

95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1330

Introduced 2/20/2007, by Rep. Karen A. Yarbrough

SYNOPSIS AS INTRODUCED:

See Index

Amends the School Code. Creates the Ensuring Success in School Law to (1) ensure that youth who are parents, expectant parents, or the victims of domestic or sexual violence are identified by schools in a manner respectful of their privacy and safety, treated with dignity and regard, and provided the protection, instruction, and related support services necessary to enable them to meet State educational standards and successfully attain a high school diploma; (2) ensure that Illinois school-level staff and policymakers understand and are sensitive to the needs and characteristics of such youth; (3) afford protections in a school setting to a population of youth who have historically been stigmatized and discriminated against; and (4) promote best practices in Illinois' schools. Contains provisions concerning confidentiality; the right to attend school; review and revision of policies; and specially trained personnel. Makes other changes in the School Code with respect to parents, expectant parents, and victims of domestic or sexual violence in provisions concerning the suspension and expulsion of pupils, home instruction, in-service training programs, alternative schools within Chicago, an individualized education program for a child with a disability, truants, and charter schools. Provides that the provisions of the Act are severable. Effective immediately.

LRB095 08290 NHT 28462 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

A BILL FOR

1 AN ACT concerning education.

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

4 Section 5. The School Code is amended by changing Sections
5 10-22.6, 10-22.6a, 10-22.39, 13A-11, 14-8.02, 26-2a, and 27A-5
6 and by adding Article 13C 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, and no action shall lie against them for such
12 expulsion. Expulsion shall take place only after the parents
13 have been requested to appear at a meeting of the board, or
14 with a hearing officer appointed by it, to discuss their
15 child's behavior. Such request shall be made by registered or
16 certified mail and shall state the time, place and purpose of
17 the meeting. The board, or a hearing officer appointed by it,
18 at such meeting shall state the reasons for dismissal and the
19 date on which the expulsion is to become effective. If a
20 hearing officer is appointed by the board he shall report to
21 the board a written summary of the evidence heard at the
22 meeting and the board may take such action thereon as it finds
23 appropriate.

1 (b) To suspend or by regulation to authorize the
2 superintendent of the district or the principal, assistant
3 principal, or dean of students of any school to suspend pupils
4 guilty of gross disobedience or misconduct, or to suspend
5 pupils guilty of gross disobedience or misconduct on the school
6 bus from riding the school bus, and no action shall lie against
7 them for such suspension. The board may by regulation authorize
8 the superintendent of the district or the principal, assistant
9 principal, or dean of students of any school to suspend pupils
10 guilty of such acts for a period not to exceed 10 school days.
11 If a pupil is suspended due to gross disobedience or misconduct
12 on a school bus, the board may suspend the pupil in excess of
13 10 school days for safety reasons. Any suspension shall be
14 reported immediately to the parents or guardian of such pupil
15 along with a full statement of the reasons for such suspension
16 and a notice of their right to a review, a copy of which shall
17 be given to the school board. Upon request of the parents or
18 guardian the school board or a hearing officer appointed by it
19 shall review such action of the superintendent or principal,
20 assistant principal, or dean of students. At such review the
21 parents or guardian of the pupil may appear and discuss the
22 suspension with the board or its hearing officer. If a hearing
23 officer is appointed by the board he shall report to the board
24 a written summary of the evidence heard at the meeting. After
25 its hearing or upon receipt of the written report of its
26 hearing officer, the board may take such action as it finds

1 appropriate.

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

6 (c-5) In all suspension and expulsion proceedings, a
7 student may raise his or her status as a parent, expectant
8 parent, or victim of domestic or sexual violence, which must be
9 considered as a mitigating factor in determining whether to
10 suspend or expel the student or in deciding the nature or
11 severity of the disciplinary action at any time throughout the
12 proceedings. This subsection (c-5) applies to all school
13 districts, including special charter districts and districts
14 organized under Article 34 of this Code.

15 (d) The board may expel a student for a definite period of
16 time not to exceed 2 calendar years, as determined on a case by
17 case basis. A student who is determined to have brought a
18 weapon to school, any school-sponsored activity or event, or
19 any activity or event which bears a reasonable relationship to
20 school shall be expelled for a period of not less than one
21 year, except that the expulsion period may be modified by the
22 superintendent, and the superintendent's determination may be
23 modified by the board on a case by case basis. For the purpose
24 of this Section, the term "weapon" means (1) possession, use,
25 control, or transfer of any gun, rifle, shotgun, weapon as
26 defined by Section 921 of Title 18, United States Code, firearm

1 as defined in Section 1.1 of the Firearm Owners Identification
2 Act, or use of a weapon as defined in Section 24-1 of the
3 Criminal Code, (2) any other object if used or attempted to be
4 used to cause bodily harm, including but not limited to,
5 knives, brass knuckles, or billy clubs, or (3) "look alike" of
6 any weapon as defined in this Section. Expulsion or suspension
7 shall be construed in a manner consistent with the Federal
8 Individuals with Disabilities Education Act. A student who is
9 subject to suspension or expulsion as provided in this Section
10 may be eligible for a transfer to an alternative school program
11 in accordance with Article 13A of the School Code. The
12 provisions of this subsection (d) apply in all school
13 districts, including special charter districts and districts
14 organized under Article 34.

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

1 lots, and other school property and equipment owned or
2 controlled by the school for illegal drugs, weapons, or other
3 illegal or dangerous substances or materials, including
4 searches conducted through the use of specially trained dogs.
5 If a search conducted in accordance with this Section produces
6 evidence that the student has violated or is violating either
7 the law, local ordinance, or the school's policies or rules,
8 such evidence may be seized by school authorities, and
9 disciplinary action may be taken. School authorities may also
10 turn over such evidence to law enforcement authorities. The
11 provisions of this subsection (e) apply in all school
12 districts, including special charter districts and districts
13 organized under Article 34.

