



Sen. Kimberly A. Lightford

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10200HB3173sam002

LRB102 12521 CMG 29997 a

1 AMENDMENT TO HOUSE BILL 3173

2 AMENDMENT NO. _____. Amend House Bill 3173, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. "An Act concerning education", approved August
6 20, 2021, Public Act 102-466, is amended by changing Section
7 99 as follow:

8 (P.A. 102-466, Sec. 99)

9 Sec. 99. Effective date. This Act takes effect July 1,
10 2022, except that the provisions adding Section 26A-30 to the
11 School Code take effect on July 1, 2023 ~~2025~~.

12 (Source: P.A. 102-466, Sec. 99.)

13 Section 10. The School Code is amended by changing
14 Sections 10-22.6, 10-22.6a, 26A-15, 26A-20, 26A-25, 26A-30,
15 26A-40, and 26A-45 as follows:

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

2 (Text of Section before amendment by P.A. 102-466)

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

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

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

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

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

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

22 (b-5) Among the many possible disciplinary interventions
23 and consequences available to school officials, school
24 exclusions, such as out-of-school suspensions and expulsions,
25 are the most serious. School officials shall limit the number
26 and duration of expulsions and suspensions to the greatest

1 extent practicable, and it is recommended that they use them
2 only for legitimate educational purposes. To ensure that
3 students are not excluded from school unnecessarily, it is
4 recommended that school officials consider forms of
5 non-exclusionary discipline prior to using out-of-school
6 suspensions or expulsions.

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

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

21 (b-20) Unless otherwise required by this Code,
22 out-of-school suspensions of longer than 3 days, expulsions,
23 and disciplinary removals to alternative schools may be used
24 only if other appropriate and available behavioral and
25 disciplinary interventions have been exhausted and the
26 student's continuing presence in school would either (i) pose

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

20 (b-25) Students who are suspended out-of-school for longer
21 than 4 school days shall be provided appropriate and available
22 support services during the period of their suspension. For
23 purposes of this subsection (b-25), "appropriate and available
24 support services" shall be determined by school authorities.
25 Within the suspension decision described in subsection (b) of
26 this Section, it shall be documented whether such services are

1 to be provided or whether it was determined that there are no
2 such appropriate and available services.

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

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

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

16 (c) A school board must invite a representative from a
17 local mental health agency to consult with the board at the
18 meeting whenever there is evidence that mental illness may be
19 the cause of a student's expulsion or suspension.

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

1 promotion of student attendance and engagement, and
2 developmentally appropriate disciplinary methods that promote
3 positive and healthy school climates.

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

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

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

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

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

25 (e) To maintain order and security in the schools, school
26 authorities may inspect and search places and areas such as

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

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

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

1 student must complete the entire term of the suspension or
2 expulsion in an alternative school program under Article 13A
3 of this Code or an alternative learning opportunities program
4 under Article 13B of this Code before being admitted into the
5 school district if there is no threat to the safety of students
6 or staff in the alternative program.

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

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

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

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

22 (l) Beginning with the 2018-2019 school year, an in-school
23 suspension program provided by a school district for any
24 students in kindergarten through grade 12 may focus on
25 promoting non-violent conflict resolution and positive
26 interaction with other students and school personnel. A school

1 district may employ a school social worker or a licensed
2 mental health professional to oversee an in-school suspension
3 program in kindergarten through grade 12.

4 (Source: P.A. 101-81, eff. 7-12-19; 102-539, eff. 8-20-21.)

5 (Text of Section after amendment by P.A. 102-466)

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

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

1 is in the best interest of the school. The expulsion decision
2 shall also include a rationale as to the specific duration of
3 the expulsion. An expelled pupil may be immediately
4 transferred to an alternative program in the manner provided
5 in Article 13A or 13B of this Code. A pupil must not be denied
6 transfer because of the expulsion, except in cases in which
7 such transfer is deemed to cause a threat to the safety of
8 students or staff in the alternative program.

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

24 Any suspension shall be reported immediately to the
25 parents or guardians of a pupil along with a full statement of
26 the reasons for such suspension and a notice of their right to

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

25 (b-5) Among the many possible disciplinary interventions
26 and consequences available to school officials, school

1 exclusions, such as out-of-school suspensions and expulsions,
2 are the most serious. School officials shall limit the number
3 and duration of expulsions and suspensions to the greatest
4 extent practicable, and it is recommended that they use them
5 only for legitimate educational purposes. To ensure that
6 students are not excluded from school unnecessarily, it is
7 recommended that school officials consider forms of
8 non-exclusionary discipline prior to using out-of-school
9 suspensions or expulsions.

