



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB3223

Introduced 2/19/2021, by Rep. Anna Moeller

SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code and the Illinois School Student Records Act. In provisions concerning the suspension or expulsion of a pupil, adds references to guardians (rather than just parents). Provides that a student may disclose mitigating factors, such as the student's status as a parent, expectant parent, or victim of domestic or sexual violence, in suspension or expulsion hearings. Provides that home instruction or correspondence courses must be made available to students who are unable to attend school because of pregnancy-related conditions, parenting obligations related to the health of a child, or health and safety concerns arising from domestic or sexual violence. Includes attendance at a medical or therapeutic appointment and appointments with a victim services provider as a valid cause for absence from school. Adds provisions to the Code concerning children and students who are parents, expectant parents, or victims of domestic or sexual violence, the purpose of which is to ensure that Illinois schools have policies, procedures, and protocols in place that ensure children and students who are parents, expectant parents, or victims of domestic or sexual violence are identified by schools in a manner respectful of their privacy and safety, treated with dignity and regard, and provided the protection, instruction, and related accommodations and services necessary to enable them to meet State educational standards and successfully attain a school diploma. Makes changes to the Chicago School District Article of the School Code concerning the transfer of students. Amends the State Mandates Act to require implementation without reimbursement. Makes other changes. Effective July 1, 2022.

LRB102 10689 CMG 16018 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

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

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

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

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

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

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

13 (b) To suspend or by policy to authorize the
14 superintendent of the district or the principal, assistant
15 principal, or dean of students of any school to suspend pupils
16 guilty of gross disobedience or misconduct, or to suspend
17 pupils guilty of gross disobedience or misconduct on the
18 school bus from riding the school bus, pursuant to subsections
19 (b-15) and (b-20) of this Section, and no action shall lie
20 against them for such suspension. The board may by policy
21 authorize the superintendent of the district or the principal,
22 assistant principal, or dean of students of any school to
23 suspend pupils guilty of such acts for a period not to exceed
24 10 school days. If a pupil is suspended due to gross
25 disobedience or misconduct on a school bus, the board may
26 suspend the pupil in excess of 10 school days for safety

1 reasons.

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

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

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

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

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

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

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

1 there were no other appropriate and available interventions.

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

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

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

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

24 (b-35) In all suspension review hearings conducted
25 pursuant to subsection (b) or expulsion hearings conducted
26 pursuant to subsection (a), a student may disclose any factor

1 to be considered in mitigation, including his or her status as
2 a parent, expectant parent, or victim of domestic or sexual
3 violence, as defined in Article 26A. A representative of the
4 parent's or guardian's choice must be permitted to represent
5 the student throughout the proceedings and to address the
6 school board or its appointed hearing officer. With the
7 approval of the student's parent or guardian, a support person
8 must be permitted to accompany the student to any disciplinary
9 hearings or proceedings. A suspension or expulsion proceeding
10 under this subsection (b-35) must be conducted independently
11 from any ongoing criminal investigation or proceeding, and an
12 absence of pending or possible criminal charges, criminal
13 investigations, or proceedings may not be a factor in school
14 disciplinary decisions.

15 (b-40) During a suspension review hearing conducted
16 pursuant to subsection (b) or an expulsion hearing conducted
17 pursuant to subsection (a) that involves allegations of sexual
18 violence by the student who is subject to discipline, neither
19 the student nor his or her representative shall directly
20 question nor have direct contact with the alleged victim. The
21 student who is subject to discipline or his or her
22 representative may, at the discretion and direction of the
23 school board or its appointed hearing officer, suggest
24 questions to be posed by the school board or its appointed
25 hearing officer to the alleged victim.

26 (c) The Department of Human Services shall be invited to

1 send a representative to consult with the board at such
2 meeting whenever there is evidence that mental illness may be
3 the cause for expulsion or suspension.

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

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

21 (1) A firearm. For the purposes of this Section,
22 "firearm" means any gun, rifle, shotgun, weapon as defined
23 by Section 921 of Title 18 of the United States Code,
24 firearm as defined in Section 1.1 of the Firearm Owners
25 Identification Card Act, or firearm as defined in Section
26 24-1 of the Criminal Code of 2012. The expulsion period

1 under this subdivision (1) may be modified by the
2 superintendent, and the superintendent's determination may
3 be modified by the board on a case-by-case basis.

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

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

18 (d-5) The board may suspend or by regulation authorize the
19 superintendent of the district or the principal, assistant
20 principal, or dean of students of any school to suspend a
21 student for a period not to exceed 10 school days or may expel
22 a student for a definite period of time not to exceed 2
23 calendar years, as determined on a case-by-case basis, if (i)
24 that student has been determined to have made an explicit
25 threat on an Internet website against a school employee, a
26 student, or any school-related personnel, (ii) the Internet

1 website through which the threat was made is a site that was
2 accessible within the school at the time the threat was made or
3 was available to third parties who worked or studied within
4 the school grounds at the time the threat was made, and (iii)
5 the threat could be reasonably interpreted as threatening to
6 the safety and security of the threatened individual because
7 of his or her duties or employment status or status as a
8 student inside the school.