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

17 (g) A school district may adopt a policy providing that if
18 a student is suspended or expelled for any reason from any
19 public or private school in this or any other state, the
20 student must complete the entire term of the suspension or
21 expulsion before being admitted into the school district. A
22 school district that adopts such a policy must include a
23 provision allowing for consideration of a student's status as a
24 parent, expectant parent, or victim of domestic or sexual
25 violence as a mitigating factor in reviews during the
26 disciplinary period and exempting on a case-by-case basis those

1 students whose status as a parent, expectant parent, or victim
2 of domestic or sexual violence is a factor in the behavior that
3 gives rise to the suspension or expulsion. This policy may
4 allow placement of the student in an alternative school program
5 established under Article 13A of this Code, if available, for
6 the remainder of the suspension or expulsion. This subsection
7 (g) applies to all school districts, including special charter
8 districts and districts organized under Article 34 of this
9 Code.

10 (h) For the purposes of this subsection (h) and subsections
11 (c-5), (g), (i), and (j) of this Section, unless the context
12 otherwise requires:

13 "Domestic or sexual violence organization" means a
14 nonprofit, nongovernmental organization that provides
15 assistance to victims of domestic or sexual violence or to
16 advocates for such victims, including an organization carrying
17 out a domestic or sexual violence program; an organization
18 operating a shelter or a rape crisis center or providing
19 counseling services; or an organization that seeks to eliminate
20 domestic or sexual violence through legislative advocacy or
21 policy change, public education, or service collaboration.

22 "Domestic violence" includes one or more acts or threats of
23 violence among family or household members or persons who have
24 or have had a dating or engagement relationship, not including
25 acts of self-defense or the defense of another, as "domestic
26 violence" and "family or household members" are defined in

1 Section 103 of the Illinois Domestic Violence Act of 1986.

2 "Expectant parent" means a female who is pregnant or a male
3 who voluntarily identifies himself as the parent of an unborn
4 child by seeking services for teen parents and who has not yet
5 graduated from secondary school as provided in Section 22-22 of
6 this Code.

7 "Parent" means a person who is a custodial parent or a
8 noncustodial parent taking an active role in the care and
9 supervision of a child and who has not yet graduated from
10 secondary school as provided in Section 22-22 of this Code.

11 "Perpetrator" means an individual who commits or is alleged
12 to have committed any act of domestic or sexual violence.

13 "Sexual violence" means sexual assault, abuse, or stalking
14 of an adult or minor child proscribed in the Criminal Code of
15 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14,
16 12-14.1, 12-15, and 12-16, including sexual violence committed
17 by perpetrators who are strangers to the victim and sexual
18 violence committed by perpetrators who are known or related by
19 blood or marriage to the victim.

20 "Student" or "pupil" means any youth enrolled, eligible to
21 enroll, or previously enrolled in a school who has not yet
22 graduated from secondary school as provided in Section 22-22 of
23 this Code.

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

26 "Youth", except as otherwise provided in this Code, means a

1 child, student, or juvenile below the age of 21 years who has
2 not yet completed his or her prescribed course of study or has
3 not graduated from secondary school as provided in Section
4 22-22 of this Code. "Youth" includes, but is not limited to,
5 unaccompanied youth not in the physical custody of a parent or
6 guardian.

7 (i) If a pupil is faced with either (i) suspension from
8 school due to gross disobedience or misconduct or suspension
9 from riding a school bus due to gross disobedience or
10 misconduct on the school bus as provided in this Section or
11 (ii) expulsion due to gross disobedience or misconduct as
12 provided in this Section and if there is a relationship between
13 the behavior that gives rise to the suspension or expulsion
14 proceedings and the pupil's status as a parent, expectant
15 parent, or victim of domestic or sexual violence, then the
16 suspension or expulsion requirement may be modified by the
17 district superintendent on a case-by-case basis. This
18 subsection (i) applies to all school districts, including
19 special charter districts and districts organized under
20 Article 34 of this Code.

21 (j) A school district may require a youth to provide
22 verification that he or she is or has been a victim of domestic
23 or sexual violence only when a youth asserts rights under this
24 Section on the basis of domestic or sexual violence. Any one of
25 the following is acceptable verification of a youth's claim of
26 domestic or sexual violence:

1 (1) A written statement from the youth or anyone who
2 has knowledge of the circumstances that support the youth's
3 claim.

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

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

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

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

15 A youth who has provided acceptable verification that he or she
16 is or has been a victim of domestic or sexual violence must not
17 be required to provide any additional verification if the
18 youth's efforts to assert rights under this Code stem from a
19 claim involving the same perpetrator. This subsection (j)
20 applies to all school districts, including special charter
21 districts and districts organized under Article 34 of this
22 Code.

23 (Source: P.A. 92-64, eff. 7-12-01.)

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

25 Sec. 10-22.6a. To provide by home instruction,

1 correspondence courses or otherwise courses of instruction for
2 pupils who are unable to attend school because of pregnancy or
3 pregnancy-related conditions, the fulfillment of parenting
4 obligations related to the health of the pupil's child, or
5 health complications and safety concerns arising from domestic
6 or sexual violence. Such instruction shall be provided to the
7 pupil (1) before the birth of the child when the pupil's health
8 care provider ~~physician~~ has indicated to the district, in
9 writing, that the pupil is medically unable to attend regular
10 classroom instruction, and (2) for up to 3 months following the
11 birth of the child or a miscarriage, (3) to care for the
12 pupil's ill child when the child's health care provider has
13 indicated to the district, in writing, that the pupil's child
14 has a serious health condition, that the pupil is needed to
15 provide care to this child, and that alternative care for the
16 child is unavailable, or (4) to treat physical or mental health
17 complications or address safety concerns arising from domestic
18 or sexual violence when the pupil's domestic or sexual violence
19 organization or health care provider has indicated to the
20 district, in writing, that such care is needed and will cause
21 an absence for 2 or more consecutive weeks of school.

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

26 Notwithstanding any other law to the contrary, if a pupil

1 is unable to attend regular classes because of the reasons set
2 forth in this Section and if the pupil has participated in
3 instruction under this Section that is administered by the
4 school district, then the pupil must not be penalized for
5 grading purposes nor be denied course completion, grade level
6 advancement, or graduation solely on the basis of the pupil's
7 absence from the regular education program during the period of
8 this instruction.

9 A school district may require a youth to provide
10 verification that he or she is or has been a victim of domestic
11 or sexual violence only when a youth asserts rights under this
12 Section on the basis of domestic or sexual violence. Any one of
13 the following is acceptable verification of a youth's claim of
14 domestic or sexual violence:

15 (1) A written statement from the youth or anyone who
16 has knowledge of the circumstances that support the youth's
17 claim.