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

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

24 (b-20) Unless otherwise required by this Code,
25 out-of-school suspensions of longer than 3 days, expulsions,
26 and disciplinary removals to alternative schools may be used

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

23 (b-25) Students who are suspended out-of-school for longer
24 than 4 school days shall be provided appropriate and available
25 support services during the period of their suspension. For
26 purposes of this subsection (b-25), "appropriate and available

1 support services" shall be determined by school authorities.
2 Within the suspension decision described in subsection (b) of
3 this Section, it shall be documented whether such services are
4 to be provided or whether it was determined that there are no
5 such appropriate and available services.

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

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

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

19 (b-35) In all suspension review hearings conducted under
20 subsection (b) or expulsion hearings conducted under
21 subsection (a), a student may disclose any factor to be
22 considered in mitigation, including, but not limited to, his
23 or her status as a parent, expectant parent, ~~or~~ victim of
24 domestic or sexual violence, as defined in Article 26A, victim
25 of bullying, experiencing the death of a family member, or
26 other factors. A representative of the parent's or guardian's

1 choice, or of the student's choice if emancipated, must be
2 permitted to represent the student throughout the proceedings
3 and to address the school board or its appointed hearing
4 officer. With the approval of the student's parent or
5 guardian, or of the student if emancipated, a support person
6 must be permitted to accompany the student to any disciplinary
7 hearings or proceedings. The representative or support person
8 must comply with any rules of the school district's hearing
9 process. If the representative or support person violates the
10 rules or engages in behavior or advocacy that harasses,
11 abuses, or intimidates either party, a witness, or anyone else
12 in attendance at the hearing, the representative or support
13 person may be prohibited from further participation in the
14 hearing or proceeding. A suspension or expulsion proceeding
15 under this subsection (b-35) must be conducted independently
16 from any ongoing criminal investigation or proceeding, and an
17 absence of pending or possible criminal charges, criminal
18 investigations, or proceedings may not be a factor in school
19 disciplinary decisions.

20 (b-40) During a suspension review hearing conducted under
21 subsection (b) or an expulsion hearing conducted under
22 subsection (a) that involves allegations of domestic or sexual
23 violence or gender-based harassment by the student who is
24 subject to discipline, neither the student nor his or her
25 representative shall directly question nor have direct contact
26 with the alleged victim. The student who is subject to

1 discipline or his or her representative may, at the discretion
2 and direction of the school board or its appointed hearing
3 officer, suggest questions to be posed by the school board or
4 its appointed hearing officer to the alleged victim.

5 (c) A school board must invite a representative from a
6 local mental health agency to consult with the board at the
7 meeting whenever there is evidence that mental illness may be
8 the cause of a student's expulsion or suspension.

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

19 (d) The board may expel a student for a definite period of
20 time not to exceed 2 calendar years, as determined on a
21 case-by-case basis. A student who is determined to have
22 brought one of the following objects to school, any
23 school-sponsored activity or event, or any activity or event
24 that bears a reasonable relationship to school shall be
25 expelled for a period of not less than one year:

26 (1) A firearm. For the purposes of this Section,

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

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

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

23 (d-5) The board may suspend or by regulation authorize the
24 superintendent of the district or the principal, assistant
25 principal, or dean of students of any school to suspend a
26 student for a period not to exceed 10 school days or may expel

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

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

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

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

13 (g) A school district may adopt a policy providing that if
14 a student is suspended or expelled for any reason from any
15 public or private school in this or any other state, the
16 student must complete the entire term of the suspension or
17 expulsion in an alternative school program under Article 13A
18 of this Code or an alternative learning opportunities program
19 under Article 13B of this Code before being admitted into the
20 school district if there is no threat to the safety of students
21 or staff in the alternative program. A school district that
22 adopts a policy under this subsection (g) must include a
23 provision allowing for consideration of any mitigating
24 factors, including, but not limited to, a student's status as
25 a parent, expectant parent, ~~or~~ victim of domestic or sexual
26 violence, as defined in Article 26A, victim of bullying,

1 experiencing the death of a family member, or other factors.