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

1 the law, local ordinance, or the school's policies or rules,
2 such evidence may be seized by school authorities, and
3 disciplinary action may be taken. School authorities may also
4 turn over such evidence to law enforcement authorities.

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

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

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

25 (i) A student may not be issued a monetary fine or fee as a
26 disciplinary consequence, though this shall not preclude

1 requiring a student to provide restitution for lost, stolen,
2 or damaged property.

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

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

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

19 (Source: P.A. 100-105, eff. 1-1-18; 100-810, eff. 1-1-19;
20 100-863, eff. 8-14-18; 100-1035, eff. 8-22-18; 101-81, eff.
21 7-12-19.)

22 (105 ILCS 5/10-22.6a) (from Ch. 122, par. 10-22.6a)

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

24 (a) To provide by home instruction, correspondence courses
25 or otherwise courses of instruction for a pupil who is ~~pupils~~

1 ~~who are~~ unable to attend school because of pregnancy or
2 pregnancy-related conditions, the fulfillment of parenting
3 obligations related to the health of the child, or health and
4 safety concerns arising from domestic or sexual violence, as
5 defined in Article 26A. Such instruction shall be provided to
6 the pupil at each of the following times:

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

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

14 (3) When the pupil must care for his or her ill child
15 if (i) the child's physician, physician assistant, or
16 advanced practice registered nurse has indicated to the
17 district, in writing, that the child has a serious health
18 condition that would require the pupil to be absent from
19 school for 2 or more consecutive weeks and (ii) the pupil
20 or the pupil's parent or guardian indicates to the
21 district, in writing, that the pupil is needed to provide
22 care to the child during this period. In this paragraph
23 (3), "serious health condition" means an illness, injury,
24 impairment, or physical or mental health condition that
25 involves inpatient care in a hospital, hospice, or
26 residential medical care facility or continuing treatment

1 by a health care provider that is not controlled by
2 medication alone.

3 (4) When the pupil must treat physical or mental
4 health complications or address safety concerns arising
5 from domestic or sexual violence if the pupil's domestic
6 or sexual violence organization, as defined in Article
7 26A, or health care provider has indicated to the
8 district, in writing, that the care is needed by the pupil
9 and will cause the pupil's absence from school for 2 or
10 more consecutive weeks.

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

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

19 (b) Notwithstanding any other provision of this Code or
20 State law to the contrary, if a pupil is unable to attend
21 regular classes because of the reasons set forth in subsection
22 (a) and has participated in instruction under this Section
23 that is administered by the school or the school district,
24 then the pupil may not be penalized for grading purposes or be
25 denied course completion, a return to regular classroom
26 instruction, grade level advancement, or graduation solely on

1 the basis of the pupil's participation in instruction under
2 this Section or the pupil's absence from the regular education
3 program during the period of instruction under this Section. A
4 school or school district may not use instruction under this
5 Section to replace making reasonable accommodations so that
6 pupils who are parents, expectant parents, or victims of
7 domestic or sexual violence may receive regular classroom
8 instruction.

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

10 (105 ILCS 5/13A-11)

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

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

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

20 (1) student civil rights;

21 (2) staff civil rights;

22 (3) health and safety;

23 (4) performance and financial audits;

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

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

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

10 (105 ILCS 5/22-60)

11 Sec. 22-60. Unfunded mandates prohibited.

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

17 (1) Any mandate in this Code enacted after the
18 effective date of this amendatory Act of the 96th General
19 Assembly.

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

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

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

17 The regional superintendent of schools shall review the
18 petition. In accordance with the Open Meetings Act, he or she
19 shall convene a public hearing to hear testimony from the
20 school district and interested community members. The regional
21 superintendent shall, on or before March 15 of each year,
22 inform the school district of his or her decision, along with
23 the reasons why the exemption was granted or denied, in
24 writing. The regional superintendent must also send
25 notification to the State Board of Education detailing which
26 school districts requested an exemption and the results.

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

24 If a school district or private school discontinues or
25 modifies a mandated activity due to lack of full funding from
26 the State, then the school district or private school shall

1 annually maintain and update a list of discontinued or
2 modified mandated activities. The list shall be provided to
3 the State Board of Education upon request.