18 (2) A police report, government agency record, or court
19 record.

20 (3) A statement or other documentation from a domestic
21 or sexual violence organization or any other organization
22 from which the youth sought services or advice.

23 (4) Documentation from a lawyer, clergy person,
24 medical professional, or other professional from whom the
25 youth sought domestic or sexual violence services or
26 advice.

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

3 A youth who has provided acceptable verification that he or she
4 is or has been a victim of domestic or sexual violence must not
5 be required to provide any additional verification if the
6 youth's efforts to assert rights under this Code stem from a
7 claim involving the same perpetrator.

8 In this Section, unless the context otherwise requires:

9 "Domestic or sexual violence organization" means a
10 nonprofit, nongovernmental organization that provides
11 assistance to victims of domestic or sexual violence or to
12 advocates for such victims, including an organization carrying
13 out a domestic or sexual violence program; an organization
14 operating a shelter or a rape crisis center or providing
15 counseling services; or an organization that seeks to eliminate
16 domestic or sexual violence through legislative advocacy or
17 policy change, public education, or service collaboration.

18 "Domestic violence" includes one or more acts or threats of
19 violence among family or household members or persons who have
20 or have had a dating or engagement relationship, not including
21 acts of self-defense or the defense of another, as "domestic
22 violence" and "family or household members" are defined in
23 Section 103 of the Illinois Domestic Violence Act of 1986.

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

26 "Sexual violence" means sexual assault, abuse, or stalking

1 of an adult or minor child proscribed in the Criminal Code of
2 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14,
3 12-14.1, 12-15, and 12-16, including sexual violence committed
4 by perpetrators who are strangers to the victim and sexual
5 violence committed by perpetrators who are known or related by
6 blood or marriage to the victim.

7 "Student" or "pupil" means any youth enrolled, eligible to
8 enroll, or previously enrolled in a school who has not yet
9 graduated from secondary school as provided in Section 22-22 of
10 this Code.

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

13 "Youth", except as otherwise provided in this Code, means a
14 child, student, or juvenile below the age of 21 years who has
15 not yet completed his or her prescribed course of study or has
16 not graduated from secondary school as provided in Section
17 22-22 of this Code. "Youth" includes, but is not limited to,
18 unaccompanied youth not in the physical custody of a parent or
19 guardian.

20 (Source: P.A. 84-1430.)

21 (105 ILCS 5/10-22.39) (from Ch. 122, par. 10-22.39)

22 Sec. 10-22.39. In-service training programs.

23 (a) To conduct in-service training programs for teachers.

24 (b) In addition to other topics at in-service training ~~such~~
25 programs, school guidance counselors, teachers and other

1 school personnel who work with pupils in grades 7 through 12
2 shall be trained to identify the warning signs of suicidal
3 behavior in adolescents and teens and shall be taught
4 appropriate intervention and referral techniques.

5 (c) School guidance counselors, nurses, teachers and other
6 school personnel who work with pupils may be trained to have a
7 basic knowledge of matters relating to acquired
8 immunodeficiency syndrome (AIDS), including the nature of the
9 disease, its causes and effects, the means of detecting it and
10 preventing its transmission, and the availability of
11 appropriate sources of counseling and referral, and any other
12 information that may be appropriate considering the age and
13 grade level of such pupils. The School Board shall supervise
14 such training. The State Board of Education and the Department
15 of Public Health shall jointly develop standards for such
16 training.

17 (d) In this subsection (d), unless the context otherwise
18 requires:

19 "Domestic violence" includes one or more acts or threats of
20 violence among family or household members or persons who have
21 or have had a dating or engagement relationship, not including
22 acts of self-defense or the defense of another, as "domestic
23 violence" and "family or household members" are defined in
24 Section 103 of the Illinois Domestic Violence Act of 1986.

25 "Expectant parent" means a female who is pregnant or a male
26 who voluntarily identifies himself as the parent of an unborn

1 child by seeking services for teen parents and who has not yet
2 graduated from secondary school as provided in Section 22-22 of
3 this Code.

4 "Parent" means a person who is a custodial parent or a
5 noncustodial parent taking an active role in the care and
6 supervision of a child and who has not yet graduated from
7 secondary school as provided in Section 22-22 of this Code.

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

10 "Sexual violence" means sexual assault, abuse, or stalking
11 of an adult or minor child proscribed in the Criminal Code of
12 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14,
13 12-14.1, 12-15, and 12-16, including sexual violence committed
14 by perpetrators who are strangers to the victim and sexual
15 violence committed by perpetrators who are known or related by
16 blood or marriage to the victim.

17 "Student" or "pupil" means any youth enrolled, eligible to
18 enroll, or previously enrolled in a school who has not yet
19 graduated from secondary school as provided in Section 22-22 of
20 this Code.

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

23 "Youth", except as otherwise provided in this Code, means a
24 child, student, or juvenile below the age of 21 years who has
25 not yet completed his or her prescribed course of study or has
26 not graduated from secondary school as provided in Section

1 22-22 of this Code. "Youth" includes, but is not limited to,
2 unaccompanied youth not in the physical custody of a parent or
3 guardian.

4 At least once every 2 years, an in-service training program
5 for school personnel who work with pupils, including, but not
6 limited to, school and school district administrators,
7 teachers, school guidance counselors, school social workers,
8 school counselors, school psychologists, and school nurses,
9 must be conducted by persons with expertise in domestic and
10 sexual violence and the needs of expectant and parenting youth
11 and shall include training concerning (i) communicating with
12 and listening to youth victims of domestic or sexual violence
13 and expectant and parenting youth, (ii) connecting youth
14 victims of domestic or sexual violence and expectant and
15 parenting youth to appropriate in-school services and other
16 agencies, programs, and services as needed, and (iii)
17 implementing the school district's policies, procedures, and
18 protocols with regard to such youth, including
19 confidentiality. At a minimum, school personnel must be trained
20 to understand, provide information and referrals, and address
21 issues pertaining to youth who are parents, expectant parents,
22 or victims of domestic or sexual violence.

23 (Source: P.A. 86-900.)

