code, and (viii) any schools  
7 otherwise subject to Article 13, 13A, 13B, 27A, 32, 33, or 34.

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

17 "Sexual assault" means any conduct of an adult or minor  
18 child proscribed in Article 11 of the Criminal Code of 2012,  
19 except for Sections 11-35 and 11-45 of the Criminal Code of  
20 2012, or similar provisions of the Criminal Code of 1961,  
21 including conduct committed by perpetrators who are strangers  
22 to the victim and conduct committed by perpetrators who are  
23 known or related by blood or marriage to the victim.

24 "Stalking" means any conduct proscribed in Section 12-7.3,  
25 12-7.4, or 12-7.5 of the Criminal Code of 2012, or similar  
26 provisions of the Criminal Code of 1961, including stalking

1 committed by perpetrators who are strangers to the victim and  
2 stalking committed by perpetrators who are known or related by  
3 blood or marriage to the victim.

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

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

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

15 "Youth" means a child, pupil, student, or juvenile below  
16 the age of 21 years who has not yet completed his or her  
17 prescribed course of study or has not received a diploma for  
18 completion of a secondary education, as defined in Section  
19 22-22. "Youth" includes, but is not limited to, unaccompanied  
20 youth not in the physical custody of a parent or guardian.

21 (105 ILCS 5/26A-15 new)

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

23 (a) The State Board of Education must create the Ensuring  
24 Success in School working group comprised of all of the  
25 following members, representative of the geographic, racial,

1 ethnic, and cultural diversity of this State and appointed by  
2 the State Board:

3 (1) Representatives of the State Board.

4 (2) Educators.

5 (3) School social workers.

6 (4) School counselors.

7 (5) Psychologists.

8 (6) Representatives of domestic or sexual violence  
9 organizations in this State, including those organizations  
10 that provide services to or advocate on behalf of youth who  
11 are lesbian, gay, bi-sexual, transgender, or gender  
12 nonconforming, or nonprofit, nongovernmental,  
13 community-based pregnant or parenting youth organizations.

14 (7) Youth who are parents or expectant parents.

15 (8) Youth who are victims of gender-based violence.

16 (b) The working group must advise the State Board on the  
17 implementation, monitoring, and evaluation of this Article by  
18 schools and school districts, including, but not limited to,  
19 the development of policies, procedures, and protocols to be  
20 implemented by schools and school districts.

21 (c) Members of the working group shall serve without  
22 compensation, but may be reimbursed for their travel expenses  
23 from appropriations to the State Board made available for that  
24 purpose and subject to the rules of the appropriate travel  
25 control board.

1 (105 ILCS 5/26A-20 new)

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

4 (a) No later than July 1, 2020, and every 2 years  
5 thereafter, each school district must review all existing  
6 policies and procedures and must revise any existing policies  
7 and procedures that may act as a barrier to the immediate  
8 enrollment and re-enrollment, attendance, graduation, and  
9 success in school of any youth who is a parent, expectant  
10 parent, or victim of gender-based violence or any policies or  
11 procedures that may compromise a criminal investigation  
12 relating to gender-based violence or may re-victimize the  
13 youth. A school district must adopt new policies and  
14 procedures, as needed, to implement this Section and to ensure  
15 that immediate and effective steps are taken to respond to  
16 youth who are parents, expectant parents, or victims of  
17 gender-based violence.

18 (b) A school district must confer with persons with  
19 expertise in youth who are parents or expectant parents and  
20 with persons with expertise in youth who are victims of  
21 gender-based violence, including domestic and sexual violence  
22 organizations, in (i) the review and revision and the adoption  
23 and implementation of new policies and procedures under this  
24 Section, including those policies and procedures related to  
25 confidentiality, parental involvement, and a youth's  
26 health-related or safety-related concerns in connection with



1 notifying a parent or guardian and (ii) the development and  
2 distribution of materials related to those youth, including  
3 outreach to youth not in school. A school district must ensure  
4 that all materials distributed to youth are age appropriate and  
5 culturally responsive and that youth are notified of and  
6 understand the school district's policies and procedures,  
7 including how and to whom to report any incident of  
8 gender-based violence.