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

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

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

20 (105 ILCS 5/26-2a) (from Ch. 122, par. 26-2a)

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

1 "Valid cause" for absence shall be illness, attendance at
2 a verified medical or therapeutic appointment, appointment
3 with a victim services provider, observance of a religious
4 holiday, death in the immediate family, or family emergency,
5 and shall include such other situations beyond the control of
6 the student as determined by the board of education in each
7 district, or such other circumstances which cause reasonable
8 concern to the parent for the mental, emotional, or physical
9 health or safety of the student. For purposes of a student who
10 is an expectant parent, parent, or victim or domestic or
11 sexual violence, "valid cause" for absence shall include (i)
12 the fulfillment of a parenting responsibility, including, but
13 not limited to, arranging and providing child care, caring for
14 a sick child, attending prenatal or other medical appointments
15 for the expectant student, and attending medical appointments
16 for a child, and (ii) addressing circumstances resulting from
17 domestic or sexual violence, including, but not limited to,
18 experiencing domestic or sexual violence, recovering from
19 physical or psychological injuries, seeking medical attention,
20 seeking services from a domestic or sexual violence
21 organization, as defined in Article 26A, seeking psychological
22 or other counseling, participating in safety planning,
23 temporarily or permanently relocating, seeking legal
24 assistance or remedies, or taking any other action to increase
25 the safety or health of the student or to protect the student
26 from future domestic or sexual violence. A school district may

1 require a student to verify his or her claim of domestic or
2 sexual violence under Section 26A-45 prior to the district
3 approving a valid cause for an absence of 3 or more consecutive
4 days that is related to domestic or sexual violence.

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

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

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

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

1 (Source: P.A. 100-810, eff. 1-1-19; 100-918, eff. 8-17-18;
2 101-81, eff. 7-12-19.)

3 (105 ILCS 5/Art. 26A heading new)

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

7 (105 ILCS 5/26A-1 new)

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

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

14 Sec. 26A-5. Purpose. The purpose of this Article is to
15 ensure that Illinois schools have policies, procedures, and
16 protocols in place that ensure children and students who are
17 parents, expectant parents, or victims of domestic or sexual
18 violence are identified by schools in a manner respectful of
19 their privacy and safety, treated with dignity and regard, and
20 provided the protection, instruction, and related
21 accommodations and services necessary to enable them to meet
22 State educational standards and successfully attain a school
23 diploma. This Article shall be interpreted liberally to aid in

1 this purpose. Nothing in this Article precludes or may be used
2 to preclude a mandated reporter from reporting child abuse or
3 child neglect as required under the Abused and Neglected Child
4 Reporting Act.

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

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

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

16 "Consent" includes, at a minimum, a recognition that (i)
17 consent is a freely given agreement to sexual activity, (ii)
18 an individual's lack of verbal or physical resistance or
19 submission resulting from the use of threat of force does not
20 constitute consent, (iii) an individual's manner of dress does
21 not constitute consent, (iv) an individual's consent to past
22 sexual activity does not constitute consent to future sexual
23 activity, (v) an individual's consent to engage in one type of
24 sexual activity with one person does not constitute consent to
25 engage in any other type of sexual activity or sexual activity

1 with another person, (vi) an individual can withdraw consent
2 at any time, and (vii) an individual cannot consent to sexual
3 activity if that individual is unable to understand the nature
4 of the activity or give knowing consent due to the
5 circumstances that include, but are not limited to, all the
6 following:

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

9 (2) The individual is asleep or unconscious.

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

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

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

26 "Domestic or sexual violence organization" means a

1 nonprofit, nongovernmental organization that provides
2 assistance to victims of domestic or sexual violence or
3 advocates for those victims, including an organization
4 carrying out a domestic or sexual violence program, an
5 organization operating a shelter or a rape crisis center or
6 providing counseling services, an accredited children's
7 advocacy center, an organization that provides services to or
8 advocates on behalf of children and students who are gay,
9 lesbian, bi-sexual, transgender, or gender nonconforming, an
10 organization that provides services to or advocates on behalf
11 of children and students who are parents or expectant parents,
12 or an organization seeking to eliminate domestic or sexual
13 violence or to address the consequences of that violence for
14 its victims through legislative advocacy or policy change,
15 public education, or service collaboration.

16 "Domestic violence" means abuse, as defined in the
17 Illinois Domestic Violence Act of 1986, by family or household
18 members, as defined in the Illinois Domestic Violence Act of
19 1986.

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

25 "Expectant parent" means a student who (i) is pregnant and
26 (ii) has not yet received a diploma for completion of a

1 secondary education, as defined in Section 22-22.

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

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

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

22 "Poor academic performance" means a student who has (i)
23 scored in the 50th percentile or below on a school
24 district-administered standardized test, (ii) received a score
25 on a State assessment that does not meet standards in one or
26 more of the fundamental learning areas under Section 27-1, as

1 applicable for the student's grade level, or (iii) not met
2 grade-level expectations on a school district-designated
3 assessment.