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

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

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

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

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

25 (Source: P.A. 101-81, eff. 7-12-19; 102-466, eff. 7-1-25;
26 102-539, eff. 8-20-21; revised 9-23-21.)

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

2 (Text of Section before amendment by P.A. 102-466)

3 Sec. 10-22.6a. To provide by home instruction,
4 correspondence courses or otherwise courses of instruction for
5 pupils who are unable to attend school because of pregnancy.
6 Such instruction shall be provided to the pupil (1) before the
7 birth of the child when the pupil's physician, physician
8 assistant, or advanced practice nurse has indicated to the
9 district, in writing, that the pupil is medically unable to
10 attend regular classroom instruction and (2) for up to 3
11 months following the birth of the child or a miscarriage. The
12 instruction course shall be designed to offer educational
13 experiences that are equivalent to those given to pupils at
14 the same grade level in the district and that are designed to
15 enable the pupil to return to the classroom.

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

17 (Text of Section after amendment by P.A. 102-466)

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

19 (a) To provide by home instruction, correspondence courses
20 or otherwise courses of instruction for a pupil who is unable
21 to attend school because of pregnancy or pregnancy-related
22 conditions, the fulfillment of parenting obligations related
23 to the health of the child, or health and safety concerns
24 arising from domestic or sexual violence, as defined in

1 Article 26A. Such instruction shall be provided to the pupil
2 at each of the following times:

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

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

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

25 (4) The pupil must treat physical or mental health
26 complications or address safety concerns arising from

1 domestic or sexual violence when a healthcare provider or
2 a qualified ~~an~~ employee of the pupil's domestic or sexual
3 violence organization, as defined in Article 26A has
4 indicated to the district, in writing, that the care is
5 needed by the pupil and will cause the pupil's absence
6 from school for 2 or more consecutive weeks. For purposes
7 of this paragraph (4), a qualified employee includes an
8 advocate, counselor, therapist, supervisor, or executive
9 director working at a rape crisis organization, as defined
10 in Section 8-802.1 of the Code of Civil Procedure, a
11 domestic violence program, as defined in Section 227 of
12 the Illinois Domestic Violence Act of 1986, or an
13 accredited children's advocacy center.

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

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

22 (b) Notwithstanding any other provision of this Code or
23 State law to the contrary, if a pupil is unable to attend
24 regular classes because of the reasons set forth in subsection
25 (a) and has participated in instruction under this Section
26 that is administered by the school or the school district,

1 then the pupil may not be penalized for grading purposes or be
2 denied course completion, a return to regular classroom
3 instruction, grade level advancement, or graduation solely on
4 the basis of the pupil's participation in instruction under
5 this Section or the pupil's absence from the regular education
6 program during the period of instruction under this Section. A
7 school or school district may not use instruction under this
8 Section to replace making support services available so that
9 pupils who are parents, expectant parents, or victims of
10 domestic or sexual violence may receive regular classroom
11 instruction.

12 (Source: P.A. 102-466, eff. 7-1-25.)

13 (105 ILCS 5/26A-15)

14 (This Section may contain text from a Public Act with a
15 delayed effective date)

16 (Section scheduled to be repealed on December 31, 2025)

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

18 (a) The Ensuring Success in School Task Force is created
19 to draft and publish model policies and intergovernmental
20 agreements for inter-district transfers; draft and publish
21 model complaint resolution procedures as required in
22 subsection (c) of Section 26A-25; identify current mandatory
23 educator and staff training and additional new trainings
24 needed to meet the requirements as required in Section 26A-25
25 and Section 26A-35. These recommended policies and agreements

1 shall be survivor-centered and rooted in trauma-informed
2 responses and used to support all students, from
3 pre-kindergarten through grade 12, who are survivors of
4 domestic or sexual violence, regardless of whether the
5 perpetrator is school-related or not, or who are parenting or
6 pregnant, regardless of whether the school is a public school,
7 nonpublic school, or charter school.

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

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

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

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

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

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

26 (6) One member who represents a State-based,

1 nonprofit, nongovernmental organization that advocates for
2 survivors of domestic violence appointed by the State
3 Superintendent of Education.

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

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

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

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

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

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

26 (13) One member who represents a statewide

1 organization of social workers appointed by the State
2 Superintendent of Education.