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

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

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

21 (3) Information regarding the various individuals,  
22 departments, or organizations to whom a youth may report an  
23 incident of gender-based violence, specifying for each  
24 individual or entity (i) the extent of the individual's or  
25 entity's reporting obligation to the school or school  
26 district's administration, Title IX coordinator, or other

1 personnel or entity, (ii) the individual's or entity's  
2 ability to protect the youth's privacy, and (iii) the  
3 extent of the individual's or entity's ability to have  
4 confidential communications with the youth or his or her  
5 parent or guardian.

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

8 (5) An option for the youth or his or her parent or  
9 guardian to anonymously report the incident.

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

12 (7) An option for reports by third parties and  
13 bystanders.

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

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

22 (105 ILCS 5/26A-25 new)

23 Sec. 26A-25. Complaint resolution procedure. On or before  
24 July 1, 2020, each school district must adopt one procedure to  
25 resolve complaints of alleged incidents of

1 student-perpetrated, gender-based violence. These procedures  
2 shall comply with the confidentiality provisions of Sections  
3 26A-20 and 26A-30. The procedure must include, at a minimum,  
4 all of the following:

5 (1) Complainants alleging incidents of  
6 student-perpetration of gender-based violence must have  
7 the opportunity to request that the complaint resolution  
8 procedure begin promptly and proceed in a timely manner.

9 (2) A school district must determine the individuals  
10 who will resolve complaints of alleged incidents of  
11 student-perpetrated, gender-based violence.

12 (3) All individuals whose duties include resolution of  
13 complaints of alleged incidents of student-perpetrated,  
14 gender-based violence must receive a minimum of 10 hours of  
15 annual training on issues related to gender-based violence  
16 and how to conduct the school district's complaint  
17 resolution procedure, in addition to the in-service  
18 training required under subsection (d) of Section  
19 10-22.39.

20 (4) Each school district must have a sufficient number  
21 of individuals trained to resolve complaints so that (i) a  
22 substitution can occur in the case of a conflict of  
23 interest or recusal and (ii) an individual with no prior  
24 involvement in the initial determination or finding may  
25 hear any appeal brought by a party.

26 (5) An individual resolving a complaint must use a

1 preponderance of the evidence standard to determine if the  
2 alleged incident of student-perpetrated, gender-based  
3 violence occurred.

4 (6) The complainant and respondent shall (i) receive  
5 notice of the name of the individual with authority to make  
6 a finding or impose a sanction in the proceeding before the  
7 individual may initiate contact with either party and (ii)  
8 have the opportunity to request a substitution if the  
9 participation of an individual with authority to make a  
10 finding or impose a sanction poses a conflict of interest.

11 (7) Each school district must have a procedure to  
12 determine interim protective measures and accommodations  
13 available pending the resolution of the complaint.

14 (8) Any proceeding, meeting, or hearing held to resolve  
15 complaints of alleged incidents of student perpetrated,  
16 gender-based violence must protect the privacy of the  
17 participating parties and witnesses.

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

23 (10) The complainant and the respondent may not  
24 directly cross-examine one another, but may, at the  
25 discretion and direction of the individual resolving the  
26 complaint, suggest questions to be posed by the individual

1 resolving the complaint and respond to the other party.

2 (11) Each party may request and must be allowed to have  
3 an advisor of his or her choice accompany him or her to any  
4 meeting or proceeding related to the alleged incident of  
5 student-perpetrated, gender-based violence if the  
6 involvement of the advisor does not result in undue delay  
7 of the meeting or proceeding. The advisor must comply with  
8 any rules of the school district's complaint resolution  
9 procedure regarding the advisor's role. If the advisor  
10 violates the rules or engages in behavior or advocacy that  
11 harasses, abuses, or intimidates either party, a witness,  
12 or an individual resolving the complaint, that advisor may  
13 be prohibited from further participation in the meeting or  
14 proceeding.

15 (12) If the complaint resolution procedure involves a  
16 hearing, the complainant and the respondent may not be  
17 compelled to testify in the presence of the other party. If  
18 a party invokes this right, the school district must  
19 provide a procedure by which each party may, at a minimum,  
20 hear the other party's testimony.