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

7 "School" means a school district or school governed by
8 this Code, including a school operating under Article 13, 13A,
9 13B, 27A, 32, 33, or 34, other than the Department of Juvenile
10 Justice School District. "School" includes any other entity
11 responsible for administering public schools, such as
12 cooperatives, joint agreements, charter schools, special
13 charter districts, regional offices of education, local
14 agencies, or the Department of Human Services, and non-public
15 schools recognized by the State Board of Education.

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

20 "Sexual assault" or "sexual violence" means any conduct of
21 an adult or minor child proscribed in Article 11 of the
22 Criminal Code of 2012, except for Sections 11-35, 11-40, and
23 11-45 of the Criminal Code of 2012, including conduct
24 committed by a perpetrator who is a stranger to the victim and
25 conduct by a perpetrator who is known or related by blood or
26 marriage to the victim.

1 "Stalking" means any conduct proscribed in Section 12-7.3,
2 12-7.4, or 12-7.5 of the Criminal Code of 2012, including
3 stalking committed by a perpetrator who is a stranger to the
4 victim and stalking committed by a perpetrator who is known or
5 related by blood or marriage to the victim.

6 "Student" or "pupil" means any child who has not yet
7 received a diploma for completion of a secondary education, as
8 defined in Section 22-22 and pursuant to the criteria set
9 forth in subsection (b) of Section 26-2. "Student" includes,
10 but is not limited to, an unaccompanied minor not in the
11 physical custody of a parent or guardian.

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

17 "Student parent" means a student who is a custodial or
18 noncustodial parent taking an active role in the care and
19 supervision of a child and who has not yet received a diploma
20 for completion of a secondary education, as defined in Section
21 22-22.

22 "Support person" means any person whom the victim has
23 chosen to include in proceedings for emotional support or
24 safety. A support person does not participate in proceedings
25 but is permitted to observe and support the victim with parent
26 or guardian approval. "Support person" may include, but is not

1 limited to, an advocate, clergy, a counselor, and a parent or
2 guardian. If a student is age 18 years or older, the student
3 has the right to choose a support person without parent or
4 guardian approval.

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

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

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

23 (105 ILCS 5/26A-15 new)

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

25 (a) The Ensuring Success in School Task Force is created

1 to do all of the following:

2 (1) Draft and publish model policies and
3 intergovernmental agreements for inter-district
4 transfers.

5 (2) Draft and publish model complaint resolution
6 procedures as required in subsection (c) of Section
7 26A-25.

8 (3) Identify current mandatory educator and staff
9 training and additional new training needed to meet the
10 requirements of Sections 26A-25 and 26A-35.

11 The policies and agreements shall be survivor-centered and
12 rooted in trauma-informed responses and used to support all
13 students, from pre-kindergarten through grade 12, who are
14 survivors of domestic or sexual violence, regardless of
15 whether the perpetrator is school-related or not, or who are
16 parenting or pregnant, regardless of whether the school is a
17 public school, nonpublic school, or charter school.

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

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

26 (2) One Representative appointed by the Minority

1 Leader of the House of Representatives.

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

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

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

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

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

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

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

26 (10) One member who represents a youth-led

1 organization with expertise in domestic and sexual
2 violence appointed by the State Superintendent of
3 Education.

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

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

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

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

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

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

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

25 (18) One member who represents a statewide
26 organization for school boards appointed by the State

1 Superintendent of Education.

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

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

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

15 (d) On or before June 30, 2023, the Task Force shall report
16 its work, including model policies, guidance recommendations,
17 and agreements, to the Governor and the General Assembly. The
18 report must include all of the following:

19 (1) Model school and district policies to facilitate
20 inter-district transfers for student survivors of domestic
21 or sexual violence, expectant parents, and parents. These
22 policies shall place high value on being accessible and
23 expeditious for student survivors and pregnant and
24 parenting students.

25 (2) Model school and district policies to ensure
26 confidentiality and privacy considerations for student

1 survivors of domestic or sexual violence, expectant
2 parents, and parents. These policies must include guidance
3 regarding appropriate referrals for nonschool-based
4 services.

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

7 (4) Guidance for schools and districts regarding which
8 mandatory training that is currently required for educator
9 licenses or under State or federal law would be suitable
10 to fulfill training requirements for resource personnel as
11 prescribed by Section 26A-35 and for the staff tasked with
12 implementing the complaint resolution procedure as
13 prescribed by Section 26A-25. The guidance shall evaluate
14 all relevant mandatory or recommended training, including,
15 but not limited to, the training required under subsection
16 (j) of Section 4 of the Abused and Neglected Child
17 Reporting Act, Sections 3-11, 10-23.12, 10-23.13, and
18 27-23.7 of this Code, and subsections (d) and (f) of
19 Section 10-22.39 of this Code. The guidance must also
20 identify what gaps in training exist, including, but not
21 limited to, training on trauma-informed responses and
22 racial and gender equity, and make recommendations for
23 future training programs that should be required or
24 recommended for the positions as prescribed by Sections
25 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, 2023.