24 (105 ILCS 5/13A-11)

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

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

6 (b) Alternative schools operated by third parties within
7 Chicago shall be exempt from all provisions of the School Code,
8 except provisions concerning:

- 9 (1) Student civil rights;
10 (2) Staff civil rights;
11 (3) Health and safety;
12 (4) Performance and financial audits;
13 (5) The Illinois Goals Assessment Program;
14 (6) Chicago learning outcomes;
15 (7) Sections 2-3.25a through 2-3.25j of the School
16 Code;
17 (8) The Inspector General; ~~and~~
18 (9) Section 34-2.4b of the School Code; ~~and~~;
19 (10) Students who are parents, expectant parents, or
20 victims of domestic or sexual violence.

21 (Source: P.A. 89-383, eff. 8-18-95; 89-636, eff. 8-9-96.)

22 (105 ILCS 5/Art. 13C heading new)

23 ARTICLE 13C. ENSURING SUCCESS IN SCHOOL

24 (105 ILCS 5/13C-1 new)

1 Sec. 13C-1. Short title. This Article may be cited as the
2 Ensuring Success in School Law.

3 (105 ILCS 5/13C-5 new)

4 Sec. 13C-5. Purpose. The General Assembly, mindful that
5 children are our most precious resource, that the demands and
6 needs of adolescence make it a critical stage for educational
7 development in children, and that well-educated youth are a
8 critical component of a skilled and productive workforce,
9 declares that the following are the purposes of this Law:

10 (1) To ensure that youth who are parents, expectant
11 parents, or the victims of domestic or sexual violence are
12 identified by schools in a manner respectful of their
13 privacy and safety; treated with dignity and regard; and
14 provided the protection, instruction, and related support
15 services necessary to enable them to meet State educational
16 standards and successfully attain a high school diploma.

17 (2) To ensure that Illinois school-level staff and
18 policymakers understand and are sensitive to the needs and
19 characteristics of such youth, while recognizing and
20 honoring the role they will play and the choices they will
21 make in ensuring their own success in school and beyond.

22 (3) To afford protections in a school setting to a
23 population of youth who have historically been stigmatized
24 and discriminated against.

25 (4) To promote best practices in Illinois' schools for

1 the fulfillment of the constitutional goal of the
2 "educational development of all persons to the limits of
3 their capacities".

4 (105 ILCS 5/13C-10 new)
5 Sec. 13C-10. Legislative findings. The General Assembly
6 finds and declares all of the following:

7 (1) Youth, due to early pregnancy, childbearing,
8 parenting, or the experience of domestic or sexual
9 violence, experience significant educational losses
10 leading to a lifelong loss of schooling.

11 (2) Almost 60% of youth with a school-age pregnancy
12 drop out between 8th and 12th grade.

13 (3) This issue is of particular concern in Illinois,
14 where in 2004 almost 10% of Illinois births were to teen
15 mothers.

16 (4) More than 60% of young women who become pregnant as
17 youths have been sexually or physically abused at some
18 point in their lives.

19 (5) Over 60% of forcible rapes occur before the victim
20 is 18 years old.

21 (6) In 2001, 8.1% of Illinois students reported being a
22 victim of dating violence and 5.6% reported having been
23 sexually assaulted.

24 (7) Lifelong loss of schooling has a significant impact
25 on one's ability to attain economic success and stability

1 later in life.

2 (105 ILCS 5/13C-15 new)

3 Sec. 13C-15. Definitions. In this Article, unless the
4 context otherwise requires:

5 "Domestic or sexual violence organization" means a
6 nonprofit, nongovernmental organization that provides
7 assistance to victims of domestic or sexual violence or to
8 advocates for such victims, including an organization carrying
9 out a domestic or sexual violence program; an organization
10 operating a shelter or a rape crisis center or providing
11 counseling services; or an organization that seeks to eliminate
12 domestic or sexual violence through legislative advocacy or
13 policy change, public education, or service collaboration.

14 "Domestic violence" includes one or more acts or threats of
15 violence among family or household members or persons who have
16 or have had a dating or engagement relationship, not including
17 acts of self-defense or the defense of another, as "domestic
18 violence" and "family or household members" are defined in
19 Section 103 of the Illinois Domestic Violence Act of 1986.

20 "Expectant parent" means a female who is pregnant or a male
21 who voluntarily identifies himself as the parent of an unborn
22 child by seeking services for teen parents and who has not yet
23 graduated from secondary school as provided in Section 22-22 of
24 this Code.

25 "Parent" means a person who is a custodial parent or a

1 noncustodial parent taking an active role in the care and
2 supervision of a child and who has not yet graduated from
3 secondary school as provided in Section 22-22 of this Code.

4 "Perpetrator" means an individual who commits or is alleged
5 to have committed any act or threat of domestic or sexual
6 violence.

7 "School" means without limitation (i) a public or
8 State-operated elementary or secondary school; (ii) a school
9 operated pursuant to an agreement with a public school
10 district, including a cooperative or joint agreement with a
11 governing body or board of control; (iii) a charter school
12 operating in compliance with the Charter Schools Law; (iv) a
13 school operated under Section 13A-3 of this Code; (v) an
14 alternative school operated by third parties within the City of
15 Chicago under Section 13A-11 of this Code; (vi) an alternative
16 learning opportunities program operated under Section 13B of
17 this Code; or (vii) a public school administered by a local
18 public agency or the Department of Human Services operating
19 pursuant to the authority of this Code.

20 "School district" means any public entity responsible for
21 administering schools, including districts subject to Article
22 34 of this Code, and includes other entities responsible for
23 administering public schools, such as cooperatives, joint
24 agreements, charter schools, special charter districts,
25 regional offices of education, local agencies, and the
26 Department of Human Services.

1 "Sexual violence" means sexual assault, abuse, or stalking
2 of an adult or minor child proscribed in the Criminal Code of
3 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14,
4 12-14.1, 12-15, and 12-16, including sexual violence committed
5 by perpetrators who are strangers to the victim and sexual
6 violence committed by perpetrators who are known or related by
7 blood or marriage to the victim.

8 "Student" means any youth enrolled, eligible to enroll, or
9 previously enrolled in a school who has not yet graduated from
10 secondary school as provided in Section 22-22 of this Code.

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

13 "Youth", except as otherwise provided in this Code, means a
14 child, student, or juvenile below the age of 21 years who has
15 not yet completed his or her prescribed course of study or has
16 not graduated from secondary school as provided in Section
17 22-22 of this Code. "Youth" includes, but is not limited to,
18 unaccompanied youth not in the physical custody of a parent or
19 guardian.

