

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 under
25 subsection (b) or expulsion hearings conducted under
26 subsection (a), a student may disclose any factor to be

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (Source: P.A. 100-105, eff. 1-1-18; 100-810, eff. 1-1-19;
2 100-863, eff. 8-14-18; 100-1035, eff. 8-22-18; 101-81, eff.
3 7-12-19.)

4 (105 ILCS 5/10-22.6a) (from Ch. 122, par. 10-22.6a)

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

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

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

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

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

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

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

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

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

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

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

18 (105 ILCS 5/13A-11)

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

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

25 (b) Alternative schools operated by third parties within

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

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

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

18 (105 ILCS 5/22-60)

19 Sec. 22-60. Unfunded mandates prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (Source: P.A. 100-810, eff. 1-1-19; 100-918, eff. 8-17-18;
10 101-81, eff. 7-12-19.)

11 (105 ILCS 5/Art. 26A heading new)

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

15 (105 ILCS 5/26A-1 new)

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

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

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

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

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

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

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

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

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

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

16 (2) The individual is asleep or unconscious.

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

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

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

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

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

23 "Domestic violence" means abuse, as defined in the
24 Illinois Domestic Violence Act of 1986, by family or household
25 members, as defined in the Illinois Domestic Violence Act of
26 1986.

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

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

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

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

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

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

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

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

14 "School" means a school district or school governed by
15 this Code, including a school operating under Article 13, 13A,
16 13B, 27A, 32, 33, or 34, other than the Department of Juvenile
17 Justice School District. "School" includes any other entity
18 responsible for administering public schools, such as
19 cooperatives, joint agreements, charter schools, special
20 charter districts, regional offices of education, local
21 agencies, or the Department of Human Services, and nonpublic
22 schools recognized by the State Board of Education.

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

1 "Sexual assault" or "sexual violence" means any conduct of
2 an adult or minor child proscribed in Article 11 of the
3 Criminal Code of 2012, except for Sections 11-35, 11-40, and
4 11-45 of the Criminal Code of 2012, including conduct
5 committed by a perpetrator who is a stranger to the victim and
6 conduct by a perpetrator who is known or related by blood or
7 marriage to the victim.

8 "Stalking" means any conduct proscribed in Section 12-7.3,
9 12-7.4, or 12-7.5 of the Criminal Code of 2012, including
10 stalking committed by a perpetrator who is a stranger to the
11 victim and stalking committed by a perpetrator who is known or
12 related by blood or marriage to the victim.

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

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

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

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

26 "Support person" means any person whom the victim has

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

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

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

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

1 (105 ILCS 5/26A-15 new)

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

3 (a) The Ensuring Success in School Task Force is created
4 to draft and publish model policies and intergovernmental
5 agreements for inter-district transfers; draft and publish
6 model complaint resolution procedures as required in
7 subsection (c) of Section 26A-25; identify current mandatory
8 educator and staff training and additional new trainings
9 needed to meet the requirements as required in Section 26A-25
10 and Section 26A-35. These recommended policies and agreements
11 shall be survivor-centered and rooted in trauma-informed
12 responses and used to support all students, from
13 pre-kindergarten through grade 12, who are survivors of
14 domestic or sexual violence, regardless of whether the
15 perpetrator is school-related or not, or who are parenting or
16 pregnant, regardless of whether the school is a public school,
17 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (18) One member who represents a statewide

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

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

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

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

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

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

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

1 expeditious for student survivors and pregnant and
2 parenting students.

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

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

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

1 future training programs that should be required or
2 recommended for the positions as prescribed by Sections
3 26A-25 and 26A-35.

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

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

7 (105 ILCS 5/26A-20 new)

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

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

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

1 Education and under Public Act 101-531.

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

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

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

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

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

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

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

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

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

13 (105 ILCS 5/26A-25 new)

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

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

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

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

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

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

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

20 (1) All individuals whose duties include resolution of
21 complaints of violations of this amendatory Act of the
22 102nd General Assembly must complete a minimum of 8 hours
23 of training on issues related to domestic and sexual
24 violence and how to conduct the school's complaint
25 resolution procedure, which may include the in-service
26 training required under subsection (d) of Section

1 10-22.39, before commencement of those duties, and must
2 receive a minimum of 6 hours of such training annually
3 thereafter. This training must be conducted by an
4 individual or individuals with expertise in domestic or
5 sexual violence in youth and expertise in developmentally
6 appropriate communications with elementary and secondary
7 school students regarding topics of a sexual, violent, or
8 sensitive nature.