3 (105 ILCS 5/26A-20 new)

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

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

20 (b) A school district's policy must be consistent with the
21 model policy and procedures adopted by the State Board of
22 Education and under Public Act 101-531.

23 (c) A school district's policy on the procedures that a
24 student or his or her parent or guardian may follow if he or
25 she chooses to report an incident of alleged domestic or

1 sexual violence must, at a minimum, include all of the
2 following:

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

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

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

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

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

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

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

9 (105 ILCS 5/26A-25 new)

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

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

18 (1) The opportunity to consider the most appropriate
19 means to execute the procedure considering school safety,
20 the developmental level of students, methods to reduce
21 trauma during the procedure, and how to avoid multiple
22 communications with students involved with an alleged
23 incident of domestic or sexual violence.

24 (2) Any proceeding, meeting, or hearing held to
25 resolve complaints of any violation of this amendatory Act

1 of the 102nd General Assembly must protect the privacy of
2 the participating parties and witnesses. A school, school
3 district, or school personnel may not disclose the
4 identity of parties or witnesses, except as necessary to
5 resolve the complaint or to implement interim protective
6 measures and reasonable accommodations or when required by
7 State or federal law.

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

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

15 (1) All individuals whose duties include resolution of
16 complaints of violations of this amendatory Act of the
17 102nd General Assembly must complete a minimum of 8 hours
18 of training on issues related to domestic and sexual
19 violence and how to conduct the school's complaint
20 resolution procedure. Training may include the in-service
21 training required under subsection (d) of Section 10-22.39
22 before commencement of those duties, and an individual
23 must receive a minimum of 6 hours of such training
24 annually thereafter. This training must be conducted by an
25 individual or individuals with expertise in domestic or
26 sexual violence in youth and expertise in developmentally

1 appropriate communications with elementary and secondary
2 school students regarding topics of a sexual, violent, or
3 sensitive nature.

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

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

20 (c) If the alleged violation of this amendatory Act of the
21 102nd General Assembly involves making a determination or a
22 finding of responsibility for causing harm, the following
23 procedures shall apply:

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 the 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 persons 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 7 calendar days after a decision or sooner
16 if required by State or federal law or district policy.

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

26 (h) An individual reviewing the findings or remedies may

1 not have previously participated in the complaint resolution
2 procedure and may not have a conflict of interest with either
3 party.

4 (i) The complainant and respondent and any perpetrators
5 directly impacted by the results of the complaint resolution
6 procedure must receive the appeal decision, in writing, within
7 7 calendar days but in no case more than 14 calendar days after
8 the conclusion of the review of findings or remedies or sooner
9 if required by State or federal law.

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

14 (105 ILCS 5/26A-30 new)

15 Sec. 26A-30. Confidentiality.

16 (a) Each school district must adopt and implement a policy
17 and protocol to ensure that all information concerning a
18 student's status and related experiences as a parent,
19 expectant parent, or victim of domestic or sexual violence or
20 a student who is a named perpetrator of domestic or sexual
21 violence, provided to or otherwise obtained by the school
22 district or its employees or agents pursuant to this Code or
23 otherwise, including a statement of the student or any other
24 documentation, record, or corroborating evidence that the
25 student has requested or obtained assistance, accommodations,

1 or services pursuant to this Code, shall be retained in the
2 strictest of confidence by the school district or its
3 employees or agents and may not be disclosed to any other
4 individual, including any other employee, except if such
5 actions are (i) in conflict with the Illinois School Student
6 Records Act, the federal Family Educational Rights and Privacy
7 Act of 1974, or other applicable State or federal laws, or (ii)
8 requested or consented to, in writing, by the student or the
9 student's parent or guardian if it is safe to obtain written
10 consent from the student's parent or guardian.

11 (b) Prior to disclosing information about a student's
12 status as a parent, expectant parent, or victim of domestic or
13 sexual violence, a school must notify the student and discuss
14 and address any safety concerns related to the disclosure,
15 including instances in which the student indicates or the
16 school or school district or its employees or agents are
17 otherwise aware that the student's health or safety may be at
18 risk if his or her status is disclosed to the student's parent
19 or guardian, except as otherwise required by applicable State
20 or federal law, including the Abused and Neglected Child
21 Reporting Act, the Illinois School Student Records Act, the
22 federal Family Educational Rights and Privacy Act of 1974, and
23 professional ethics policies that govern professional school
24 personnel.

25 (c) No student may be required to testify publicly
26 concerning his or her status as a victim of domestic or sexual

1 violence, allegations of domestic or sexual violence, his or
2 her status as a parent or expectant parent, or the student's
3 efforts to enforce any of his or her rights under provisions of
4 this Code relating to students who are parents, expectant
5 parents, or victims of domestic or sexual violence.