20 (105 ILCS 5/13C-20 new)

21 Sec. 13C-20. Confidentiality. School districts shall adopt
22 and implement a policy and protocol to ensure that all
23 information concerning a youth's status as a parent, expectant
24 parent, or victim of domestic or sexual violence provided to
25 the school or school district or its employees or agents

1 pursuant to this Code or otherwise, including a statement of
2 the youth or any other documentation, record, or corroborating
3 evidence, and the fact that the youth has requested or obtained
4 assistance, accommodations, or services pursuant to this Code
5 shall be retained in the strictest confidence by the school or
6 school district and its employees and agents, except to the
7 extent that disclosure is (i) requested or consented to in
8 writing by the youth or the youth's parent or guardian, if it
9 is safe to obtain written consent of the youth's parent or
10 guardian, or (ii) otherwise required by applicable federal or
11 State law. School districts shall take all actions necessary to
12 comply with this Section no later than July 1, 2008.

13 (105 ILCS 5/13C-25 new)

14 Sec. 13C-25. Right to attend school. Youth who are parents,
15 expectant parents, or victims of domestic or sexual violence
16 have the right to attend school and receive the same or
17 equivalent educational instruction as other youth. No such
18 youth shall be deprived of or denied the opportunity to
19 participate in or complete an elementary and secondary public
20 school education because of his or her status as a parent,
21 expectant parent, or victim of domestic or sexual violence.

22 Written notice of the right to attend school and all of the
23 provisions under this Code about youth who are parents,
24 expectant parents, or victims of domestic or sexual violence
25 and all current school and school district policies about youth

1 who are parents, expectant parents, or victims of domestic or
2 sexual violence must be provided by each school district in the
3 form of policy manuals, employee and student handbooks, or
4 other written documentation. The written notice must be
5 distributed to all students, parents and guardians of students,
6 and school personnel at the beginning of each school year. In
7 addition, the notice must be distributed to individual youth
8 (i) at the time of transfer or withdrawal from school; (ii) at
9 the time the school learns of the youth's status as a parent,
10 expectant parent, or victim of domestic or sexual violence; and
11 (iii) at the time of any adverse action, including, but not
12 limited to, disenrollment, suspension, or expulsion. The
13 written notice must be available on request at no charge.

14 (105 ILCS 5/13C-30 new)

15 Sec. 13C-30. Review and revision of policies. School
16 districts shall review and revise any existing policies that
17 may act as barriers to the enrollment, reenrollment,
18 attendance, and success in school of any youth who is a parent,
19 expectant parent, or victim of domestic or sexual violence.
20 School districts shall adopt new policies, as needed, to
21 implement the provisions of this Code about students who are
22 parents, expectant parents, or victims of domestic or sexual
23 violence. School districts shall confer with persons with
24 expertise in youth who are parents or expectant parents and
25 persons with expertise in domestic and sexual violence,

1 including domestic and sexual violence organizations, in the
2 review and revision of existing policies and the adoption of
3 new policies, including those related to confidentiality.
4 School districts shall take all actions necessary to comply
5 with this Section no later than July 1, 2008 and no later than
6 July 1 every 2 years thereafter.

7 (105 ILCS 5/13C-35 new)

8 Sec. 13C-35. Specially trained personnel.

9 (a) Each school district shall employ at least one staff
10 person who is a school social worker, psychologist, counselor,
11 or nurse and who is also trained to address in a confidential
12 and sensitive manner the needs of youth who are parents,
13 expectant parents, or victims of domestic or sexual violence.
14 School districts with more than 10,000 students shall employ at
15 least one additional staff person who is either a school social
16 worker, psychologist, counselor, or nurse and who is trained to
17 address in a confidential and sensitive manner the needs of
18 youth who are parents, expectant parents, or victims of
19 domestic or sexual violence for every additional 10,000
20 students. Designated staff are responsible for, but not limited
21 to, all of the following activities:

22 (1) Communicating with and listening to such youth who
23 are parents, expectant parents, or victims of domestic or
24 sexual violence.

25 (2) Connecting such youth to appropriate in-school

1 services and other agencies, programs, and services, as
2 needed.

3 (3) Coordinating and monitoring the implementation of
4 the school district's policy, procedures, and protocols in
5 cases involving student allegations of domestic or sexual
6 violence.

7 (4) Coordinating and monitoring the implementation of
8 the school district's policy, procedures, and protocols as
9 set forth in provisions of this Code about students who are
10 parents, expectant parents, or victims of domestic or
11 sexual violence.

12 (5) Assisting such youth in their efforts to exercise
13 and preserve their rights set forth in provisions of this
14 Code about students who are parents, expectant parents, or
15 victims of domestic or sexual violence.

16 (6) Assisting in providing staff development to
17 establish a positive and sensitive learning environment
18 for such youth.

19 (b) At a minimum, designated or appointed staff must be
20 trained to understand, provide information and referrals, and
21 address issues pertaining to youth who are parents, expectant
22 parents, or victims of domestic or sexual violence, including
23 theories and dynamics of domestic and sexual violence, the
24 necessity for confidentiality and the law, policy, procedures,
25 and protocols implementing confidentiality, and the
26 notification of such youth's parent or guardian regarding the

1 youth's status as a parent, expectant parent, or victim of
2 domestic or sexual violence or the enforcement of such youth's
3 rights under this Code when notice of the youth's status or the
4 involvement of the youth's parent or guardian may put the
5 health or safety of the youth at risk.

6 (c) School districts shall designate or appoint and train
7 all specially trained personnel, and such personnel shall
8 assist in implementing the duties described in this Section no
9 later than April 1, 2008, except in those school districts
10 where there exists a collective bargaining agreement on the
11 effective date of this amendatory Act of the 95th General
12 Assembly and where implementation of this Section on or before
13 April 1, 2008 would be a violation of that collective
14 bargaining agreement. In the event that implementation of some
15 activities required under this Section is prevented by an
16 existing collective bargaining agreement, the school district
17 must comply with this Section to the fullest extent allowed by
18 the existing collective bargaining agreement no later than
19 April 1, 2008. In those instances where a collective bargaining
20 agreement, which either fully or partially prevents full
21 implementation of this Section, expires after April 1, 2008,
22 the school district shall designate or appoint and train all
23 specially trained personnel who shall implement the duties
24 described in this Section no later than the effective date of
25 the new collective bargaining agreement that immediately
26 succeeds the collective bargaining agreement in effect on the

1 effective date of this amendatory Act of the 95th General
2 Assembly.