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

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

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

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

15 (18) One member who represents a statewide
16 organization for school boards appointed by the State
17 Superintendent of Education.

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

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

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

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

8 (d) On or before January 1, 2024 ~~June 30, 2024~~, the Task
9 Force shall report its work, including model policies,
10 guidance recommendations, and agreements, to the Governor and
11 the General Assembly. The report must include all of the
12 following:

13 (1) Recommendations for language to include in school
14 and district policies and procedures ~~Model school and~~
15 ~~district policies~~ to facilitate inter-district transfers
16 for student survivors of domestic or sexual violence,
17 expectant parents, and parents. The recommended language
18 ~~These policies~~ shall place high value on being accessible
19 and expeditious for student survivors and pregnant and
20 parenting students.

21 (2) Recommendations for language to include in school
22 and district policies and procedures ~~Model school and~~
23 ~~district policies~~ to ensure confidentiality and privacy
24 considerations for student survivors of domestic or sexual
25 violence, expectant parents, and parents. The recommended
26 language ~~These policies~~ must include guidance regarding

1 appropriate referrals for nonschool-based services.

2 (3) Recommendations for language to include in Model
3 school and district complaint resolution procedures as
4 prescribed by Section 26A-25.

5 (4) Guidance for schools and districts regarding which
6 mandatory training that is currently required for educator
7 licenses or under State or federal law would be suitable
8 to fulfill training requirements for resource personnel as
9 prescribed by Section 26A-35 and for the staff tasked with
10 implementing the complaint resolution procedure as
11 prescribed by Section 26A-25. The guidance shall evaluate
12 all relevant mandatory or recommended training, including,
13 but not limited to, the training required under subsection
14 (j) of Section 4 of the Abused and Neglected Child
15 Reporting Act, Sections 3-11, 10-23.12, 10-23.13, and
16 27-23.7 of this Code, ~~and~~ subsections (d) and (f) of
17 Section 10-22.39 of this Code, and Section 3.10 of the
18 Critical Health Problems and Comprehensive Health
19 Education Act. The guidance must also identify what gaps
20 in training exist, including, but not limited to, training
21 on trauma-informed responses and racial and gender equity,
22 and make recommendations for the consolidation of
23 duplicative training programs and for future training
24 programs that should be required or recommended for the
25 positions as prescribed by Sections 26A-25 and 26A-35.

26 (e) The Task Force is dissolved upon submission of its

1 report under subsection (d).

2 (f) This Section is repealed on December 1, 2024 ~~December~~
3 ~~1, 2025~~.

4 (Source: P.A. 102-466, eff. 7-1-25.)

5 (105 ILCS 5/26A-20)

6 (This Section may contain text from a Public Act with a
7 delayed effective date)

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

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

24 (b) A school district's policy must be consistent with the
25 recommendations of model policy and procedures ~~adopted by the~~

1 State Board of Education and under Public Act 101-531.

2 (c) A school district's policy shall specify where a
3 student or parent may obtain or access, both in an electronic
4 format or in a hard-copy format, ~~on~~ the district's procedures
5 that a student or his or her parent or guardian may follow if
6 he or she chooses to report an incident of alleged domestic or
7 sexual violence. The procedures, which shall be readily
8 accessible to students and parents on the district's website
9 and in a hard-copy format upon the request of any individual,
10 must, at a minimum, include all of the following information:

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

16 (2) The name, title, and contact information for
17 confidential resources within the school and school
18 district and a description of what confidential reporting
19 means.

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

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

25 (5) Information regarding the various individuals or ~~or~~
26 departments within the school and school district ~~or~~

1 ~~organizations~~ to whom a student may report an incident of
2 domestic or sexual violence, specifying for each
3 individual or department ~~entity~~ (i) the extent of the
4 individual's or department's ~~entity's~~ reporting obligation
5 to the school's or school district's administration, Title
6 IX coordinator, or other personnel or department ~~entity~~,
7 (ii) the individual's or department's ~~entity's~~ ability to
8 protect the student's privacy, and (iii) the extent of the
9 individual's ~~or entity's~~ ability to have confidential
10 communications with the student or his or her parent or
11 guardian. The procedures must contain a statement that
12 students and parents are advised to inquire directly with
13 any outside domestic or sexual violence organization as to
14 the organization's reporting obligations and ability to
15 keep information confidential.