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

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

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

1 finding of responsibility of causing harm:

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

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

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

20 (d) Each party and witness may request and must be allowed
21 to have a representative or support persons of their choice
22 accompany them to any meeting or proceeding related to the
23 alleged violence or violation of this amendatory Act of the
24 102nd General Assembly if the involvement of the
25 representative or support persons does not result in undue
26 delay of the meeting or proceeding. This representative or

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

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

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

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

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

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

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

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

20 (105 ILCS 5/26A-30 new)

21 Sec. 26A-30. Confidentiality.

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

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

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

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

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

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

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

11 (105 ILCS 5/26A-35 new)

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

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

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

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

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

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

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

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

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

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

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

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

13 (105 ILCS 5/26A-40 new)

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

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

1 services must be offered for as long as necessary to maintain
2 the mental and physical well-being and safety of the student.
3 Schools may periodically check on students receiving supports
4 and services to determine whether each support 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) Supports provided under subsection (a) shall include,
9 but are not limited to (i) the provision of sufficiently
10 private settings to ensure confidentiality and time off from
11 class for meetings with counselors or other service providers,
12 (ii) assisting the student with a student success plan, (iii)
13 transferring a victim of domestic or sexual violence or the
14 student perpetrator to a different classroom or school, if
15 available, (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 supports 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 inform
8 those students about support services of nonschool-based
9 organizations and agencies from which those students typically
10 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 in accordance with the procedures set
16 forth in this Code. Upon student or parent or guardian's
17 request, the teachers and of the school administrative
18 personnel and officials shall make available to each student
19 who is unable to participate because of circumstances related
20 to the student's status as a parent, expectant parent, or
21 victim of domestic or sexual violence a meaningful opportunity
22 to make up any examination, study, or work requirement that
23 the student has missed because of the inability to participate
24 on any particular day or days or at any particular time of day.
25 For a student receiving homebound instruction, it is the
26 responsibility of the student and parent to work with the

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

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

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

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

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

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

26 (i) All domestic or sexual violence organizations and

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

8 (105 ILCS 5/26A-45 new)

9 Sec. 26A-45. Verification.

10 (a) For purposes of students asserting their rights under
11 provisions relating to domestic or sexual violence in Sections
12 10-21.3a, 10-22.6, 10-22.6a, 26-2a, 26A-40, and 34-18.24, a
13 school district may require verification of the claim. The
14 student or the student's parents or guardians shall choose
15 which form of verification to submit to the school district. A
16 school district may only require one form of verification,
17 unless the student is requesting a transfer to another school,
18 in which case the school district may require 2 forms of
19 verification. All forms of verification received by a school
20 district under this subsection (a) must be kept in a
21 confidential temporary file, in accordance with the Illinois
22 School Student Records Act. Any one of the following shall be
23 an acceptable form of verification of a student's claim of
24 domestic or sexual violence:

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

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

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

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

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

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

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

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

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

7 (105 ILCS 5/26A-50 new)

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

24 (105 ILCS 5/27A-5)

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

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

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

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

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

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

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

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

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

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

23 A charter school shall comply with all non-curricular
24 health and safety requirements applicable to public schools
25 under the laws of the State of Illinois. On or before September
26 1, 2015, the State Board shall promulgate and post on its

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

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

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

1 and the State Board a copy of its audit and a copy of the Form
2 990 the charter school filed that year with the federal
3 Internal Revenue Service. In addition, if deemed necessary for
4 proper financial oversight of the charter school, an
5 authorizer may require quarterly financial statements from
6 each charter school.

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

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

20 (2) Sections 10-20.14, 10-22.6, 24-24, 34-19, and
21 34-84a of this Code regarding discipline of students;

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

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

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

21 The change made by Public Act 96-104 to this subsection

22 (g) is declaratory of existing law.

23 (h) A charter school may negotiate and contract with a

24 school district, the governing body of a State college or

25 university or public community college, or any other public or

26 for-profit or nonprofit private entity for: (i) the use of a

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

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

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

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

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

11 (Source: P.A. 100-29, eff. 1-1-18; 100-156, eff. 1-1-18;
12 100-163, eff. 1-1-18; 100-413, eff. 1-1-18; 100-468, eff.
13 6-1-18; 100-726, eff. 1-1-19; 100-863, eff. 8-14-18; 101-50,
14 eff. 7-1-20; 101-81, eff. 7-12-19; 101-291, eff. 1-1-20;
15 101-531, eff. 8-23-19; 101-543, eff. 8-23-19; 101-654, eff.
16 3-8-21.)

17 (105 ILCS 5/34-18.24)

18 Sec. 34-18.24. Transfer of students.

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

1 board on an individual basis:

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

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

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

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

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

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

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

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

7 (d) (Blank).

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

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

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

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

6 (105 ILCS 10/2) (from Ch. 122, par. 50-2)

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

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

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

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

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

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

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

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

1 following:

2 (1) Information ~~information~~ provided under Section 8.6
3 of the Abused and Neglected Child Reporting Act and
4 information contained in service logs maintained by a
5 local education agency under subsection (d) of Section
6 14-8.02f of the School Code.

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

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

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

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

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

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

10 (30 ILCS 805/8.45 new)

11 Sec. 8.45. Exempt mandate. Notwithstanding Sections 6 and
12 8 of this Act, no reimbursement by the State is required for
13 the implementation of any mandate created by this amendatory
14 Act of the 102nd General Assembly.

15 Section 99. Effective date. This Act takes effect July 1,
16 2025.