6 (d) In the case of domestic or sexual violence, except as
7 required under State or federal law, a school district must
8 not contact the person named to be the perpetrator, the
9 perpetrator's family, or any other person named by the student
10 or named by the student's parent or guardian to be unsafe to
11 contact to verify the violence. A school district must not
12 contact the perpetrator, the perpetrator's family, or any
13 other person named by the student or the student's parent or
14 guardian to be unsafe for any other reason without written
15 permission from the student or his or her parent or guardian.
16 Permission from the student's parent or guardian may not be
17 pursued if the student alleges that his or her health or safety
18 would be threatened if the school or school district contacts
19 the student's parent or guardian to obtain permission. Nothing
20 in this Section prohibits the school or school district from
21 taking other steps to investigate the violence or from
22 contacting persons not named by the student or the student's
23 parent or guardian as unsafe to contact. Nothing in this
24 Section prohibits the school or school district from taking
25 reasonable steps to protect students. If the reasonable steps
26 taken to protect students involve prohibited conduct under

1 this subsection (d), the school must provide notice to the
2 reporting student, in writing and in a developmentally
3 appropriate communication format, of its intent to contact the
4 parties named to be unsafe.

5 (e) A school district must take all actions necessary to
6 comply with this Section, unless in conflict with the Illinois
7 School Student Records Act, the federal Family Educational
8 Rights and Privacy Act of 1974, or other applicable State or
9 federal laws, by no later than July 1, 2024.

10 (105 ILCS 5/26A-35 new)

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

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

23 (1) To connect students who are parents, expectant
24 parents, or victims of domestic or sexual violence to
25 appropriate in-school services or other agencies,

1 programs, or services as needed.

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

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

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

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

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

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

15 (c) A school district must designate or appoint and train
16 all domestic or sexual violence and parenting resource
17 personnel, and the personnel must assist in implementing the
18 duties as described in this Section no later than June 30,
19 2024, except in those school districts in which there exists a
20 collective bargaining agreement on the effective date of this
21 amendatory Act of the 102nd General Assembly and the
22 implementation of this Section would be a violation of that
23 collective bargaining agreement. If implementation of some
24 activities required under this Section is prevented by an
25 existing collective bargaining agreement, a school district
26 must comply with this Section to the fullest extent allowed by

1 the existing collective bargaining agreement no later than
2 June 30, 2024. In those instances in which a collective
3 bargaining agreement that either fully or partially prevents
4 full implementation of this Section expires after June 30,
5 2024, a school district must designate or appoint and train
6 all domestic and sexual violence and parenting resource
7 personnel, who shall implement the duties described in this
8 Section no later than the effective date of the new collective
9 bargaining agreement that immediately succeeds the collective
10 bargaining agreement in effect on the effective date of this
11 amendatory Act of the 102nd General Assembly.

12 (105 ILCS 5/26A-40 new)

13 Sec. 26A-40. Accommodations and services.

14 (a) To facilitate the full participation of students who
15 are parents, expectant parents, or victims of domestic or
16 sexual violence, each school district must provide those
17 students with reasonable accommodations, in-school support
18 services, access to nonschool-based support services, and the
19 ability to make up work missed on account of circumstances
20 related to the student's status as a parent, expectant parent,
21 or victim of domestic or sexual violence. Victims of domestic
22 or sexual violence must have access to those accommodations
23 and services regardless of when or where the violence for
24 which they are seeking accommodations and services occurred.
25 All accommodations and services must be continued for as long

1 as necessary to maintain the mental and physical well-being
2 and safety of the student. Schools may have a policy to
3 periodically check on students receiving accommodations and
4 services to determine whether each accommodation and service
5 continues to be necessary to maintain the mental and physical
6 well-being and safety of the student or whether termination is
7 appropriate.

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

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

1 the school district provide the student with or refer the
2 student to education and support services designed to assist
3 the student in meeting State learning standards. A school
4 district may either provide education or support services
5 directly or may collaborate with public or private State,
6 local, or community-based organizations or agencies that
7 provide these services. A school district must also assist
8 those students in accessing the support services of
9 nonschool-based organizations and agencies from which those
10 students typically receive services in the community.