21 (13) The complainant and the respondent are entitled to  
22 simultaneous, written notification of the results of the  
23 complaint resolution procedure, including information  
24 regarding appeal rights, within 7 days after a decision or  
25 sooner if required by State or federal law.

26 (14) The complainant and the respondent must, at a

1 minimum, have the right to timely appeal the complaint  
2 resolution procedure's findings or imposed sanctions if a  
3 party alleges that (i) a procedural error occurred, (ii)  
4 new information exists that would substantially change the  
5 outcome of the finding, or (iii) the sanction is  
6 disproportionate to the violation. An individual reviewing  
7 the findings or imposed sanctions may not have previously  
8 participated in the complaint resolution procedure and may  
9 not have a conflict of interest with either party. The  
10 complainant and the respondent must receive the appeal  
11 decision, in writing, within 7 days after the conclusion of  
12 the review of findings or sanctions or sooner if required  
13 by federal or State law.

14 (15) A school district may not disclose the identity of  
15 the victim of gender-based violence or the respondent,  
16 except as necessary to resolve the complaint or to  
17 implement interim protective measures and accommodations  
18 or when required by State or federal law.

19 (105 ILCS 5/26A-30 new)

20 Sec. 26A-30. Confidentiality.

21 (a) Each school district must adopt and implement a policy  
22 and protocol to ensure that all information concerning a  
23 youth's status and related experiences as a parent, expectant  
24 parent, or victim of gender-based violence provided to or  
25 otherwise obtained by the school district or its employees or

1 agents pursuant to this Code or otherwise, including a  
2 statement of the youth or any other documentation, record, or  
3 corroborating evidence or that the youth has requested or  
4 obtained assistance, accommodations, or services pursuant to  
5 this Code, shall be retained in the strictest confidence by the  
6 school district or its employees or agents and may not be  
7 disclosed to any other individual, including any other  
8 employee, except to the extent that disclosure is (i) requested  
9 or consented to in writing by the youth or the youth's parent  
10 or guardian if it is safe to obtain written consent from the  
11 youth's parent or guardian or (ii) otherwise required by  
12 applicable federal or State law, including the Abused and  
13 Neglected Child Reporting Act and professional ethics policies  
14 that govern school personnel.

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

1       (c) No youth may be required to testify publicly concerning  
2 his or her status as a victim of gender-based violence,  
3 allegations of gender-based violence, his or her status as a  
4 parent or expectant parent, or the youth's efforts to enforce  
5 any of his or her rights under provisions in this Code relating  
6 to youth who are parents, expectant parents, or victims of  
7 gender-based violence.

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

21       (e) A school district must take all actions necessary to  
22 comply with this Section no later than January 1, 2020.

23       (105 ILCS 5/26A-35 new)

24       Sec. 26A-35. Gender-based violence and parenting resource  
25 personnel.



1       (a) Each school district shall designate or appoint at  
2 least one staff person at each school in the district who is  
3 employed at least part-time at the school and who is a school  
4 social worker, school psychologist, school counselor, school  
5 nurse, school teacher, or school administrator trained to  
6 address, in a culturally responsive, confidential, and  
7 sensitive manner, the needs of youth who are parents, expectant  
8 parents, or victims of gender-based violence. The designated or  
9 appointed staff person must have all of the following duties:

10           (1) Communicate with and listen to youth who are  
11 parents, expectant parents, or victims of gender-based  
12 violence.

13           (2) Connect youth described in paragraph (1) to  
14 appropriate, in-school services or other agencies,  
15 programs, or services as needed.

16           (3) Coordinate and monitor the implementation of the  
17 school's and school district's policies, procedures, and  
18 protocols in cases involving student allegations of  
19 gender-based violence.

20           (4) Coordinate and monitor the implementation of the  
21 school's and school district's policies, procedures, and  
22 protocols as set forth in provisions of this Code  
23 concerning youth who are parents, expectant parents, or  
24 victims of gender-based violence.