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

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

24 (Source: P.A. 102-466, eff. 7-1-25.)

1 (This Section may contain text from a Public Act with a
2 delayed effective date)

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

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

12 (1) The opportunity to consider the most appropriate
13 means to execute the procedure considering school safety,
14 the developmental level of students, methods to reduce
15 trauma during the procedure, and how to avoid multiple
16 communications with students involved with an alleged
17 incident of domestic or sexual violence.

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

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

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

8 (1) All individuals whose duties include resolution of
9 complaints of violations of this amendatory Act of the
10 102nd General Assembly must complete a minimum of 8 hours
11 of training on issues related to domestic and sexual
12 violence which may include the in-service training
13 required under subsection (d) of 10-22.39, Sections 3-11,
14 10-23.12, 10-23.13, and 27-23.7 of this Code, Section 3.10
15 of the Critical Health Problems and Comprehensive Health
16 Education Act, and Section 4 of the Abused and Neglected
17 Child Reporting Act and additional training on how to
18 conduct the school's complaint resolution procedure, ~~which~~
19 ~~may include the in service training required under~~
20 ~~subsection (d) of Section 10-22.39,~~ before commencement of
21 those duties, and must receive a minimum of 6 hours of such
22 training annually thereafter. Training related to domestic
23 and sexual violence, child sexual abuse, the Abused and
24 Neglected Child Reporting Act, and conducting the school's
25 complaint resolution procedures ~~This training~~ must be
26 conducted by an individual or individuals with expertise

1 in domestic or sexual violence in youth and expertise in
2 developmentally appropriate communications with
3 elementary and secondary school students regarding topics
4 of a sexual, violent, or sensitive nature.

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

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

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

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

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

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

16 (d) Each party and witness may request and must be allowed
17 to have a representative or support persons of their choice
18 accompany them to any meeting or proceeding related to the
19 alleged violence or violation of this amendatory Act of the
20 102nd General Assembly if the involvement of the
21 representative or support persons does not result in undue
22 delay of the meeting or proceeding. This representative or
23 support persons must comply with any rules of the school
24 district's complaint resolution procedure. If the
25 representative or support persons violate the rules or engage
26 in behavior or advocacy that harasses, abuses, or intimidates

1 either part, a witness, or an individual resolving the
2 complaint, the representative or support person may be
3 prohibited from further participation in the meeting or
4 proceeding.

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

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

17 (1) The complainant, respondents, and named
18 perpetrator if directly impacted by the results of the
19 complaint resolution procedure must, at a minimum, have
20 the right to timely appeal the complaint resolution
21 procedure's findings or remedies if a party alleges (i) a
22 procedural error occurred, (ii) new information exists
23 that would substantially change the outcome of the
24 proceeding, (iii) the remedy is not sufficiently related
25 to the finding, or (iv) the decision is against the weight
26 of the evidence.

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

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

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

16 (Source: P.A. 102-466, eff. 7-1-25.)

17 (105 ILCS 5/26A-30)

18 (This Section may contain text from a Public Act with a
19 delayed effective date)

20 Sec. 26A-30. Confidentiality.

21 (a) Each school district must adopt and ensure that it has
22 and implements a policy, which may be combined with and
23 incorporated into the policy required under Section 26A-20 or
24 other relevant existing policy, to ensure that all information
25 concerning a student's status and related experiences as a

1 parent, expectant parent, or victim of domestic or sexual
2 violence, or a student who is a named perpetrator of domestic
3 or sexual violence, provided to or otherwise obtained by an
4 employee or agent of the school district ~~or its employees or~~
5 ~~agents~~ pursuant to this Code or otherwise, including a
6 statement of the student or any other documentation, record,
7 or corroborating evidence that the student has requested or
8 obtained assistance, support, or services pursuant to this
9 Code, shall be retained in the strictest of confidence by the
10 employees or agents of the school district ~~or its employees or~~
11 ~~agents~~ and may not be disclosed to any other individual
12 outside of the district, including any other employee, except
13 if such disclosure is (i) permitted or required pursuant to
14 the Abused and Neglected Child Reporting Act, current Title IX
15 regulations prescribed by the U.S. Department of Education, ~~by~~
16 the Illinois School Student Records Act, the federal Family
17 Educational Rights and Privacy Act of 1974, ~~or~~ other
18 applicable State or federal laws, or any professional code of
19 ethics, policies, or standards that govern personnel who hold
20 a professional educator license issued by the State Board of
21 Education or other contractual professional staff working with
22 students, (ii) requested or consented to, in writing, by the
23 student or the student's parent or guardian if it is safe to
24 obtain written consent from the student's parent or guardian,
25 or (iii) deemed necessary to address imminent risk of serious
26 physical injury or death of a student or other persons,