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

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

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

25 (f) Each school must honor a student's and a parent's or
26 guardian's decision to obtain education and support services,

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

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

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

1 availability of counseling without parental or guardian
2 consent under Section 3-5A-105 (to be renumbered as Section
3 3-550 in a revisory bill as of the effective date of this
4 amendatory Act of the 102nd General Assembly) of the Mental
5 Health and Developmental Disabilities Code. This information
6 must also be provided to students immediately after any school
7 personnel becomes aware that a student is a parent, expectant
8 parent, or victim of domestic or sexual 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 pursuant to federal and State
12 laws and their professional ethics policies regardless of when
13 or 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 (105 ILCS 5/26A-45 new)

18 Sec. 26A-45. Verification.

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

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

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

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

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

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

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

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

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

5 (c) The person named to be the perpetrator, the
6 perpetrator's family, or any other person named by the student
7 or the student's parent or guardian to be unsafe to contact may
8 not be contacted to verify the violence. The perpetrator, the
9 perpetrator's family, or any other person named by the student
10 or the student's parent or guardian to be unsafe may not be
11 contacted for any other reason without written permission of
12 the student or written permission of the student's parent or
13 guardian. Permission of the student's parent or guardian may
14 not be pursued if the student alleges that his or her health or
15 safety would be threatened if the school or school district
16 contacts the student's parent or guardian to obtain written
17 consent.

18 (105 ILCS 5/26A-50 new)

19 Sec. 26A-50. Enforcement.

20 (a) Violations of this amendatory Act of the 102nd General
21 Assembly are actionable in civil court. A student who is a
22 parent, expectant parent, or victim of domestic or sexual
23 violence has a cause of action against any school or school
24 district that knows or reasonably should have known of the
25 student's status as a parent, expectant parent, or victim of

1 domestic or sexual violence and:

2 (1) acts in a manner that does not comply with the
3 requirements of this amendatory Act of the 102nd General
4 Assembly; or

5 (2) violates or fails to enforce or comply with its
6 own policies and procedures regarding student parents,
7 expectant parents, or victims of domestic or sexual
8 violence.

9 (b) No less than 15 business days before filing an action
10 in civil court, a student or his or her representative must
11 send written notice of the violation of this amendatory Act of
12 the 102nd General Assembly to the district superintendent of
13 the school district in which the student is enrolled.

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

17 (1) Declaratory relief.

18 (2) Injunctive relief.

19 (105 ILCS 5/26A-55 new)

20 Sec. 26A-55. Prohibited practices. No school or school
21 district may take any adverse action against a student who is a
22 parent, expectant parent, or victim of domestic or sexual
23 violence because the student or his or her parent or guardian
24 (i) exercises or attempts to exercise his or her rights under
25 this amendatory Act of the 102nd General Assembly, (ii)

1 opposes practices that the student or his or her parent or
2 guardian believes to be in violation of this amendatory Act of
3 the 102nd General Assembly, or (iii) supports the exercise of
4 the rights of another under this amendatory Act of the 102nd
5 General Assembly. Exercising rights under this amendatory Act
6 of the 102nd General Assembly includes, but is not limited to,
7 filing an action, instituting or causing to be instituted any
8 proceeding under or related to this amendatory Act of the
9 102nd General Assembly, or in any manner requesting, availing
10 himself or herself of, or declining any of the provisions of
11 this amendatory Act of the 102nd General Assembly, including,
12 but not limited to, accommodations and services.

13 (105 ILCS 5/27A-5)

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

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

20 (b) A charter school may be established under this Article
21 by creating a new school or by converting an existing public
22 school or attendance center to charter school status.
23 Beginning on April 16, 2003 (the effective date of Public Act
24 93-3), in all new applications to establish a charter school
25 in a city having a population exceeding 500,000, operation of

1 the charter school shall be limited to one campus. The changes
2 made to this Section by Public Act 93-3 do not apply to charter
3 schools existing or approved on or before April 16, 2003 (the
4 effective date of Public Act 93-3).

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

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

19 (c) A charter school shall be administered and governed by
20 its board of directors or other governing body in the manner
21 provided in its charter. The governing body of a charter
22 school shall be subject to the Freedom of Information Act and
23 the Open Meetings Act. No later than January 1, 2021 (one year
24 after the effective date of Public Act 101-291) ~~this~~
25 ~~amendatory Act of the 101st General Assembly~~, a charter
26 school's board of directors or other governing body must

1 include at least one parent or guardian of a pupil currently
2 enrolled in the charter school who may be selected through the
3 charter school or a charter network election, appointment by
4 the charter school's board of directors or other governing
5 body, or by the charter school's Parent Teacher Organization
6 or its equivalent.

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

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

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

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

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

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

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

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

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

10 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
11 34-84a of this Code regarding discipline of students;

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

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

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

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

20 (6) the Illinois School Student Records Act;

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

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

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

26 (10) Section 2-3.162 of this Code regarding student

1 discipline reporting;

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

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

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

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

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

7 (16) Sections 24-12 and 34-85 of this Code; ~~and~~

8 (17) the (16) The Seizure Smart School Act; and

9 (18) Article 26A of this Code.