25           (5) Assist youth described in paragraph (1) in their  
26 efforts to exercise and preserve their rights as set forth

1 in provisions of this Code concerning youth who are  
2 parents, expectant parents, or victims of gender-based  
3 violence.

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

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

1 Disabilities Code within 12 months prior to his or her  
2 designation or appointment.

3 (c) A school district must designate or appoint and train  
4 all gender-based violence and parenting resource personnel,  
5 and the personnel must assist in implementing the duties  
6 described in this Section no later than April 1, 2020, except  
7 in those school districts in which there exists a collective  
8 bargaining agreement on the effective date of this amendatory  
9 Act of the 101st General Assembly and the implementation of  
10 this Section would be a violation of that collective bargaining  
11 agreement. If implementation of some activities required under  
12 this Section is prevented by an existing collective bargaining  
13 agreement, a school district must comply with this Section to  
14 the fullest extent allowed by the existing collective  
15 bargaining agreement no later than April 1, 2020. In those  
16 instances in which a collective bargaining agreement that  
17 either fully or partially prevents full implementation of this  
18 Section expires after April 1, 2020, a school district must  
19 designate or appoint and train all gender-based and parenting  
20 resource personnel, who shall implement the duties described in  
21 this Section no later than the effective date of the new  
22 collective bargaining agreement that immediately succeeds the  
23 collective bargaining agreement in effect at the time this  
24 Section becomes effective.

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

2       (a) To facilitate the full participation of youth who are  
3 parents, expectant parents, or victims of gender-based  
4 violence, each school district must provide those youth with  
5 reasonable accommodations and adjustments in school policy and  
6 practice, in-school support services, access to non-school  
7 based support services, and the ability to make up work missed  
8 on account of circumstances related to the youth's status as a  
9 parent, expectant parent, or victim of gender-based violence.  
10 Victims of gender-based violence must have access to those  
11 accommodations, adjustments, and services regardless of when  
12 or where the violence for which they are seeking  
13 accommodations, adjustments, or services occurred. All  
14 accommodations, adjustments, and services must be continued  
15 for as long as necessary to maintain the mental and physical  
16 well-being and safety of the youth.

17       (b) Reasonable accommodations and adjustments provided  
18 under subsection (a) shall include, but are not limited to, (i)  
19 the provision of sufficiently private settings to ensure  
20 confidentiality and time off from class for meetings with  
21 counselors or other service providers, (ii) assisting the youth  
22 in creating a student success plan, (iii) transfer of a victim  
23 of gender-based violence or the student perpetrator to a  
24 different classroom or school, (iv) change of seating  
25 assignment, (v) implementation of in-school, school grounds,  
26 and bus safety procedures, (vi) honoring court orders,

1 including orders of protection and no-contact orders, and (vii)  
2 any other accommodation that may facilitate the full  
3 participation in the regular education program of youth who are  
4 parents, expectant parents, or victims of gender-based  
5 violence.

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

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

1 each youth who is unable to participate because of  
2 circumstances related to the youth's status as a parent,  
3 expectant parent, or victim of gender-based violence a  
4 meaningful opportunity to make up any examination, study, or  
5 work requirement that the youth has missed because of the  
6 inability to participate on any particular day or days or at  
7 any particular time of day. Costs assessed by a school district  
8 on the youth for participation in those activities shall be  
9 considered savable fees for any youth whose parent or guardian  
10 is unable to afford them, consistent with the provisions of  
11 Section 10-20.13. Each school district must adopt written  
12 policies and procedures for waiver of those fees in accordance  
13 with rules adopted by the State Board of Education.

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

1       (f) Each school must honor a youth's decision to obtain  
2 education and support services, accommodations, and non-school  
3 based support services, to terminate the receipt of those  
4 education and support services, accommodations, or non-school  
5 based support services, or to decline participation in those  
6 education and support services, accommodations, and non-school  
7 based support services. No youth is obligated to use education  
8 and support services, accommodations, or non-school based  
9 support services. In developing accommodations, adjustments,  
10 or educational support services, the privacy, mental and  
11 physical health, and safety of the youth shall be the paramount  
12 concern. No adverse or prejudicial effects may result to any  
13 youth because of the youth's availing of or declining the  
14 provisions of this Section.