3 (105 ILCS 5/14-8.02) (from Ch. 122, par. 14-8.02)

4 Sec. 14-8.02. Identification, Evaluation and Placement of
5 Children.

6 (a) The State Board of Education shall make rules under
7 which local school boards shall determine the eligibility of
8 children to receive special education. Such rules shall ensure
9 that a free appropriate public education be available to all
10 children with disabilities as defined in Section 14-1.02. The
11 State Board of Education shall require local school districts
12 to administer non-discriminatory procedures or tests to
13 limited English proficiency students coming from homes in which
14 a language other than English is used to determine their
15 eligibility to receive special education. The placement of low
16 English proficiency students in special education programs and
17 facilities shall be made in accordance with the test results
18 reflecting the student's linguistic, cultural and special
19 education needs. For purposes of determining the eligibility of
20 children the State Board of Education shall include in the
21 rules definitions of "case study", "staff conference",
22 "individualized educational program", and "qualified
23 specialist" appropriate to each category of children with
24 disabilities as defined in this Article. For purposes of
25 determining the eligibility of children from homes in which a

1 language other than English is used, the State Board of
2 Education shall include in the rules definitions for "qualified
3 bilingual specialists" and "linguistically and culturally
4 appropriate individualized educational programs". For purposes
5 of this Section, as well as Sections 14-8.02a, 14-8.02b, and
6 14-8.02c of this Code, "parent" means a parent as defined in
7 the federal Individuals with Disabilities Education Act (20
8 U.S.C. 1401(23)).

9 (b) No child shall be eligible for special education
10 facilities except with a carefully completed case study fully
11 reviewed by professional personnel in a multidisciplinary
12 staff conference and only upon the recommendation of qualified
13 specialists or a qualified bilingual specialist, if available.
14 At the conclusion of the multidisciplinary staff conference,
15 the parent of the child shall be given a copy of the
16 multidisciplinary conference summary report and
17 recommendations, which includes options considered, and be
18 informed of their right to obtain an independent educational
19 evaluation if they disagree with the evaluation findings
20 conducted or obtained by the school district. If the school
21 district's evaluation is shown to be inappropriate, the school
22 district shall reimburse the parent for the cost of the
23 independent evaluation. The State Board of Education shall,
24 with advice from the State Advisory Council on Education of
25 Children with Disabilities on the inclusion of specific
26 independent educational evaluators, prepare a list of

1 suggested independent educational evaluators. The State Board
2 of Education shall include on the list clinical psychologists
3 licensed pursuant to the Clinical Psychologist Licensing Act.
4 Such psychologists shall not be paid fees in excess of the
5 amount that would be received by a school psychologist for
6 performing the same services. The State Board of Education
7 shall supply school districts with such list and make the list
8 available to parents at their request. School districts shall
9 make the list available to parents at the time they are
10 informed of their right to obtain an independent educational
11 evaluation. However, the school district may initiate an
12 impartial due process hearing under this Section within 5 days
13 of any written parent request for an independent educational
14 evaluation to show that its evaluation is appropriate. If the
15 final decision is that the evaluation is appropriate, the
16 parent still has a right to an independent educational
17 evaluation, but not at public expense. An independent
18 educational evaluation at public expense must be completed
19 within 30 days of a parent written request unless the school
20 district initiates an impartial due process hearing or the
21 parent or school district offers reasonable grounds to show
22 that such 30 day time period should be extended. If the due
23 process hearing decision indicates that the parent is entitled
24 to an independent educational evaluation, it must be completed
25 within 30 days of the decision unless the parent or the school
26 district offers reasonable grounds to show that such 30 day

1 period should be extended. If a parent disagrees with the
2 summary report or recommendations of the multidisciplinary
3 conference or the findings of any educational evaluation which
4 results therefrom, the school district shall not proceed with a
5 placement based upon such evaluation and the child shall remain
6 in his or her regular classroom setting. No child shall be
7 eligible for admission to a special class for the educable
8 mentally disabled or for the trainable mentally disabled except
9 with a psychological evaluation and recommendation by a school
10 psychologist. Consent shall be obtained from the parent of a
11 child before any evaluation is conducted. If consent is not
12 given by the parent or if the parent disagrees with the
13 findings of the evaluation, then the school district may
14 initiate an impartial due process hearing under this Section.
15 The school district may evaluate the child if that is the
16 decision resulting from the impartial due process hearing and
17 the decision is not appealed or if the decision is affirmed on
18 appeal. The determination of eligibility shall be made and the
19 IEP meeting shall be completed within 60 school days from the
20 date of written parental consent. In those instances when
21 written parental consent is obtained with fewer than 60 pupil
22 attendance days left in the school year, the eligibility
23 determination shall be made and the IEP meeting shall be
24 completed prior to the first day of the following school year.
25 After a child has been determined to be eligible for a special
26 education class, such child must be placed in the appropriate

1 program pursuant to the individualized educational program by
2 or no later than the beginning of the next school semester. The
3 appropriate program pursuant to the individualized educational
4 program of students whose native tongue is a language other
5 than English shall reflect the special education, cultural and
6 linguistic needs. No later than September 1, 1993, the State
7 Board of Education shall establish standards for the
8 development, implementation and monitoring of appropriate
9 bilingual special individualized educational programs. The
10 State Board of Education shall further incorporate appropriate
11 monitoring procedures to verify implementation of these
12 standards. The district shall indicate to the parent and the
13 State Board of Education the nature of the services the child
14 will receive for the regular school term while waiting
15 placement in the appropriate special education class.

16 If the child is deaf, hard of hearing, blind, or visually
17 impaired and he or she might be eligible to receive services
18 from the Illinois School for the Deaf or the Illinois School
19 for the Visually Impaired, the school district shall notify the
20 parents, in writing, of the existence of these schools and the
21 services they provide and shall make a reasonable effort to
22 inform the parents of the existence of other, local schools
23 that provide similar services and the services that these other
24 schools provide. This notification shall include without
25 limitation information on school services, school admissions
26 criteria, and school contact information.