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

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

1 effective date of Public Act 93-3) and concludes at the end of
2 the 2004-2005 school year. Except as provided in subsection
3 (i) of this Section, a school district may charge a charter
4 school reasonable rent for the use of the district's
5 buildings, grounds, and facilities. Any services for which a
6 charter school contracts with a school district shall be
7 provided by the district at cost. Any services for which a
8 charter school contracts with a local school board or with the
9 governing body of a State college or university or public
10 community college shall be provided by the public entity at
11 cost.

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

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

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

26 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;

1 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
2 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
3 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
4 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; revised 8-4-20.)

5 (105 ILCS 5/34-18.24)

6 Sec. 34-18.24. Transfer of students.

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

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

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

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

24 (b) The board shall establish and implement a policy governing
25 the transfer of students within the school district from a

1 persistently dangerous attendance center to another attendance
2 center in that district that is not deemed to be persistently
3 dangerous. In order to be considered a persistently dangerous
4 attendance center, the attendance center must meet all of the
5 following criteria for 2 consecutive years:

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

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

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

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

21 (d) (Blank).

22 (e) Notwithstanding any other provision of this Code, a
23 student who is a victim of domestic or sexual violence, as
24 defined in Article 26A, must be allowed to transfer to another
25 school immediately and as needed if the student's continued
26 attendance at a particular attendance center, school facility,

1 or school location poses a risk to the student's mental or
2 physical well-being or safety. A student who transfers to
3 another school under this subsection (e) due to domestic or
4 sexual violence must have full and immediate access to
5 extracurricular activities and any programs or activities
6 offered by or under the auspices of the school to which the
7 student has transferred. The school district may not require a
8 student who is a victim of domestic or sexual violence to
9 transfer to another school. No adverse or prejudicial effects
10 may result to any student who is a victim of domestic or sexual
11 violence because of the student availing himself or herself of
12 or declining the provisions of this subsection (e). The school
13 district may require a student to verify his or her claim of
14 domestic or sexual violence under Section 26A-45 before
15 approving a transfer to another school under this subsection
16 (e).

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

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

20 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

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

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

24 (b) "School" means any public preschool, day care center,

1 kindergarten, nursery, elementary or secondary educational
2 institution, vocational school, special educational facility
3 or any other elementary or secondary educational agency or
4 institution and any person, agency or institution which
5 maintains school student records from more than one school,
6 but does not include a private or non-public school.

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

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

26 (e) "Student Permanent Record" means the minimum personal

1 information necessary to a school in the education of the
2 student and contained in a school student record. Such
3 information may include the student's name, birth date,
4 address, grades and grade level, parents' names and addresses,
5 attendance records, and such other entries as the State Board
6 may require or authorize.

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

16 (1) Information ~~information~~ provided under Section 8.6
17 of the Abused and Neglected Child Reporting Act and
18 information contained in service logs maintained by a
19 local education agency under subsection (d) of Section
20 14-8.02f of the School Code.

21 (2) Information ~~In addition, the student temporary~~
22 ~~record shall include information~~ regarding serious
23 disciplinary infractions that resulted in expulsion,
24 suspension, or the imposition of punishment or sanction.
25 For purposes of this provision, serious disciplinary
26 infractions means: infractions involving drugs, weapons,

1 or bodily harm to another.

2 (3) Information concerning a student's status and
3 related experiences as a parent, expectant parent, or
4 victim of domestic or sexual violence, as defined in
5 Article 26A of the School Code, including a statement of
6 the student or any other documentation, record, or
7 corroborating evidence and the fact that the student has
8 requested or obtained assistance, accommodations, or
9 services related to that status. Enforcement of this
10 paragraph (3) shall follow the procedures provided in
11 Sections 26A-40 and 26A-50 of the School Code.

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

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

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

24 (30 ILCS 805/8.45 new)

1 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
2 8 of this Act, no reimbursement by the State is required for
3 the implementation of any mandate created by this amendatory
4 Act of the 102nd General Assembly.

5 Section 99. Effective date. This Act takes effect July 1,
6 2022.

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INDEX

2

Statutes amended in order of appearance

3

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

4

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

5

105 ILCS 5/13A-11

6

105 ILCS 5/22-60

7

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

8

105 ILCS 5/Art. 26A

9

heading new

10

105 ILCS 5/26A-1 new

11

105 ILCS 5/26A-5 new

12

105 ILCS 5/26A-10 new

13

105 ILCS 5/26A-15 new

14

105 ILCS 5/26A-20 new

15

105 ILCS 5/26A-25 new

16

105 ILCS 5/26A-30 new

17

105 ILCS 5/26A-35 new

18

105 ILCS 5/26A-40 new

19

105 ILCS 5/26A-45 new

20

105 ILCS 5/26A-50 new

21

105 ILCS 5/26A-55 new

22

105 ILCS 5/27A-5

23

105 ILCS 5/34-18.24

24

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

25

30 ILCS 805/8.45 new