15       (g) Any support services to youth receiving education and  
16 support services must be available in any school or by home or  
17 hospital instruction.

18       (h) Individual, peer, group, and family counseling  
19 services or psychotherapy must be made available to youth who  
20 are parents, expectant parents, or victims of gender-based  
21 violence consistent with the provisions of the Mental Health  
22 and Developmental Disabilities Code. At least once every school  
23 year, each school district must inform in writing all school  
24 personnel and all students 12 years of age or older of the  
25 availability of counseling without parental or guardian  
26 consent under Section 3-5A-105 of the Mental Health and

1 Developmental Disabilities Code. This information must also be  
2 provided to students immediately after any school personnel  
3 becomes aware that a student is a parent, expectant parent, or  
4 victim of gender-based violence.

5 (i) All domestic or sexual violence organizations and its  
6 staff and any other non-school organization and its staff shall  
7 maintain confidentiality pursuant to federal and State laws and  
8 their professional ethics policies regardless of when or where  
9 information, advice, counseling, or any other interaction with  
10 students takes place. A school or school district may not  
11 request or require those organizations or individuals to breach  
12 confidentiality.

13 (105 ILCS 5/26A-45 new)

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

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



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

4           (2) A police report, government agency record, or court  
5           record.

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

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

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

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

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

24           (c) The person named to be the perpetrator, the  
25           perpetrator's family, or any other person named by the youth or  
26           named by the youth's parent or guardian to be unsafe to contact

1 may not be contacted to verify the violence. The perpetrator,  
2 the perpetrator's family, or any other person named by the  
3 youth or the youth's parent or guardian to be unsafe may not be  
4 contacted for any other reason without written permission of  
5 the youth or written permission of the youth's parent or  
6 guardian. Permission of the youth's parent or guardian may not  
7 be pursued when the youth alleges that his or her health or  
8 safety would be threatened if the school or school district  
9 contacts the youth's parent or guardian to obtain written  
10 permission.

11 (105 ILCS 5/26A-50 new)

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

13 (a) Violations of this Article are actionable in civil  
14 court. A student who is a parent, expectant parent, or victim  
15 of gender-based violence has a cause of action against any  
16 school or school district that fails to exercise due diligence  
17 in responding to the student who is a parent, expectant parent,  
18 or victim of gender-based violence whose status it knew or  
19 should have known about.

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

23 (1) Declaratory relief.

24 (2) Injunctive relief.

25 (3) Recovery of costs and attorney's fees, including,

1 but not limited to, costs for expert testimony and witness  
2 fees.

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

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

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

12 (5) Punitive damages.

13 (105 ILCS 5/26A-55 new)

14 Sec. 26A-55. Prohibited practices. No school or school  
15 district may take any adverse action against a student who is a  
16 parent, expectant parent, or victim of gender-based violence  
17 because the student or his or her parent or guardian (i)  
18 exercises or attempts to exercise his or her rights under this  
19 Article, (ii) opposes practices that the student or his or her  
20 parent or guardian believes to be in violation of this Article,  
21 or (iii) supports the exercise of the rights of another under  
22 this Article. Exercising rights under this Article includes,  
23 but is not limited to, filing an action, instituting or causing  
24 to be instituted any proceeding under or related to this  
25 Article, or in any manner requesting, availing himself or

1 herself of, or declining any of the provisions of this Article,  
2 including, but not limited to, accommodations or services.

3 (105 ILCS 5/27A-5)

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

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

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

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

25 From April 1, 2013 through December 31, 2016, there is a

1 moratorium on the establishment of charter schools with  
2 virtual-schooling components in school districts other than a  
3 school district organized under Article 34 of this Code. This  
4 moratorium does not apply to a charter school with  
5 virtual-schooling components existing or approved prior to  
6 April 1, 2013 or to the renewal of the charter of a charter  
7 school with virtual-schooling components already approved  
8 prior to April 1, 2013.