1 including to the victim. Nothing in this Section shall
2 prohibit any employee of the school district or contractual
3 professional staff working with students who has received
4 confidential information from seeking guidance and support
5 from an appropriate administrator or the resource personnel as
6 required in Section 26A-35 regarding a confidential
7 disclosure, provided that no personally identifiable
8 information about the student is disclosed. Nothing in this
9 Section shall prohibit any employee of the school district or
10 contractual professional staff working with students who has
11 received confidential information about a student's status
12 from disclosing information to the student's parent or
13 guardian about any imminent risk of serious physical injury or
14 death to the student or another person. If disclosing such
15 risk does not require disclosing confidential information
16 about a student's status, then the student's status must be
17 shared.

18 Employees or agents of the school district must inform all
19 minors 12 years of age or older of the availability of
20 counseling without parental or guardian consent under Section
21 3-550 of the Mental Health and Developmental Disabilities
22 Code.

23 (b) Prior to disclosing information about a student's
24 status as a parent, expectant parent, or victim of domestic or
25 sexual violence as permitted or required under subsection (a),
26 a school must notify the student and, unless the student is at

1 least 18 years of age or emancipated, the student's parent or
2 guardian if it is determined to be safe to do so and discuss
3 and address any safety concerns related to the disclosure,
4 including instances in which the student indicates or the
5 school or school district or its employees or agents are
6 otherwise aware that the student's health or safety may be at
7 risk if his or her status is disclosed to the student's parent
8 or guardian, ~~except as otherwise permitted by applicable State~~
9 ~~or federal law, including the Abused and Neglected Child~~
10 ~~Reporting Act, the Illinois School Student Records Act, the~~
11 ~~federal Family Educational Rights and Privacy Act of 1974, and~~
12 ~~professional ethics policies that govern professional school~~
13 ~~personnel.~~ Notwithstanding any other provision of this
14 subsection, prior notification of the disclosure and the
15 required discussion regarding safety shall not be required to
16 the extent an employee or agent of the school district deems it
17 necessary to address an imminent risk of serious physical
18 injury or death of a student or another person, including to
19 the victim. If prior notification is not able to be given, such
20 notification shall be provided and safety concerns shall be
21 discussed with the student as soon as practicable and without
22 delay following the disclosure.

23 (c) No student may be required to testify publicly
24 concerning his or her status as a victim of domestic or sexual
25 violence, allegations of domestic or sexual violence, his or
26 her status as a parent or expectant parent, or the student's

1 efforts to enforce any of his or her rights under provisions of
2 this Code relating to students who are parents, expectant
3 parents, or victims of domestic or sexual violence.

4 (d) In the case of domestic or sexual violence, except (i)
5 as permitted or required under State or federal law, including
6 the Abused and Neglected Child Reporting Act, current Title IX
7 regulations prescribed by the U.S. Department of Education,
8 the Illinois School Student Records Act, the federal Family
9 Educational Rights and Privacy Act of 1974, and professional
10 ethics, codes, policies or standards that govern personnel
11 holding a professional educator license issued by the State
12 Board of Education or other contractual professional staff
13 working with students or (ii) to the extent that an employee or
14 agent of the school district deems it necessary to address
15 imminent risk of serious physical injury or death of a student
16 or another person ~~that a school official determines that the~~
17 ~~school official has an obligation to do so based on safety~~
18 ~~concerns or threats to the community,~~ including the victim, a
19 school district must not contact the person named to be the
20 perpetrator, the perpetrator's family, or any other person
21 named by the student or named by the student's parent or
22 guardian to be unsafe to contact to verify the violence. If a A
23 school district contacts ~~must not contact~~ the perpetrator, the
24 perpetrator's family, or any other person named by the student
25 or the student's parent or guardian to be unsafe for any other
26 reason, as permitted or required under this Section, the

1 school district shall provide ~~without providing~~ prior written
2 notice to the student in a written and developmentally
3 appropriate manner if the minor is 12 years of age or older.
4 For minors under the age of 12 years, the school district shall
5 provide prior written notice to the student in a
6 developmentally appropriate manner, and if it is determined to
7 be safe to do so, the student's parent or guardian.