1 If the student may be eligible to participate in the
2 Home-Based Support Services Program for Mentally Disabled
3 Adults authorized under the Developmental Disability and
4 Mental Disability Services Act upon becoming an adult, the
5 student's individualized education program shall include plans
6 for (i) determining the student's eligibility for those
7 home-based services, (ii) enrolling the student in the program
8 of home-based services, and (iii) developing a plan for the
9 student's most effective use of the home-based services after
10 the student becomes an adult and no longer receives special
11 educational services under this Article. The plans developed
12 under this paragraph shall include specific actions to be taken
13 by specified individuals, agencies, or officials.

14 (c) In the development of the individualized education
15 program for a student who is functionally blind, it shall be
16 presumed that proficiency in Braille reading and writing is
17 essential for the student's satisfactory educational progress.
18 For purposes of this subsection, the State Board of Education
19 shall determine the criteria for a student to be classified as
20 functionally blind. Students who are not currently identified
21 as functionally blind who are also entitled to Braille
22 instruction include: (i) those whose vision loss is so severe
23 that they are unable to read and write at a level comparable to
24 their peers solely through the use of vision, and (ii) those
25 who show evidence of progressive vision loss that may result in
26 functional blindness. Each student who is functionally blind

1 shall be entitled to Braille reading and writing instruction
2 that is sufficient to enable the student to communicate with
3 the same level of proficiency as other students of comparable
4 ability. Instruction should be provided to the extent that the
5 student is physically and cognitively able to use Braille.
6 Braille instruction may be used in combination with other
7 special education services appropriate to the student's
8 educational needs. The assessment of each student who is
9 functionally blind for the purpose of developing the student's
10 individualized education program shall include documentation
11 of the student's strengths and weaknesses in Braille skills.
12 Each person assisting in the development of the individualized
13 education program for a student who is functionally blind shall
14 receive information describing the benefits of Braille
15 instruction. The individualized education program for each
16 student who is functionally blind shall specify the appropriate
17 learning medium or media based on the assessment report.

18 (c-5) In this subsection (c-5), unless the context
19 otherwise requires:

20 "Domestic violence" includes one or more acts or threats of
21 violence among family or household members or persons who have
22 or have had a dating or engagement relationship, not including
23 acts of self-defense or the defense of another, as "domestic
24 violence" and "family or household members" are defined in
25 Section 103 of the Illinois Domestic Violence Act of 1986.

26 "Expectant parent" means a female who is pregnant or a male

1 who voluntarily identifies himself as the parent of an unborn
2 child by seeking services for teen parents and who has not yet
3 graduated from secondary school as provided in Section 22-22 of
4 this Code.

5 "Parent" means a person who is a custodial parent or a
6 noncustodial parent taking an active role in the care and
7 supervision of a child and who has not yet graduated from
8 secondary school as provided in Section 22-22 of this Code.

9 "Perpetrator" means an individual who commits or is alleged
10 to have committed any act of domestic or sexual violence.

11 "Sexual violence" means sexual assault, abuse, or stalking
12 of an adult or minor child proscribed in the Criminal Code of
13 1961 in Sections 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14,
14 12-14.1, 12-15, and 12-16, including sexual violence committed
15 by perpetrators who are strangers to the victim and sexual
16 violence committed by perpetrators who are known or related by
17 blood or marriage to the victim.

18 "Student" means any youth enrolled, eligible to enroll, or
19 previously enrolled in a school who has not yet graduated from
20 secondary school as provided in Section 22-22 of this Code.

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

23 In the development of the individualized education program
24 for a student who is also a parent, expectant parent, or victim
25 of domestic or sexual violence, any appropriate accommodations
26 or services for that student in connection with these

1 circumstances, with the exception of information that is
2 confidential under applicable privacy laws, must be included as
3 part of the student's individualized education program.

4 (d) To the maximum extent appropriate, the placement shall
5 provide the child with the opportunity to be educated with
6 children who are not disabled; provided that children with
7 disabilities who are recommended to be placed into regular
8 education classrooms are provided with supplementary services
9 to assist the children with disabilities to benefit from the
10 regular classroom instruction and are included on the teacher's
11 regular education class register. Subject to the limitation of
12 the preceding sentence, placement in special classes, separate
13 schools or other removal of the disabled child from the regular
14 educational environment shall occur only when the nature of the
15 severity of the disability is such that education in the
16 regular classes with the use of supplementary aids and services
17 cannot be achieved satisfactorily. The placement of limited
18 English proficiency students with disabilities shall be in
19 non-restrictive environments which provide for integration
20 with non-disabled peers in bilingual classrooms. Annually,
21 each January, school districts shall report data on students
22 from non-English speaking backgrounds receiving special
23 education and related services in public and private facilities
24 as prescribed in Section 2-3.30. If there is a disagreement
25 between parties involved regarding the special education
26 placement of any child, either in-state or out-of-state, the

1 placement is subject to impartial due process procedures
2 described in Article 10 of the Rules and Regulations to Govern
3 the Administration and Operation of Special Education.

4 (e) No child who comes from a home in which a language
5 other than English is the principal language used may be
6 assigned to any class or program under this Article until he
7 has been given, in the principal language used by the child and
8 used in his home, tests reasonably related to his cultural
9 environment. All testing and evaluation materials and
10 procedures utilized for evaluation and placement shall not be
11 linguistically, racially or culturally discriminatory.

12 (f) Nothing in this Article shall be construed to require
13 any child to undergo any physical examination or medical
14 treatment whose parents object thereto on the grounds that such
15 examination or treatment conflicts with his religious beliefs.