9 On or before March 1, 2014, the Commission shall submit to  
10 the General Assembly a report on the effect of  
11 virtual-schooling, including without limitation the effect on  
12 student performance, the costs associated with  
13 virtual-schooling, and issues with oversight. The report shall  
14 include policy recommendations for virtual-schooling.

15 (c) A charter school shall be administered and governed by  
16 its board of directors or other governing body in the manner  
17 provided in its charter. The governing body of a charter school  
18 shall be subject to the Freedom of Information Act and the Open  
19 Meetings Act.

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

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

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

24 (e) Except as otherwise provided in the School Code, a  
25 charter school shall not charge tuition; provided that a  
26 charter school may charge reasonable fees for textbooks,

1 instructional materials, and student activities.

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

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

24 (1) Sections 10-21.9 and 34-18.5 of this Code regarding  
25 criminal history records checks and checks of the Statewide  
26 Sex Offender Database and Statewide Murderer and Violent

1 Offender Against Youth Database of applicants for  
2 employment;

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

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

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

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

11 (5.5) subsection (b) of Section 10-23.12 and  
12 subsection (b) of Section 34-18.6 of this Code;

13 (6) the Illinois School Student Records Act;

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

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

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

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

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

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

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

24 (14) Section 26-18 of this Code; ~~and~~

25 (15) Section 22-30 of this Code; ~~and~~

26 (16) Article 26A.



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

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

1 shall be provided by the public entity at cost.

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

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

13 (k) If the charter school is approved by the Commission,  
14 then the Commission charter school is its own local education  
15 agency.

16 (Source: P.A. 99-30, eff. 7-10-15; 99-78, eff. 7-20-15; 99-245,  
17 eff. 8-3-15; 99-325, eff. 8-10-15; 99-456, eff. 9-15-16;  
18 99-642, eff. 7-28-16; 99-927, eff. 6-1-17; 100-29, eff. 1-1-18;  
19 100-156, eff. 1-1-18; 100-163, eff. 1-1-18; 100-413, eff.  
20 1-1-18; 100-468, eff. 6-1-18; 100-726, eff. 1-1-19; 100-863,  
21 eff. 8-14-18; revised 10-5-18.)

22 (105 ILCS 5/34-18.24)

23 Sec. 34-18.24. Transfer of students.

24 (a) The board shall establish and implement a policy  
25 governing the transfer of a student from one attendance center

1 to another within the school district upon the request of the  
2 student's parent or guardian. A student may not transfer to any  
3 of the following attendance centers, except by change in  
4 residence if the policy authorizes enrollment based on  
5 residence in an attendance area or unless approved by the board  
6 on an individual basis:

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

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

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

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

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

26 (2) Have one or more students expelled for bringing a

1 firearm to school as defined in 18 U.S.C. 921.

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

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

12 (d) (Blank).

13 (e) Notwithstanding any other provision of this Code, a  
14 student who is a victim of gender-based violence, as defined in  
15 Article 26A, must be permitted to transfer schools immediately  
16 and as needed, including to a school in another school  
17 district, if the student's continued attendance at a particular  
18 attendance center, school facility, or school location poses a  
19 risk to the student's mental or physical well-being or safety.  
20 A transfer under this subsection within the school district  
21 must be considered before a transfer into a different school  
22 district. A school district must waive tuition for a student  
23 who transfers under this subsection to the school district and  
24 is a nonresident. A student who transfers to another school  
25 under this subsection due to gender-based violence must have  
26 full and immediate access to extracurricular activities and any

1 programs or activities offered by or under the auspices of the  
2 school to which the student has transferred. No adverse or  
3 prejudicial effects may result to any student who is a victim  
4 of gender-based violence because of the student availing  
5 himself or herself of or declining the provisions of this  
6 subsection.