8 Notwithstanding any other provision of this subsection to
9 the contrary, prior written notice shall not be required to
10 the extent that an employee or agent of the school district
11 deems it necessary to address an imminent risk of serious
12 physical injury or death of the student or another person,
13 including to the victim. If prior written notification is not
14 given, such notification shall be provided as soon as
15 practicable and without delay following the disclosure to the
16 student, and, unless the student is over the age of 18 years,
17 emancipated, or if it is determined to be safe, to the parent
18 or guardian.

19 Nothing in this Section prohibits the school, ~~or~~ school
20 district, or its employees or agents from taking other steps
21 to investigate the violence or from contacting persons not
22 named by the student or the student's parent or guardian as
23 unsafe to contact. Nothing in this Section prohibits the
24 school, ~~or~~ school district, or its employees or agents from
25 taking reasonable steps to protect students, including the
26 victim. If the reasonable steps taken to protect students,

1 including the victim, involve conduct that is prohibited under
2 this subsection, the school must provide notice of the actions
3 that were taken explaining why the actions were necessary to
4 the ~~reporting~~ student in a written and developmentally
5 appropriate manner if the minor is 12 years of age or older ~~7~~
6 ~~in writing and in a developmentally appropriate communication~~
7 ~~format, of its intent to contact the parties named to be~~
8 ~~unsafe.~~ For minors under the age of 12 years, the school
9 district shall provide written notice to the student in a
10 developmentally appropriate manner, and if it is determined to
11 be safe to do so, to the student's parent or guardian.

12 (Source: P.A. 102-466, eff. 7-1-25.)

13 (105 ILCS 5/26A-40)

14 (This Section may contain text from a Public Act with a
15 delayed effective date)

16 Sec. 26A-40. Support and services.

17 (a) To facilitate the full participation of students who
18 are parents, expectant parents, or victims of domestic or
19 sexual violence, each school district must offer ~~provide~~ those
20 students with in-school support services and information
21 regarding nonschool-based support services, and the ability to
22 make up work missed on account of circumstances related to the
23 student's status as a parent, expectant parent, or victim of
24 domestic or sexual violence. Victims of domestic or sexual
25 violence must have access to those supports and services

1 regardless of when or where the violence for which they are
2 seeking supports and services occurred. All supports and
3 services must be offered for as long as necessary to maintain
4 the mental and physical well-being and safety of the student.
5 Schools may periodically check on students receiving supports
6 and services to determine whether each support and service
7 continues to be necessary to maintain the mental and physical
8 well-being and safety of the student or whether termination is
9 appropriate. Any services offered under this Article to a
10 student with a disability must not conflict with the student's
11 individualized education plan or a Section 504 plan under the
12 federal Rehabilitation Act of 1973 and the requirements of
13 applicable State or federal law.

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

1 program of students who are parents, expectant parents, or
2 victims of domestic or sexual violence.

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

17 (d) Any student who is unable, because of circumstances
18 related to the student's status as a parent, expectant parent,
19 or victim of domestic or sexual violence, to participate in
20 classes on a particular day or days or at the particular time
21 of day must be excused in accordance with the procedures set
22 forth in this Code. Upon student or parent or guardian's
23 request, the teachers and of the school administrative
24 personnel and officials shall make available to each student
25 who is unable to participate because of circumstances related
26 to the student's status as a parent, expectant parent, or

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

16 (e) If a school or school district employee or agent
17 becomes aware of or suspects a student's status as a parent,
18 expectant parent, or victim of domestic or sexual violence, it
19 is the responsibility of the employee or agent of the school or
20 school district to refer the student to the school district's
21 domestic or sexual violence and parenting resource personnel
22 set forth in Section 26A-35 as soon as the domestic or sexual
23 violence and parenting resource personnel is designated or
24 appointed or by June 30, 2024, whichever is sooner. A school
25 district must make respecting a student's privacy,
26 confidentiality, mental and physical health, and safety a

1 paramount concern.