16 (g) School boards or their designee shall provide to the
17 parents of a child prior written notice of any decision (a)
18 proposing to initiate or change, or (b) refusing to initiate or
19 change, the identification, evaluation, or educational
20 placement of the child or the provision of a free appropriate
21 public education to their child, and the reasons therefor. Such
22 written notification shall also inform the parent of the
23 opportunity to present complaints with respect to any matter
24 relating to the educational placement of the student, or the
25 provision of a free appropriate public education and to have an
26 impartial due process hearing on the complaint. The notice

1 shall inform the parents in the parents' native language,
2 unless it is clearly not feasible to do so, of their rights and
3 all procedures available pursuant to this Act and the federal
4 Individuals with Disabilities Education Improvement Act of
5 2004 (Public Law 108-446); it shall be the responsibility of
6 the State Superintendent to develop uniform notices setting
7 forth the procedures available under this Act and the federal
8 Individuals with Disabilities Education Improvement Act of
9 2004 (Public Law 108-446) to be used by all school boards. The
10 notice shall also inform the parents of the availability upon
11 request of a list of free or low-cost legal and other relevant
12 services available locally to assist parents in initiating an
13 impartial due process hearing. Any parent who is deaf, or does
14 not normally communicate using spoken English, who
15 participates in a meeting with a representative of a local
16 educational agency for the purposes of developing an
17 individualized educational program shall be entitled to the
18 services of an interpreter.

19 (h) (Blank).

20 (i) (Blank).

21 (j) (Blank).

22 (k) (Blank).

23 (l) (Blank).

24 (m) (Blank).

25 (n) (Blank).

26 (o) (Blank).

(Source: P.A. 93-282, eff. 7-22-03; 94-376, eff. 7-29-05;
94-1100, eff. 2-2-07.)

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

Sec. 26-2a. A "truant" is defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for a school day or portion thereof.

"Valid cause" for absence shall be illness, attendance at pregnancy-related medical appointments, observance of a religious holiday, death in the immediate family, family emergency, and fulfillment of the student's parenting responsibilities (including, but not limited to, arranging child care, caring for the student's sick child, and attending medical appointments for the student's child) and shall include such other situations beyond the control of the student as determined by the board of education in each district, or such other circumstances which cause reasonable concern to the parent or the student for the safety or health of the student, such as addressing circumstances resulting from domestic or sexual violence.

"Chronic or habitual truant" shall be defined as a child subject to compulsory school attendance and who is absent without valid cause from such attendance for 10% or more of the previous 180 regular attendance days.

"Truant minor" is defined as a chronic truant to whom supportive services, including prevention, diagnostic,

1 intervention and remedial services, alternative programs and
2 other school and community resources have been provided and
3 have failed to result in the cessation of chronic truancy, or
4 have been offered and refused.

5 A "dropout" is defined as any child enrolled in grades 1
6 through 12 whose name has been removed from the district
7 enrollment roster for any reason other than his death, extended
8 illness, graduation or completion of a program of studies and
9 who has not transferred to another public or private school.

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

13 (Source: P.A. 84-1308; 84-1420; 84-1424; 84-1438.)

14 (105 ILCS 5/27A-5)

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

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

21 (b) A charter school may be established under this Article
22 by creating a new school or by converting an existing public
23 school or attendance center to charter school status. Beginning
24 on the effective date of this amendatory Act of the 93rd
25 General Assembly, in all new applications submitted to the

1 State Board or a local school board to establish a charter
2 school in a city having a population exceeding 500,000,
3 operation of the charter school shall be limited to one campus.
4 The changes made to this Section by this amendatory Act of the
5 93rd General Assembly do not apply to charter schools existing
6 or approved on or before the effective date of this amendatory
7 Act.

8 (c) A charter school shall be administered and governed by
9 its board of directors or other governing body in the manner
10 provided in its charter. The governing body of a charter school
11 shall be subject to the Freedom of Information Act and the Open
12 Meetings Act.

13 (d) A charter school shall comply with all applicable
14 health and safety requirements applicable to public schools
15 under the laws of the State of Illinois.

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

20 (f) A charter school shall be responsible for the
21 management and operation of its fiscal affairs including, but
22 not limited to, the preparation of its budget. An audit of each
23 charter school's finances shall be conducted annually by an
24 outside, independent contractor retained by the charter
25 school.

26 (g) A charter school shall comply with all provisions of

1 this Article and its charter. A charter school is exempt from
2 all other State laws and regulations in the School Code
3 governing public schools and local school board policies,
4 except the following:

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

9 (2) Sections 24-24 and 34-84A of the School Code
10 regarding discipline of students;

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

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

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

17 (6) The Illinois School Student Records Act; and

18 (7) Section 10-17a of the School Code regarding school
19 report cards; and.

20 (8) Provisions about students who are parents,
21 expectant parents, or victims of domestic or sexual
22 violence.

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 to
6 perform in order to carry out the terms of its charter.
7 However, a charter school that is established on or after the
8 effective date of this amendatory Act of the 93rd General
9 Assembly and that operates in a city having a population
10 exceeding 500,000 may not contract with a for-profit entity to
11 manage or operate the school during the period that commences
12 on the effective date of this amendatory Act of the 93rd
13 General Assembly and concludes at the end of the 2004-2005
14 school year. Except as provided in subsection (i) of this
15 Section, a school district may charge a charter school
16 reasonable rent for the use of the district's buildings,
17 grounds, and facilities. Any services for which a charter
18 school contracts with a school district shall be provided by
19 the district at cost. Any services for which a charter school
20 contracts with a local school board or with the governing body
21 of a State college or university or public community college
22 shall be provided by the public entity at 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 subject
4 to negotiation between the charter school and the local school
5 board and shall be set forth in the charter.

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

8 (Source: P.A. 93-3, eff. 4-16-03; 93-909, eff. 8-12-04; 94-219,
9 eff. 7-14-05.)

10 Section 97. Severability. The provisions of this Act are
11 severable under Section 1.31 of the Statute on Statutes.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3	105 ILCS 5/10-22.6	from Ch. 122, par. 10-22.6
4	105 ILCS 5/10-22.6a	from Ch. 122, par. 10-22.6a
5	105 ILCS 5/10-22.39	from Ch. 122, par. 10-22.39
6	105 ILCS 5/13A-11	
7	105 ILCS 5/Art. 13C	
8	heading new	
9	105 ILCS 5/13C-1 new	
10	105 ILCS 5/13C-5 new	
11	105 ILCS 5/13C-10 new	
12	105 ILCS 5/13C-15 new	
13	105 ILCS 5/13C-20 new	
14	105 ILCS 5/13C-25 new	
15	105 ILCS 5/13C-30 new	
16	105 ILCS 5/13C-35 new	
17	105 ILCS 5/14-8.02	from Ch. 122, par. 14-8.02
18	105 ILCS 5/26-2a	from Ch. 122, par. 26-2a
19	105 ILCS 5/27A-5	