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

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

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

11 Sec. 5. (a) A parent or any person specifically designated  
12 as a representative by a parent shall have the right to inspect  
13 and copy all school student permanent and temporary records of  
14 that parent's child, except if the child is a parent, expectant  
15 parent, or victim of gender-based violence, as defined in  
16 Article 26A. All information concerning a student's status and  
17 related experiences as a parent, expectant parent, or victim of  
18 gender-based violence, including a statement of the student or  
19 any other documentation, record, or corroborating evidence and  
20 the fact that the student has requested or obtained assistance,  
21 accommodations, or services related to that status, must be  
22 retained by the school in the strictest confidence. The  
23 information contained in the student's permanent or temporary  
24 record may be disclosed if, prior to disclosing the information

1 about a student's status as a parent, expectant parent, or  
2 victim of gender-based violence, the school notifies the  
3 student and discusses and addresses any health or safety  
4 concerns related to that disclosure. If the student's health or  
5 safety concerns are incapable of being satisfied to the  
6 student's satisfaction, the information concerning the  
7 student's status and related experiences as a parent, expectant  
8 parent, or victim of gender-based violence may not be disclosed  
9 as part of the student's permanent or temporary record.  
10 Enforcement of this exception is as provided in Section 26A-40.

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

21 (b) Whenever access to any person is granted pursuant to  
22 paragraph (a) of this Section, at the option of either the  
23 parent or the school a qualified professional, who may be a  
24 psychologist, counsellor or other advisor, and who may be an  
25 employee of the school or employed by the parent, may be  
26 present to interpret the information contained in the student

1 temporary record. If the school requires that a professional be  
2 present, the school shall secure and bear any cost of the  
3 presence of the professional. If the parent so requests, the  
4 school shall secure and bear any cost of the presence of a  
5 professional employed by the school.

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

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

16 (1) the requested records are stored in whole or in  
17 part at other locations than the office having charge of  
18 the requested records;

19 (2) the request requires the collection of a  
20 substantial number of specified records;

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

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

1           (5) the request for records cannot be complied with by  
2           the school district within the time limits prescribed by  
3           subsection (c) of this Section without unduly burdening or  
4           interfering with the operations of the school district; or

5           (6) there is a need for consultation, which shall be  
6           conducted with all practicable speed, with another public  
7           body or school district or among 2 or more components of a  
8           public body or school district having a substantial  
9           interest in the determination or in the subject matter of  
10          the request.

11          The person making a request and the school district may  
12          agree in writing to extend the time for compliance for a period  
13          to be determined by the parties. If the requester and the  
14          school district agree to extend the period for compliance, a  
15          failure by the school district to comply with any previous  
16          deadlines shall not be treated as a denial of the request for  
17          the records.

18          (d) The school may charge its reasonable costs for the  
19          copying of school student records, not to exceed the amounts  
20          fixed in schedules adopted by the State Board, to any person  
21          permitted to copy such records, except that no parent or  
22          student shall be denied a copy of school student records as  
23          permitted under this Section 5 for inability to bear the cost  
24          of such copying.

25          (e) Nothing contained in this Section 5 shall make  
26          available to a parent or student confidential letters and



1 statements of recommendation furnished in connection with  
2 applications for employment to a post-secondary educational  
3 institution or the receipt of an honor or honorary recognition,  
4 provided such letters and statements are not used for purposes  
5 other than those for which they were specifically intended, and

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

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

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

13 (1) Communications otherwise protected by law as  
14 privileged or confidential, including but not limited to,  
15 information communicated in confidence to a physician,  
16 psychologist or other psychotherapist, school social  
17 worker, school counselor, school psychologist, or school  
18 social worker, school counselor, or school psychologist  
19 intern who works under the direct supervision of a school  
20 social worker, school counselor, or school psychologist;  
21 or

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

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

1 (g) No school employee shall be subjected to adverse  
2 employment action, the threat of adverse employment action, or  
3 any manner of discrimination because the employee is acting or  
4 has acted to protect communications as privileged or  
5 confidential pursuant to applicable provisions of State or  
6 federal law or rule or regulation.

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

8 Section 990. The State Mandates Act is amended by adding  
9 Section 8.43 as follows:

10 (30 ILCS 805/8.43 new)

11 Sec. 8.43. Exempt mandate. Notwithstanding Sections 6 and 8  
12 of this Act, no reimbursement by the State is required for the  
13 implementation of any mandate created by this amendatory Act of  
14 the 101st General Assembly.

15 Section 999. Effective date. This Act takes effect upon  
16 becoming law."