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

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

20 (h) School-based counseling services, if available, must
21 be offered to students who are parents, expectant parents, or
22 victims of domestic or sexual violence consistent with the
23 Mental Health and Developmental Disabilities Code. At least
24 once every school year, each school district must inform, in
25 writing, all school personnel and all students 12 years of age
26 or older of the availability of counseling without parental or

1 guardian consent under Section ~~3-5A-105 (to be renumbered as~~
2 ~~Section 3-550 in a revisory bill as of the effective date of~~
3 ~~this amendatory Act of the 102nd General Assembly)~~ of the
4 Mental Health and Developmental Disabilities Code. This
5 information must also be provided to students immediately
6 after any school personnel becomes aware that a student is a
7 parent, expectant parent, or victim of domestic or sexual
8 violence.

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

17 (Source: P.A. 102-466, eff. 7-1-25.)

18 (105 ILCS 5/26A-45)

19 (This Section may contain text from a Public Act with a
20 delayed effective date)

21 Sec. 26A-45. Verification.

22 (a) For purposes of students asserting their rights under
23 provisions relating to domestic or sexual violence in Sections
24 10-21.3a, 10-22.6, 10-22.6a, 26-2a, 26A-40, and 34-18.24, a
25 school district may require verification of the claim. The

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

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

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

17 (3) A statement or other documentation from a
18 qualified employee of a domestic or sexual violence
19 organization or any other organization from which the
20 student sought services or advice. For purposes of this
21 paragraph (3), a qualified employee includes an advocate,
22 counselor, therapist, supervisor, or executive director
23 working at a rape crisis organization, as defined in
24 Section 8-802.1 of the Code of the Civil Procedure, a
25 domestic violence program, as defined in Section 227 of
26 the Illinois Domestic Violence Act of 1986, or an

1 accredited children's advocacy center.

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

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

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

16 (c) Except (i) as otherwise permitted or required by State
17 or federal law, including the Abused and Neglected Child
18 Reporting Act, current Title IX regulations prescribed by the
19 U.S. Department of Education, the Illinois School Student
20 Records Act, the federal Family Educational Rights and Privacy
21 Act of 1974, and professional ethics, codes, policies, or
22 standards that govern personnel holding a professional
23 educator license issued by the State Board of Education or
24 other contractual professional staff working with students or
25 (ii) to the extent that an employee or agent of the school
26 district deems it necessary to address an imminent risk of

1 serious physical injury or death of a student or another
2 person, including to the victim, in cases of domestic or
3 sexual violence the ~~The person named to be the perpetrator,~~
4 ~~the perpetrator's family, or any other person named by the~~
5 ~~student or the student's parent or guardian to be unsafe to~~
6 ~~contact may not be contacted to verify the violence, except to~~
7 ~~the extent that the district determines that it has an~~
8 ~~obligation to do so based on federal or State law or safety~~
9 ~~concerns for the school community, including such concerns for~~
10 ~~the victim. Prior to making contact, a school must notify the~~
11 ~~student and his or his parent or guardian in writing and in a~~
12 ~~developmentally appropriate manner, and discuss and address~~
13 ~~any safety concerns related to making such contact.~~

14 If a school district contacts the perpetrator, the
15 perpetrator's family, or any other person named by the student
16 or the student's parent or guardian to be unsafe for any other
17 reason, as required or permitted in this Section, the school
18 district shall provide prior notice to the student in a
19 written and developmentally appropriate manner if the minor is
20 12 years of age or older. For minors under the age of 12 years,
21 the school district must provide prior written notice to the
22 student in a developmentally appropriate manner, and if it is
23 determined to be safe to do so, to the student's parent or
24 guardian.

25 Notwithstanding any other provision of this subsection to
26 the contrary, prior written notice shall not be required to

1 the extent that an employee or agent of the school district
2 deems it necessary to address an imminent risk of serious
3 physical injury or death of the student or another person,
4 including to the victim. If prior written notification is not
5 given, such notification shall be provided as soon as
6 practicable and without delay following the disclosure to the
7 student, and, unless the student is over the age of 18 years,
8 emancipated, or if it is determined to be safe, to the parent
9 or guardian.

10 (Source: P.A. 102-466, eff. 7-1-25.)

11 Section 95. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act.

18 Section 99. Effective date. This Act takes effect July 1,
19 2022, except that the provisions changing Section 26A-30 of
20 the School Code take effect on July 1, 2023."